



**Burwood** Inc.1874

Burwood . Burwood Heights . Croydon . Croydon Park . Enfield . Strathfield

## **BURWOOD LOCAL PLANNING PANEL MEETING**

MINUTES OF THE MEETING OF THE BURWOOD LOCAL PLANNING PANEL held at the CONFERENCE ROOM, 2 CONDER STREET, BURWOOD on Tuesday 20 August 2024 commencing at 6:00 PM.

### **Attendance**

Peter Tomasetti SC, Chair  
Linda Kelly  
Awais Piracha  
Kristy Wellfare

Ryan Cole, Director City Strategy  
Jai Reid, Manager City Development  
Julian Sciarrone, Senior Town Planner  
Chris Plowright, Governance Officer

### **Opening of meeting**

The meeting opened at 6.02pm

The Chair opened the meeting with Acknowledgement of Country.

There were members of the public present who addressed the meeting, answered questions from the Panel and observed.

The meeting moved into closed session at 7.05pm to deliberate and determine the matter.

### **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
Noura Yammine	Item DA7/24 – 40-44 Claremont Road, Burwood
Michael Semaan	Item DA7/24 – 40-44 Claremont Road, Burwood
Graham Hall	Item DA7/24 – 40-44 Claremont Road, Burwood
Jonathon Wood	Item DA7/24 – 40-44 Claremont Road, Burwood
Nicolas Augoustinos	Item DA7/24 – 40-44 Claremont Road, Burwood
Spyridon Augoustinos	Item DA7/24 – 40-44 Claremont Road, Burwood
Harriet Fotaras	Item DA7/24 – 40-44 Claremont Road, Burwood
Tony Owen	Item DA8/24 – 19 Stanley Street, Burwood
Anthony Mitchell	Item DA8/24 – 19 Stanley Street, Burwood

**Development Applications**

**(Item DA7/24) Site amalgamation, tree removal, part demolition of existing building, site excavation and construction of a mixed use building with retail uses and a child care centre**

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File No: 24/26867

**Owner:** Mabella Park Pty Ltd  
**Applicant:** Michael Semaan  
**Location:** 40-44 Claremont Road Burwood Heights  
**Zoning:** E1 Local Centre pursuant to the Burwood LEP 2012

**Proposal**

The application proposes the amalgamation of 3 adjoining lots, partial demolition of existing buildings, excavation works and construction of a part 2, part 3 storey mixed use development comprising a basement Pilates studio, retail uses on the ground floor, florist workshop on the first floor, and a childcare centre for 60 children across 2 floors and associated parking and landscaping.

**BLPP Referral Criteria**

The application was first referred to the Burwood Local Planning Panel 14 May 2024 as Council received over 10 unique submissions during the initial notification period. The Panel deferred determination of proposal to a later meeting to allow the applicant to amend the application in order to address the issues identified in Council's assessment. The amended application has been assessed and recommended for approval (Deferred Commencement).

The Panel members inspected the development site and familiarised itself with the environment.

**LPP8/  
24 RESOLVED**

The Panel determined to **REFUSE** Development Application No. DA.2023.65, which proposes amalgamation of 3 adjoining lots, partial demolition of existing building, excavation works and construction of a part 2, part 3 storey mixed use development comprising a basement Pilates studio, retail uses on the ground floor, florist workshop on the first floor, and a childcare centre for 60 children with basement parking at No.40-44 Claremont Road Burwood Heights.

**For:** Peter Tomasetti, Linda Kelly, Kristy Welfare  
**Against:** Awais Piracha

## Reasons for the decision

The Panel inspected the development site and familiarised itself with the environment. The Panel heard from the Applicant, listened to and read all the objection(s). The Panel understands the concerns of the objectors are:

- The proposed height of the development
- The impact on the site's heritage items and surroundings
- The proposed vehicle ingress / egress to the development
- The suitability of the site for the proposed child care centre use
- An increase in traffic congestion and car parking on adjacent road network

In reaching its decision the Panel considered the following:

- Use of basement car park for a child-care centre and the delivery / collection of young children
- Height of the proposed development
- The Applicant's written request to vary the Burwood Local Environmental Plan 2012 Floor Space Ratio development standard under Clause 4.6 for this development
- The retention, protection and maintenance of the building façade
- Clause 5.10 of the Burwood LEP 2012
- Submissions made by the public

The Panel gave the following reasons for its decision:

The Panel is not satisfied that Clause 5.10 of the *Burwood Local Environmental Plan 2012* has been adequately addressed. Specifically, it has not been demonstrated that the heritage significance of the conservation area, including the existing buildings on the site, along with their associated fabric, settings, and views, will be conserved.

The Panel does not accept that the written 4.6 request to vary Clause 4.4 Floor Space Ratio of the *Burwood Local Environmental Plan 2012* can be upheld. The Panel specifically raises concerns that the height, bulk, and scale of the proposed mixed-use building are unsuitable for the site, which is surrounded by one- and two-storey buildings.

The Panel is not satisfied that the likely impacts of the development on the local natural and built environment, as well as the social and economic impacts on the locality, have been adequately addressed in accordance with Clause 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*. Specifically, the Panel is concerned that a basement car park for a childcare centre may impact surrounding residents due to traffic impacts as parents may be reluctant to use the basement car park in favour of parking on the streets when leaving and collecting their children.

The Panel is also not satisfied that the proposed use as a childcare centre is suitable for the site in accordance with Clause 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*. The location adjacent to residential development may negatively impact existing uses through increased traffic.

The Panel is not satisfied that the submissions raised during the assessment of the application and as heard during the meeting have been adequately addressed in accordance with Clause 4.15(1)(d) of the *Environmental Planning and Assessment Act 1979*. Concerns remain regarding the site's suitability for the proposed use, the impact of the development upon the conservation area and the potential traffic impacts.

As the Panel could not be satisfied that the above matters have been addressed, the Panel is unable to grant development consent to the proposed development in accordance with Clause 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*.

Awais Piracha disagreed with the majority decision for the following reasons:

This development serves the public interest, there being significant demand for childcare places in Sydney, and this project would help meet that need. The development generally complies with the planning code, particularly regarding the height and bulk of the building. It is noted that there are other buildings in the vicinity with similar bulk and height, such as 70 Arthur Street, Burwood.

**(Item DA8/24) DA.2024.14 - 19 Stanley Street, Burwood - Modifications to the heritage item at No.25 Stanley Street, to demolish all remaining improvements upon the site, and to construct a 9 storey residential flat development with 3 levels of basement parking**

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File No: 24/31444

**Owner:** Mr Onny Khouw, Mrs Carol Chun Shan Lam, Mrs Patricia Darmon, Mr Angelo Darmon  
**Applicant:** Mr Anthony Mitchell  
**Location:** 19 Stanley Street, Burwood  
**Zoning:** R1 General Residential

**BLPP Referral Criteria**

Pursuant to the Ministerial direction dated 30 June 2020, under Section 9.1 of the *Environmental Planning and Assessment Act 1979*, the DA is to be determined by the Burwood Local Planning Panel for the following reasons:

1. The proposal is development to which *SEPP Housing 2021* applies.

**Proposal**

The application seeks consent for removal of the contemporary rear addition and modifications to the ground floor to conserve the Heritage Item at No.25 Stanley Street as a dwelling, to demolish all remaining improvements upon the site, and to construct a 9 storey residential flat development comprising 49 apartments (7 x 1 bedroom), (32 x 2 bedroom), (10 x 3 bedroom) apartments, 3 levels of basement car parking on land at No.19 Stanley Street, Burwood.

**LPP  
9/24**

**RESOLVED**

The Panel determined to **REFUSE** the Development Application (DA.2024.14) for removal of the contemporary rear addition and modifications to the ground floor to conserve the Heritage Item at No.25 Stanley Street as a dwelling, to demolish all remaining improvements upon the site, and to construct a 9 storey residential flat development comprising 49 apartments (7 x 1 bedroom), (32 x 2 bedroom), (10 x 3 bedroom) apartments, 3 levels of basement car parking on land at No.19 Stanley Street, Burwood.

**For:** Peter Tomasetti, Linda Kelly, Kristy Wellfare  
**Against:** Awais Piracha

## Reasons for the decision

The Panel members inspected the development site and familiarised itself with the immediate locality.

The Panel heard from the Applicant, the project architect, and the project heritage specialist.

In reaching its decision the Panel considered the following:

- The planning controls that apply to the site
- The resultant streetscape if the development were approved given that the site adjoins heritage items including the public school
- The impact of the development upon the heritage item that forms part of the development site and the items that adjoin the development site to the north and the school
- Shadow cast by the proposed development on the existing heritage item
- The potential privacy impacts upon the existing heritage item that forms part of the site and the heritage items adjoining the development site to the north and the school

The Panel gave the following reasons for its decisions:

The Panel is not satisfied that Clause 5.10 of the *Burwood Local Environmental Plan 2012* has been adequately addressed. Specifically, it has not been demonstrated that the heritage significance of the heritage items, both within and adjacent to the site, have been identified and that their associated fabric, settings, and views, will be conserved.

The Panel is not satisfied that the height, bulk, and scale of the proposed residential flat building are suitable for the site or consistent with the likely future character of the area. The Panel recommends that the planning controls within the *Burwood Local Environmental Plan 2012*, including Zoning, Height of Buildings, and Floor Space Ratio for the site, be reviewed in light of the adjoining local heritage items.

The Panel is not satisfied that the impacts of the development, including the amount of solar access and privacy to the rear courtyard of the local heritage item at 25 Stanley Street within the site, have been adequately addressed in accordance with Clause 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*.

The Panel finds that the potential for visual privacy and the separation between the existing heritage item and the proposed residential flat building to nine storeys within the site have not been adequately addressed in accordance with the Apartment Design Guide and the *State Environmental Planning Policy (Housing) 2021*.

As the Panel could not be satisfied that the above matters have been addressed, the proposal could not be supported in accordance with the *Environmental Planning and Assessment Act 1979*.

Awais Piracha disagreed with the majority decision for the following reasons:

The development is in the public interest as Sydney faces a severe housing shortage, which is a key factor in housing unaffordability. The additional housing provided by this development can contribute to addressing this issue. The proposed site being ideally located near Burwood train station makes it suitable for high urban density which aligns with the vision of both the NSW State Government and Burwood Local Council. The development complies with the planning code in terms of height and bulk.

The meeting closed at 7.37pm.