

DETERMINATION AND STATEMENT OF REASONS

SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	27 June 2024
DATE OF PANEL DECISION	27 June 2024
DATE OF PANEL BRIEFING	26 June 2024
PANEL MEMBERS	Carl Scully (Chair), Amelia Thorpe, Alice Spizzo, Brian McDonald and Philippa Scott
APOLOGIES	None
DECLARATIONS OF INTEREST	Darcy Byrne has declared a conflict of interest as the proposal relates to applications he has previously considered and voted on at Council. He did not participate in the meetings.

Papers circulated electronically on 13 June 2024.

MATTER DETERMINED

PPSSEC-299 – Inner West– MOD/2023/0326 – 43 Roberts Street, 50, 52, Edith Street & 67, 73 Mary Street, St Peters – Section 4.56 application to modify Land and Environment Court Determination DA/2021/0800 to delete the tanking of the basement and amend the design to enable a drained basement, and changes to conditions, including to amend the staging and timing of delivery of art studio, substation, and public domain works (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel is satisfied that the modification application results in substantially the same development as approved by the Land and Environmental Court.

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 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 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 (amended on 26 June 2024).

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Ground and stormwater water treatment and discharge
- Noise emanating from the development
- Vehicular and pedestrian traffic management during construction
- Management and staging of project

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	 Brian McDonald
 Philippa Scott	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-299 – Inner West– MOD/2023/0326
2	PROPOSED DEVELOPMENT	Section 4.56 application to modify Land and Environment Court Determination DA/2021/0800 to delete the tanking of the basement and amend the design to enable a drained basement, and changes to conditions, including to amend the staging and timing of delivery of art studio, substation, and public domain works
3	STREET ADDRESS	43 Roberts Street, 50, 52, Edith Street & 67, 73 Mary Street, St Peters
4	APPLICANT/OWNER	Perpetual Corporate Trust Limited
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 (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 Inner West Local Environmental Plan 2022 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Marrickville Development Control Plan 2011 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: 12 June 2024 Written submissions during public exhibition: 5 Total number of unique submissions received by way of objection: 4
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 25 January 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Amelia Thorpe and Philippa Scott <u>Council assessment staff</u>: Ferdinand Dickel, Andrew Newman, Ruba Osman <u>Applicant representatives</u>: Peter Pereira, Aras Labutis and Lukas Madar <u>Department staff</u>: Carolyn Hunt and Lisa Ellis Site inspection: 26 June 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Amelia Thorpe and Brian McDonald <u>Council assessment staff</u>: Ferdinand Dickel, Andrew Newman, Ruba Osman Applicant Briefing: 26 June 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Amelia Thorpe, Philippa Scott and Brian McDonald <u>Applicant representatives</u>: Peter Pereira, Jacob Dwyer, Felipe Miranda, Tony Guirguis and Ben Aggar and Joe Strati

		<ul style="list-style-type: none">○ <u>Council assessment staff</u>: Ferdinand Dickel, Andrew Newman, Ruba Osman○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis● Final briefing to discuss Council’s recommendation: 26 June 2024<ul style="list-style-type: none">○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Amelia Thorpe, Philippa Scott and Brian McDonald○ <u>Council assessment staff</u>: Ferdinand Dickel, Andrew Newman, Ruba Osman 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