

DETERMINATION AND STATEMENT OF REASONS
SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	25 February 2019
PANEL MEMBERS	Carl Scully (Chair), Sue Francis, John Roseth
APOLOGIES	None
DECLARATIONS OF INTEREST	Brian MacDonnell, John Faker, George Mannah, Heather Crichton and Tommaso Briscese (all are either General Manager or Councillors) are all conflicted as the subject site includes several parcels of land that were sold to the Club by Burwood Council.

Papers circulated electronically between 19 February 2019 and 25 February 2019.

MATTER DETERMINED

2017SCL042 – Burwood – DA85/2017 at 2 Deane 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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel notes that the height of the proposal has been sought to be varied by a written submission by the applicant under cl 4.6 of the Burwood LEP 2012. The Panel accepts that the variation satisfies the objectives of the standard and the zone and that it is in the public interest as it results in a better urban design outcome, given that the proposal complies with the amalgamated GFA of the two FSR's applying to the site but its amended height results in a more slender tower over the podium. Moreover, the more slender tower and its orientation results in the additional overshadowing only falling over the railway corridor, thus having no impact on residential land.

The Panel also notes that the FSR of the proposal, as it falls on the sites with two different FSR controls, has been varied on the basis that the site will be amalgamated and that the total GFS on the amalgamated site complies with total permissible GFS for the amalgamated site.

The Panel further accepts the recommendation of the planning assessment report to grant consent to the application.


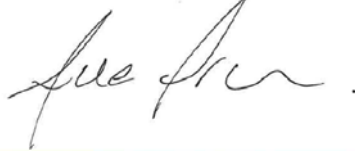

The proposal complies with the desired future character of the precinct in which it is located, as well as with the desired future uses and contributes to the urban design quality of Burwood Town Centre.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report as amended by the Council's memo dated 30 January 2019.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. There were no objectors at the public meeting. The Panel notes that original application was amended in respect of the setbacks to the loading docks and the *porte cochere*. This was in response to public submissions. The Panel considers that the concerns raised by the community have been adequately addressed in the assessment report.

PANEL MEMBERS	
 Car Scully (Chair)	 Sue Francis
 John Roseth	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SCL042 – Burwood – DA85/2017
2	PROPOSED DEVELOPMENT	Concept approval for a building envelope to facilitate a mixed use building comprising registered club, hotel accommodation, commercial premises, entertainment facilities, function centre and indoor recreation facility with basement parking for up to 1250 car spaces.
3	STREET ADDRESS	2 George St Burwood
4	APPLICANT/OWNER	Urbis Pty Ltd/Burwood RSL Limited
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy Infrastructure 2007 State Environmental Planning Policy State & Regional Development 2011 State Environmental Planning Policy No.55 Remediation of Contaminated Land Burwood Local Environmental Plan 2012 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Burwood Development Control Plan 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: 17 January 2019 Council memo received 30 January 2019 Council supplementary report: 15 February 2019 Written submissions during public exhibition: 2 Verbal submissions at the public meeting 31 January 2019: <ul style="list-style-type: none"> On behalf of the applicant – David Hoy, Anthony Palamara
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL / PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> Final briefing to discuss council's recommendation 31 January 2019 at 1pm. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Sue Francis, John Roseth <u>Council assessment staff</u>: Brian Olsen, Julie Horder (consultant for council) Papers were circulated electronically between 19 and 25 February 2019
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report