

DETERMINATION AND STATEMENT OF REASONS
SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	10 August 2022
DATE OF PANEL DECISION	9 August 2022
DATE OF PANEL MEETING	4 August 2022
PANEL MEMBERS	Jan Murrell (Chair), Chris Wilson, Brian Kirk, Mary-Lou Jarvis and Toni Zeltzer
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Meeting held by teleconference on 4 August 2022, opened at 12:15pm and closed at 1:00pm.
Papers circulated electronically on 13 July 2022.

MATTER DETERMINED

PPSSEC-191 - DA2020/321/2 – Woollahra - 19-27 Cross Street, Double Bay, Internal and external modifications to the approved shop top housing development with basement parking (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 listed at item 8 in Schedule 1.

Modification application

The Panel determined to approve the modification application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The Panel is satisfied the Modification Application is substantially the same as the development approved and has considered the reasons and conditions of the original approval. The Panel has considered the submission lodged during exhibition in arriving at its decision and the relevant provisions of Section 4.15 (1) have also been considered.

The decision to approve the Modification Application is 4:1 in favour, against the decision was Mary-Lou Jarvis.

REASONS FOR THE DECISION

The majority of the Panel determined to approve the application for the reasons and conditions as outlined in the Council Officer's Assessment Report subject to the imposition of two additional conditions, that the applicant raises no objection to.

These conditions are detailed below and relate to ensuring the acoustic qualities of the units meet the appropriate standards given the juxtaposition of media rooms and bedrooms in adjoining units. The other condition relates to ensuring that the services and fire hydrant facility are appropriately treated when viewed from the public domain, and in this regard, Council's Manager of Development Assessment is to approve the final outcome.

The majority of the Panel considers the additional height of 0.55m (an increase of 3% above the approved height) is minor and indeed given the location on the rooftop will be difficult to perceive from the public domain. Similarly, the additional FSR of 10m² (less than 1% above the approved FSR) is also considered to be minor and acceptable on environmental planning grounds. On a merit's assessment the majority of the

Panel are satisfied the modifications sought in this application will not create adverse environmental effects. The architectural presentation of the development as approved will still continue to contribute to the character of the area and there are no significant external changes proposed. The addition of three private roof terraces is consistent with the ADG guidelines and the Officer's report concludes these terraces "will provide greater amenity for the 3 units without compromising visual and aural privacy of surrounding uses".

Based on a comprehensive assessment of all issues the majority of the Panel determines there are no reasons to warrant refusal of the modification application as shown in the plans, subject to appropriate conditions.

Councillor Mary-Lou Jarvis disagreed with the majority decision for the following reasons:

- The variance of the height being sort under Cl.4.3 has now a cumulative increase to 50% in breach of the standard.
- The variance of the FSR being sort under Cl.4.4 has increased marginally but is a 3.5:1 whereas the standard is 2.5:1 under the LEP.

These variances are attributable to the inclusion of the pergola on a more open roof top terrace. The proposed modifications are not in the public interest given the potential of noise emanating from a larger open roof top terrace. The introduction of an open roof top terraces in place of the existing roof totalling 213.1m² is not in the public interest.

CONDITIONS

The Modification Application was approved subject to the conditions in the Council Officer's Assessment Report with the following additional conditions:

- **C.27 Residential Apartment Noise Attenuation**

Additional acoustic treatment is to be provided to those sections walls where a media room abounds an adjacent bedroom on an intertenancy wall. The additional acoustic treatment shall be determined by a qualified member of the Australian Acoustical Society and details of compliance must be submitted to the Principal Certifying Authority before the issue of the relevant Construction Certificate.

Reason: To comply with best practice standards for residential acoustic amenity

- **C.28 Services and Fire Hydrant Enclosure**

Prior to the issue of a Construction Certificate for works above Ground/Podium slab level, the Certifying Authority is to be provided with plans indicating that all Services (Gas meter, water meter & fire hydrant and sprinkler booster valves and the like) are enclosed in a manner that compliments the building and in accordance with the requirements of EP1.3 & EP1.4 of the BCA. The services enclosure shall be designed with advice from the project's Public Art Consultant and is to include integrated public art to the proposed services enclosure. The treatment details are to be submitted to Council for approval by Council's Manager of Development Assessment.

Reason: To ensure essential services are appropriately screened with integrated Public Art

CONSIDERATION OF COMMUNITY VIEWS

The Panel considers the concerns raised by the community have been adequately addressed in the Council Officer's Assessment Report.

In coming to its decision, the Panel considered the written submission made during public exhibition. The Panel in its determination is confined to the assessment of the merits of this modification application and the majority of the Panel are satisfied that the changes will have minimal adverse impacts and is worthy of approval.

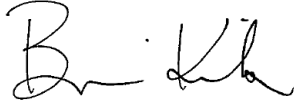
PANEL MEMBERS



Jan Murrell (Chair)



Chris Wilson



Brian Kirk



Mary-Lou Jarvis



Toni Zeltzer

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-191 - Woollahra Municipal Council - DA 321/2020/2
2	PROPOSED DEVELOPMENT	Internal and external modifications to the approved shop top housing development with basement parking
3	STREET ADDRESS	19-27 Cross Street DOUBLE BAY (Lot 100 of DP 617017)
4	APPLICANT/OWNER	Applicant: Grand Noble Capital No 3 Pty Ltd Owner Tri-Anta Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> SEPP (Biodiversity and Conservation) 2021 SEPP (Resilience and Hazards) 2021 SEPP (Industry and Employment) 2021 SEPP (BUILDING SUSTAINABILITY INDEX: BASIX) 2004 SEPP (Transport and Infrastructure) 2021 SEPP 65: Design Quality Of Residential Apartment Development WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Woollahra Development Control Plan 2015 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> 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"> Council Assessment Report: 13 July 2022 Written submissions during public exhibition: 1 Total number of unique submissions received by way of objection: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Final briefing to discuss council's recommendation: 04 August 2022 <ul style="list-style-type: none"> Panel members: Jan Murrell (Chair), Chris Wilson, Brian Kirk, Mary-Lou Jarvis and Toni Zeltzer Council assessment staff: Wilson Perdigao Applicant representatives: Sam Sirdah, Tanya Wallis, Luigi Roselli, Riccardo Adirosi and Ilia Kokalevski
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report