

DETERMINATION AND STATEMENT OF REASONS
SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	14 November 2024
DATE OF PANEL DECISION	14 November 2024
DATE OF PANEL BRIEFING	12 November 2024
PANEL MEMBERS	Carl Scully (Chair), Alice Spizzo and Glennis James
APOLOGIES	None
DECLARATIONS OF INTEREST	George Mannah declared a conflict of interest as he is a Councillor and Council is the landowner. He did not participate in the meeting.

Papers circulated electronically on 4 November 2024.

MATTER DETERMINED

PPSSEC-331 – Burwood – 10.2022.44.2 – Part 2-4 Conder Street, Part 52-60 Railway Parade, Part Railway Parade Road Reserve and Part Conder Street Road Reserve, Burwood – Modification to the approved Burwood Urban Park and Cultural Centre. Amendments include lowering of finished floor levels, internal reconfiguration, increased gross floor area, expanded theatrette, relocation of studio from ground to lower ground, change of use from café to a food and drink premises with extended hours, amendments to design of ‘marker’ structure and modification to approved landscaping scheme (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 listed at item 8 in Schedule 1.

Application for modification of consent

The Panel is satisfied that the application is substantially the same development and the reasons for the original approval have been taken into consideration for this determination.

The Panel determined to approve the modification application pursuant to section 4.55 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.




CONDITIONS

The Modification Application was approved subject to the conditions in the Council Assessment Report with the following amendments:

- Insert new Condition 38A, which reads as follows:
The applicant shall submit an updated Landscape Plan indicating subsoil drainage details, soil volume, strata cells and calculations relevant to the mature tree species and size prior to the issue of a Construction Certificate.

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)	 Alice Spizzo
 Glennis James	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-331 – Burwood – 10.2022.44.2
2	PROPOSED DEVELOPMENT	Modification to the approved Burwood Urban Park and Cultural Centre. Amendments include lowering of finished floor levels, internal reconfiguration, increased gross floor area, expanded theatrette, relocation of studio from ground to lower ground, change of use from café to a food and drink premises with extended hours, amendments to design of ‘marker’ structure and modification to approved landscaping scheme
3	STREET ADDRESS	Part 2-4 Conder Street, Part 52-60 Railway Parade, Part Railway Parade Road Reserve and Part Conder Street Road Reserve, Burwood
4	APPLICANT OWNER	Mecone NSW Pty Ltd Burwood Council & Wynne Ave Property Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Burwood Local Environmental Plan 2012 Draft environmental planning instruments: <ul style="list-style-type: none"> Environmental Planning and Assessment Act, 1979 Development control plans: <ul style="list-style-type: none"> Burwood Development Control Plan 2013 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> 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: 23 October 2024 Written submissions during public exhibition: 0 Total number of unique submissions received by way of objection: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 10 October 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo and Glennis James <u>Council assessment staff</u>: Jai Reid, Anita Leighton, Isabella Nguyen and Catherine Hanna <u>Independent Planning Consultant</u>: Geraldine Pham <u>Department staff</u>: Carolyn Hunt and Lisa Ellis Applicant Briefing: 12 November 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo and Glennis James <u>Council assessment staff</u>: Jai Reid <u>Independent Planning Consultant</u>: Geraldine Pham <u>Applicant representatives</u>: Jack Rixon <u>Department staff</u>: Carolyn Hunt and Lisa Ellis

		<ul style="list-style-type: none">• Final briefing to discuss Council’s recommendation: 12 November 2024<ul style="list-style-type: none">○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo and Glennis James○ <u>Council assessment staff</u>: Jai Reid○ <u>Independent Planning Consultant</u>: Geraldine Pham○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report