

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY EASTERN CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	27 September 2023
<b>DATE OF PANEL DECISION</b>	27 September 2023
<b>DATE OF PANEL BRIEFING</b>	26 September 2023
<b>PANEL MEMBERS</b>	Carl Scully (Chair), Alice Spizzo, Sue Francis, Marea Wilson and Joanne McCafferty
<b>APOLOGIES</b>	Amelia Thorpe
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 15 September 2023.

#### MATTER DETERMINED

PPSSEC-243 - DA/477/2022 - Randwick - 277-291 Anzac Parade, Kingsford, Partial demolition of existing structure and construction of a Part 3, Part 18 storey mixed use development over 1 level of basement comprising Retail, Commercial, and 285 Co-Living (Student Accommodation) rooms with associated indoor and outdoor communal space and landscaping (variation to building height) (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. 6.17 (Building Height) 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. 6.17 (Building Height Max) of the LEP and the objectives for development in the E2 Commercial Centres zone; 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 deferred the matter on 10 August 2023 to address matter relating the layout of the basement and the provision of carparking and motorcycle parking.

The applicant has amended the plans to address the Panel's stated issues as identified in the supplementary report from Council.

The Panel is satisfied that the proposal as amended represents a good built form outcome and suitable use for the site.

### CONDITIONS






The Development Application was approved subject to the amended conditions in the Supplementary Council 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 Access and Overshadowing
- Onsite parking
- Cumulative Traffic generation
- Rear laneway use
- Built form and building height
- Natural internal ventilation
- Traffic impacts during construction
- Residential accommodation for families
- Student accommodation
- Need for supermarket
- Façade design
- Dust, air and noise pollution during construction
- Excavation
- Property values

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)	 Sue Francis
 Alice Spizzo	 Marea Wilson
 Joanne McCafferty	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-243 – Randwick – DA/477/2022
2	PROPOSED DEVELOPMENT	Partial demolition of existing structure and construction of a Part 3 and Part 18 storey mixed use development over 1 level of basement comprising retail, commercial, and 285 Co-Living (Student Accommodation) rooms with associated indoor and outdoor communal space and landscaping (variation to building height).
3	STREET ADDRESS	277-291 Anzac Parade, Kingsford NSW 2032
4	APPLICANT OWNER	Maryam Boroumand - The Trustee for Iglu Property Trust No. 215 Iglu No. 215 Pty Ltd (ACN: 653 910 064) ATF Iglu Property Trust No. 215
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 (Resilience and Hazards) 2021</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>State Environmental Planning Policy (Housing) 2021</li> <li>State Environmental Planning Policy (Industry and Employment) 2021</li> <li>State Environmental Planning Policy (Planning Systems) 2021</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>Part 6 of Randwick Development Control Plan Kensington and Kingsford Town Centres 2020</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></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: 3 August 2023</li> <li>Clause 4.6 variation requests – Height of Buildings (Cl. 4.3 and 6.17 of Randwick Local Environmental Plan, 2012)</li> <li>List any council memo or supplementary report received: 14 September 2023</li> <li>Written submissions during public exhibition: 4</li> <li>Total number of unique submissions received by way of objection: 4</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing: 13 April 2023 <ul style="list-style-type: none"> <li><u>Panel members</u>: Carl Scully (Chair), Alice Spizzo</li> <li><u>Council assessment staff</u>: Ferdinando Macri</li> <li><u>Applicant representatives</u>: Maryam Boroumand, Kate Bartlett, Matt Davis, Marinel Dator, Ken Hollyoak, Alex Longley, and Kalyani Bhishikar</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ <u>Department staff</u>: Lillian Charlesworth and Suzie Jattan</li> <li>• Site inspection: 10 August 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Sue Francis, Marea Wilson</li> <li>○ <u>Council assessment staff</u>: Ferdinando Macri and Angela Manahan</li> </ul> </li> <li>• Applicant Briefing: 10 August 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Sue Francis, Marea Wilson, and Joanne McCafferty</li> <li>○ <u>Council assessment staff</u>: Ferdinando Macri and Angela Manahan</li> <li>○ <u>Applicant representatives</u>: Maryam Boroumand, Tim Manning, Kate Bartlett, Matt Davis, Ken Hollyoak</li> <li>○ <u>Department staff</u>: Carolyn Hunt and Barbara Gilbert</li> </ul> </li> <li>• Final briefing to discuss council's recommendation: 10 August 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Sue Francis, Marea Wilson, and Joanne McCafferty</li> <li>○ <u>Council assessment staff</u>: Ferdinando Macri and Angela Manahan</li> <li>○ <u>Department staff</u>: Carolyn Hunt and Barbara Gilbert</li> </ul> </li> <li>• Applicant Briefing: 26 September 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Sue Francis, Marea Wilson, and Joanne McCafferty</li> <li>○ <u>Council assessment staff</u>: Angela Manahan</li> <li>○ <u>Applicant representatives</u>: Maryam Boroumand, Kate Bartlett, Matthew Allen, Ken Hollyoak, Tim Manning and Chao Dao</li> <li>○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis</li> </ul> </li> <li>• Final briefing to discuss Council's recommendation: 26 September 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Sue Francis, Marea Wilson, and Joanne McCafferty</li> <li>○ <u>Council assessment staff</u>: Angela Manahan</li> <li>○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Deferred Commencement
10	DRAFT CONDITIONS	Attached to the Council Assessment Report