

DETERMINATION AND STATEMENT OF REASONS

SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	13 July 2022
DATE OF PANEL DECISION	13 July 2022
DATE OF PANEL MEETING	07 July 2022
PANEL MEMBERS	Carl Scully (Chair), Jan Murrell, Chris Wilson, Rafaela Pandolfini
APOLOGIES	Joanne McCafferty
DECLARATIONS OF INTEREST	<p>Cr K Nielson declared that this meeting invite is in relation to Toga development at 137-151 Anzac Parade, Kensington, which was refused by the Court late last year. The previous refusal also had the letter of offer considered at the Ordinary Council meeting on 3 August 2021 which she had participated in.</p> <p>Cr D Said has voted on this matter and therefore unable to attend.</p> <p>Bill Burst advised that he voted on this matter at Last Tuesday's Council meeting.</p>

Papers circulated electronically on 11 April 2022.

MATTER DETERMINED

PPSSEC-177 – DA/810/2021 – Randwick – 137-151 Anzac Parade Kensington - Integrated Development Application for demolition of existing structures and construction of a nine (9) storey mixed use building comprising commercial and residential (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 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 of the LEP and the objectives for development in the B2 Local Centre 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 determined to approve the application for the reasons outlined in the Council Officer's Assessment Report. The proposed development is generally as anticipated by the controls.

The Panel notes that photovoltaic panels have been incorporated on the roof and pneumatic waste system has been incorporated into the design.

CONDITIONS

The Development Application is approved subject to deferred commencement to the satisfaction of Council and the operational conditions in the Council Assessment Report with the follow additional operational conditions:

- A superfast charger for electric vehicles be placed in one visitor parking bay.
- An additional condition to provide for Green Star Certification at 5-star rating or equivalent.





Reason: *to make the development more sustainable into the future.*

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions, made during the public exhibition. The Panel notes that issues of concern included:

- Solar access
- Building height
- Built Form
- Visual Privacy
- Acoustic Privacy
- Traffic and parking
- Landscaping and impacts upon trees
- Heritage
- Use of future laneway
- Stormwater management and water extraction.

The Panel believes these concerns have been adequately addressed in the Assessment Report and the amended conditions.

PANEL MEMBERS	
 Carl Scully (Chair)	 Chris Wilson
 Jan Murrell	 Rafaela Pandolfini

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-177 – DA/810/2021 – Randwick
2	PROPOSED DEVELOPMENT	Integrated Development Application for demolition of existing structures and construction of a nine (9) storey mixed use building comprising commercial and residential
3	STREET ADDRESS	137-151 Anzac Parade, Kensington
4	APPLICANT/OWNER	Toga Addison Unit Trust Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Capital investment value of more than \$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 No. 55 – Remediation of Land State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Apartment Building State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Planning Systems) 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"> B Part E6 of Randwick Development Control Plan Kensington and Kingsford Town Centres. 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: 24 June 2022 Clause 4.6 Variation

		<ul style="list-style-type: none"> • Total number of unique submissions received by way of objection: 10
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 12 May 2022 <ul style="list-style-type: none"> • <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Chris Wilson, Joanne McCafferty • <u>Council assessment staff</u>: Angela Manahan, Scott Cox, Frank Ko • <u>Applicant</u>: Elizabeth Anderson, Karl May, Steve Robson, Shewanna Mendis, Kate Bartlett • Site inspection: Site inspections have been curtailed due to COVID-19. Where relevant, Panel members undertook site inspection individually. • Final briefing to discuss council's recommendation: 07 July 2022 <ul style="list-style-type: none"> • <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Chris Wilson, Rafaela Pandolfini • <u>Council assessment staff</u>: Angela Manahan, Scott Cox, Frank Ko • <u>Applicant</u>: Steve Robson, Sam Murray, Elizabeth Anderson, Kate Bartlett, Shewanna Mendis, Karl May, Paul Shaw
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report