

DETERMINATION AND STATEMENT OF REASONS

SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	18 April 2023
DATE OF PANEL DECISION	18 April 2023
DATE OF PANEL MEETING	18 April 2023
PANEL MEMBERS	Carl Scully, Amelia Thorpe, Alice Spizzo, Joanne McCafferty
APOLOGIES	Rafaela Pandolfini, Kathy Nielson
DECLARATIONS OF INTEREST	Danny Said

Papers circulated electronically on 12 April 2023.

MATTER DETERMINED

PPSSEC-242 – DA/414/2020/A – Randwick, 172-180 Anzac Parade & 116R Todman Avenue, 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 sought to the approved development comprising increased building height, façade changes and the internal reconfiguration of basement, commercial and residential floor levels (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 and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

- The proposed modifications are considered to result in a development that is substantially the same as the previously approved development.
- The modified development will not result in significant adverse environmental impacts upon the amenity and character of the locality.
- The proposal is generally consistent with the relevant objectives contained within the SEPP ARH, RLEP 2012 and the relevant requirements of the RDCP 2013 and the K2K DCP 2020.
- The proposal is consistent with the specific objectives of the B2 Local Centre zone in that it shall maintain its contribution to the range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area; encourage employment opportunities; maximise public transport, provide residential development that is well-integrated with, and supports the primary business function of the zone; provide a high standard of urban design; and protect the amenity of surrounding residents.

CONDITIONS

The Modification Application was approved subject to the conditions in the council assessment report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered four written submissions made during public exhibition. The Panel notes that issues of concern included:

- Site isolation of 118 – 120 Todman Avenue.
- Built form transition and setbacks to No. 118 – 120 Todman Avenue
- Building height
- The location of the through site link is inconsistent with the original precinct plan in 2016 and the K2K DCP block plans.
- Student accommodation
- Insufficient transport capacity to support boarding house density
- Traffic generation and congestion impacts
- Overshadowing
- Overdevelopment of the Kensington Precinct
- Existing surplus capacity of rental accommodation
- Current buildings should be retained to preserve heritage value
- previous design competition brief and assessment process
- preparation of the K2K DCP and the associated planning proposal
- the original assessment Section 34 agreement being reported to and endorsed by the Regional Planning Panel
- Lack of community infrastructure included in original approval
- Vehicular access point not consistent with RMS comments on original proposal

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and that no new issues requiring assessment were raised during the meeting. The Panel notes that in addressing these issues appropriate conditions have been imposed.

PANEL MEMBERS	
 Carl Scully	 Joanne McCafferty
 Alice Spizzo	 Amelia Thorpe

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-242 – DA/414/2020/A – 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. The modification sought to the approved development comprising increased building height, façade changes and the internal reconfiguration of basement, commercial and residential floor levels
3	STREET ADDRESS	172-180 Anzac Parade & 116R Todman Avenue, Kensington
4	APPLICANT/OWNER	Applicant - Asher Richardson (Willowtree Planning Pty Ltd)

		Owner - Perpetual Trustee Company Limited
5	TYPE OF REGIONAL DEVELOPMENT	S4.56 Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	• 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. • Randwick Development Control Plan – Section E6 Kensington and Kingsford Town Centres. • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: nil • 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	• Council Assessment Report: 30 March 2023 • Modified Architectural Plans • Revised Cost Report Form • Revised BASIX Certificate • Transport Design Statement • Updated Operational Waste Management Plan • Written submissions during public exhibition: 4 • Late submission from owner of 120 Todman Ave, Kensington
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• 18 April 2023 – Site Inspection • 18 April 2023 - Final briefing to discuss council's recommendation: ○ <u>Panel members</u>: Carl Scully, Amelia Thorpe, Alice Spizzo ○ <u>Council assessment staff</u>: Ferdinando Macri ○ <u>Applicant representatives</u>: Asher Richardson, Gary Eckersall, Brett Hansen
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report