

DATE OF DETERMINATION	23 August 2022
DATE OF PANEL DECISION	22 August 2022
DATE OF PANEL MEETING	22 August 2022
PANEL MEMBERS	Jan Murrell (Chair), Sue Francis, Chris Wilson
APOLOGIES	Nil.
DECLARATIONS OF INTEREST	Nil.

E-determination held by teleconference on 22 August 2022, opened at 9:45am and closed at 10am.
Papers circulated electronically on 17 August 2022.

MATTER DETERMINED

PPSSEC-211 - DA2020/80/2 – Strathfield - 2 Eastbourne Road, Homebush East, Section 4.56 Modification Application, for alterations and additions, including changes to basement levels, internal unit configuration, layout and numbers and external façade to approved five (5) storey infill housing residential flat building development (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 briefings listed at item 8 in Schedule 1.

Modification 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. The Panel was satisfied that the modifications enhance the design quality of the development, both internally and externally, and provide for additional affordable housing.

The Panel was further satisfied that the:

- development, as modified, is substantially the same development;
- development was notified in accordance with *the Environmental Planning and Assessment Regulation 2021* and the matters raised in submissions duly considered (refer below)
- matters prescribed in section 4.15(1) of the *Environmental Planning and Assessment Act, 1979* which are of relevance to the development were considered; and
- reasons given by the Land and Environment Court in granting the original consent were also considered.

CONDITIONS




The Modification Application was approved subject to the amended conditions provided in the Council Officer's Assessment Report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during the public exhibition of the modification application. The Panel notes that issues of concern included:

- Height, parking, overshadowing, streetscape, and tree removal.

The Panel considers that concerns raised by the community primarily related to issues considered by the Court when issuing the original approval. It is noted that this modification application results in a reduction of overall impacts and enhances the design outcomes of the development. While the modification seeks two (2) additional units, one (1) of which is to be dedicated as affordable housing (by condition), the floor space ratio and height of the development have been reduced compared to the original consent. Furthermore, additional off-street parking is proposed which has been appropriately allocated with seven (7) visitor spaces. This will further offset impacts on on-street parking.

PANEL MEMBERS	
 Jan Murrell (Chair	 Sue Francis
 Chris Wilson	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-211 - DA2020/80/2 – Strathfield
2	PROPOSED DEVELOPMENT	Section 4.56 Modification Application, Alterations and additions, including changes to basement levels, internal unit configuration, layout and numbers and external façade to approved five (5) storey infill housing residential flat building development
3	STREET ADDRESS	2 Eastbourne Road, Homebush East
4	APPLICANT/OWNER	MJ Holdings 1 Pty Ltd
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"> SEPP (Biodiversity and Conservation) 2021 SEPP (Housing) 2021 SEPP (Resilience and Hazards) 2021 SEPP 65 – Design Quality of Residential Apartment Development SEPP (Building Sustainability Index: BASIX) Strathfield Local Environmental Plan 2012 (SLEP 2012) Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Part H – Waste Management, Strathfield Consolidated Development Control Plan 2005 Part P – Heritage, Strathfield Consolidated Development Control Plan 2005 Part Q – Urban Design, Strathfield Consolidated Development Control Plan 2005 and Section 7.11 Direct Development Contributions Plan (2010-2020) 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"> Council Assessment Report: 10 August 2022 Written submissions during public exhibition: 6 Total number of unique submissions received by way of objection: Five (5) submissions and one (1) petition.
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 4 August 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Jan Murrell (Chair) and Chris Wilson <u>Council assessment staff</u>: Louise Gibson Final briefing to discuss council's recommendation: 22 August 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Jan Murrell (Chair), Sue Francis and Chris Wilson <u>Council assessment staff</u>: Louise Gibson <u>Applicant representatives</u>: Georges Jreije
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report