

DETERMINATION AND STATEMENT OF REASONS

SYDNEY EASTERN CITY PLANNING PANEL

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| DATE OF DETERMINATION | 5 June 2025 |
| DATE OF PANEL DECISION | 5 June 2025 |
| DATE OF PANEL BRIEFING | 3 June 2025 |
| PANEL MEMBERS | Carl Scully (Chair), Susan Budd, Glennis James, Toni Zeltzer and Lucinda Regan |
| APOLOGIES | None |
| DECLARATIONS OF INTEREST | Alice Spizzo declared a conflict of interest as she acted for the owner of the properties on a legal matter in around 2014, but has had no involvement with the property owner post the legal matter |

Papers circulated electronically on 20 May 2025.

MATTER DETERMINED

PPSSEC-359 - Woollahra - DA 7/2024/2 - 77-81, 83A & 83 Yarranabbe Road, Darling Point - Modification to various conditions to allow for the staging of Construction Certificates (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.

Application for modification of consent

The Panel is satisfied that the application is substantially the same development as the development for which consent was originally granted, and that the reasons for the original approval have been taken into consideration for this determination. The proposed modification relates solely to the staging of the construction certificates. The Panel is satisfied that the modification warrants approval on a merit assessment and determined to approve the 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 Assessment Report.

CONDITIONS

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

The following administration errors are to be corrected prior to the issue of the Notice of Determination:


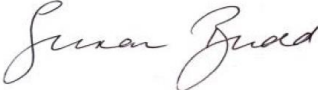

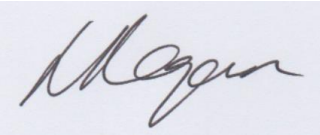

- Amend Section D heading to include reference to all modified conditions, including D6, D7, D15, D18
- All modified conditions are to include the modification date notation, including Conditions D9 and D18
- Include condition numbering for Condition F39

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:

- Control over the development will be lost through the condition amendments

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) |  Susan Budd |
|  Glennis James |  Lucinda Regan |
|  Toni Zeltzer | |

| SCHEDULE 1 | | |
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| 1 | PANEL REF – LGA – DA NO. | PPSSEC-359 - Woollahra - DA 7/2024/2 |
| 2 | PROPOSED DEVELOPMENT | Modification to various conditions to allow for the staging of Construction Certificates |
| 3 | STREET ADDRESS | 77-81, 83A & 83 Yarranabbe Road, Darling Point |
| 4 | APPLICANT/OWNER | Yarranabbe Ventures Pty Ltd Yarranabbe Ventures Pty Ltd and Yarranabbe Developments 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"> State Environmental Planning Policy (Sustainable Buildings) 2022 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development State Environmental Planning Policy (Planning Systems) 2021 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 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: 20 May 2025 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"> Briefing: 24 April 2025 <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Glennis James, Toni Zeltzer and Lucinda Regan <u>Council assessment staff</u>: Valdes Aleidzans <u>Department Staff</u>: Carolyn Hunt and Lisa Ellis Applicant Briefing: 03 June 2025 <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Susan Budd, Glennis James, Toni Zeltzer and Lucinda Regan <u>Applicant representatives</u>: Daniel Maurici <u>Council assessment staff</u>: George Fotis <u>Department Staff</u>: Carolyn Hunt and Ilona Ter-Stepanova Final briefing to discuss Council's recommendation: 03 June 2025 <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Susan Budd, Glennis James, Toni Zeltzer and Lucinda Regan <u>Council assessment staff</u>: George Fotis |

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| | | <ul style="list-style-type: none">○ <u>Department Staff:</u> Carolyn Hunt and Ilona Ter-Stepanova |
| 9 | COUNCIL RECOMMENDATION | Approval |
| 10 | DRAFT CONDITIONS | Attached to the Council Assessment Report |