

DETERMINATION AND STATEMENT OF REASONS
SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	19 August 2021
PANEL MEMBERS	Jan Murrell (Chair), Roberta Ryan, Susan Budd
APOLOGIES	Carl Scully
DECLARATIONS OF INTEREST	<p>Jeremy Swan declared a conflict of interest and did not participate in the Panel for this matter. Mr Swan'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 in the Panel for this matter. Mr Kosnetter represents the Easts Group (applicant) on various matters.</p>

The panel determined the matter electronically on 19 August 2021.

MATTER DETERMINED

PPSSEC-127 – Waverley - DA-483/2018/D at 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 of development consent 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 application for the reasons and conditions outlined in the Council Officer's assessment report.




The panel is satisfied the development is substantially the same development as that originally approved by the Land and Environment Court. The panel has also considered all relevant section 4.15 matters and has had regard to the original decision and reasons in the Land and Environment Court decision. The panel is satisfied the modification application will have no adverse impacts.

The modification was notified, and no submissions were received.

The additional 700mm for the lift overrun is generally centrally located and does not create adverse overshadowing impacts. The overall building height remains the same as originally approved. The other matters in the modification are of a minor nature and will have no adverse external impacts.

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	
 Jan Murrell (Chair)	 Roberta Ryan
 Susan Budd	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-127 – Waverley – DA-483/2018/D
2	PROPOSED DEVELOPMENT	Section 4.56 modification to increase lift overrun, adjustments to floor levels, apartment layout reconfiguration and other minor design refinements
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"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development State Environmental Planning Policy (Building Sustainability Index: BASIX) State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 State Environmental Planning Policy (Infrastructure) 2007 Waverley Local Environmental Plan 2012 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Waverley Development Control Plan 2012 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil 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"> Land and Environment Court decision, Eastern Suburbs Leagues Club Ltd v Waverley Council [2019] NSW LEC 130 Council assessment report: 2 August 2021 Written submissions during public exhibition: Nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Panel members visited the site independently, prior to 19 August 2021 Final briefing to discuss council's recommendation: 19 August 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Jan Murrell (Chair), Roberta Ryan, Susan Budd <u>Council assessment staff</u>: Jo Zancanaro, Bridget McNamara <u>Applicant representatives</u>: Nicholas McCarthy, Kristy Hodgkinson, Adrian Checchin, Steven De Pasquale
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report