

<b>DATE OF DETERMINATION</b>	27 May 2021
<b>PANEL MEMBERS</b>	Jan Murrell (Chair), Roberta Ryan, Susan Budd
<b>APOLOGIES</b>	Carl Scully
<b>DECLARATIONS OF INTEREST</b>	<p>Jeremy Swan declared a conflict of interest and did not participate. Jeremy's wife works for and is a shareholder of Ethos Urban who wrote the Statement of Environmental Effects.</p> <p>Lee Kosnetter declared a conflict of interest and did not participate. Lee represents the Easts Group (applicant) on various matters.</p>

Papers circulated on 13 May 2021.

#### **MATTER DETERMINED**

PPSSEC-118 – Waverley – DA-483/2018/C – 163 Birrell Street, Waverley (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 modification application pursuant to section 4.56 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

The Panel determined to approve the modification application for the reasons outlined in the Council Officer's assessment report.

#### **CONDITIONS**



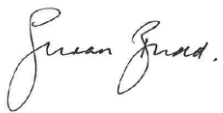
The modification application was approved subject to the conditions in the Council Officer's assessment report.

#### **CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the Panel considered written submissions made. The Panel notes the issue of concern was:

- Unacceptable timing for lodgement of modification application

The Panel notes concern was raised about the timing of the application at the end of December 2020. At the same time, it is noted that this application did not require advertising and due processes of assessment have been carried out.

PANEL MEMBERS	
 Jan Murrell (Chair)	 Roberta Ryan
 Susan Budd	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-118 – Waverley – DA-483/2018-C
2	PROPOSED DEVELOPMENT	Section 4.56 modification to amend wording of conditions 21, 47, 72 and 89 to enable staging of satisfaction of conditions.
3	STREET ADDRESS	163 Birrell Street, Waverley
4	APPLICANT/OWNER	Eastern Suburbs Leagues Club Limited C/- Mirvac Residential Developments
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.56 Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy 55 – Remediation of Land</li> <li>State Environmental Planning Policy 65 – Design Quality of Residential Flat Development</li> <li>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</li> <li>Waverley Local Environmental Plan 2012</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Waverley Development Control Plan 2012</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>Council assessment report: 13 May 2021</li> <li>Written submissions during public exhibition: 3</li> <li>Total number of unique submissions received by way of objection: 3</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Site inspection: Panel members visited the site independently, prior to 27 May 2021</li> <li>Final briefing to discuss council's recommendation: 27 May 2021 <ul style="list-style-type: none"> <li><u>Panel members</u>: Jan Murrell (Chair), Roberta Ryan, Susan Budd</li> <li><u>Council assessment staff</u>: Jo Zancanaro, Bridget McNamara</li> <li><u>Applicant representatives</u>: Nicholas McCarthy, Adrian Checchin, Steven de Pasquale, Kristy Hodgkinson</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Officer's assessment report