

DETERMINATION AND STATEMENT OF REASONS

SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	28 November 2022
DATE OF PANEL DECISION	28 November 2022
DATE OF PANEL MEETING	24 November 2022
PANEL MEMBERS	Carl Scully (Chair), Jan Murrell, John Brockhoff
APOLOGIES	Councillor George Mannah and Mayor John Faker both declared a conflict of interest as Council had entered into a voluntary planning agreement for the site. Chris Wilson has also declared a potential conflict of interest.
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 24 November 2022, opened at 1:30pm and closed at 3:15pm. Papers circulated electronically on 17 November 2022.

MATTER DETERMINED

PPSSEC-137 – DA 2021.44 – 42-60 Railway Parade, Burwood

Demolition of the existing structures and the construction of a mixed-use development known as 'Burwood Place' comprising five (5) towers above a three-storey podium with 1,041 residential units, 30,044sqm of non-residential gross floor area for retail, commercial, childcare and entertainment/cinema uses, 6-7 levels of basement parking with 1,757 car parking spaces, and public domain areas.

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 and concurs with the merits assessment in the Council Consultant's Assessment Report.

The Panel is satisfied the amendments made to the development application through the assessment and the Design Review Panel process have adequately addressed issues raised. Furthermore, the conditions of consent as recommended, and as amended below, address sustainability matters and other issues important for a project of this scale. This includes conditions for: electric vehicle charging and infrastructure; pneumatic chutes for waste collection and compaction and management of waste, resources and food organics; and affordable housing provision of 5% (this can be calculated as 52 one-bedroom units or 5% of residential floor space to provide a mix of one- and two-bedroom units) to be managed for 15 years by a 'registered housing authority'.

The conditions also incorporate a requirement that the Manager of City Services, (Manager) has a continued role in the execution of the project and that the lead architect is retained unless an alternative or additional architect is approved by the Manager. In this regard the expertise of the Design Review Panel has an advisory role to the Manager.

The Panel determined that building separation issues are adequately addressed in the design to ensure appropriate solar access and privacy to adjoining sites is met, as required by the DCP. In this regard the Panel notes the building envelope, massing and setback on the north-eastern portion of Tower A, together with the privacy measures incorporated demonstrates careful architectural design to allow the building to have regard to mitigating impacts on adjacent sites as required by the guidelines. As such building separation and the zone objectives are satisfied and this would not warrant refusal of the application on a merits assessment.

CONDITIONS

The Development Application was approved subject to additional conditions that give effect to the following:

- A condition be inserted to require every residential car parking space have installed the necessary cabling to enable an EV charger to be installed, should owners/residents wish. The developer will be required to make provision for space and to install the necessary enhancements to electrical substation infrastructure and to be approved by the Manager, City Development following consultation as appropriate with the Design Review Panel.
- A condition be inserted requiring that the proposed 14 electric vehicle charging points for the retail parking component be installed as fast charging.
- A condition be inserted that any additional or alternative architects be subject to the approval of the Manager, City Development.
- A condition be inserted requiring an amendment of the plans for the development to make sufficient design provision for the accommodation of infrastructure necessary to enable the collection, compaction and recycling of organic waste (this may include a pneumatic chute system servicing every floor). Furthermore, the condition for the Waste Management Plan must make provision for this requirement.
- A condition be inserted requiring the Construction Traffic Management Plan and designated truck routes to be approved by the Manager, City Development.
- A condition be inserted requiring the payment of appropriate Long Service Levy payments.
- An amendment to the 'affordable housing' condition to allow flexibility to provide the opportunity for both one- and two-bedroom units based on the equivalent floor space of 52 one-bedroom units.

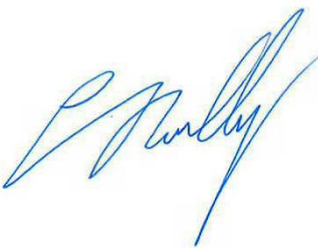
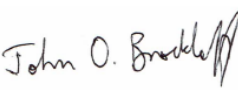
The above matters were raised with the Applicant and agreed in principle.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written and oral submissions made during public exhibition and at the determination meeting.

The Panel considers that concerns raised by the community, in submissions and the public meeting, have been addressed in the Assessment Report and the amended conditions above.

With respect to the building separation issue raised, the Panel is satisfied that after lengthy consideration having regard to solar access and privacy and view issues as required by the DCP, the proposed separation is appropriate given the architectural design for solar access and privacy treatment as shown in the amended plans.

PANEL MEMBERS	
 Carl Scully (Chair)	 Jan Murrell
 John Brockhoff	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-137 – DA 2021.44 – 42-60 Railway Parade, Burwood
2	PROPOSED DEVELOPMENT	Demolition of the existing structures and the construction of a mixed-use development known as 'Burwood Place' comprising five (5) towers above a three-storey podium with 1,041 residential units, 30,044sqm of non-residential gross floor area for retail, commercial, childcare and entertainment/cinema uses, 6-7 levels of basement parking with 1,757 car parking spaces, and public domain areas.
3	STREET ADDRESS	42-50 and 52-60 Railway Parade, Wynne Avenue and Clarendon Place, Burwood
4	APPLICANT/OWNER	Applicant: Burwood Tower Holdings Pty Ltd. Owner: • Wynne Ave Property Pty Limited (42-50 and 52-60 Railway Parade) • Burwood Council (Wynne Avenue and Clarendon Place) • Burwood Council (public road between Wynne Avenue and 42-50 Railway Parade)
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ State Environmental Planning Policy (Industry and Employment) 2021 ○ State Environmental Planning Policy (Housing) 2021 ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development ○ Burwood Local Environmental Plan (BLEP) 2012 • Development control plans: ○ Burwood Development Control Plan (BDGP) 2013

		• The planning agreement entered into between Burwood Council, Burwood Tower Holdings Pty Ltd and Wynne Ave Property Pty Limited atf Wynne Ave Property Trust on 6 August 2020 • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> • 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	• Council Assessment Report: 17 November 2022 • Written submissions during public exhibition: 56 submissions ○ Verbal submissions at the public meeting ○ Submissions received via email following the public meeting • Total number of unique submissions received by way of objection: 57 submissions
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• Site inspection: 3 March 2022 ○ <u>Panel members</u>: Carl Scully (Chair), Jan Murrell ○ <u>Council assessment staff</u>: Paul Altree-Williams, Yvette Carr, Brian Olsen, Holly Duan, Dylan Porter. ○ <u>Applicant</u>: Anthony Kazacos, David Furlong, Elena Mehrabani, Fred Samaha, Jacky Chen, Michael Harrison, Mike Horne, Paul Yousseph, ○ <u>Department staff</u>: Stuart Withington and Cameron Brooks • Council/Applicant Briefing: 3 March 2022 ○ <u>Panel members</u>: Carl Scully (Chair), Jan Murrell ○ <u>Council assessment staff</u>: Paul Altree-Williams, Yvette Carr, Brian Olsen, Holly Duan, Dylan Porter. ○ <u>Applicant</u>: Anthony Kazacos, David Furlong, Elena Mehrabani, Fred Samaha, Jacky Chen, Michael Harrison, Mike Horne, Paul Yousseph, • Council/ Applicant Briefing: 15 September 2022 ○ <u>Panel members</u>: Carl Scully (Chair), Jan Murrell ○ <u>Council assessment staff</u>: Brian Olsen, Dylan Porter, Paul Altree-Williams (Ethos Urban) and Yvette Carr (Ethos Urban) ○ <u>Applicant</u>: David Furlong, Paul Yousseph, Fred Samaha, Joe Agius, Vicente Castro, Mark Davey, Mike Horne and Anthony Kazacos • Final briefing to discuss council's recommendation: 24 November 2022 ○ <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, John Brockhoff. ○ <u>Council assessment staff</u>: Brian Olsen, Dylan Porter, Paul Altree-Williams (Ethos Urban) and Yvette Carr (Ethos Urban) ○ <u>Applicant/Consultants</u>: Sarkis Nassif, Kristy Nassif, Fred Samaha, Paul Yousseph, David Furlong, Anthony Kazacos, Joe Agius
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report