

<b>DATE OF DETERMINATION</b>	Thursday 19 December 2019
<b>PANEL MEMBERS</b>	Carl Scully (Chair), Julie Savet Ward, Clare Brown
<b>APOLOGIES</b>	Sue Francis
<b>DECLARATIONS OF INTEREST</b>	All Burwood Council nominated members are conflicted due to Council being the owner of the application.

Public meeting held at Fraser Suites, 488 Kent Street, Sydney, on 19 December 2019, opened at 10:07am and closed at 11:36am.

#### **MATTER DETERMINED**

PPSSEC-12 – Burwood – DA084/2019 at 8A Portland, Enfield (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 adjourned during the meeting to deliberate on the matter and formulate a resolution.

#### **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 unanimously approved the proposal for the following reasons:

- The proposal generally complies with the Burwood LEP 2012 and Burwood DCP 2013.
- The proposal adequately and appropriately addresses the heritage value of the swimming pool, listed as a local heritage item under the Burwood LEP 2012 and was found to comply with the relevant heritage controls of the Burwood DCP.
- The eight trees proposed to be removed are not significant trees.
- The sustainability measures proposed are significant and it is understood that Council will be making the community aware of these measures.

The Panel acknowledges the assessment of the requirements under SEPP55 (Remediation of Contaminated Land) and accepts the Consultant Town Planner's advice that the land is suitable for its intended future use.

The Panel notes the minor error in the number of proposed car parking spaces indicated in the assessment report and further notes that the number (77 spaces) is correct in the conditions of consent

## CONDITIONS

The development application was approved subject to the conditions in the independent town planner's assessment report with the following amendments.

- New condition title Plans and Documents, inserted at beginning of conditions, to read as follows:

### *PLANS AND DOCUMENTS*

- (1) *Include in the Notice of Determination the following description of development:*

*Alterations and additions to the Enfield Aquatic Centre to be undertaken in three stages:*

- Construction of a new indoor learn to swim pool facility, plant room, and placement of roof top solar voltaic cells, and partial demolition of paving and existing splash plant room;*
- Reconstruction of existing car park for 77 at grade parking spaces, with driveway crossings to Ann Street and Shelley Street, and construction of new secondary entry and exit point to the existing pool hall from the car park; and*
- Refurbishment of the main entry pavilion including amenities, staff facilities, kiosk, administration areas, multipurpose and first aid rooms, plant rooms, access, viewing platforms and offices. Demolition of shallow pool and shade structures removal of demountable café. Construction of tiered concrete seating and shade sails on the southern side of the 50 metre outdoor pool.*

- (2) *The development shall be completed in accordance with the approved plans and documents listed below; prior to the works being used or occupied and any variation as required by conditions of this consent:*

<i>Plan Name</i>	<i>Document Name</i>	<i>Prepared by</i>	<i>Dated</i>
<i>Cover sheet</i>	<i>Drawing No. A000</i>	<i>Facility Design Group</i>	<i>07.08.2019</i>
<i>Site Plan</i>	<i>Drawing No. A010</i>	<i>Facility Design Group</i>	<i>07.08.2019</i>
<i>Site Plan Stages</i>	<i>Drawing No. A011</i>	<i>Facility Design Group</i>	<i>07.08.2019</i>
<i>Existing Floor Plan</i>	<i>Drawing No. A050</i>	<i>Facility Design Group</i>	<i>07.08.2019</i>
<i>Demolition Plan</i>	<i>Drawing No. A051</i>	<i>Facility Design Group</i>	<i>07.08.2019</i>
<i>GFA-Plans</i>	<i>Drawing No. A052</i>	<i>Facility Design Group</i>	<i>07.08.2019</i>
<i>Rooms Schedule</i>	<i>Drawing No. A053</i>	<i>Facility Design Group</i>	<i>07.08.2019</i>
<i>Perspectives</i>	<i>Drawing No. A056</i>	<i>Facility Design Group</i>	<i>07.08.2019</i>
<i>Proposed Ground Floor Plan</i>	<i>Drawing No. A100</i>	<i>Facility Design Group</i>	<i>07.08.2019</i>
<i>Proposed Level 01 Plan</i>	<i>Drawing No. A101</i>	<i>Facility Design Group</i>	<i>07.08.2019</i>
<i>Roof Plan</i>	<i>Drawing No. A102</i>	<i>Facility Design Group</i>	<i>07.08.2019</i>
<i>Sections 1</i>	<i>Drawing No. A400</i>	<i>Facility Design Group</i>	<i>07.08.2019</i>
<i>Sections 2</i>	<i>Drawing No. A401</i>	<i>Facility Design Group</i>	<i>07.08.2019</i>
<i>Elevations and Sections</i>	<i>Drawing No. A402</i>	<i>Facility Design Group</i>	<i>07.08.2019</i>

*Geotechnical Investigation prepared by Asset Geotechnical Engineering Pty Ltd dated 10 October 2018.*

*NCC Building Code of Australia Capability Statement prepared by Accredited Building Certifiers Pty Ltd dated 27 August 2019.*

*Waste Management Plan prepared by Facility Design Group dated 23 August 2019.*

*Energy Efficiency Evaluation – Section J of BCA 2016 Rev 2 prepared by Partners Energy dated 16 August 2019.*

*Statement of Compliance – Access for People with a Disability Issue A prepared by Accessible Building Solutions dated 26 August 2019.*

*Aboriginal Impact Assessment Report prepared by Urban Arbor Pty Ltd dated 15 August 2019.*

*Noise Impact Assessment prepared by Noise and Sound services dated August 2019.*

*Traffic and Parking Assessment Report prepared by Positive Traffic Pty Ltd dated August 2019.*

*Statement of Heritage Impact prepared by Colin Israel Heritage Advice dated 23 August 2019.*

*Statement of Environmental Effects prepared by Facility Design Group dated August 2019.*

*Reason: To provide certainty of the scope of development the subject of the determination and identification of the relevant plans and reports.*

- Amend Heritage Condition 1 to read as follows:  
*The development shall be undertaken substantially in accordance with the details and recommendations (Section 4) set out in the Heritage Impact Statement, prepared by Colin Israel Heritage Advice dated August 2019.*

*Reason: To provide clarity as to the relevant recommendations*

- Amend Tree Management and Landscaping Condition 2, first sentence, to be replaced with the following:  
*A Landscape Plan is required to be submitted prior to the issue of a Construction Certificate to the Group Manager Building and Development which provides tree plantings to replace the lost canopy from the development. The works to be completed prior to the release of an occupation certificate.*




*Reason: To require the landscape plan to be prepared as part of the construction process and delivered prior to occupation.*

## **CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the Panel considered the written submission made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Loss of trees
- Increased traffic from increased car parking.

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS	
 Carl Scully (Chair)	 Julie Savet Ward
 Clare Brown	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-12 – Burwood – DA084/2019
2	PROPOSED DEVELOPMENT	Alterations and additions to Enfield Aquatic Centre
3	STREET ADDRESS	8A Portland Street, Enfield
4	APPLICANT/OWNER	Burwood Council
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 (State &amp; Regional Development) 2011</li> <li>○ Protection of the Environment Operations Act 1997</li> <li>○ Burwood Local Environmental Plan 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 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: 5 December 2019</li> <li>• Written submissions during public exhibition: 1</li> <li>• Verbal submissions at the public meeting 19 December 2019: <ul style="list-style-type: none"> <li>○ In support – Nil</li> <li>○ In objection – Nil</li> <li>○ Council Assessment Officer – Margaret Roberts Consultant, Steven Johnson Architect, Robert Teo and Kimberly Everett</li> <li>○ On behalf of the applicant – Nil</li> </ul> </li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Final briefing to discuss council's recommendation, 19 December 2019 at 9.30am. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Julie Savet Ward, Clare Brown</li> <li>○ <u>Council assessment staff</u>: Margaret Roberts, Steven Johnson and Robert Teo</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report