

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY EASTERN CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Tuesday 30 July 2019
<b>PANEL MEMBERS</b>	Carl Scully (Chair), Sue Francis, Abigail Goldberg, Murray Matson
<b>APOLOGIES</b>	John Roseth, Christie Hamilton
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Fraser Suites, 488 Kent Street Sydney on 30 July 2019, opened at 3.05pm and closed at 4pm.

#### MATTER DETERMINED

2018ECI018 – Randwick – DA887/2018 at 150-162 Barker Street, 1 Jane Street & 8-20 Young Street Randwick for Stage 2 of the Newmarket site (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.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The Panel determined to approve the development application pursuant to section 4.1 of the *Environmental Planning and Assessment Act 1979*.

The decision was 3:1, against the decision was Murray Matson.

#### REASONS FOR THE DECISION

Prior to determining the application, the Panel considered the clause 4.6 variation request and is satisfied that the variation request is well founded in the circumstances as it achieves a more streamlined bulk and scale across Barker Street with the existing development in the eastern precinct and the higher built form across the road at the Neurosciences Building.

As such, the Panel accepts that the variation of the standard is consistent with the objectives of the zone and of the development standard, that strict compliance with the standard is unreasonable and unnecessary in this case, and that there are sufficient environmental planning reasons that the development as a whole is in the public interest for the variation to be granted.

The Panel noted the applicant's objection to condition 2a in relation to the design of the roof, and the views of Council's design review panel in this regard. The Panel is satisfied however that the architects have carefully thought through the roof design, and that this has been proposed in its current zig-zag format in response to the heritage context, and to differentiate the building from generic designs which apply a floating roof form. As such, the Panel has agreed to deletion of condition 2a.

With regard to condition 4a, the Panel was advised that this is a late addition by Council's heritage architect in regard to the rear walls of the proposed building, which had not been discussed with the applicant. The Panel noted that the walls in question largely face the rear of properties at the back of the city block, and the side wall of a cottage on Middle Street. As such the elevations are not immediately visible from, and do not have any significant impact on, the streetscape or public domain. The Panel is accordingly supportive of the applicants request that this condition be deleted.

Overall, the Panel considers that the development proposes a built form and spatial relationship with the public domain that will contribute to the existing and desired future character of the area. The proposal does not result in any significant or unreasonable adverse impacts on surrounding properties and the non-compliances with statutory and policy controls will not exacerbate impacts in an unacceptable manner.

Voting against the decision was Murray Matson. He did not accept the argument in the clause 4.6 variation request seeking to exceed the concept approval height. Further, he noted that the concept approval already exceeded the planning proposal height.

Additionally, Murray Matson did not accept the merits for a decrease in commercial car parking from the approved concept plan.

#### **CONDITIONS**





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

- Condition 2a to be deleted.
- Condition 4a to be deleted.

#### **CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the panel considered one written submissions made during public which raised issues of parking and increased traffic. No submitters presented to the Panel at the meeting.

The panel considers that concerns raised by the community have been adequately addressed in the assessment report.

PANEL MEMBERS	
 Carl Scully (Chair)	 Sue Francis
 Abigail Goldberg	 Murray Matson

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018ECI018 – Randwick – DA887/2018
2	PROPOSED DEVELOPMENT	Development Application Stage 2 development of Lots N1 and N2 of Newmarket site, including shop-top housing on Lot N1 with 3 buildings – 2 x 8 storey buildings fronting Barker Street with commercial uses and 49 carparking spaces at ground level, 74 basement level car parking spaces, a 3 storey shop top housing building at the southern end, landscaping and associated works. Lot N1 contains a total of 131 dwellings. Lot N2 is developed with a part two part 6 storey building containing 15 x two storey multi-dwellings at ground and first floor level, 30 dwellings above and 57 basement parking spaces, landscaping and associated works.).
3	STREET ADDRESS	150-162 Barker Street, 1 Jane Street, 8-20 Young Street, Randwick
4	APPLICANT/OWNER	Cbus Property Sydney Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
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 (State and Regional Development) 2011</li> <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>○ Randwick 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>○ Randwick Development Control Plan 2013</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: 19 June 2019</li> <li>• Clause 4.6 Variation Request: 19 June 2019</li> <li>• Council submission (resolution) of meeting 25 June 2019</li> <li>• Applicants submission: 25 July 2019</li> <li>• Written submissions during public exhibition: 1</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Council assessment officer – Louis Coorey</li> <li>○ On behalf of the applicant – Sam Wilson, Thomas Ghossein, Matthew Allen, Rebecca Donoghue</li> </ul> </li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: 7 Feb 2019</li> <li>• Final briefing to discuss council's recommendation, 30 July 2019 at 1pm. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Sue Francis, Abigail Goldberg, Murray Matson</li> </ul> </li> </ul>

		o <u>Council assessment staff</u> : Louis Coorey
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report