

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY EASTERN CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	21 December 2022
<b>DATE OF PANEL DECISION</b>	20 December 2022
<b>DATE OF PANEL MEETING</b>	14 December 2022
<b>PANEL MEMBERS</b>	Carl Scully (Chair), Sue Francis and Stephen Kerr
<b>APOLOGIES</b>	Jan Murrell and Graham Brown
<b>DECLARATIONS OF INTEREST</b>	<p>Clr John Faker and Clr George Mannah both declared conflicts of interest as Council previously sold land to the applicant within the subject site. Accordingly, both members did not participate in the Panel for this matter.</p> <p>Clr Hull and Clr Robinson are also conflicts as council has entered into a VPA with the RSL.</p>

Papers circulated electronically on 7 December 2022.

#### MATTER DETERMINED

**PPSSEC-105 – Burwood - 2020.103, 2 George St, Burwood, Club Burwood RSL.** Six levels of basement carparking, public domain works, a part three storey, part four storey podium building containing a registered club, a variety of food and beverage outlets, commercial premises, function centre and indoor recreation facilities (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

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report.

- The Panel understands that the modification to the concept approval was granted prior to the consideration of this DA. The Panel also understands that, having regard to the assessment report, the subject DA is consistent with the concept approval, as modified.
- The Panel considers the design to be well resolved and to provide good public benefit having resolved and now including, the remnant lots in the south-eastern corner into the site.

#### CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with the following amendments.




- Amend DC1 to become an operational condition to be satisfied prior to the issue of the relevant construction certificate .

- Amend condition 48 to allow satisfaction prior to OC consistent with the terms of the VPA as follows:  
Voluntary Planning Agreement (VPA) This consent is subject to a Voluntary Planning Agreement (VPA) with Council. The VPA shall be executed within ten working days following the grant of this development consent and the monetary contribution paid to Council prior to the issue of any Occupation Certificate for the development.
- Amend condition 185 so that the total off-street parking spaces equates to a minimum of 1240.
- Amend condition 186 to read:  
A minimum of 1240 parking spaces are to be provided and must be allocated as detailed below. All spaces must be appropriately line-marked and labelled (with the exception of the club and hotel staff parking spaces) according to this requirement prior to the issue of an Occupation Certificate. If the development is to be strata subdivided, the car park layout must respect the required allocation:
  - (a) 206 hotel parking spaces.
  - (b) 990 club patron parking spaces.
  - (c) 40 club and hotel staff parking spaces.
  - (d) 4 car wash parking spaces
- Insert new condition:  
‘Pursuant to Clause 6.16 of Council’s Hoarding Policy all site fencing for the development site shall be temporary solid fencing, a minimum height of 1.8m and shall be securely fixed, erected and maintained in a good and workmanlike manner at all times. The fencing shall be subject to Clause 6.14 of the Hoarding Policy in respect of the provision of graphics to the site fence. All such graphics shall be provided to the fence upon the completion of the installation of the fencing and prior to the commencement of any work on site.’
- Insert new condition:  
Where required, the applicant shall erect either a Type A or Type B Hoarding. An application for such Hoarding shall be made to and approved by Council with all required fees being paid prior to the erection of such a Hoarding on public land. Any such Hoarding shall be in accordance with Council’s Hoarding Policy and graphics shall be provided to the Hoarding in accordance with Clause 6.14 of the Hoarding Policy.
- Insert new condition:  
All hydrant booster pump and fire service equipment shall be provided in accordance with the Building Code of Australia and housed within an enclosed cupboard of a design and finish that enhances the streetscape. Details of these areas and the enclosures are to be assessed by an Accredited Fire Safety Engineer and shall comply with the performance requirements of the Building Code of Australia; shown on plans and submitted to the Principal Certifying Authority for approval prior to release of the relevant Construction Certificate for the basement structure (excluding shoring).
- Insert new condition:  
Design integrity: To ensure the architectural and urban design excellence of the development is retained through to detailed design:
  - The Lead Architect, being Buchan Architecture, is to have direct involvement in the design documentation, contract documentation and construction stages of the project (including signing off any required certifications at DA, s4.55 Modification Applications, Construction Certificate and Occupation Certificate stages);
  - The Lead Architect is required to prepare any documentation required by the consent authority verifying the design intent has been achieved at completion, including attending at any Burwood Design Review Panel meeting as maybe required by other conditions of consent;

- Evidence of the Lead Architect's commission is to be provided to the Council prior to the issue of the Construction Certificate;
- Evidence of the design architect's ongoing engagement is to be provided to the Council prior to the issue of the relevant Occupation Certificate; and
- The Lead Architect on the project (Buchan Architecture) is not to be changed or supplemented without prior notice and written approval from Council's Manager, City Development, which approval is not to be unreasonably withheld.

## 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)	 Sue Francis
 Stephen Kerr	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-105 – Burwood – DA. 2020.103
2	PROPOSED DEVELOPMENT	Six levels of basement carparking, public domain works, a part three storey, part four storey podium building containing a registered club, a variety of food and beverage outlets, commercial premises, function centre and indoor recreation facilities.
3	STREET ADDRESS	2 George Street, Burwood
4	APPLICANT/OWNER	Club Burwood RSL Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 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 (Biodiversity and Conservation) 2021</li> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>Burwood Local Environmental Plan (BLEP) 2012</li> <li>Draft environmental planning instruments: Nil</li> </ul> </li> <li>Development control plans: <ul style="list-style-type: none"> <li>Burwood Development Control Plan (BDCP) 2013</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></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: 7 December 2022</li> <li>Written submissions during public exhibition: 0</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing: 25 March 2021 <ul style="list-style-type: none"> <li><u>Panel members</u>: Jan Murrell (Chair) and Roberta Ryan</li> <li><u>Council assessment staff</u>: Julie Horder, Ross Meachin, Dylan Porter, Brian Olsen, Emma Buttress-Grove</li> </ul> </li> <li>Briefing: 3 March 2022 <ul style="list-style-type: none"> <li><u>Panel members</u>: Carl Scully (Chair) and Jan Murrell</li> <li><u>Council assessment staff</u>: Julie Horder, Ross Meachin, Dylan Porter, Brian Olsen, Emma Buttress-Grove</li> </ul> </li> <li>Final briefing to discuss council's recommendation: 14 December 2022 <ul style="list-style-type: none"> <li><u>Panel members</u>: Carl Scully (Chair), Sue Francis and Stephen Kerr</li> <li><u>Council assessment staff</u>: Brian Olsen, Emma Buttress-Grove, Dylan Porter and Julie Horder.</li> </ul> </li> <li>Final Applicant Briefing: 14 December 2022 <ul style="list-style-type: none"> <li><u>Panel members</u>: Carl Scully (Chair), Sue Francis and Stephen Kerr</li> </ul> </li> </ul>

		<ul style="list-style-type: none"><li>○ <u>Council assessment staff:</u> Brian Olsen, Emma Buttress-Grove, Dylan Porter and Julie Horder.</li><li>○ <u>Applicant representatives:</u> Clare Brown, Andrew Anderson, Anthony Palamara, Andrew Morse and Rosie Sutcliffe.</li></ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report