

<b>DATE OF DETERMINATION</b>	15 December 2022
<b>DATE OF PANEL DECISION</b>	14 December 2022
<b>DATE OF PANEL MEETING</b>	13 December 2022
<b>PANEL MEMBERS</b>	Carl Scully (Chair), Jan Murrell, Sue Francis and Joanne McCafferty
<b>APOLOGIES</b>	Kathy Nielson and Rafaela Pandolfini
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 6 December 2022.

### **MATTER DETERMINED**

**PPSSEC-204 - DA/20/2021/A – Randwick, 177, 179-181, 183-185, 187, 189, 191-197 Anzac Parade, Kensington.** 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. The modification to the approved development is to allow for the provision of a lift overrun, fire stairs, balustrades, accessible toilet, and mechanical plant to the rooftop and minor change to floor levels of the 9-storey student housing building.

### **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 observed at site inspections listed at item 8 in Schedule 1.

The Panel is satisfied the modification is substantially the same development for which consent was granted by the Court and that the application has been notified, no submissions were received and in determining the modification the Panel has considered relevant matters under section 4.15(1) and has considered the reasons given for the granting of the original consent.

### **Application for modification of consent**

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

The decision was unanimous.

### **REASONS FOR THE DECISION**

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





- The Panel notes the increased setback to the rooftop balustrades which improves their visual impact.
- The Panel notes the additional height of 2.7m, being represented by a total of 400mm from levels 3 and 8, the provision of a lift and stairs to the roof to facilitate equitable access to the roof, and an increase in lift over run.
- The Panel notes that the approval of the rooftop structures does not impact on the provision of skylights as per condition 15A of the original Court consent.

### **CONDITIONS**

The Development Application was approved subject to the conditions in the Council Officer's Assessment Report.

**CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the Panel considered the written submission made during public exhibition.

PANEL MEMBERS	
 Carl Scully (Chair)	 Jan Murrell
 Sue Francis	 Joanne McCafferty

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-204 – Randwick - DA/20/2021/A
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. The modification to the approved development is to allow for the provision of a lift overrun, fire stairs, balustrades, accessible toilet, and mechanical plant to the rooftop and minor change to floor levels of the 9-storey student housing building.
3	STREET ADDRESS	177, 179-181, 183-185, 187, 189, 191-197 Anzac Parade, Kensington
4	APPLICANT/OWNER	Applicant- Christopher Croucamp (Urbis Pty Ltd) c/o- Cedar Pacific and UniLodge Owner- Cedar Pacific Pty Ltd
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 – Section E6 Kensington and Kingsford Town Centre's.</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</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: 6 December 2022 (uploaded to Portal)</li> <li>Written submissions during public exhibition: 1</li> <li>Total number of unique submissions received by way of objection: 0</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Kick-Off Briefing: 21 July 2022 <ul style="list-style-type: none"> <li><u>Panel members</u>: Carl Scully (Chair) and Jan Murrell</li> <li><u>Council assessment staff</u>: Louis Coorey</li> <li><u>Applicant</u>: Christopher Croucamp, Tim Pryor, Serena Franco and Jeremy Bishop</li> </ul> </li> <li>Final briefing to discuss council's recommendation: 13 December 2022 <ul style="list-style-type: none"> <li><u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Sue Francis and Joanne McCaffery</li> <li><u>Council assessment staff</u>: Louis Coorey, Scott Cox</li> <li><u>Applicant representatives</u>: Christopher Croucamp, Michael Aquilina and Andrew Curran</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval

10	DRAFT CONDITIONS	Attached to the Council Assessment Report
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