

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY EASTERN CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	4 April 2024
<b>DATE OF PANEL DECISION</b>	3 April 2024
<b>DATE OF PANEL BRIEFING</b>	2 April 2024
<b>PANEL MEMBERS</b>	Carl Scully (Chair), Amelia Thorpe, Alice Spizzo, Joseph Cordaro and Anthony Bazouni
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 20 March 2024.

#### MATTER DETERMINED

PPSSEC-283 – Canada Bay – MOD2023/0082 – 2, 2A, 4 Rothwell Avenue, Concord West – Modification to approved DA2019/0160 to construct 3 additional private roof terraces and to modify apartments below for roof access (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 inspection listed at item 8 in Schedule 1.

#### Application for modification of consent

The Panel determined to approve the modification application pursuant to section 4.55(2) of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### REASONS FOR THE DECISION

The Panel is satisfied that the application is substantially the same development and the reasons for the original approval have been taken into consideration for this determination.

The Panel determined to approve the modification application for the reasons outlined in the Council Assessment Report.

#### CONDITIONS






The Modification Application was approved subject to the conditions in the Council Assessment Report.

#### 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:

- Additional height creating disparity between development and surrounding development
- Loss of privacy
- Further obstruction of views
- Impacts on dwellings between Rothwell Avenue and George Street
- Impact on solar access
- Additional impact on parking and traffic

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	
 Carl Scully (Chair)	 Amelia Thorpe
 Alice Spizzo	 Anthony Bazouni
 Joseph Cordaro	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-283 – Canada Bay – MOD2023/0082
2	PROPOSED DEVELOPMENT	Modification to approved DA2019/0160 to construct 3 additional private roof terraces and to modify apartments below for roof access
3	STREET ADDRESS	2, 2A, 4 Rothwell Avenue, Concord West
4	APPLICANT/OWNER	Anthony Habkhouk (Eloura Holdings) Powells Creek Developments Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) 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 (Planning Systems) 2021</li> <li>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</li> <li>Canada Bay Local Environmental Plan 2013</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Canada Bay Development Control Plan 2013</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></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: 18 March 2024</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>Preliminary Briefing: 31 August 2023 <ul style="list-style-type: none"> <li><u>Panel members</u>: Carl Scully (Chair)</li> <li><u>Council assessment staff</u>: Edna Sorensen</li> <li><u>Applicant representatives</u>: Anthony Habkhouk, Alex Harb, Anthony Betros</li> <li><u>Department staff</u>: Louisa Agyare, and Lisa Ellis</li> </ul> </li> <li>Council/Applicant Briefing: 29 February 2024 <ul style="list-style-type: none"> <li><u>Panel members</u>: Carl Scully (Chair), Amelia Thorpe, Anthony Bazouni</li> <li><u>Council assessment staff</u>: Edna Sorensen</li> <li><u>Applicant representatives</u>: Anthony Habkhouk, Alex Harb, Anthony Betros, Richie Webster, Minkyu Lim</li> <li><u>Department staff</u>: Carolyn Hunt and Lisa Ellis</li> </ul> </li> <li>Site inspection: 02 April 2024 <ul style="list-style-type: none"> <li><u>Panel members</u>: Carl Scully (Chair), Amelia Thorpe, Alice Spizzo, Anthony Bazouni</li> <li><u>Council assessment staff</u>: Edna Sorensen</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>• Applicant Briefing: 02 April 2024 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Amelia Thorpe, Alice Spizzo, Anthony Bazouni and Joseph Cordaro</li> <li>○ <u>Council assessment staff</u>: Edna Sorensen</li> <li>○ <u>Applicant representatives</u>: Anthony Habkhouk, Alex Harb, Anthony Betros, Minkyu Lim</li> <li>○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis</li> </ul> </li> <li>• Final briefing to discuss Council's recommendation: 02 April 2024 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Amelia Thorpe, Alice Spizzo, Anthony Bazouni and Joseph Cordaro</li> <li>○ <u>Council assessment staff</u>: Edna Sorensen</li> <li>○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report