

DATE OF DETERMINATION	6 December 2024
DATE OF PANEL DECISION	5 December 2024
DATE OF PANEL MEETING	4 December 2024
PANEL MEMBERS	Carl Scully (Chair), Alice Spizzo, Susan Francis, Marea Wilson and Aaron Magner
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held by videoconference on 4 December 2024, opened at 2.30pm and closed at 3.05pm.

MATTER DETERMINED

PPSSEC-335 – Randwick – DA/489/2024 – 11 Jennifer Street, Little Bay – Amending DA to the Stage 2 application (DA/580/2022) to provide 19 additional dwellings, for a total of 94 units - 15 of which are to be used as affordable dwellings (2 in perpetuity) pursuant to the Housing SEPP. The changes to the built form include consolidating two northern buildings into a single building, adding storeys to the consolidated northern building and southern U-shaped building, enlarged rooftop communal areas, amendments to apartment mix and layouts, reconfiguration of the approved basement and addition of a half basement adding 32 car spaces and dedicated bicycle parking area. Height and FSR Variations based on Affordable Housing Component (AHC) bonus provided (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 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 (Randwick LEP), the Panel is satisfied that the applicant has demonstrated that:

- a) compliance with cl. 18 of the State Environmental Planning Policy (Housing), 2021 (Housing SEPP) (height of buildings), and cl. 16 of the Housing SEPP (floor space ratio), is unreasonable or unnecessary in the circumstances because the proposed height and floor space ratio:
 - is consistent with the desired future character of the precinct in accordance with clause 20 of the Housing SEPP,
 - good levels of articulation have been provided,
 - the development is compatible with the scale and character of contributory buildings,
 - the variation to both additional height and the minor variation to floor space ratio, it does not adversely impact the amenity of the adjoining land, and
- b) there are sufficient environmental planning grounds to justify contravening the development standard. These being, the unique characteristics of the site, the retention of relatively open spaces with little change to site coverage, provision of better amenity within the roof space, provision of affordable housing in perpetuity and for 15 years and the absence of unreasonable impacts.

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 floor space ratio and approve the application for the reasons outlined in the Council Assessment Report, as noted below:

- In relation to the preservation of the Eastern Suburbs Banksia Scrub (ESBS) within the southern part of the site, this matter was the subject of independent Ecologist review where it was considered that the increased overshadowing would not result in any significant impact on the retention and management of the ESBS as required by the existing conditions of consent.
- In terms of the built form, the assessment of the application including both clause 4.6 submissions consider that the proposed envelopes do not result in any unreasonable adverse impacts within the site and on surrounding area and that the proposed envelopes will be compatible with the desired future character of the locality noting that the site is in an accessible location being within 400m walking distance of a regular bus service connecting the site to town centres and city centre.
- In relation to providing for affordable housing, it is recommended that a condition be included requiring that any future Staged DA provide the proportion as shown in the Rev F plans and that at least 2 units be provided as AH in perpetuity and to be managed by a Community Housing Provider in accordance with the Housing SEPP.
- The proposed height and density sought is considered to compliment the desired character of the local area pursuant to clause 20 of the Housing SEPP.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with the following amendments:

- Amend Condition 5 as follows:
 - 5(b) – delete ‘consent PPI number’ and insert the following:

highest PPI number

consent PPI number

- 5(c) – insert the words ‘of the’ in the first sentence after the word ‘issue’ and amend the table to read as follows:

Development	Time by which HPC must be paid
High-density residential development within the meaning of the HPC Order for which no construction certificate is required	Before the issue of the first strata certificate

- Correct the typographical error in Condition 6 to capitalise the ‘A’ in the Condition Reason for the word ‘Aboriginal’
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- Correct the typographical error in Condition 15, first sentence replacing ‘a spart’ with ‘as part’

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Significant breach of height and floor space ratio standards and overdevelopment
- Impacts on character of locality
- Amenity impacts – traffic congestion, parking demand, visual privacy, views
- Overshadowing impacts on nearby vegetation (eastern suburbs banksia scrub) and ongoing regeneration efforts and adequacy of ecologist review submitted in support of the development

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.

PANEL MEMBERS



Carl Scully (Chair)



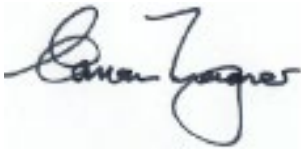
Alice Spizzo



Susan Francis



Marea Wilson



Aaron Magner

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-335 – Randwick – DA/489/2024
2	PROPOSED DEVELOPMENT	Amending DA to the Stage 2 application to provide 19 additional dwellings, for a total of 94 units - 15 of which are to be used as affordable dwellings (2 in perpetuity) pursuant to the Housing SEPP. The changes to the built form include consolidating two northern buildings into a single building, adding storeys to the consolidated northern building and southern U-shaped building, enlarged rooftop communal areas, amendments to apartment mix and layouts, reconfiguration of the approved basement and addition of a half basement adding 32 car spaces and dedicated bicycle parking area. Height and FSR Variations based on Affordable Housing Component (AHC) bonus provided
3	STREET ADDRESS	11 Jennifer Street, Little Bay
4	APPLICANT OWNER	Richard Boulus – Jennifer Street Developments Pty Ltd Auspat International No.2 Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ Environmental Planning and Assessment Act, 1979 ○ Biodiversity Conservation Act, 2016 and Regulations ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2021 ○ State Environmental Planning Policy (Housing) 2021 ○ State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 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 • Planning agreements: Nil • 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: 25 November 2024 • Clause 4.6 variation requests: cl. 16 of the State Environmental Planning Policy (Housing) (Housing SEPP) and cl. 4.3 of the Randwick LEP (height of buildings), cl. 18 of the State Environmental Planning Policy (Housing) (Housing SEPP) and cl.4.4 of the Randwick LEP (floor space ratio) • Written submissions during public exhibition: 20 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Jeff Wagner, Matt Leary

		<ul style="list-style-type: none"> ○ Council assessment officer – Louis Coorey ○ On behalf of the applicant – Michael Rowe, Elizabeth Ashby • Total number of unique submissions received by way of objection: 20
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 3 October 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair) and Alice Spizzo ○ <u>Council assessment staff</u>: Louis Coorey, Ferdinando Macri, Frank Ko, Meryl Bishop and Angela Manahan ○ <u>Department staff</u>: Tim Mahoney and Lisa Ellis • Final briefing to discuss Council's recommendation: 4 December 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Francis, Marea Wilson, Aaron Magner ○ <u>Council assessment staff</u>: Louis Coorey, Ferdinando Macri, Frank Ko and Meryl Bishop ○ <u>Department staff</u>: Tim Mahoney and Lisa Ellis
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report