

DETERMINATION AND STATEMENT OF REASONS

SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	15 September 2020
PANEL MEMBERS	Carl Scully (Chair), Jan Murrell, Roberta Ryan
APOLOGIES	None
DECLARATIONS OF INTEREST	Burwood Council advised that John Faker, George Mannah, Lesley Furneaux-Cook, Ernest Chan, Raj Dixit, Joseph DelDuca and Heather Crichton have all previously considered the application in their roles at Council. Accordingly, no Council nominated Panel members participated in the Panel for this matter.

Meeting held via Microsoft Teams on 15 September 2020, opened at 9.15am and closed at 10am.

MATTER DETERMINED

PPSSEC-20 – Burwood – DA.2019.091 at 28-34 Victoria Street Burwood – Demolition of the existing structures and the construction of a 30 level mixed use development containing 179 residential units above basement parking (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 after 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 is satisfied the proposed development is consistent with Council's planning regime and is anticipated by the Controls.
- The through-site link is regarded as a positive contribution for the centre and this is guaranteed by the development. Whilst the applicant raised some concern about an easement the Panel considers the imposition of such a requirement for public accessibility is guaranteed by such an easement.

CONDITIONS




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

- The Conditions of Consent in the assessment report are supplemented by the addition of Conditions 1 -11, set out in the list of Non-Standard Conditions of Consent, tabled by the assessment officer with the exception of Condition 2 (d) which is deleted.
- Condition 59 is amended by inserting the address '28-34 Victoria Street, Burwood'

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. The Panel notes that issues of concern included; solar access to neighbouring properties; impact on views and privacy; lack of wind modelling; acoustic and odour impacts from non-residential uses; noise from demolition and construction; building height; structural concerns due to depth of foundations; excessive density; lack of compatibility with Victoria Street and additional traffic issues from extra basement level.

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report. The panel notes that in addressing these issues appropriate conditions have been imposed.

PANEL MEMBERS	
 Carl Scully (Chair)	 Jan Murrell
 Roberta Ryan	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-20 – Burwood – DA.2019.091
2	PROPOSED DEVELOPMENT	Demolition of the existing structures and the construction of a 30 level mixed use development containing 179 residential units above basement parking
3	STREET ADDRESS	28-34 Victoria Street, Burwood
4	APPLICANT/OWNER	Applicant: Urban Link Pty Ltd Owner: VSD Investments Pty Ltd
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"> Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 State Environmental Planning Policy (Vegetation In Non-Rural Areas) 2017 State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development <ul style="list-style-type: none"> Burwood Local Environmental Plan (BLEP) 2012 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Burwood Development Control Plan (BDCP) 2013 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: 1 September 2020 Addendum non-standard Conditions, dated: 8 September 2020 Written submissions during public exhibition: 9 Verbal submissions at the meeting: <ul style="list-style-type: none"> Council assessment officer – Julie Hoarder, Ross Meachin, Jeff Mead, Brian Olsen, Emma Buttress-Grove On behalf of the applicant – Tony Jriege, Carlo Di Giulio
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 11 August 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Roberta Ryan

		<ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Emma Buttress-Grove, Julie Hoarder, Ross Meachin • Site inspection: 26 August 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Roberta Ryan, ○ <u>Council assessment staff</u>: Brian Olsen <p>Roberta Ryan visited the site independently, prior to 15 September 2020</p> <ul style="list-style-type: none"> • Final briefing to discuss council's recommendation, 15 September 2020, 9.15am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Roberta Ryan ○ <u>Council assessment staff</u>: Julie Hoarder (consultant planner), Ross Meachin (consultant planner), Brian Olsen, Emma Buttress-Grove
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report and Council's non-standard conditions, dated 8 September, 2020