

## 1. RECOMMENDATION

It is recommended:

That the Sydney Eastern City Planning Panel, grants development consent under Section 4.56 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/288/2020 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 at 182-190 Anzac Parade and 157 Todman Avenue, Kensington, in the following manner:

- **Amend Condition 1 to read:**

1. The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp:

<b><i>Plan No.</i></b>	<b><i>Rev No.</i></b>	<b><i>Drawn by</i></b>	<b><i>Dated</i></b>
SK001	F	Plus Architecture	19/04/2021
SK099	F	Plus Architecture	19/04/2021
SK100	F	Plus Architecture	19/04/2021
SK101	E	Plus Architecture	24/03/2021
SK102	E	Plus Architecture	24/03/2021
SK103	E	Plus Architecture	24/03/2021
SK104	E	Plus Architecture	24/03/2021
SK105	E	Plus Architecture	24/03/2021
SK109	D	Plus Architecture	19/04/2021
SK110	E	Plus Architecture	24/03/2021
SK118	E	Plus Architecture	24/03/2021
SK119	E	Plus Architecture	24/03/2021
SK200	F	Plus Architecture	19/04/2021
SK201	F	Plus Architecture	19/04/2021
SK202	F	Plus Architecture	19/04/2021
SK203	F	Plus Architecture	19/04/2021
SK220	F	Plus Architecture	19/04/2021
SK221	E	Plus Architecture	24/03/2021
SK600	D	Plus Architecture	19/03/2021
SK601	D	Plus Architecture	19/03/2021

SK602	D	Plus Architecture	19/03/2021
SK603	D	Plus Architecture	19/03/2021
SK605	D	Plus Architecture	19/03/2021
SK610	D	Plus Architecture	19/03/2021
SK611	D	Plus Architecture	19/03/2021
SK612	D	Plus Architecture	19/03/2021
SK613	D	Plus Architecture	19/03/2021
SK615	D	Plus Architecture	19/03/2021
SK620	D	Plus Architecture	19/03/2021
LD-S34-000	1	Landform Studios	19/03/2021
LD-S34-001	1	Landform Studios	19/03/2021
LD-S34-100	1	Landform Studios	19/03/2021
LD-S34-101	1	Landform Studios	19/03/2021
LD-S34-110	1	Landform Studios	19/03/2021
LD-S34-120	1	Landform Studios	19/03/2021
LD-S34-130	1	Landform Studios	19/03/2021
LD-S34-140	1	Landform Studios	19/03/2021
LD-S34-150	1	Landform Studios	19/03/2021
LD-S34-300	1	Landform Studios	19/03/2021
LD-S34-301	1	Landform Studios	19/03/2021
LD-S34-900	1	Landform Studios	19/03/2021

<b><i>BASIX Certificate No.</i></b>	<b><i>Dated</i></b>
1111436M_03	05 May 2021

**EXCEPT where amended by:**

- Council in red on the approved plans; and/or
- Other conditions of this consent; and/or
- the following Section 4.56 plans and supporting documents only in so far as they relate to the modifications highlighted on the Section 4.56 plans and detailed in the Section 4.56 application:

<b><i>Plan</i></b>	<b><i>Drawn by</i></b>	<b><i>Dated</i></b>	<b><i>Received by Council</i></b>

SK001, Revision G	Plus Architecture	01 November 2021	19 November 2021
SK099, Revision G	Plus Architecture	01 November 2021	19 November 2021
SK100, Revision G	Plus Architecture	01 November 2021	19 November 2021
SK101, Revision F	Plus Architecture	01 November 2021	19 November 2021
SK102, Revision F	Plus Architecture	01 November 2021	19 November 2021
SK103, Revision F	Plus Architecture	01 November 2021	19 November 2021
SK104, Revision F	Plus Architecture	01 November 2021	19 November 2021
SK105, Revision F	Plus Architecture	01 November 2021	19 November 2021
SK109, Revision E	Plus Architecture	01 November 2021	19 November 2021
SK110, Revision F	Plus Architecture	01 November 2021	19 November 2021
SK117, Revision A	Plus Architecture	01 November 2021	19 November 2021
SK118, Revision F	Plus Architecture	01 November 2021	19 November 2021
SK119, Revision F	Plus Architecture	01 November 2021	19 November 2021
SK200, Revision H	Plus Architecture	26 September 2022	26 September 2022
SK201, Revision H	Plus Architecture	26 September 2022	26 September 2022
SK202, Revision H	Plus Architecture	26 September 2022	26 September 2022
SK203, Revision H	Plus Architecture	26 September 2022	26 September 2022
SK220, Revision G	Plus Architecture	01 November 2021	19 November 2021
SK221, Revision G	Plus Architecture	01 November 2021	19 November 2021
LD-S.455-000,	Landform Studios	03 November 2021	19 November

Revision 1			2021
LD-S.455-001, Revision 1	Landform Studios	03 November 2021	19 November 2021
LD-S.455-100, Revision 1	Landform Studios	03 November 2021	19 November 2021
LD-S.455-101, Revision 1	Landform Studios	03 November 2021	19 November 2021
LD-S.455-110, Revision 1	Landform Studios	03 November 2021	19 November 2021
LD-S.455-120, Revision 1	Landform Studios	03 November 2021	19 November 2021
LD-S.455-130, Revision 1	Landform Studios	03 November 2021	19 November 2021
LD-S.455-140, Revision 1	Landform Studios	03 November 2021	19 November 2021
LD-S.455-150, Revision 1	Landform Studios	03 November 2021	19 November 2021
LD-S.455-300, Revision 1	Landform Studios	03 November 2021	19 November 2021
LD-S.455-303, Revision 1	Landform Studios	03 November 2021	19 November 2021
LD-S.455-900, Revision 1	Landform Studios	03 November 2021	19 November 2021
SK270 (Materials Board), Revision G	Plus Architecture	26 September 2022	26 September 2022

<b><i>BASIX Certificate No.</i></b>	<b><i>Dated</i></b>
1111436M_04	08 November 2021

- **Amend Condition 62 to read:**

62. Written certification from a qualified professional in the Landscape industry (must be eligible for membership with a nationally recognised organisation/association) must state that the scheme submitted for the Construction Certificate is substantially consistent with the Landscape Plans by Landform Studios, dwg's **LD-S.455-000 - 900**, rev 1, **dated 03 November 2021**, with both this written statement and plans to then be submitted to, and be approved by, the Principal Certifier.

- **Add Condition 2(f) to read:**

2. The approved plans and documents must be amended in accordance with the following requirements:

- f. The window fenestration within the expressed podium façade bays are to be amended to be expressed as metal framing, not brick.

- **Add Condition 4A to read:**

- 4A. The recommendations of NSW Police as detailed within the Crime Risk Assessment Report, Version: E&T:FSC:CMPU:2015, are to be incorporated into the Management Statement,. Documentation is to be provided to Council's Manager Development Assessment demonstrating compliance with the recommendations prior to the issue of an Occupation Certification.

- **Add Condition 140A to read:**

- 140A. A further Acoustic Report may be requested following receipt of a noise complaint which a Council authorised officer reasonably believes requires further acoustic analysis, investigation and assessment. This acoustic report (if requested) is to be prepared by a suitably qualified and experienced consultant in acoustics and may be requested from time to time to assess and report on noise being emitted from the use and operation of the development and demonstrate or confirm if the relevant provisions of the Protection of the Environment Operations Act 1997 and the noise criteria and requirements contained in this consent have been satisfied (including any relevant approved acoustic report and recommendations).

- **Delete Condition 2(e) which reads:**

- (e) A space for storage and sorting of problem waste such as E-waste, clothing, and hazardous waste shall be provided in accordance with the control under Section 22 – Sustainability of Part C of D of Kensington and Kingsford Development Control Plan.*

- **Delete Condition 2(g) which reads:**

- (g) The sanitary facilities adjacent to the Community Hall at lower ground floor level shall be modified to allow internal access from the Community Hall only. All external access to these facilities shall be deleted.*

- **Delete Condition 12 which reads:**

12. *The colours, materials and finishes of the external surfaces to the building, as presented in certified documentation and as compatible with the surrounding character of the built corridor are to be strictly adhered to. Details of any changes to the proposed colours, materials and textures are to be submitted to and approved by Council's Director City Planning, in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.*

