

# WILLOWTREE PLANNING



27 March 2023

REF: WTJ22-457

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Randwick City Council  
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Lodged via the NSW Planning Portal

**Attention: Ferdinando Macri**

**RE: REQUEST FOR ADDITIONAL INFORMATION - DA/414/2020/A  
PROPERTY AT 172, 174, 176, 178, 180 ANZAC PARADE & 116R TODMAN AVENUE, KENSINGTON**

Dear Ferdinando,

I refer to the Request for Additional Information (RFI) and Randwick Design Excellence Advisory Panel (DEAP) Endorsed Recommendations provided by Council in relation to the S4.56 Application No. DA/414/2020/A for modifications to the approved student accommodation development.

Please refer to the following letter itemising each item and recommendation. The letter provides the applicant's response/clarifications to each matter raised in the RFI (Part A of this letter) and the DEAP Recommendations (Part B of this letter). Supporting evidence and amended plans are also provided at the following appendices:

|                   |                                           |
|-------------------|-------------------------------------------|
| <b>Appendix 1</b> | Amended QS Report                         |
| <b>Appendix 2</b> | Amended Architectural Plans               |
| <b>Appendix 3</b> | Ground Floor Activation Diagram           |
| <b>Appendix 4</b> | Amended Operational Waste Management Plan |
| <b>Appendix 5</b> | Amended Architectural Renders             |

We trust the attached information satisfactorily closes out the queries raised by Randwick City Council in the RFI and DEAP Recommendations.

If you have any queries or concerns in relation to the above and/or attached, or if you require any further clarification, please do not hesitate to contact the undersigned.

Yours sincerely,

Asher Richardson  
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## **Part A - Request for Additional Information**

### **1. Cost Estimate**

*Council notes that a revised cost estimate has not been submitted to accompany the subject modification proposal. The lack of a revised estimate was also identified by the Department of Planning and Environment and this documentation will need to be provided to enable the registration of the application with the Regional Planning Panel.*

#### Applicant comment:

A revised cost summary report was provided to Council on 6 February 2023. The updated QR Report is provided at **Appendix 1** for completeness. It is considered that this matter has been satisfactorily addressed.

### **2. Non-residential floor space and street activation**

*From an assessment of the approved plans against the modification proposal, it appears that the previous compliance with the 1,024sqm (1:1) requirement for non-residential floor space has been reduced to 935sqm, as a result of additional commercial voids and the reduction of ground floor retail unit sizes.*

*The 1:1 requirement is a development standard under Clause 6.19 of the Randwick LEP and any variation from the approved allocation would need to be adequately justified for Council assessment. Particularly in relation to the reduction of Retail Unit 1 from 143sqm to 103sqm and the reduced façade activation that results from the proposed location of the comms room, the hydrant booster and the larger student accommodation lobby.*

*In terms of activation, Council notes that there is no change proposed to the Anzac Parade Frontage under the subject modification but that the Todman Street frontage is impacted by the reconfiguration of the residential lobby and the relocation of the substation and hydrant booster. Further refinement should be undertaken to reinstate the former size of Retail Unit 1 and provide for a non-residential floor space allocation that is more in keeping with the proportion approved in the original proposal.*

#### Applicant comment:

Amended Plans have been prepared and are provided at **Appendix 2**. The amended plans have reconsidered the non-residential floor space ratio (FSR) and street activation of the ground floor level.

Every effort has been made to seek compliance with the 1:1 non-residential floor space development standard prescribed by Clause 6.19 of Randwick Local Environmental Plan 2012 (RLEP 2012). The non-residential floor space has been increased marginally from 935sqm to 937sqm as a result of further design refinement.

It is noted that whilst the overall non-residential GFA has been reduced, the quantity of retail GFA has increased as part of the Modified Proposal. The size of Retail 1 has been reduced from 143 to 102, and the size of Retail 2 has been increased from 71sqm to 115sqm and therefore, there is actually an increase in retail GFA across the Site of 3sqm.

Council's RFI has identified that Clause 6.19 of RLEP 2012 is a development standard, and therefore the numerical requirements of the development standard may be varied by Council subject to a written variation request addressing the requirements of Clause 4.6 of RLEP 2012.

It is noted that while a Clause 4.6 request is not technically required for a S4.56 Modification Application, a merit-assessment of the variation to Clause 6.19 of RLEP 2012 is provided below:



#### **Clause 4.6 Variation – Merit Assessment of the Variation to the Development Standard for non-residential floor space ratios at Kensington and Kingsford town centres**

Clause 6.19 - non-residential floor space ratios at Kensington and Kingsford town centres is a development standard pursuant to RLEP 2012. The Site is subject to a non-residential FSR of 1:1 as shown on the Non-Residential Floor Space Ratio Map accompanying RLEP 2012.

The Original Consent approved a non-residential gross floor area (GFA) of 1,024sqm and a non-residential FSR of 1:1. The Modified Proposal results in a non-residential GFA of 937sqm and a non-residential FSR of 0.915:1. The Modified Proposal results in 87sqm less non-residential GFA to that of the approved development and presents a variation of 87sqm (8.5%) from the development standard.

The purpose of this section is to provide sufficient justification in accordance with Clause 4.6(3) which provides the following:

*Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

These matters are addressed below:

#### **Compliance with the development standard is unreasonable or unnecessary.**

The common approaches to demonstrate that compliance with a development standard is unreasonable or unnecessary are set out in *Wehbe v Pittwater Council [2007] NSWLEC 827 [Wehbe]*. Further, case laws such as *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90*, *Randwick Council v Micaul Holdings Pty Ltd [20176] NSWLEC 7* and, most recently, *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*, have confirmed that adopting the Wehbe principles remains an appropriate approach.

There are five alternatives set out in *Wehbe*, but only one need be satisfied as provided in the table below:

| <b>TABLE 1. WHEBE PRINCIPLES</b>                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|---------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Principles</b>                                                                                       | <b>Response</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| The objective of the development standard is achieved notwithstanding non-compliance with the standard. | <p>The objective of the development standard is achieved, as demonstrated below notwithstanding noncompliance with the standard.</p> <p><i>(1) The objective of this clause is to ensure that a suitable level of non-residential floor space is provided to promote commercial and retail activity within the Kensington and Kingsford town centres.</i></p> <p><b>Response:</b> The Modified Proposal is considered to promote commercial and retail activity within the Kensington and Kingsford town centres.</p> <p>The Modified Proposal provides 937sqm of non-residential GFA. The non-residential GFA is distributed as follows:</p> <ul style="list-style-type: none"> <li>• 937sqm of retail and commercial GFA on the ground floor level, including: <ul style="list-style-type: none"> <li>○ 217sqm of retail GFA across Retail 1 and Retail 2</li> <li>○ 108sqm of commercial lobby and back of house servicing</li> </ul> </li> </ul> |



**TABLE 1. WHEBE PRINCIPLES**

| Principles | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <ul style="list-style-type: none"> <li>612sqm of commercial GFA on Level 1</li> </ul> <p>The proportion of non-residential GFA on the Site is considered to satisfy the objectives of the development standard in the following manner:</p> <ul style="list-style-type: none"> <li>The Modified Proposal provides larger retail tenancies than those originally approved. Whilst the size of Retail 1 has been reduced from 143 to 102, the size of Retail 2 has been increased from 71sqm to 115sqm and therefore, there is an increase in retail GFA across the Site. The Modified Proposal provides an additional 5sqm of retail GFA across the Site.</li> <li>The quality of the retail GFA on the ground floor level has been improved. The Modified Proposal provides 33.3 linear metres of active retail frontage to Anzac Parade and at the corner of Todman Avenue to support the visibility of the retail uses as illustrated on the ground floor activation diagram at <b>Appendix 3</b>. The approved development provided 28.2 linear metres of active retail frontage and therefore the Modified Proposal results in an increase of 5.1 linear metres of frontage at the crucial interface with Anzac Parade and the corner of Todman Avenue.</li> <li>The approved commercial tenancy on Level 1 has been reduced in size from 638sqm to 612sqm. The loss of 26sqm results in a 4% reduction in commercial floor space. Notwithstanding, the reduced GFA is a result of enlarged voids to the ground floor level, which results in an overall improved amenity to the commercial tenancy.</li> </ul> <p>The intent of the development standard is further discussed in Part 5 of the K2K DCP, which provides the following explanation of intent:</p> <p><i>“A minimum non-residential FSR is applicable to strategic node sites at the Todman Square, Kingsford Midtown and Kingsford Junction Precincts to ensure there is sufficient floor space available to accommodate employment, retail and commercial services. A concentration of non-residential floor space at these strategic sites would foster vibrant nodes of activity near light rail stops, providing for a mix of shops, hospitality related businesses, creative and innovation spaces and other commercial services to serve the needs of residents, workers and visitors”</i></p> <p>In accordance with the above, the ground floor retail and Level 1 commercial GFA provides sufficient floor space to accommodate employment, retail and commercial services, providing for a mix of shops, hospitality related businesses, creative and innovation spaces and other commercial services to serve the needs of residents, workers and visitors.</p> <p>The Proposal provides 2 x retail tenancies that both now exceed 100sqm, and a generous commercial tenancy space on Level 1 that can be flexible and adapted to future commercial tenancy needs.</p> <p>Given the above, the Modified Proposal is considered to achieve the objective of the development standard notwithstanding non-compliance with the standard, and therefore compliance with the</p> |



| TABLE 1. WHEBE PRINCIPLES                                                                     |                                                                                       |
|-----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| Principles                                                                                    | Response                                                                              |
|                                                                                               | development standard is unreasonable or unnecessary in the circumstances of the case, |
| The underlying objective or purpose of the development standard is not relevant.              | Not applicable.                                                                       |
| The underlying objective or purpose would be defeated or thwarted if compliance was required. | Not applicable.                                                                       |
| The standard has been abandoned or destroyed.                                                 | Not applicable.                                                                       |
| The zoning of the land was unreasonable or inappropriate                                      | Not applicable.                                                                       |

### **Sufficient environmental planning grounds**

There are sufficient environmental planning grounds, despite non-compliance with the development standard as follows:

- The Modified Proposal provides larger retail tenancies than those originally approved. Whilst the size of Retail 1 has been reduced from 143 to 102, the size of Retail 2 has been increased from 71sqm to 115sqm and therefore, there is an increase in retail GFA across the Site. The Modified Proposal provides an additional 5sqm of retail GFA across the Site.
- The quality of the retail GFA on the ground floor level has been improved. The Modified Proposal provides 33.3 linear metres of active retail frontage to Anzac Parade and at the corner of Todman Avenue to support the visibility of the retail uses. The approved development provided 28.2 linear metres of active retail frontage and therefore the Modified Proposal results in an increase of 5.1 linear metres of frontage at the crucial interface with Anzac Parade and the corner of Todman Avenue.
- The approved commercial floor space on Level 1 has been reduced in size from 638sqm to 612sqm. The loss of 26sqm results in a 4% reduction in commercial floor space. Notwithstanding, the reduced GFA is a direct result of enlarged voids to the ground floor level, which results in an overall improved amenity to the development and facilitates tree planting to the Scape lobby below.
- It is noted that the Proposal results in 3sqm additional retail floor space on the ground floor, and a reduction of 26sqm of commercial floor space on Level 1 and therefore the actual loss of retail/commercial floor space is negligible.
- The relocation of the substation from the basement level to the ground floor level results in a minor loss of non-residential GFA from the ground floor level amounting to approximately 25sqm. The relocation is to facilitate authority approval and is largely unavoidable.
- The expansion of the ground floor comms room, waste management rooms, and other service areas to provide sufficient space to be fit for purpose constitutes the remainder of the loss of non-residential GFA. The loss of GFA relates to the conversion of parts of the ground floor to areas excluded by GFA calculations to facilitate the efficient operation of the development and is unavoidable in this regard.

On balance, the proposed non-compliance is considered to achieve a planning purpose by providing a well-designed retail and commercial floor space in a suitable location. These benefits are in absence of any significant additional adverse streetscape or amenity impacts. Therefore, having regard to the above, there are sufficient environmental planning grounds to permit variation to the development standard for non-residential FSR.



As demonstrated, the proposed development, as modified, will comprehensively meet the objectives of the development standards for non-residential FSR and will continue to meet the zone objectives of the zone. The Modified proposal will generate the economic benefit of strengthening the employment area and supporting its viability.

Accordingly, the consent authority can be satisfied that it is in the public interest to vary the standard for the purpose of the Modified Proposal. There are no unreasonable impacts that will result from the proposed variation to the non-residential FSR development standard. The flexibility enabled by Clause 4.6 will, in this case, produce a better environmental planning outcome than would result from strict compliance.

### **Street activation**

The Modified Proposal includes the relocation of the electricity substation from the basement level to the ground floor level along the Todman Avenue frontage. The new substation location has been designed to comply with authority requirements and the design has now been submitted to Ausgrid and approval is imminent. Whilst the substation has to be located at the street frontage, the architectural plans have been amended to provide a continuous glass facade to ensure the substation is not visible from the street frontage, and access to the substation has been aligned to the internal driveway, so as not to require any access from the street elevation.

The amended architectural plans have also been amended to relocate the fire control room away from the Anzac Parade façade so as to provide additional active retail frontage to Anzac Parade.

It is considered that overall, the quality of the retail GFA on the ground floor level has been improved. The Modified Proposal provides 33.3 linear metres of active retail frontage to Anzac Parade and at the corner of Todman Avenue to support the visibility of the retail uses as illustrated on the ground floor activation diagram at **Appendix 3**. The approved development provided 28.2 linear metres of active retail frontage and therefore the Modified Proposal results in an increase of 5.1 linear metres of frontage at the crucial interface with Anzac Parade and the corner of Todman Avenue.

The amended proposal is considered to be a satisfactory balance between authority and servicing requirements and the desire to provide an active frontage to Anzac Parade and Todman Avenue.

### **3. Waste Management**

*Confirmation is sought on whether the proposed residential waste area has been designed as an automated waste collection system in accordance with Council's endorsed policy. Given that this may reduce the required portion of the ground plane for waste services and enable an improved residential lobby configuration through the relocation of the substation further from the Todman Street frontage.*

#### Applicant comment:

The Architectural Plans indicate the residential waste room has been designed to accommodate an Automated Waste Collection System (AWCS) in accordance with Council's endorsed policy. It is noted that the area allocated to the residential waste room cannot be further reduced in consideration of the substation, as it will affect the operation of the AWCS.

The location of the substation and the size of the waste area have been carefully considered and, pursuant to other comments provided throughout this letter in relation to the substation, the current scheme is considered to be the best possible outcome on balance, considering the circumstances.

An amended Waste Management Plan is provided at **Appendix 4**.



#### 4. Transport for NSW

*The authority's referral response has requested that the outdoor terrace, balconies and external windows facing Anzac Parade and the Light Rail corridor are redesigned in accordance with Section 5.4 of the ASA Standard T HR CI 12090 ST Airspace and External Developments Version 1.0, as a part of the subject modification proposal. In the aim of avoiding the requirement for further modifications to address previously recommended consent conditions of the original approval.*

##### Applicant comment:

The amended architectural plans provided in **Appendix 2** have been amended to include notation specifying that the outdoor terrace, balconies and external windows fronting Anzac Parade have been designed in accordance with *Section 5.4 of the ASA Standard T HR CI 12090 ST Airspace and External Developments Version 1.0*. The following amendments have been made to the plans:

- 2m high glazed balustrade introduced to the outdoor communal area on Level 2 to comply with Section 5.4 of the ASA Standard T HR CI 12090 ST Airspace and External Developments Version 1.0.
- Notes on West Elevations indicating operable windows will have restricted openings as per Section 5.4 of the ASA Standard T HR CI 12090 ST Airspace and External Developments Version 1.0

It is noted that the balustrade along the Anzac Parade frontage of the Level 2 outdoor communal open space has been increased in height compared to the original plans submitted as part of the subject S4.56 Application. The intent to provide clear glazing rather than extend the proposed metal balustrade is to provide a clear, lightweight balustrade so as to not detract from the retained heritage parapet.

#### 5. Commercial Void Design

*Clarification is sought on the positioning of the three proposed commercial (Level 1) void areas, whilst it is noted that the void on the Anzac Parade frontage will interface with commercial lobby. It appears that the other two voids will align with the student accommodation lobby and waste servicing areas on the ground floor. Council also notes that the proposed student accommodation void will also connect with the communal level above and this interface would result in potential acoustic conflicts for each of these uses.*

*It is requested that the rationale for the alignment of each of these void areas is clarified by the design team and that Section BB is amended to confirm whether the commercial floor will be isolated from the student accommodation uses.*

##### Applicant comment:

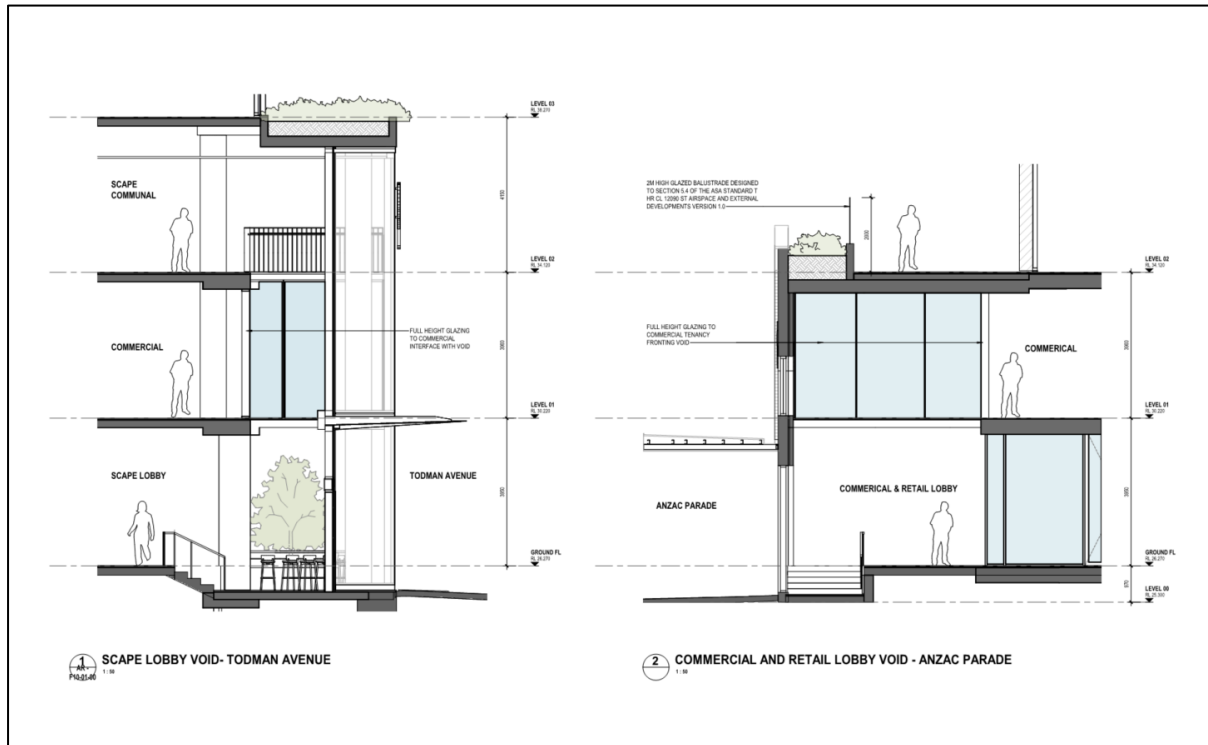
The comments regarding the commercial void design have been taken on board, and amended plans and additional documentation has been provided at **Appendix 2** to clarify the void design. There are three areas labelled 'void' on the architectural plans that pass-through Level 1 of the building, as follows:

- Void to western part of building, from commercial lobby through to commercial floor area on Level 1;
- Void to eastern part of building containing the waste chute and acting as a services riser; and
- Void to southern part of building, from Scape lobby through commercial floor area on Level 1 to Scape communal space on Level 2.

It is acknowledged that the RFI comments raise no concern over the void to the western part of the building, nothing that this void is commercial floor space on both levels. The amended plans provided at **Appendix 2** have clarified that the 'void' to the eastern part of the building is in fact a services riser, including the waste chutes to the ground floor waste servicing areas. For clarity, the 'void' notation to this space has been deleted and replaced with 'services riser' on the amended plans at **Appendix 2**.



The void to the southern part of the building above the Scape residential lobby provides full height glazing surrounding the void at Level 1. The full height glazing prevents any potential acoustic conflicts between the lobby and commercial uses. The architectural plans have been amended to provide notes and clarifications to the void spaces. The plans note full height glazing to the commercial tenancy fronting the void and detailed lobby sections are provided to demonstrate the arrangement more clearly. The Lobby Section is reproduced in **Figure 1** below:



**Figure 1. Lobby Sections**

## 6. Referral Status

*It is advised that the DA planning team are currently awaiting the finalisation of referral comments from the Design Excellence Panel, Heritage Planning and Engineering. Once received these will be issued to the project team as separate correspondence.*

### Applicant comment:

It is noted that the DEAP recommendations have been circulated and are discussed in detail in Part B of this letter below. It is understood that Heritage Planning and Engineering referrals may be outstanding. Any outstanding concerns may be addressed with conditions of consent.





## **Part B – DEAP Recommendations**

*The Panel raises no objection in principle as the design of the scheme is substantially the same, however the comments below should be further considered by the design team in ongoing design development:*

### **1. Relocation of substation**

The Panel queried whether the relocation of substation to street frontage was an authority requirement or a consequence of internal planning changes. It is always preferable to maximise active frontages for this scale and type of development, and further investigation to retain the substation where previously located is recommended.

#### Applicant comment:

It is noted that the relocation of the electricity substation from the basement level to the ground level and Todman Avenue frontage of the development was to facilitate Ausgrid approval. Notwithstanding, the entrance of the substation has been redesigned to face the internal driveway, away from the Todman Avenue frontage. The amended architectural plans at **Appendix 2** provides a continuous glass facade along this part of the southern elevation. The glass along the 5 metres of the substation frontage to Todman Avenue is integrated into the design of the southern elevation and hides the appearance of services from the footpath.

The provision of the feature screen and reorientation of the substation to front the internal driveway provides a balance between compliance with Ausgrid requirements for access and the desire to provide an active frontage to Todman Avenue

### **2. Deletion of vertical landscape slot**

The deletion of the vertical landscape slot from the tower should be balanced with compensating green element infrastructure elsewhere in the scheme.

#### Applicant comment:

It is understood that the above comment from the DEAP is referring to the 1m x 1m planter bed as seen on the floor plan of Levels 03 to 09 (see **Figure 2**). The planters were removed from the scheme as a result of detailed design development for the following reasons:

- The proposed planter beds as shown on the West Elevation of the BVN scheme constitutes a waterproofing issue; and
- The proposed planter beds are located on the external of the building behind a fixed closed window. The maintenance of the planter beds would be extremely difficult and would require additional service access.

**Figure 3** provides a comparison of the approved development and the Modified Proposal. Whilst the recommendations of the DEAP have been taken into consideration, the removal of the vertical element was a result of detailed design development and was determined to be unfeasible for maintenance and waterproofing issues and is considered to be a minor cosmetic amendment to the scheme only.

Furthermore, **Figure 4** below provides a comparison of the approved development render and the Modified Proposal render. It is evident from the render that the landscaping element is not visible or prominent and is a minor element only when viewed in the context of the entire scheme.

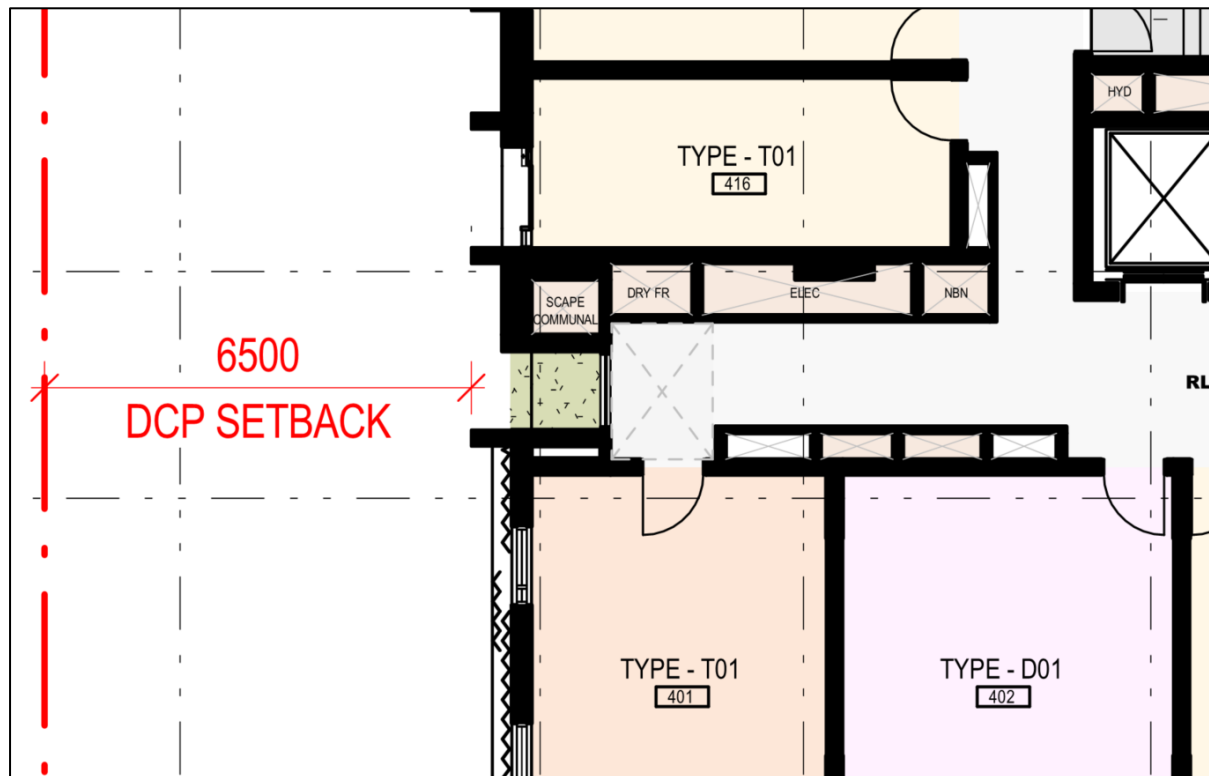


Figure 2. Approved planted beds showed on Levels 03 to 09.

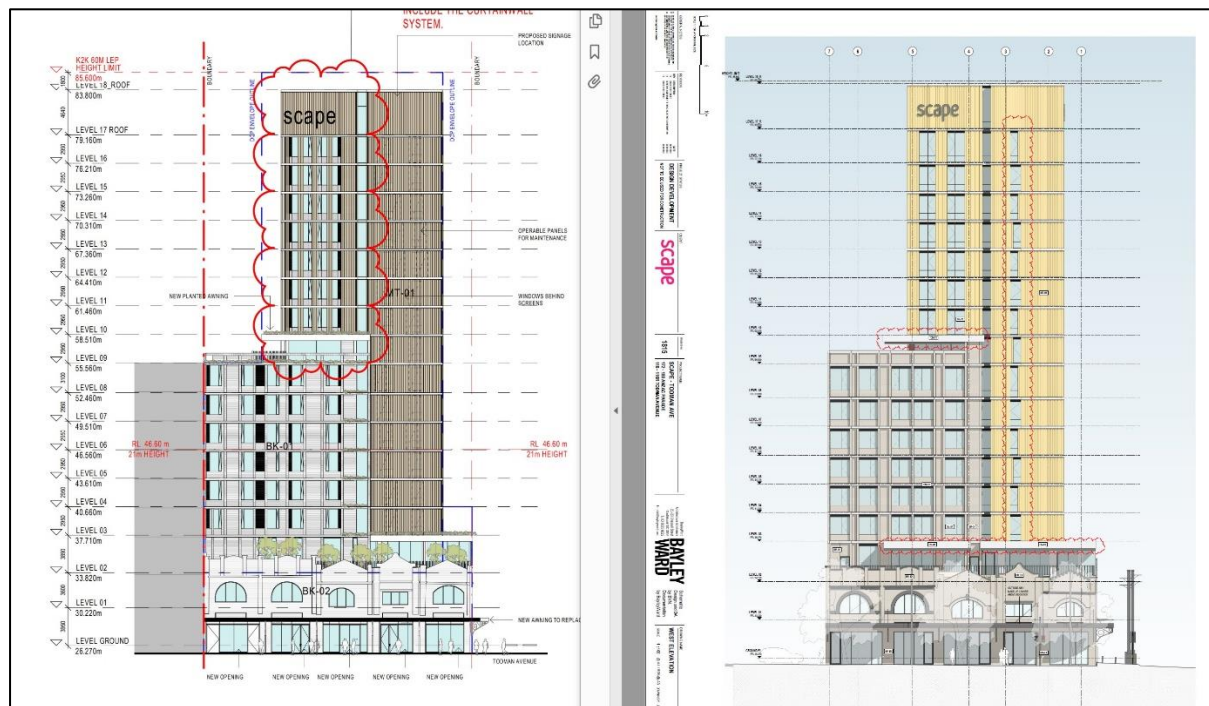


Figure 3. Comparison of West Elevation of the approved and modified scheme.



**Figure 4. Comparison of renders of the approved and modified scheme.**

### **3. Ceiling detailing**

*The replacement of roof garden with communal library is accepted, however the clarity of the various gold-coloured ceilings both here and elsewhere (as depicted in the previous corner photomontage of the development) should be retained.*

#### Applicant comment:

The Applicant has taken into consideration the comments from the DEAP. It is noted that the amended architectural render and construction certificate drawings will ensure that the ceiling detail to the communal library and elsewhere on the development is comparable to the approved scheme. This matter can be addressed as part of the ongoing design development of the scheme.

### **4. Quality of Architectural render**

*The informal visual “liveliness” of the various tower facades in the original render appears to have been diluted by a more regularised expression of the facade grid and deletion of sliding screens. The design team advised that this was more a problem with the lower quality of the updated render however. The Panel suggested that the new render should therefore be brought up to the same quality of the previous so that an accurate comparison can be made.*

#### Applicant comment:

The Applicant has taken into consideration the comments from the DEAP. A revised Architectural Render has been prepared and is provided at **Appendix 5**.



## 5. Communal Open Space

*The Panel queried the loss of communal open space by provision of a library, noting that minimum outdoor space requirements for residents should be provided.*

### Applicant comment:

The Applicant has taken into consideration the comments from the DEAP and noted that the panel was generally supportive of the amendments to the rooftop level. It is considered that the conversion of the communal open space area to library improves the internal amenity of the building for residents. Neither the Randwick DCP, nor the former *State Environmental Planning Policy (Affordable Rental Housing) 2009* prescribe minimum communal open space areas for student accommodation/boarding house developments.

Notwithstanding, the podium level communal open space provides 230sqm for residents, which achieves sufficient solar access and is considered to be satisfactory. A further 512sqm of communal living space is also provided, equating to 3.65sqm of communal open space per resident in the building.

As discussed in the SEE, the savings provisions of *State Environmental Planning Policy ((Housing) 2021 (Clause 2(1)(d))* state that the Housing SEPP does not apply to a “development consent granted on or before the commencement date”. The commencement date is the date on which the Housing SEPP commenced and is 26 November 2021 and therefore the provisions of the Housing SEPP do not apply to the Modified Proposal. Notwithstanding, the Housing SEPP prescribes the following controls in relation to communal living area and communal open space:

### **24(2) non-discretionary development standards:**

- (g) for a boarding house containing more than 6 boarding rooms—
  - (i) a total of at least 30m<sup>2</sup> of communal living area plus at least a further 2m<sup>2</sup> for each boarding room in excess of 6 boarding rooms, and
  - (ii) minimum dimensions of 3m for each communal living area,
- (h) communal open spaces—
  - (i) with a total area of at least 20% of the site area, and
  - (ii) each with minimum dimensions of 3m

Pursuant to Clause 24(2)(6), the Modified Proposal contains 175 boarding rooms and is therefore required to provide 368sqm of communal living area. The Modified Proposal provides 512sqm of communal living area and therefore significantly exceeds this requirement.

Pursuant to Clause 24(2)(6), the Modified Proposal is required to provide 204.8sqm of communal open space (20% of 1,024sqm). The Modified Proposal provides 230sqm of podium level communal open space and therefore exceeds this requirement.

Whilst it is reiterated that the Housing SEPP is not applicable to the development, the benchmarks provided therein for boarding house developments can be easily complied with as part of the Modified Proposal.

## 6. Façade construction detail

*The façade is proposed to be changed from a floor-to-floor infill system to a curtain wall. The Panel has no objection to this in principle, however the proposed construction details seem to be intent on retaining the “floor to floor” projected slab edge expression of the approved scheme. This may create cost, detail and waterproofing issues and a more conventional curtain wall expression on some elevations may be a better approach.*

Applicant comment:

The Applicant has taken into consideration the comments from the DEAP. The tender for construction of the development has recently been advertised and the construction certificate drawings will include detail on façade construction.

The Applicant will ensure that the look and feel of the façade construction will be comparable with the approved architectural plans and render.

**7. Parapet detail**

Deletion of the typical expressed slab edge band at the top of the building may provide a more refined parapet detail than is now proposed.

Applicant comment:

The Applicant has taken into consideration the comments from the DEAP. The tender for construction of the development has recently been advertised and the construction certificate drawings will include detail on the parapet detail.

The Applicant has provided two renders (see **Appendix 5**) illustrating the proposed parapet detail and the parapet detail as suggested by the DEAP for comparison. Notwithstanding, the Applicant will ensure that the parapet detail will be comparable with the approved architectural plans and render. The preference is to retain the parapet detail as illustrated in the Architectural Plans and this is considered the superior outcome.

**Conclusion**

We trust the above information satisfactorily closes out the queries raised by Randwick City Council in the RFI.

If you have any queries or concerns in relation to the above and/or attached, or if you require any further clarification, please do not hesitate to contact Asher Richardson by email at [asher.richardson@willowtp.com.au](mailto:asher.richardson@willowtp.com.au) or by phone on 0488010636.

Kind regards



Asher Richardson  
Senior Planner  
Willowtree Planning Pty Ltd