

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

Papers circulated electronically on 6 December 2022.

MATTER DETERMINED

PPSSEC-240 – Randwick - DA/20/2021/C - 177, 179-181, 183-185, 187, 189, 191-197 Anzac Pde, Kensington. Uni-lodge. S.4.56 Modification to the approved development to amend the basement design to protect Council's stormwater culvert. Original Court consent: Demolition of existing structures on site and construction of 9 Storey mixed use development comprising commercial ground level and 8 storeys boarding house above comprising 604 rooms, basement parking comprising 5 car spaces, 126 bicycle spaces and 104 motorcycle spaces, accessible rooftop common garden, under awning signage, landscaping and associated works (variation to height of building under the RLEP and requirements for on site manager and motorcycle parking under the ARH SEPP).

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, the submission has been considered and in determining the modification the panel has considered relevant matters under section 4.15(1) as is relevant and has considered the reasons given for the granting of the original Court 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's Officer's Assessment Report.





- The Panel notes the modification relates to the basement layout because of the correct identification of the location of the stormwater culvert benefitting from an easement on the site.
- The amendments are minor and have no substantial environmental impact

CONDITIONS

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

CONSIDERATION OF COMMUNITY VIEWS

The Panel notes - no written submissions were made during public exhibition.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-240 – Randwick - DA/20/2021/C
2	PROPOSED DEVELOPMENT	<p>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.</p> <p>The modification sought to the approved development is to amend the basement design to protect Council's stormwater culvert resulting in loss of 10 motorcycle parking spaces, provide a larger loading and service bay area, partially alter ground levels and new storm filter (subject of amended ground level plan).</p>
3	STREET ADDRESS	177, 179-181, 183-185, 187, 189, 191-197 Anzac Parade, Kensington
4	APPLICANT/OWNER	<p>Applicant- Christopher Croucamp (Urbis Pty Ltd) c/o Cedar Pacific and UniLodge</p> <p>Owner- Cedar Pacific Pty Ltd</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 Centre's. Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</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: 6 December 2022 Written submissions during public exhibition: 0 Total number of unique submissions received by way of objection: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Kick-Off Briefing: 15 November 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Susan Budd and Joanne McCafferty <u>Council assessment staff</u>: Louis Coorey, Scott Cox, Frank Ko and Jason Rider <u>Applicant</u>: Christopher Croucamp Final briefing to discuss council's recommendation: 13 December 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Sue Francis and Joanne McCafferty <u>Council assessment staff</u>: Louis Coorey, Scott Cox

		<ul style="list-style-type: none">○ <u>Applicant representatives:</u> Christopher Croucamp, Michael Aquiliana and Andrew Curran
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Officer’s Assessment Report