

DETERMINATION AND STATEMENT OF REASONS

SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	18 August 2025
DATE OF PANEL DECISION	14 August 2025
DATE OF PANEL MEETING	14 August 2025
PANEL MEMBERS	Carl Scully (Chair), Alice Spizzo, Susan Budd and John Engeler
APOLOGIES	Matthew Owens, Philippa Scott and Jua Cilliers
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 14 August 2025, opened at 2.33pm and closed at 2.45pm.

MATTER DETERMINED

PPSSEC-362 - Inner West - MOD/2025/0010 - 67 & 73 Mary Street, 50 & 52 Edith Street and 43 Roberts Street, St Peters - Application under Section 4.56 application of the Environmental Planning and Assessment Act 1979 to Modified Land and Environment Court Determination DA/2021/0800 dated 27 June 2024, modification involves additional demolition to Building 7; new construction and internal and external design changes to Building 7; reconfiguration and external changes to Buildings 1, 2 and 6; addition roof top fire stair access to Buildings A, B and C; basement layout reconfiguration; changes to levels and landscaping across the site; increase to internal floor to ceiling heights for residential buildings and other changes to apartment designs; amendments to Building 8 to address structural requirements; amendments to conditions of consent and other minor internal and external changes (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 the site inspection 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 originally approved and the reasons for the original approval have been taken into consideration for this determination.

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

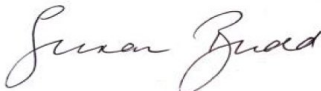
The Development Application was approved subject to the conditions in the Council Assessment Report and Supplementary Assessment Report (uploaded on 13 August 2025).

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:

- Increased building height, particularly of Building A and Building 6 – visual bulk impacts to adjoining site
- Usage and restriction of commercial car spaces
- Stormwater and nuisance flows/flooding impacts adjoining sites
- Excessive tree planting (number and height of trees)
- Restriction of right of way
- Visual and acoustic privacy impacts
- Council's Community Information Session did not mention all aspects of the proposal
- Condition of existing fabric of Building 6
- Inconsistency within the architectural drawings

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and that no new issues requiring assessment were raised during the public meeting. The Panel notes that in addressing these issues, appropriate conditions have been imposed.

PANEL MEMBERS	
 Carl Scully (Chair)	 Alice Spizzo
 Susan Budd	 John Engeler

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-362 - Inner West - MOD/2025/0010
2	PROPOSED DEVELOPMENT	Application under Section 4.56 application of the Environmental Planning and Assessment Act 1979 to Modified Land and Environment Court Determination DA/2021/0800 dated 27 June 2024, modification involves additional demolition to Building 7; new construction and internal and external design changes to Building 7; reconfiguration and external changes to Buildings 1, 2 and 6; addition roof top fire stair access to Buildings A, B and C; basement layout reconfiguration; changes to levels and landscaping across the site; increase to internal floor to ceiling heights for residential buildings and other changes to apartment designs; amendments to Building 8 to address structural requirements; amendments to conditions of consent and other minor internal and external changes
3	STREET ADDRESS	67 & 73 Mary Street, 50 & 52 Edith Street and 43 Roberts Street, St Peters
4	APPLICANT/OWNER	Peter Pereira on behalf of The Trustee for P75 Investment Unit Trust Perpetual Corporate Trust Limited
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.56 Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (Biodiversity and Conservation) 2021 - State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 - State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development - State Environmental Planning Policy (Planning Systems) 2021 - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Sustainable Buildings) 2022 - State Environmental Planning Policy (Housing) 2021 - Inner West Local Environmental Plan 2022 - Draft environmental planning instruments: Nil - Development control plans: - 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	- Council Assessment Report: 31 July 2025 - Council Supplementary report received: 13 August 2025 - Written submissions during public exhibition: 10 - Verbal submissions at the public meeting: - Council assessment officer - Ferdinand Dickel - On behalf of the applicant – Peter Pereira, Jacob Dwyer, Jordan Faeghi, Felipe Miranda - Total number of unique submissions received by way of objection: 10

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• Briefing: 01 May 2025 ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Matthew Owens ○ <u>Council assessment staff</u>: Ferdinand Dickel, Andrew Newman, Martin Amy, Ruba Osman ○ <u>Department Staff</u>: Carolyn Hunt and Ilona Ter-Stepanova • Site inspection: 14 August 2025 ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Budd, John Engeler ○ <u>Council assessment staff</u>: Ferdinand Dickel, Ruba Osman, Kate Tomlinson, Joe Bertacco • Final briefing to discuss Council's recommendation: 14 August 2025 ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Budd, John Engeler ○ <u>Council assessment staff</u>: Ferdinand Dickel, Ruba Osman, Kate Tomlinson ○ <u>Department Staff</u>: Carolyn Hunt and Ilona Ter-Stepanova
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Supplementary Assessment Report (uploaded 13 August 2025)