

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL PLANNING PANEL

DATE OF DETERMINATION	Thursday 10 August 2017
PANEL MEMBERS	Maria Atkinson (Chair), John Roseth, Bruce MacDonnell, Michael McMahon
APOLOGIES	None
DECLARATIONS OF INTEREST	Sue Francis declared a non-pecuniary conflict of interest due to having providing planning consultancy on this site under a previous development application.

Public meeting held at Christie Conference Centre 3 Spring Street Sydney on 10 August 2017, opened at 10:00 am and closed at 11:25 am.

MATTER DETERMINED

2017SCL023 – Burwood – DA74/2015 at 68, 68A, 70 & 72 Railway Parade & 2 Oxford Street, Burwood (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to refuse the development application as described in Schedule 1 pursuant to section 96 of the *Environmental Planning and Assessment Act 1979*.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution. The decision was unanimous.



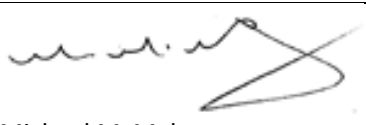

REASONS FOR THE DECISION

The Panel agrees with the Council's recommendation to refuse the application for the following reasons:

The planning proposal including the subject site and two properties adjoining to the south has recently been refused by Burwood Council. The Panel could not take the planning proposal into account because of its uncertainty.

The proposal to provide an additional 62 car spaces which generates an additional FSR does not comply with the provision of the Burwood Local Environmental Plan 2012. The LEP requires additional car parking to be counted as FSR. An increase in FSR to the development approved is not supported by the Panel.

The Panel did not accept the applicant's argument that surplus basement car parking ensured orderly development of the already approved application.

PANEL MEMBERS	
 Maria Atkinson (Chair)	 John Roseth
 Michael McMahon	 Bruce MacDonnell

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SCL023 – Burwood – DA74/2015
2	PROPOSED DEVELOPMENT	Section 96(2) application to Modify DC No.74/2015 for an 8 storey residential flat building above basement parking by enlarging basement carpark level no's 1 & 2 and constructing a third basement carparking level to provide an additional 62 carparking spaces.
3	STREET ADDRESS	68, 68A, 70 & 72 Railway Parade & 2 Oxford Street, Burwood
4	APPLICANT/OWNER	James Matthews (Pacific Planning) on behalf of X-Sealand Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 96(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ◦ Burwood Local Environmental Plan 2012 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ◦ Burwood Development Control Plan 2013 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 10 August 2017 • Written submissions during public exhibition: 1 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ◦ On behalf of the applicant – Matthew Daniel, Justin Doyle, Aleks Jelacic
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing meeting: 13 July 2017 • Final briefing meeting to discuss council's recommendation, 10 August 2017 at 9:30 am. Attendees: <ul style="list-style-type: none"> ◦ <u>Panel members</u>: Maria Atkinson (Chair), John Roseth, Michael McMahon, Bruce MacDonnell ◦ <u>Council assessment staff</u>: Robert Toohey
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	None provided