

DETERMINATION AND STATEMENT OF REASONS

SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	27 September 2022
DATE OF PANEL DECISION	27 September 2022
DATE OF PANEL MEETING	26 September 2022
PANEL MEMBERS	Jan Murrell (Chair), Chris Wilson, Sue Francis, Bill Burst, Joanne McCafferty
APOLOGIES	Carl Scully
DECLARATIONS OF INTEREST	None

Meeting held by teleconference on 26 September 2022. Papers circulated electronically on 19 September 2022.

MATTER DETERMINED

PPSSEC-186 – DA/373/2020/A – Randwick Council, 111-125 Anzac Parade and 112 Todman Avenue, Kensington. Comprises the following: Lot 3 DP3897, Lot 1 DP938380, Lot 4 DP655026, Lot A and B DP107256, Lot 1 DP956200 and Lot 2 DP344524. Site area: 2,945m². S4.56 Modification Application of approved development (Scape Lachlan) to amend the development consent granted by the NSW Land and Environment Court, where the development will remain substantially the same as the development that was originally approved (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 for modification of development consent

The Panel determined to approve the modification application pursuant to section 4.56 of the *Environmental Planning and Assessment Act 1979*.

The Panel is satisfied the modification application is substantially the same as the development approved and has considered the reasons and conditions of the original approval. The Panel is also satisfied the modification has been notified and has considered the submission lodged during exhibition in arriving at its decision, and the relevant provisions of Section 4.15 (1) have also been considered.

The decision to approve the modification application was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons and conditions as outlined in the Council Officer's Assessment Report.

The Panel concurs with the reasons given in the Officer's Report as follows:

- The proposed modifications are considered to result in a development that is substantially the same as the previously approved development;
- The modified development will not result in significant adverse environmental impacts upon the amenity and character of the locality;

- The proposal is consistent with the relevant objectives contained within the RLEP 2012 and the relevant requirements of the RDCP 2013 and the K2K DCP 2020; and
- The proposal is consistent with the specific objectives of the B2 Local Centre zone in that it shall contribute to the range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area; encourage employment opportunities; maximises public transport, provides residential development that is well-integrated with, and supports the primary business function of, the zone; provides a high standard of urban design; and protects the amenity of surrounding residents.


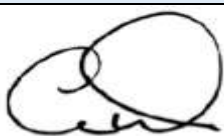



CONDITIONS

The modification application is approved subject to the conditions in the Council Officer's Assessment Report with the following amendments: –

- Condition 4, The Plan of Management is to be amended to reflect the changes in the modification as relevant. In particular in terms of number of rooms allocated for worker and student accommodation, and similarly parking to be allocated accordingly:
- Condition 13A is to be amended to reflect the need to obtain the concurrence from Transport NSW to include their safety requirements, given the proximity of the Light Rail, of any changes for external windows, balcony and terraces. Such changes must ensure the design integrity of the building is not compromised, otherwise a furthermore modification application is required: and
- Condition 17 is deleted and in its place the approved plans showing colours, materials and finishes are included in the schedule of plans in amended condition 1.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered one written submission, made during public exhibition, which raised concerns with parking and traffic. The Panel believes these concerns have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
 Jan Murrell (A/Chair)	 Chris Wilson
 Sue Francis	 Bill Burst
 Joanne McCafferty	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-186 – DA/373/2020/A – Randwick Council
2	PROPOSED DEVELOPMENT	<p>S4.56 Modification Application of approved development (Scape Lachlan) to amend the development consent granted by the Court, where the development will remain substantially the same as the development that was originally approved.</p> <p>S4.56 modification to court-approved design includes the following:</p> <ul style="list-style-type: none"> • Addition of a basement level accommodating 98 (37 car parking spaces approved), 106 (122 approved) motorcycle spaces and 114 (128 approved) bicycle spaces. • Reduce number of rooms by 32 from 507 down to 475 comprising 363 student rooms in Site A (Tower A) being a 18-storey tower (southern part of the site) and 112 (42 approved) key worker rooms in Site B (Tower B) containing a 9-storey Tower (at the northern part of the site). • Increased height associated with increased floor to floor heights from 2.95m to 2.96m for levels and extension of lift overrun height for Site A (Tower A) (from 60m (RL85.51) to 61.14m (RL86.65)) and for Site B (Tower B) (from 33.4m (RL59.10) to 33.86m (RL59.56)). • Removal of commercial lift. • Modification to landscape area and plant area on Level 9 (Site B/Tower B) and Level 18 (Site A/Tower A).
3	STREET ADDRESS	<p>111-125 Anzac Parade and 112 Todman Avenue, Kensington.</p> <p>Comprises the following: Lot 3 DP3897, Lot 1 DP938380, Lot 4 DP655026, Lot A and B DP107256, Lot 1 DP956200 and Lot 2 DP344524.</p> <p>Site area: 2,945m².</p>
4	APPLICANT/OWNER	<p>Applicant – Mr Luke Hickel – Scape Australia ATF Moore Park Trust</p> <p>Owner – Perpetual Trustee Company Limited</p>
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.56 Modification Application
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 (Affordable Rental Housing 2009) • State Environmental Planning Policy (Planning Systems) 2021. • Randwick Local Environmental Plan 2012. • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Randwick Development Control Plan – Section E6 Kensington and Kingsford Town Centres

		<ul style="list-style-type: none"> • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</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: 13 September 2022 • Written submissions during public exhibition: 1 • Total number of unique submissions received by way of objection: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Kick of briefing: 17 March 2022 • Council Briefing: 12 May 2022 • Final briefing to discuss council's recommendation: 27 September 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Jan Murrell (A/Chair), Chris Wilson, Sue Francis, Bill Burst, Joanne McCafferty ○ <u>Council assessment staff</u>: Louis Coorey, Angela Manahan ○ <u>Applicant representatives</u>: Adrian Strudwick-Barker, Cameron Gray, Adam Rogic, Jonathan Combley
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report