

**DETERMINATION AND STATEMENT OF REASONS**  
SYDNEY EASTERN CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	10 December 2020
<b>PANEL MEMBERS</b>	Carl Scully (Chair), Jan Murrell, Roberta Ryan, Jeremy Swan
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Lee Kosnetter declared a conflict of interest as the applicant (East Leagues Club) is a client of his for which he provides town planning services. Accordingly, he did not participate in the Panel for this matter.

Papers circulated on 30 November 2020.

**MATTER DETERMINED**

PPSSEC- 77 – Waverley – DA-483/2018/A at 163 Birrell Street, Waverley – [brief description] (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.

**Development application**

The Panel determined to approve the development 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.

- The Panel is satisfied that the modification is substantially the same development and the proposed modifications are considered minor and of minimal impact.
- The modifications of a 200-300mm increase in height are to accommodate acoustic treatments and the hob to the parapet for waterproofing.

**CONDITIONS**

The development application was approved subject to the conditions in the council assessment report with the following housekeeping amendments.





- Amend the numbering of conditions in the original consent from condition 146 straight to 151 by rationalising the numbering at 146 to 147 and onwards.
- Subset numbering for condition 153 (now condition 149) was (d), (e) and (f) and is now (a), (b) and (c).
- Subset numbering of condition 157 (now condition 153) was (c) and is now (a).

**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:

- Height non-compliance
- Overshadowing
- Construction issues
- Traffic and parking

The Panel considers that concerns raised by the community are issues raised in respect of the original development application and this modification is of very minor consequence. In addition, the concerns have been noted in the assessment report.

PANEL MEMBERS	
 Carl Scully (Chair)	 Jan Murrell
 Roberta Ryan	 Jeremy Swan

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-77 – Waverley – DA-483/2018/A
2	PROPOSED DEVELOPMENT	Section 4.56 modification of conditions 1 and 8 relating to building height in order to enable an increase to the height of roof plant and provision of a roof hob to all four buildings, and modification of conditions 10 and 132 regarding incorrect description of user and other minor modifications.
3	STREET ADDRESS	163 Birrell Street, Waverley
4	APPLICANT/OWNER	Eastern Suburbs Leagues Club Limited C/- Hamptons Property Services
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.56 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 No. 55 – Remediation of Land</li> <li>State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development</li> <li>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</li> <li>Waverley Local Environmental Plan 2012</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Waverley Development Control Plan 2012</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</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: 30 November 2020</li> <li>Written submissions during public exhibition: 9</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing: 5 November 2020 <ul style="list-style-type: none"> <li><u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Roberta Ryan, Jeremy Swan</li> <li><u>Council assessment staff</u>: Jo Zancanaro, Bridget McNamara</li> </ul> </li> <li>Site inspection: Due to Corona virus precautions, the Panel visited the site independently, prior to 10 December 2020</li> <li>Final briefing to discuss council's recommendation: 10 December 2020 <ul style="list-style-type: none"> <li><u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Roberta Ryan, Jeremy Swan</li> <li><u>Council assessment staff</u>: Jo Zancanaro, Bridget McNamara</li> <li><u>Applicant representatives</u>: Kristy Hodgkinson</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report