

DETERMINATION AND STATEMENT OF REASONS

SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	Tuesday, 4 September 2018
PANEL MEMBERS	Carl Scully (Chair), John Roseth, Peter Brennan and Murray Matson
APOLOGIES	Sue Francis and Brendan Roberts
DECLARATIONS OF INTEREST	<p>Peter Brennan declared a non-significant, non-pecuniary interest as he was acquainted with two people who lived in dwellings that are being removed as part of this development application</p> <p>Murray Matson declared a non-significant, non-pecuniary interest as he is a Councillor of Randwick City Council and a member of the Greens party, as is one of the objectors who registered to address the Panel today.</p>

Public meeting held at Rydges World Square on 4 September 2018, opened at 12:10 pm and closed at 2:00 pm.

MATTER DETERMINED

2018SCL045 – Randwick - DA/208/2018 AT 1-47, 2-66A & 64R Eurimbla Ave, 2-14 Magill St, 49-101 Botany St & Part Lot 1 DP 870720 Adjacent Hospital Rd, 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 as described in Schedule 1 pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

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

The decision was 3:1 in favour, against the decision was Murray Matson

REASONS FOR THE DECISION

The Panel notes that the proposal relates to 92 residential sites, which have been compulsorily acquired by the State government in order to construct hospital and educational facilities on the land. The application is for demolition of the 92 houses currently on the land and the remediation of the site. The plans for the future use of the land will be developed and applications lodged at a later time. The consent gives permission for the removal of eleven trees. The removal of any further trees requires an additional arborist's report.

The Panel has listened to the objectors, who were concerned with the possible wholesale removal of trees from the site. While the Panel understands this concern, it accepts that the site's remediation may require the removal of the upper soil layer, which would make it difficult for trees to survive.





Murray Matson disagreed with the majority decision for the following reasons: Remediation requirements are the key to tree removals within the boundaries of the site. The applicant won't gain access to all the properties they have acquired till October. This means that no comprehensive contamination audit can be completed before then. It is thus appropriate to defer a final decision on privately owned trees within the site until a contamination plan is available thus defining the level of top soil removal required relevant to each tree.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendment:

Condition 25: add the following at the end of the condition:

"A letter box drop will be undertaken to the adjoining properties prior to commencement of demolition works that will provide those properties with details of a contact person and phone number for any complaints."

PANEL MEMBERS	
 Carl Scully (Chair)	 John Roseth
 Peter Brennan	 Murray Matson

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SCL045 – Randwick - DA/208/2018
2	PROPOSED DEVELOPMENT	Demolition of 92 dwellings and ancillary structures, removal of vegetation and site remediation
3	STREET ADDRESS	1-47, 2-66A & 64R Eurimbla Ave, 2-14 Magill St, 49-101 Botany St & Part Lot 1 DP 870720 Adjacent Hospital Rd, Randwick
4	APPLICANT/OWNER	NSW Health Infrastructure
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy No 55 – Remediation of Land State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 Randwick Local Environmental Plan 2012 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Randwick Comprehensive 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	<ul style="list-style-type: none"> Council assessment report: 20 August 2018 Written submissions during public exhibition: two (2) Written submissions received after public exhibition: six (6) Letter from Council: 3 September 2018 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Object – Cr Philipa Veitch and Wendy Gillett On behalf of the applicant – Leone McEntee and John Coffey
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing on 31 July 2018 Final briefing meeting to discuss council's recommendation, 4 September 2018, 11:10 am. Attendees: <ul style="list-style-type: none"> Panel members: Carl Scully (Chair), John Roseth, Peter Brennan, and Murray Matson Council assessment staff: Frank Ko and William Jones
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report