

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY EASTERN CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	5 October 2022
<b>DATE OF PANEL DECISION</b>	29 September 2022
<b>DATE OF PANEL BRIEFING</b>	29 September 2022
<b>PANEL MEMBERS</b>	Carl Scully (Chair), Jan Murrell, Chris Wilson, Joanne McCafferty
<b>APOLOGIES</b>	Bill Burst
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 19 September 2022.

#### MATTER DETERMINED

PPSSEC-202 – DA/311/2020/B, Randwick - 391 Anzac Parade, Kingsford, Lot 1 DP 1278672. 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 notes the modification application was referred to the Design Review Panel and further changes were made to the plans, in particular the ground floor and no objections were raised to the architectural presentation. The Panel considers the modifications are acceptable and has imposed the conditions recommended and requires the materials finishes and colours as shown in the schedule to be included in the schedule of plans approved to provide greater certainty in the built form outcome.

The Panel is satisfied the amendments will not have adverse environmental or social impacts. The proposal is for student accommodation and the parking rate reflects this proposed use.

#### CONDITIONS






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

Condition 50 be amended to reference that the waste chutes are to be of an appropriate diameter and must align with the automated waste collection system (AWCS) storage tanks.

Condition 51 to be amended to require the provision of the automated waste collection system (AWCS) as soon as practicable and not later than two years post-occupation.

#### **CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the Panel considered two written submissions, made during public exhibition, which mainly raised concerns about the proposed height and number of boarding rooms. The Panel believes these concerns have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
 Carl Scully (Chair)	 Jan Murrell
 Joanne McCafferty	 Chris Wilson
 Bill Burst	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-202 – DA/311/2020/B, Randwick
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	391 Anzac Parade, Kingsford, Lot 1 DP 1278672. Note: The above address and lot number are new identifiers of the site representing the historical multiple addresses and lots that previously made up the development site (1,912.17m <sup>2</sup> ).
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 (Affordable Rental Housing 2009)</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 the locality</li> <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: 8 September 2022</li> <li>• Written submissions during public exhibition: 2</li> <li>• Total number of unique submissions received by way of objection: 2</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Kick off briefing: 30 June 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Jan Murrell</li> <li>○ <u>Council assessment staff</u>: Scott Cox, Louis Coorey</li> <li>○ <u>Applicant</u>: Adam Rogic, Jonathan Combley, Cameron Gray, Stephanie Wu, Jacob Laird</li> </ul> </li> <li>• Briefing to discuss council's recommendation: 29 September 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, Scott Cox, Louis Coorey</li> <li>○ <u>Applicant representatives</u>: Adam Rogic, Jonathan Combley, Cameron Gray, Jacob Laird</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report