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BURWOOD LOCAL PLANNING PANEL MEETING

MINUTES OF THE MEETING OF THE BURWOOD LOCAL PLANNING PANEL held at the ELECTRONICALLY on Tuesday 14 May 2024 commencing at 6:00 PM.

Attendance

Stephen Kerr (Chair)
Deborah Sutherland (Expert)
Lisa Trueman (Expert)
Tom Morgan (Community Member)

Ryan Cole, Director City Strategy
Jai Reid, Manager City Development
Tanya Whitmarsh, Manager Governance & Risk
Amy Nicholson, Governance Officer

Opening of meeting

The meeting opened at 6:00pm.

The Chair opened the meeting with an Acknowledgement of Country.

Apologies

There were no apologies.

Declarations of Interest

There were no declarations of interests by Panel Members.

Address by the public on agenda items

Name	Item
Applicant - Mikhael Semaan	Item DA1/24 DA.2023.65 - 40-44 Claremont Road, Burwood Heights
Jonathon Wood	Item DA1/24 DA.2023.65 - 40-44 Claremont Road, Burwood Heights
Noura Yammine	Item DA1/24 DA.2023.65 - 40-44 Claremont Road, Burwood Heights

The Panel retired after the public forum at 6:31pm to deliberate on the matter and formulate a resolution.

General Business

(Item GB1/24) Delegation of Functions from Burwood Local Planning Panel to Council Officers in Planning Appeals

File No: 24/12397

Report

LPP1/ 24 RESOLVED

That pursuant to Section 2.20(8) of the *Environmental Planning and Assessment Act 1979*, the Burwood Local Planning Panel delegate its functions (i.e. all Planning Appeal functions) as referred to in Section 8.15(4) of the *Environmental Planning and Assessment Act 1979* to the General Manager, Director City Strategy and Manager City Development to independently manage all Planning Appeal functions subject to the requirement that, in the case of a Planning Appeal relating to a decision of the Burwood Local Planning Panel that is contrary to an assessment report, the General Manager, Director City Strategy or Manager City Development will consult with the Chairperson of the Burwood Local Planning Panel that made the relevant decision, as to the conduct of the Planning Appeal within fourteen (14) days of Council being served with the appeal.

For: Stephen Kerr, Deborah Sutherland, Lisa Trueman, Tom Morgan
Against: Nil

(Item GB2/24) Delegation of Functions to Burwood Local Planning Panel from General Manager

File No: 24/12422

Report

LPP2/ 24 RESOLVED

That the Burwood Local Planning Panel receive and note that pursuant to s378 of the Local Government Act 1993 the delegations provided by the General Manager of Burwood Council under Attachments 3 and 4 of this report, which provide that:

- 1) The Director City Strategy or Manager City Development have the authority to refer applications to the BLPP where in their opinion it is in the public interest to do so which is in addition to those specified under the s9.1 Ministerial Direction *Local Planning Panels Direction - Development Applications and Applications to Modify Development Consents* dated 6 May 2024 (as amended); and
- 2) The Burwood Local Planning Panel to have the delegated authority to determine any additional applications referred to it from the Director City Strategy or Manager City Development.

For: Stephen Kerr, Deborah Sutherland, Lisa Trueman, Tom Morgan
Against: Nil

Development Applications

(Item DA1/24) DA.2023.65 - 40-44 Claremont Road, Burwood Heights - Site Amalgamation, Tree Removal, Partial Demolition of Existing Building, Site Excavation and Construction of a Part 2 and Part 4 Mixed Use Building comprising retail uses and a child care centre

File No: 24/12863

Owner: Mabella Park Pty Ltd
Applicant: Mr. Michael Semaan
Location: Burwood Heights
Zoning: E1 Local Centre pursuant to Burwood Local Environmental Plan 2012

Proposal

The application proposes the amalgamation of 3 adjoining lots, partial demolition of existing building, excavation works and construction of a part 2, part 4 storey mixed use development comprising a florist and café on the ground floor, florist workshop on the first floor and a childcare centre for 88 children across 3 floors and associated parking and landscaping.

BLPP Referral Criteria

The application is referred to the Burwood Local Planning Panel as Council received over 10 unique submissions during the notification period. Council received a total of 12 submissions. 11 submissions objected to the proposed development whilst 1 submission contained a petition (63 signatures) expressing support for the proposed childcare centre.

LPP3/ 24 RESOLVED

The Panel determined to DEFER the development application pursuant the *Environmental Planning and Assessment Act 1979*.

For: Stephen Kerr, Deborah Sutherland, Lisa Trueman, Tom Morgan

Against: Nil

Panel Consideration:

1. The matter be deferred from determination for Council staff consideration of an amended scheme and additional information. The matter be returned for electronic determination to the Panel in approximately 8 weeks' subject to Panel availability and operational requirements.
2. The applicant is to submit the following information within three weeks:
 - a. Full set of documentation including updated SEE, plans, heritage report, perspectives (views north east and north west from Arthur Street), updated visual impact assessment, updated traffic assessment.
 - b. A detailed site contamination investigation and remediation action plan which demonstrates that the site can be made suitable for the proposed development
3. The applicant should seek heritage architectural advice to improve the materiality and fine details of the visible elevations to ensure they reflect the character of the heritage conservation area and to reduce the amount of visible glazing and screening.
4. The applicant should investigate the possibility of additional setbacks to the northern boundary with the adjacent low density residential development.

Reasons for the decision:

In reaching its decision the Panel considered the following:

1. The officer's report and subsequent memo's from Council and additional information including amended plans provided by the applicant indicating a reduction in the bulk and scale of the proposal by the deletion of the top floor.

2. The panel noted the amended plans and supporting information were not complete nor had they been assessed by Council officers.
3. The panel was satisfied, however, that the amended plans had been sufficiently developed such that the applicant would be able to submit an amended application within a reasonable timeframe.
4. The panel raised concerns about the impact of the proposal on the heritage conservation area. The panel considered the reduction in height is a positive outcome, however, further changes should be made to the materiality of the visible elevations to better reflect the character of the heritage conservation area.

The Panel determined to DEFER the development application pursuant the *Environmental Planning and Assessment Act 1979*.

This concluded the business of the Burwood Local Planning Panel at 6:55pm.