

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY EASTERN CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	8 March 2018
<b>PANEL MEMBERS</b>	Carl Scully (Chair), John Roseth, Sue Francis, Debra Laidlaw, Brian McDonald
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Christie's Conference Centre, 3 Spring St, Sydney on 8 March 2018, opened at 10:30 am and closed at 10:45 am.

#### MATTER DETERMINED

2017SCL059 – Inner West - DA201600434.01 at 182-186 Livingstone Road and 313-319 Marrickville Road, Marrickville (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 the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 96 of the *Environmental Planning and Assessment Act 1979*.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The decision was unanimous.

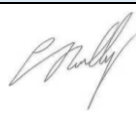
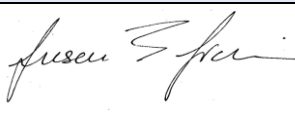



#### REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The Panel notes that Council and the Applicant agree to the draft conditions as supplied by Council and modified in their supplementary report dated 2 March 2018, with the exception to Condition 79(b), which is to remain as per the Council's draft conditions.
- The Section 96(2) modification results in a development which is substantially the same as the development previously approved by the Sydney Eastern City Panel. The modifications to the development are technical, relate to the development, and result in a better planning outcome.

#### CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report, subject to the amendments in the supplementary Council assessment report dated 2 March 2018.

PANEL MEMBERS	
 Carl Scully (Chair)	 Sue Francis
 John Roseth	 Debra Laidlaw
 Brian McDonald	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SCL059 – Inner West - DA201600434.01
2	PROPOSED DEVELOPMENT	Application to modify Determination No. DA201600434 under Section 96 of the Environmental Planning and Assessment Act to modify Modified Determination No. 201600434 dated 5 February 2018, to reduce the extent of public domain works required by Condition 64; delete Conditions 79, 121 and 124 requiring the carrying out of drainage works to Council's stormwater system, undergrounding powerlines and repair of road pavement in Lilydale Street; and remove six (6) existing street trees in Livingstone Road.
3	STREET ADDRESS	182-186 Livingstone Road and 313-319 Marrickville Road, Marrickville
4	APPLICANT/OWNER	SJB Planning, Consultant Town Planners for Inner West Council
5	TYPE OF REGIONAL DEVELOPMENT	Section 96(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ Marrickville Local Environment Plan 2011</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Marrickville Development Control Plan 2011</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Supplementary Council assessment report: 2 March 2018</li> <li>• Council assessment report: 23 February 2018</li> <li>• Written submissions during public exhibition: Sixteen (16)</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ On behalf of the applicant – Angela Kavanagh on behalf of Mirvac</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Site inspection and briefing meeting 8 February 2018</li> <li>• Final briefing meeting to discuss council's recommendation, 8 March 2018 at 10:00 am Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), John Roseth, Sue Francis, Debra Laidlaw, Brian McDonald</li> <li>○ <u>Council assessment staff</u>: Jamie Erken, Joe Bertacco, Stuart Gordon</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report, subject to the amendments in the supplementary Council assessment report.