

DETERMINATION AND STATEMENT OF REASONS

SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	27 February 2023
DATE OF PANEL DECISION	24 February 2023
DATE OF PANEL MEETING	21 February 2023
PANEL MEMBERS	Carl Scully, Amelia Thorpe, Susan Budd, Graham Brown, Penny Holloway
APOLOGIES	Nil
DECLARATIONS OF INTEREST	As this is a Council application, Council members are conflicted in relation to this matter.

Papers circulated electronically on 10 February 2023.

MATTER DETERMINED

PPSSEC-210 – DA/2022/44 – Burwood - Part 2-4 Conder Street, Burwood (Burwood Library and Carpark), Part 52-60 Railway Parade, Burwood (Burwood Place), Part Railway Parade Road Reserve, Part Conder Street Road Reserve, Demolition of an existing above ground car park and construction of the Burwood Urban Park and Cultural Centre. This includes the construction of a community and cultural centre, public plaza, café, landscaping and public domain upgrades, basement car parking and other associated works (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 independent consultant's assessment report, and as below.
- The proposal is generally consistent with the objectives of the B4 Mixed Use Zone of the Burwood LEP and the Burwood Community and Open Place Strategy.
- The Panel is satisfied that the proposal exhibits design excellence and provides a sympathetic relationship to adjoining heritage items.
- There are no adverse impacts that cannot be mitigated via conditions of consent.
- The proposal will make a positive contribution to the Burwood town centre and provide an integrated land use interface between this area and the adjoining Burwood Place development.

CONDITIONS

The Development Application was approved subject to the conditions in the independent consultant's assessment report with the following amendments.

- Condition 1 is to be amended to include the specialist technical reports.
- Council to include a new condition that natural turf is to be used (with appropriate selection of turf species for high-use areas) and not to be replaced with artificial turf.






- New condition 13 (c) is added to require that the Traffic Management Plan include consideration of minimising potential traffic safety impacts on school children and parents using the nearby public school during pick-up and drop off times.
- New condition 22 (e) is added to require that operation will satisfy Australia acoustic standards.
- Condition 59 is moved and placed together in the document with other conditions required prior to a construction certificate and renumbered accordingly.
- Condition 59 is amended to require that spill-off lighting is minimised.

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:

- Tree removal and landscaping
- Ecological impact
- Aboriginal cultural heritage
- Electric vehicles
- Traffic generation
- Noise
- Construction Management Plan
- Truck movements during excavation
- Need for child-care services
- Energy requirements of the project
- Water provision for birds and other small creatures
- Indoor table tennis
- Extension of pedestrian bridge over railway line
- More exits to Burwood Station

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 meeting. The Panel notes that in addressing these issues appropriate conditions have been imposed.

PANEL MEMBERS	
 Carl Scully	 Susan Budd
 Graham Brown	 Amelia Thorpe
 Penny Holloway	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-210 – DA/2022/44 – Burwood
2	PROPOSED DEVELOPMENT	Demolition of an existing above ground car park and construction of the Burwood Urban Park and Cultural Centre. This includes the construction of a

		community and cultural centre, public plaza, café, landscaping and public domain upgrades, basement car parking and other associated works
3	STREET ADDRESS	Part 2-4 Conder Street, Burwood (Burwood Library and Carpark), Part 52-60 Railway Parade, Burwood (Burwood Place), Part Railway Parade Road Reserve, Part Conder Street Road Reserve.
4	APPLICANT/OWNER	Applicant: Mecone NSW Pty Ltd on behalf of Burwood Council Owner: Burwood Council (owner of the site except for 52-60 Railway Parade), Wynne Ave Property Pty Ltd (owner of 52-60 Railway Parade)
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • 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 • Burwood Local Environmental Plan (BLEP) 2012 • Development control plans: • Burwood Development Control Plan (BDCP) 2013. • Planning agreements: 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. • 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: 9 February 2023 • Written submissions during public exhibition: 15 submissions were received but given only 8 unique objections, the necessary 10 unique objection threshold was not met and accordingly a public meeting was not required. • Email dated 21 February 2023 from Council Officer - Brian Oslen with council's position with respect to flooding.
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • 18 August 2022 – Kick off briefing • 21 February 2023 - Final briefing to discuss council's recommendation: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully, Amelia Thorpe, Susan Budd, Graham Brown, Penny Holloway

		<ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Paul Altree-Williams, Yvette Carr (independent consultants), Brian Olsen, Dylan Porter ○ <u>Applicant representatives</u>: Jack Rixon, Joshua Zoeller <p>Site inspection: 21 February 2023</p> <ul style="list-style-type: none"> • Panel members - Carl Scully, Amelia Thorpe, Susan Budd, Graham Brown, Penny Holloway. • Council Officers - Paul Altree-Williams, Yvette Carr (independent consultants), Brian Olsen, Dylan Porter
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report