

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY EASTERN CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	28 September 2022
<b>DATE OF PANEL DECISION</b>	27 September 2022
<b>DATE OF PANEL BRIEFING</b>	27 September 2022
<b>PANEL MEMBERS</b>	Carl Scully (Chair), Jan Murrell, Joanne McCafferty
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 23 September 2022.

#### MATTER DETERMINED

PPSSEC-193 - Randwick City Council - DA/288/2020/B – S4.56 Modification Application of approved development 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.

#### Modification application

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 submissions lodged during exhibition in arriving at its decision, and the relevant provisions of Section 4.15 (1) have also been considered.

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 Panel is now satisfied the architectural presentation to the public domain in this modification application maintains and is consistent with that originally approved.

#### CONDITIONS




The modification application was approved subject to the conditions in the Council Officer's Assessment Report.

The Panel notes that the materials, finishes and colours are approved under this modification and included in the schedule of plans in condition 1. This will provide greater certainty to the final built form outcome.

#### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered five written submissions, made during public exhibition, which mainly raised concerns about the development already approved. This modification application is

relatively minor however, where relevant, community concerns have been taken into consideration in the decision to approve the modification.

PANEL MEMBERS	
 Carl Scully (Chair)	 Jan Murrell
 Joanne McCafferty	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-193 - Randwick City Council - DA/288/2020/B
2	PROPOSED DEVELOPMENT	S4.56 Modification Application of approved development 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.
3	STREET ADDRESS	<ul style="list-style-type: none"> <li>• 182-184 Anzac Parade, Kensington - Lot 1 DP 331408</li> <li>• 186-188 Anzac Parade, Kensington - Lot 2 DP 331408</li> <li>• 190 Anzac Parade, Kensington - Lot 1 DP 130297</li> <li>• 157 Todman Avenue, Kensington - SP 45348</li> </ul>
4	APPLICANT/OWNER	Perpetual Trustee Company Limited as trustee of the Anzac Parade Trust
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.56 Modification Application
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 (State and Regional Development) 2011;</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>○ Randwick Development Control Plan.</li> </ul> </li> <li>• Planning agreements</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</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</li> </ul>

		<p>the locality</p> <ul style="list-style-type: none"> <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: 15 July 2022</li> <li>• Written submissions during public exhibition: 5</li> <li>• Total number of unique submissions received by way of objection: 5</li> <li>• Addendum Assessment report: 23 September 2022</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• E- Determination: 12 May 2022 (Decision deferred) <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Chris Wilson, Joanne McCafferty</li> <li>○ <u>Council assessment staff</u>: Angela Manahan and Scott Cox</li> <li>○ <u>Applicant</u>: Cameron Gray, Zach Kwong, Rido Pin, Stephanie Wu, Adam Rogic.</li> </ul> </li> <li>• Briefing to discuss council's recommendation: 28 July 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Chris Wilson, Joanne McCafferty</li> <li>○ <u>Council assessment staff</u>: Angela Manahan</li> <li>○ <u>Applicant representatives</u>: Cameron Gray, Andrew Cowan, Adam Rogic, Jonathan Combley.</li> </ul> </li> <li>• Briefing to discuss addendum assessment report addressing Panel's reasons for deferral: 27 September 2022 <ul style="list-style-type: none"> <li>○ Panel members: Carl Scully (Chair), Jan Murrell, Joanne McCafferty</li> <li>○ Council assessment staff: Angela Manahan, Frank Ko and Scott Cox</li> <li>○ Applicant representatives: Cameron Gray, Zach Kwong, Rido Pin, Adam Rogic, Jonathan Combley.</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	<b>Approval</b>
10	DRAFT CONDITIONS	Attached to the Council Assessment Report