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| DATE OF DETERMINATION | 7 August 2023 |
| DATE OF PANEL DECISION | 4 August 2023 |
| DATE OF PANEL BRIEFING | 3 August 2023 |
| PANEL MEMBERS | Carl Scully (Chair), Amelia Thorpe, Alice Spizzo, Philippa Scott, and Brian McDonald |
| APOLOGIES | None |
| DECLARATIONS OF INTEREST | Darcy Byrne – voted on multiple matters relating to the site in position of Mayor and Councillor |

Papers circulated electronically on 28 July 2023.

MATTER DETERMINED

PPSSEC-266 – Inner West – MOD/2022/0447 at 138-152 and 154-156 Victoria Road, Rozelle, 697 and 699 Darling Street, Rozelle, 1, 3, 5 & 7 Waterloo Street, Rozelle – Modification application - Former Balmain Leagues Club Precinct Rozelle (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.

Application for modification of consent

The Panel was satisfied that the development was substantially the same.

The Panel determined to approve the modification application pursuant to section 4.55 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 outlined in the Council Assessment Report.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with the following amendments:

- Delete Condition 8A(c)
- Amend Condition 88 to include after the words Construction Certificate in the first sentence - '(other than demolition)'.






CONSIDERATION OF COMMUNITY VIEWS

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

- Community consultation
- Increased traffic congestion
- Traffic and parking
- Economic viability
- Height increase, bulk and scale

- Characteristic of the Area
- Change in residential dwelling mix
- Solar access and overshadowing
- Club use
- Acoustic and visual privacy
- Non-compliant with diverse housing development standards as expressed by LEP
- Other comments relating to China's luxury apartment developments and economic viability business plan

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report. The Panel notes that in addressing these issues appropriate conditions have been imposed.

| PANEL MEMBERS | |
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|  Carl Scully (Chair) |  Amelia Thorpe |
|  Alice Spizzo |  Philippa Scott |
|  Brian McDonald | |

| SCHEDULE 1 | | |
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| 1 | PANEL REF – LGA – DA NO. | PPSSEC-266 – Inner West - MOD/2022/0447 |
| 2 | PROPOSED DEVELOPMENT | <p>Section 4.55(2) Modification of Development Consent D/2018/219 seeking modifications to approved mixed-use development. Changes include modifications to: the commercial club and retail podium; approved building envelopes and facade; public domain landscaped areas; residential unit design and mix resulting in a reduction of units; private and communal open space areas; basement and sub-structure</p> <p>The original development application (D/2018/219) approved the following development:</p> <p>Demolish all existing improvements, carry out site remediation and construct a mixed-use development comprising three (3) basement levels for residential and commercial parking with three 11 to 12 storey buildings connected above a shared retail and commercial podium with 164 residential units above. The commercial area will include a new leagues Club. Development fronting Waterloo Street will comprise two (2) to three (3) storey buildings for three (3) live/work units resulting in 167 residential units on the site.</p> |
| 3 | STREET ADDRESS | 138-152 and 154-156 Victoria Road; 697 Darling, 699 Darling Street and 1 Waterloo Street, 3 to 7 Waterloo Street, ROZELLE NSW 2039 |
| 4 | APPLICANT/OWNER | Grand Rozelle 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"> ○ State Environmental Planning Policy No. 65 – Design Quality Residential Apartment Development and Apartment Design Guide ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy (Transport and infrastructure) 2021 ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ Leichhardt Local Environmental Plan 2000 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Leichhardt Development Control Plan 2000 • Planning agreements: Nil • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</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: 27 July 2023 • Written submissions during public exhibition: 9 • Total number of unique submissions received by way of objection: 9 |

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| 8 | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> • Briefing: 13 April 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Amelia Thorpe, Alice Spizzo, Philippa Scott, and Brian McDonald ○ <u>Council assessment staff</u>: Eric Wong, Sammy Hamilton, Iain Betts, and Martin Amy ○ <u>Applicant representatives</u>: Kate Bartlett ○ <u>Department staff</u>: Lillian Charlesworth and Suzie Jattan • Site inspection: 3 August 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair) and Alice Spizzo ○ <u>Council assessment staff</u>: Eric Wong, Iain Betts and Martin Amy • Applicant Briefing: 3 August 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Amelia Thorpe, Alice Spizzo, Philippa Scott, and Brian McDonald ○ <u>Applicant representatives</u>: Kate Bartlett, Thomas Hansen, Christopher Walsh, Christopher Quill, Andrew Walsh, Stephen Sanlorenzo, Melanie James, Paul Bermingham ○ <u>Council assessment staff</u>: Eric Wong, Iain Betts and Martin Amy, Angela Berryman, Annalise Ifield, Delia Galao, Jack Li, Kaitlin Zieme, Keeley Samways, Sean Wilson ○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis • Final briefing to discuss council's recommendation: 3 August 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Amelia Thorpe, Alice Spizzo, Philippa Scott, and Brian McDonald ○ <u>Council assessment staff</u>: Eric Wong, Iain Betts and Martin Amy ○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis |
| 9 | COUNCIL RECOMMENDATION | Approval |
| 10 | DRAFT CONDITIONS | Attached to the Council Assessment Report |