

<b>DATE OF DETERMINATION</b>	Thursday, 13 February 2020
<b>PANEL MEMBERS</b>	Carl Scully (Chair), Roberta Ryan, Jan Murrell, John Faker, George Mannah
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Burwood Council, 1-17 Elsie Street, Burwood on 13 February 2020, opened at 12.05pm and closed at 12.40pm.

#### **MATTER DETERMINED**

PPS-2019ECI014 – Burwood – DA2019/026 - 15-19 Clarence 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.

#### **Development application**

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**

In consideration of the reasons contained within the council assessment report, the Panel considers the proposed development to be a suitable use of the site, in the public interest and therefore recommended for approval.

The proposal is generally consistent with Council's development standards and guidelines and on a merit assessment the Panel considers the proposal warrants approval.

#### **CONDITIONS**

The development application was approved subject to the conditions in the council assessment report with the following amendments:






- Amend Condition 32 to read as follows:  
Public Art Strategy
  - a) The Development shall provide public art in accordance with Council's public art strategy
  - b) The public art shall have a minimum value of \$100,000 and the applicant to consider the art being located in a public domain in consultation with Council's Deputy General Manager for Corporate Governance and Community
  - c) A Public Art Plan (PAP) shall be submitted to council for approval prior to the issue of a Construction Certificate
- Amend Condition 104 to read as follows:

A drainage easement in favour of Council shall be obtained over Lot 20 DP 611317 traversed by the gravity drainage line connecting to Council's drainage system. The conditions regarding the easement are as follows:

- a) The cost of creating the easement will be at the applicant's expense;
  - b) For pipes less than 350mm diameter, the easement width shall be a minimum of 0.9m. Easements for larger diameter pipes shall be the pipe diameter plus 1.0m wide, with a minimum width of 2.4m;
  - c) The easement shall be registered on the title of the relevant lot(s) and lodged with the Land and Property Information. Proof of lodgement of the easement with the Land and Property Information shall be provided to the Principal Certifying Authority, prior to the issuing of any Occupation Certificate. There shall be no encroachment of any part of the building on the 2.4m wide drainage easement.
- Amend Condition 133 to read as follows:
    - a) An amended Landscape Plan is required which provides larger canopy trees that provide more substantial filtering and relate to building scale. Within the front setback of the property. The amended Landscape Plan is to be submitted to Council's tree management officer, for approval, prior to the issuing of a Construction Certificate.
    - b) Landscaping is to be installed as per the approved Landscape Plan in Condition 133 part a). Landscaping to be completed prior to the issuing of an Occupation Certificate. Landscaping to be maintained at all times following installation. This includes replacement of dead, damaged, or unhealthy plants with like for like.

#### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Carl Scully (Chair)	 Jan Murrell
 Roberta Ryan	 John Faker
 George Mannah	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPS-2019ECI014 – Burwood – DA2019/026
2	PROPOSED DEVELOPMENT	Demolition of the existing structures and the construction of a Part 9, Part 10 storey residential flat building containing 104 apartments, 3.5 levels of basement carpark accommodating 131 vehicles and associated site landscaping.
3	STREET ADDRESS	15-19 Clarence Street, Burwood
4	APPLICANT/OWNER	Atlas Clarence Street Developments Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy No. 55 - Remediation of Land</li> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li> <li>○ State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</li> <li>○ Burwood Local Environmental Plan (BLEP) 2012</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Burwood Development Control Plan (BDGP) 2013</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: 4 February 2020</li> <li>• Written submissions during public exhibition: Nil</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ In support – Nil</li> <li>○ In objection – Nil]</li> <li>○ Council assessment officer – Brian Olsen, Emma Buttress Grove</li> <li>○ On behalf of the applicant – Michael Gaston – Principal, Kann Finch; David Waghorn – Associate Director, Planning Ingenuity;</li> </ul> </li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Site inspection: 13 February 2020 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Roberta Ryan, John Faker, George Mannah</li> <li>○ <u>Council assessment staff</u>: Brian Olsen, Emma Buttress Grove</li> </ul> </li> <li>• Final briefing to discuss council's recommendation, 13 February 2020 11.15am. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Roberta Ryan, John Faker, George Mannah</li> </ul> </li> </ul>

		<ul style="list-style-type: none"><li>○ <u>Council assessment staff</u>: Kimberly Everett, Brian Olsen, Emma Buttress Grove</li></ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report