

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

<b>DATE OF DETERMINATION</b>	Tuesday 2 October 2018
<b>PANEL MEMBERS</b>	John Roseth (Chair), Sue Francis, Murray Matson
<b>APOLOGIES</b>	Carl Scully, Christie Hamilton, Noel De Souza, Danny Said
<b>DECLARATIONS OF INTEREST</b>	<p>Sue Frances noted that she was marked as having a conflict of interest on the Record of Briefing Meeting dated 31 July 2018. This was either an administrative error or a typo, as she has no conflict and has never declared any conflict on this matter.</p> <p>Murray Matson noted for the record that he is a currently servicing Randwick City Councillor and managed his conflict by leaving the Chambers when the matter was addressed at Council meeting.</p>

Public meeting held at Fraser Suites Sydney 488 Kent Street Sydney on 2 October 2018, opened at 10.00am and closed at 10.06am.

**MATTER DETERMINED**

2018SCL036 – Randwick – DA644/2016/1A at 164-174 Baker Street Randwick (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 the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.




The decision was unanimous.

**REASONS FOR THE DECISION**

- The amended proposal is substantially the same as the original proposal.
- The additional height proposed in the amendment relates to the plant on the roof, is minor and has no material impact. It is required by the installation of a centralised heat recovery system.
- The modification of the level 7 southern apartments adds only a minor amount of floor space and results in better internal amenity.
- While a section 4.55(2) application does not require a submission under clause 4.6 of the LEP, both amendments result in a better planning and environmental outcome than the original proposal.

**CONDITIONS**

The development application was approved subject to the conditions in the Council Assessment Report.

<b>PANEL MEMBERS</b>	
 John Roseth (Chair)	 Sue Francis
 Murray Matson	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SCL036 – Randwick – DA644/2016/A
2	PROPOSED DEVELOPMENT	Section 4.55 (2) modification to DA/664/2016 seeking consent for increase in finished floor level at level 1 by 100mm, increase in roof plant height by 400mm for both buildings E1.1 and E1.2 and 1m extension of Level 7 apartments increasing floor area by 16sqm and 15sqm for apartments located in buildings E1.1 and E1.2.
3	STREET ADDRESS	164-174 Barker Street, Randwick
4	APPLICANT/OWNER	Applicant: Cbus Property Sydney Residential Pty Ltd Owner: Cbus Property Sydney Residential Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) 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.65 - Design Quality of Residential Flat Development</li> <li>State Environmental Planning Policy (State and Regional 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: 14 September 2018</li> <li>Written submissions during public exhibition: nil</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>On behalf of the applicant – Samantha Wilson</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Site inspection and briefing: 31 July 2018</li> <li>Final briefing to discuss council's recommendation, 5 October 2018, 9.30am. Attendees: <ul style="list-style-type: none"> <li><u>Panel members</u>: John Roseth (Chair), Sue Francis, Murray Matson</li> <li><u>Council assessment staff</u>: Frank Ko</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report