

DATE OF DETERMINATION	31 January 2024
DATE OF PANEL DECISION	31 January 2024
PANEL MEMBERS	Carl Scully (Chair), Amelia Thorpe, Alice Spizzo, Marea Wilson and Joanne McCafferty
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 10 January 2024.

MATTER DETERMINED

PPSSEC-215 - DA/395/2022 – Randwick – 77-103 Anzac Parade and 59a, 61-63, 69-71 Boronia Street, Kensington – Integrated development for demolition of all structures on site, construction of new shop top housing development comprising four distinct buildings having 9 storey fronting Anzac Parade and 4 storey fronting Boronia Street with 2 basement levels for 243 parking spaces, ground level retail premises including a supermarket, a total of 195 dwellings including 6 affordable dwellings, communal open spaces, removal of trees, amalgamation of existing lots, associated site and landscape works (variation to height of buildings and floor space ratio standards) (Water NSW approval required) (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 listed at item 8 in Schedule 1.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Randwick Local Environmental Plan 2012 (LEP), that has demonstrated that:

- compliance with cl. 4.3 (height of buildings), cl. 4.3A (Exceptions to height of buildings in Matraville and Kensington) and cl. 6.17 (Community infrastructure height of buildings and floor space at Kensington and Kingsford town centres) is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

the Panel is satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- the development is in the public interest because it is consistent with the objectives of cl. 4.3 (height of buildings), clause 4.3A (Exceptions to height of buildings in Matraville and Kensington) and clause 6.17 (Community infrastructure height of buildings and floor space at Kensington and Kingsford town centres) of the LEP and the objectives for development in the E2 Commercial Centre and R3 Medium Density Residential zones; and
- the concurrence of the Secretary has been assumed.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to uphold the Clause 4.6 variation to building height and approve the application for the reasons outlined in the Council Assessment Report.

CONDITIONS






The Development Application was approved subject to the conditions in the Council's Supplementary Assessment Report.

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:

- Solar accesses and overshadowing
- Building separation
- Acoustic privacy and loading dock impacts
- Visual privacy impacts
- Bulk and scale
- Proximity to adjoining residential properties
- View loss
- Excavation, interface, and site isolation impacts to the adjoining contributory heritage building
- Property value loss
- Vehicular access easement

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report. The Panel notes that in addressing these issues, appropriate conditions have been imposed.

PANEL MEMBERS	
 Carl Scully (Chair)	 Amelia Thorpe
 Alice Spizzo	 Marea Wilson
 Joanne McCafferty	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-215 - DA/395/2022 – Randwick
2	PROPOSED DEVELOPMENT	Integrated development for demolition of all structures on site, construction of new shop top housing development comprising four distinct buildings having 9 storey fronting Anzac Parade and 4 storey fronting Boronia Street with 2 basement levels for 243 parking spaces, ground level retail premises including a supermarket, a total of 195 dwellings including 6 affordable dwellings, communal open spaces, removal of trees, amalgamation of existing lots, associated site and landscape works (Variation to height of buildings) (Water NSW approval required).
3	STREET ADDRESS	77-103 Anzac Parade and 59A-71 Boronia Street, Kensington
4	APPLICANT OWNER	Anson Group Investments Pty Ltd & Anson Solutions Pty Ltd Anson Group Investments Pty Ltd & Anson Solutions Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy (Industry and Employment) 2021 ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ Randwick Local Environmental Plan 2012 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Randwick Development Control Plan 2013 ○ Randwick Kensington and Kingsford Town Centres DCP 2020 • Planning agreements: Yes • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> • 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: 21 November 2023 • Council Supplementary Assessment Report: 29 December 2023 • Clause 4.6 variation requests - Clause 4.3, 4.3A(5) and 6.17 of RLEP 2012 (Building Height) • Written submissions during public exhibition: six (6) • Total number of unique submissions received by way of objection: six (6)

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Kick-off Briefing: 6 October 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair) and Jan Murrell ○ <u>Council assessment staff</u>: Ferdinando Macri and Scott Cox ○ <u>Applicant representatives</u>: Tom Hu, Wilson Pak, Edmand Lee (Anson Group, Applicant); Anna Wang, Amber Can (Urbis, Planning); Nelson Silva, Andreas Pelosi (Argentum Group, Project Management); Peter Titmuss, Sebastian Tsang (BVN, Architect) ○ <u>Department staff</u>: Jane Gibbs, Suzie Jattan and Jordan Clarkson • Assessment Briefing: 13 April 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Amelia Thorpe, Alice Spizzo ○ <u>Council assessment staff</u>: Ferdinando Macri ○ <u>Applicant Representative</u>: Anna Wang, Peter Titmuss and Sebastian Tsang ○ <u>Department Staff</u>: Lillian Charlesworth and Suzie Jattan • Site inspection: 2 November 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo and Marea Wilson ○ <u>Council assessment staff</u>: Ferdinando Macri and Angela Manahan • Applicant Briefing: 30 November 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Amelia Thorpe, Alice Spizzo, Marea Wilson and Joanne McCafferty ○ <u>Applicant representatives</u>: Tom Hu, Edmand Lee, Anna Wang, Stephen White, Andreas Pelosi, Stephen Fitzpatrick, Sebastian Tsang and Peter Titmuss ○ <u>Council assessment staff</u>: Ferdinando Macri and Angela Manahan ○ <u>Department staff</u>: Louisa Agyare • Final briefing to discuss council's recommendation: 30 November 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Amelia Thorpe, Alice Spizzo, Marea Wilson and Joanne McCafferty ○ <u>Council assessment staff</u>: Ferdinando Macri and Angela Manahan ○ <u>Department staff</u>: Louisa Agyare • Applicant Briefing: 25 January 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Amelia Thorpe, Alice Spizzo, Marea Wilson, Joanne McCafferty ○ <u>Applicant representatives</u>: Tom Hu, Edmand Lee, Anna Wang, Stephen White, Andreas Pelosi, Stephen Fitzpatrick, Sebastian Tsang and Peter Titmuss ○ <u>Council assessment staff</u>: Ferdinando Macri ○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis • Final briefing to discuss council's recommendation: 25 January 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Amelia Thorpe, Alice Spizzo, Marea Wilson, Joanne McCafferty ○ <u>Council assessment staff</u>: Ferdinando Macri ○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report