

S4.55(1) MODIFICATION REPORT

SSD-5002-2011 MOD 1

ROYAL RANDWICK RACECOURSE HOTEL

URBIS

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1. INTRODUCTION

This report accompanies a request to modify a condition of the Development Consent SSD-5002-2011, made on behalf of the Australian Turf Club (the Applicant).

It is proposed that Condition A7 be modified under section 4.55(1) of the *Environmental Planning and Assessment Act*, 1979 (the EP&A Act) to align with standard wording of other SSD approval conditions and the provisions under section 4.53 of the EP&A Act. This change will align Condition A7 with the ordinary test for physical commencement, producing certainty for the Minister for Planning and Public Spaces, the Applicant and the public.

This report includes:

- A description of the site and context.
- A summary of the approved project for this site and history since consent was granted.
- Details of the proposed modifications to the terms of the Development Consent.

2. SITE AND LOCALITY

2.1. REGIONAL CONTEXT

Royal Randwick Racecourse is one of the largest recreation areas in the highly urbanised Eastern Suburbs of Sydney. It is located within a major open space and entertainment precinct that includes a range of passive and active recreation areas and sporting facilities, comprising Moore Park Golf Course, the Moore Park Sport Precinct (including Sydney Cricket Ground and Allianz Stadium), the Entertainment Quarter and Centennial Park.

The site is strategically significant due to its proximity to a number of key Sydney features including:

- Coogee Beach – 3km
- Bondi Beach – 5km
- Sydney Airport – 6km
- Sydney CBD – 6km
- UNSW and Prince of Wales Hospital – immediately adjacent

The Racecourse is also directly adjacent to a major Transport for NSW infrastructure project to establish the CBD and South East Light Rail (CSELR) which is due for completion in mid-2020. The project is in the advanced stages of construction and includes a new light rail station directly opposite the existing Alison Road entry to the Racecourse. The CSELR will be a gamechanger for public transport in the precinct, linking major recreation, education, commercial and residential areas between the Eastern Suburbs and Sydney CBD.

Figure 1 – Regional Context map



Source: Urbis

2.2. LOCAL CONTEXT

Royal Randwick Racecourse is located in the Randwick Local Government Area (LGA). The site is legally described as Lot 2009 in Deposited Plan 1169042 and is Crown Land, leased to ATC who own and operate the racecourse. The racecourse is located between two key sub-regional road corridors, being Anzac Parade and Alison Road, which are both undergoing significant change due to the light rail construction.

The racecourse has an interface with several different localities each with a distinct character, including:

- North – Centennial Park directly opposite the site, on the opposite side of Alison Road.
- East – predominantly residential area, with frontage to Wansey Road. This area is elevated above the level of the racecourse but views across the racecourse are well screened by a row of mature fig trees.
- Further east – Randwick shopping village is approximately 1.5km away.
- South – the University of NSW is located along the entire southern boundary of the site fronting High Street.
- South east – the Prince of Wales Hospital is located less than 1km away.
- West – residential area consisting of a mix of one and two storey single dwellings and three storey residential flat buildings.
- Further west – Kensington village shopping strip located along Anzac Parade.

Figure 2 – Local Context Map



Source: Urbis

3. THE PROJECT

3.1. EXISTING APPROVAL – SSD-5002-2011

On 14 November 2014, the Planning Assessment Commission of New South Wales under delegation from the Minister for Planning approved the Project Application SSD-5002-2011 pertaining to a Hotel Development at Royal Randwick Racecourse, Randwick.

The development approved under SSD-5002-2011 is summarised as follows:

- Hotel development, including:
 - Demolition of the existing amenities block and two stewards towers and partial demolition of the existing boundary fence.
 - Construction of an 8 storey hotel building including:
 - 170 serviced apartments
 - A restaurant and bar with external terrace
 - Conference and meeting room facilities
 - An outdoor swimming pool and terrace
 - Basement parking
 - Trackside bar
 - Associated infrastructure works, landscaping, conservation works and signage.

Condition A7 of SSD-5002-2011 states:

A7. Limits of this consent

This consent will lapse five years from the date of this consent unless the building works associated with the application have physically commenced.

Figure 3 – RRR Hotel Perspective



Source: Tonkin Zulaikha Greer Architects

4. SECTION 4.55(1) APPLICATION

The proposed modification has been prepared in consultation with the Department of Planning, Infrastructure and Environment (DPIE) regarding a minor error or misdescription under the consent, confirming that a minor amendment to Condition A7 via a s4.55(1) application should be prepared and lodged to DPIE. Section 4.55(1) of the EP&A Act allows the consent authority to modify a development consent to correct a minor error, misdescription or miscalculation.

In light of the above, this s4.55(1) application is submitted in accordance with the EP&A Act. This section details the proposed amendment of Condition A7 in Development Consent SSD-5002-2011 which is proposed to be modified to facilitate physical commencement of works. There are no changes proposed to any other conditions or approved documentation.

4.1. CONDITION A7 – LIMITS OF CONSENT

This condition is to be modified, with text which is to be removed is identified below as strikethrough:

A7. Limits of this consent

This consent will lapse five years from the date of this consent unless the ~~building~~ works associated with the application have physically commenced.

The proposed amendment is intended to align Condition A7, which currently refers specifically to **“building works”**, with the statutory test for physical commencement in section 4.53(4) of the EP&A Act which refers to **“building, engineering or construction work”**.

Condition A7 is limiting and it is not clear why only building works are required to physically commence the consent. The statutory test is much broader and Condition A7 should align with that test to prevent unnecessary uncertainty for the Minister for Planning and Public Spaces, the Applicant and the public.

As such, this proposal seeks consent to modify Condition A7 to align with the relevant provisions of the EP&A Act and the standard wording of other SSD approval conditions. The concept of **“works”** would capture engineering, construction and building works, as opposed to the more limited **“building works”**. **“Works”** will be able to be physically commenced in accordance with section 4.53(4) of the EP&A Act prior to the consent lapsing.

5. CONCLUSION

This report has detailed the proposed modification to SSD-5002-2011 under the provisions of section 4.55(1) of the EP&A Act, which allows the consent authority to modify a development consent to correct a minor error, misdescription or miscalculation. In this case, it is solely to align condition A7 with the statutory test for physical commencement.

The proposed modification will have no environmental impacts, does not change the nature of the development as approved.

The proposal is considered satisfactory under section 4.15 of the *Environmental Planning and Assessment Act 1979* and as such is recommended that approval be granted for this modification application at the earliest opportunity.



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