

DETERMINATION AND STATEMENT OF REASONS

SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	Tuesday 30 July 2019
PANEL MEMBERS	Carl Scully (Chair), Sue Francis, Abigail Goldberg, Murray Matson
APOLOGIES	John Roseth, Christie Hamilton
DECLARATIONS OF INTEREST	Murray Matson is Randwick City Councillor but has managed the conflict by absenting from debate at council meetings on planning applications to avoid any conflicts.

Public meeting held at Fraser Suites, 488 Kent Street Sydney on 30 July 2019, opened at 1.30pm and closed at 3.05pm.

MATTER DETERMINED

2018SCL034 – Randwick – DA183/208 at 1 Cowper Street Randwick for a student housing development (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 4.16 (previously section 80/96) of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous in favour.

REASONS FOR THE DECISION

Prior to determining the application, the Panel considered a cl4.6 seeking to vary cl 30(e) of the ARHSEPP and cl 30(h) of the ARHSEPP relating to the need for a boarding house manager, and motor cycle parking.

The Panel accepts that the University student services will manage the accommodation and no on-site manager is necessary in this case.

In respect of motor cycles, a condition increases the number provided from 5 to 10 spaces. Whilst the variation from that required, being 31 spaces, is significant, in this case no motor cycle spaces are provided for the current accommodation, and a survey submitted with the application indicates a low number of motor cycle ownership among students, and limited usage of existing spaces. Moreover, a shuttle bus operates between the university and apartments which will assist with travel between the proposed accommodation and the University, and the University has a Green Travel Plan which proactively supports the use of public transport and active transport options.

As such, the Panel accepts the officers report in relation to the applicants cl4.6 variation, and is satisfied that there are sufficient environmental planning grounds to grant the variation. The variation allows the objectives of the standard to be satisfied and it would not be in the public interest to require compliance with the standards in this case.

The applicant did not accept the imposition of the condition seeking contributions under s7.12 of the Act as they assert the application to be in relation to affordable housing. The Panel however accepts, as asserted by the applicant, that the provision of 'cluster' type rooms will provide affordable housing in the terms of

the ARHSEPP. The applicant's consultant, Urbis, also provided evidence in their letter to the Panel dated 30 July 2019 that the maximum weekly rental in the LGA was \$525, while the rent to be charged for these rooms would be approx. \$300/week.

The Panel notes moreover that the applicant is considered to be the Crown, and as such contributions need not be required. Overall then, the Panel accepts that the condition seeking a contribution is not applicable in this instance, and may be deleted.

Likewise, the applicant requested the deletion of the traffic management condition and instead sought to replace it with a condition referencing the University's Green Travel Plan. The Panel agreed to this substitution.

The Panel also agreed to the minor edits to conditions as sought by the applicant (Crown)

CONDITIONS

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

- Condition 4 to be amended to read as follows:
The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.
- Condition 5 is to be deleted
- Condition 15 to be amended to read as follows:
In accordance with section 4.17 (11) of the Environmental Planning & Assessment Act 1979 and clause 98 of the Environmental Planning & Assessment Regulation 2000, it is a prescribed condition that all new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
- Condition 16 to be amended to read as follows:
Access and facilities for people with disabilities must be provided for new building work in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standards 2010, relevant Australian Standards and conditions of consent, to the satisfaction of the Certifying Authority.
- Condition 19 to be amended to read as follows:
New works to the vehicular access driveways, internal circulation ramps and the carpark areas, (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of AS2890.1:2004. The Crown construction certificate plans must demonstrate compliance with these requirements.
- Condition 20 to be amended to read as follows:
Prior to issuing of a Crown Construction Certificate the applicant must submit to Council a Green Travel Plan. The primary purpose of the Green Travel Plan is to ensure that private vehicle usage by the proposed development is minimised and that vehicles of residents are accommodated on-site (not in the streets surrounding the development site). The Green Travel Plan shall focus on minimising vehicle numbers, alternate transport options (e.g. shuttle bus operation), staff and visitor parking arrangements, and active transport facilities. The Green Travel Plan must include a review mechanism to be reviewed and updated on a regular basis.
- Condition 93 to be deleted.
- Condition 103 to be amended to read as follows:
*A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Crown Certifier **prior to an occupation certificate** being issued for the development, which demonstrates and certifies that noise and vibration from the development satisfies the relevant provisions of the Protection of the Environment Operations Act 1997, NSW EPA Noise Control Manual & Industrial Noise Policy, Council's conditions of consent (including any relevant approved*

acoustic report and recommendations), to the satisfaction of the Crown Certifier. The assessment and report must include all relevant fixed and operational noise sources.

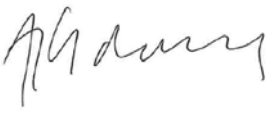
- Condition 105 to be deleted.
- Condition 107 to be deleted.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during the public exhibition. No submitters attended the meeting. The Panel notes that issues of concern raised in written submissions included:

- Parking and traffic
- Loss of light and overshadowing
- Bulk and scale
- Waste management
- Privacy

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, where relevant.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SCL034 – Randwick – DA183/2018
2	PROPOSED DEVELOPMENT	Construction of 4 storey student housing development with 152 beds, communal areas, laundry and open space, reconfiguration of undercroft carparking area including reduction in car park from 58 to 33 spaces, addition bicycle spaces and associated works (variation to height control, motor cycle parking and on-site manager).
3	STREET ADDRESS	1 Cowper Street Randwick
4	APPLICANT/OWNER	UNSW
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (State and Regional Development) 2011 - State Environmental Planning Policy No. 55 – Remediation of Land - State Environmental Planning Policy No. Affordable Rental Housing - Randwick Local Environmental Plan 2012 - Draft environmental planning instruments: Nil - Development control plans: - Randwick Development Control Plan 2013 - Planning agreements: Nil - Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil - 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: 22 July 2019 - Clause 4.6 Variation request: 22 July 2019 - Council memo: 30 July 2019 - Applicants memo: 30 July 2019 - Written submissions during public exhibition: 8 - Verbal submissions at the public meeting: - Council assessment officer – Louis Coorey - On behalf of the applicant – Peter Strudwick, Alex Frankel, Nick Douglas, Jeff
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Site inspection: 31 July 2018 - Briefing: 31 July 2018 - Final briefing to discuss council's recommendation, 30 July 2019 at 12.30pm. Attendees: <u>Panel members</u>: Carl Scully (Chair), Sue Francis, Abigail Goldberg, Murray Matson <u>Council assessment staff</u>: Louis Coorey
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report