

Joint Regional Planning Panel (Sydney East Region)

JRPP No.	2014SYE103
DA No.	DA/320/2013/A
Local Government area	Randwick City Council
Proposed Development	Section 96 modification of the approved development through basement car park alterations allowing increase to 283 vehicle spaces, changes to retaining walls within the eastern boundary setback, reconfigure ground floor retail to allow for 4 tenancies, increase number of approved units from 100 to 113, reconfigure apartment layouts and increase roof height Original consent: Demolition of the existing buildings and construction of a new part 6 and part 7 storey mixed use development comprising of ground floor retail space, 100 residential dwellings, 3 basement levels of parking, associated site and landscaped works
Street Address	84 - 108 Anzac Parade, Kensington
Applicant	Luxcon 88 Pty Ltd
Owner	Luxcon 88 Pty Ltd
Number of Submissions	10
Recommendation	Approval
Report By	Kerry Kyriacou, DA Manager

1. Executive Summary

Council is in receipt of a Section 96(2) application seeking modification of the consent for DA/320/2013; which was approved by the Joint Regional planning Panel (JRPP) on 27 March 2014. The original approval was for the demolition of the existing buildings and construction of a new part 6 and part 7 storey mixed use development comprising of ground floor retail space, 100 residential dwellings, 3 basement levels of parking, associated site and landscaped works.

The Section 96 modification is seeking to amend the basement car park allowing an increase to 283 vehicle spaces, changes to the method of excavation within the eastern boundary setback, reconfigure ground floor retail to allow for 4 tenancies, increase number of approved units from 100 to 113, reconfigure apartment layouts and increase roof height

The application is referred to the Joint Regional Planning Panel for determination, as the application is made pursuant to S96(2) of the Environmental Planning and Assessment Act 1979 and Part 4 of State Environmental Planning Policy (State and Regional Development) 2011.

This scheme was publicly exhibited and notified and a number of submissions were received from the local residents objecting to the development, mainly on the grounds of excessive height, bulk and scale, overshadowing, loss of privacy, and potential damage to adjoining properties to the east.

Subsequent to the notification / exhibition period, a further set of amended plans were submitted to Council. The plans were amended to address concerns raised by Council's Design Review Panel. They include;

- reconfiguration of a number of units to improve cross ventilation.
- relocate garbage chute.
- removal of domes within awning.
- replacement of angled roof facing east within screen to plant areas.
- reconfiguration of roof form.
- redesign of eastern boundary retaining walls
- colour backed glass added to Anzac Parade retail façade below floor level.
- posts added to support cantilever awning to roof.
- screening added to level 9 and 10.
- additional “windows” introduced to lobbies to improve light and ventilation

These amended plans have not been renotified as they have lessened the amenity impacts on the streetscape and neighbouring properties. They constitute “the current” plans and are therefore the subject of this assessment.

The proposed modification would result in the building being increased in height to a maximum of 27.4m well beyond the maximum height limit of 25m pursuant to RLEP 2012. The increase in the overall height of the building is 2.55m higher than that approved and arises from the amended roof form which has a bulky appearance and awkward shape. The proposed roof will compromise the aesthetics of the building by not providing a coherent architectural language and resolution in its overall appearance. The overstated pitched roof form to Anzac Pde and combination of open screening to plant areas to the rear appears piecemeal and does not provide for a coherent expression of the top of the building or is effective in reducing the visual intrusiveness of the service elements. As such, a suitable condition is included in the recommendation requiring building to be reduced in height to be more consistent with the approved height and the roof form be redesigned to better integrate with the architectural form of the building.

The increase in the number of apartments within the building from 100 to 113 has been achieved by reducing the number of cross through apartments and results in the residential floor plates of the building being dominated by a double loaded arrangement. The use of the “slots” to allow for a double loaded arrangement of the floor plate was not considered by Council in the original assessment of the application as being adequate to allow suitable levels of amenity both in terms of light and ventilation to the apartments. Notwithstanding, the JRPP have accepted this approach as an appropriate design solution. However, the extent of operable glazing to the external walls along the “slots” would appear to be reduced, thereby lessening the ability to provide good levels of light and ventilation. As a significant proportion of the apartments will be reliant on the “slots” for light and ventilation, it is critical that these openings be maximised. A suitable condition is included in the recommendation requiring the amount of operable glazing to be increased consistent with the approved plans.

The S96A application seeks to change the method of excavation and departs from the approved Aurecon shoring scheme reverting to a more traditional diaphragm type wall. The basement wall setbacks from the boundary are proposed to be drastically reduced to only 200mm at the southern end and 1600mm at the northern end. A “Root Mapping Report” was prepared by the applicant and indicates that the amount of roots on the subject site would be minimal, and that the extension of the basement would not comprise roots which are critical to the future health and stability of the trees. On this basis, Council’s Landscape officer anticipates that performing the works at the approved setbacks would not have a major impact on any of their root systems. However, by relocating the basement wall closer to the boundary and to the trees, it would result in an unacceptable and unsustainable amount of pruning, with root damage also likely to occur during installation of the

ground anchors at such a close setback. The retention of the trees to the east were an essential element of the original approval in that they provided effective screening and softening of the appearance of mass associated with a 7 storey building that extends for a length of almost 100m. The extension of the basement and its amended method of excavation/construction is not supported and is recommended for deletion.

The proposed modifications relating to the roof form, increase in number of apartments and new shops at the ground floor would do not give rise to unacceptable amenity impacts and would generally maintain the physical massing of the approved development, if implemented in accordance with the recommended conditions. The proposed change to the method of excavation and extension of the basement are unacceptable and should be deleted for the proposed modifications.

2. The Proposal

The current Section 96 application seeks approval for modifications to the approved scheme arising from a change in the mix of apartments and modifications to floor plans at all levels including the basement.

The proposed modifications are detailed below:

Basement 3 (level 1)

- Modify ramp and circulation
- Modify service and access cores
- Reconfiguration of car parking spaces (total of 110 spaces)

Basement 2 (level 2)

- Modify ramp and circulation
- Modify service and access cores
- Reconfiguration of car parking spaces (total of 101 spaces)

Basement 1 (Level 3)

- Escalators removed
- Modify Ramp to 82
- Modify service and access cores
- Reconfiguration of car parking spaces (total of 72 spaces)

Ground floor

- Subdivision of retail tenancy into three (3) tenancies
- Amended levels to shopfront
- New lift to retail tenancy
- Escalators removed
- One residential loading bay removed
- Substation room modified

New mezzanine level

- New gymnasium

Levels 5 – 9

- Amend apartment layouts
- Reduce number of flow through apartments
- Fenestration changes

- Increase in total number of units from the approved 100 units to 113 units (increase of 13 units).

Level 10

- Reconfiguration of unit layouts
- Use of existing massing within approved roof space for the purposes of bathrooms and circulation space.

Roof

- Alteration in roof form mainly to accommodate mechanical plant requirements
- Results in increase to roof height

General

- Amended excavation/construction method, which results in a tapered setback from the eastern boundary measuring 1.68m in the north-eastern corner to 185mm in the south-eastern corner of the site (notably underground).
- Tiered wall on eastern elevation has been amended to allow for a "mounded" landscaped approach.
- Pool on level 5 has been reduced in size.
- Amended landscape design to accommodate reduced pool and modified rear boundary setback.
- Amended conditions reflecting the above physical modification and other procedural matters.

The table below contained in the SEE accompanying the S96 applications summarises the development statistics as approved and proposed to be modified

Table 1: Development statistics

Proposal Overview	Approved under DA320/2013	Proposed Modification
No. of dwelling units	100	113
Apartment mix	1 bedroom: 22 2 bedroom: 65 3 bedroom: 13 Total= 100	Studio & 1 bed = 43 2 bed= 49 3 bed= 21 Total = 113 units
Max. studio and 1 bed Require: Max of 40%	22/100 = 22%	43/113-38%
Parking	Basement 1 = 68 spaces Basement 2 = 88 spaces Basement 3 = 100spaces Total = 257 spaces	Basement 1 = 72 spaces Basement 2 = 101 spaces Basement 3 = 110 spaces Total = 283 car spaces Total 52 bicycle spaces Total 10 motorbike spaces
GFA	10,772sqm	10,827sqm
Max Building Height and Number of	25m 6 storeys plus habitable roof	Majority of building = 25m 27.5m to architectural roof

Storeys		feature 6 storeys plus habitable roof (7 th storey)
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The applicant is also seeking to modify the Section 94A Development Contributions condition to allow them to be paid in cash, bank cheque or by credit card on a pro-rata basis at the excavation/ground works stage and the building construction stage.

Amended scheme

The applicant has made further amendments to the proposed modification in response to the Design Review panel comments. They include;

- reconfiguration of a number of units to improve cross ventilation.
- relocate garbage chute.
- removal of domes within awning.
- replacement of angled roof facing east within screen to plant areas.
- reconfiguration of roof form.
- redesign of eastern boundary retaining walls
- colour backed glass added to Anzac Parade retail façade below floor level.
- posts added to support cantilever awning to roof.
- screening added to level 9 and 10.
- additional "windows" introduced to lobbies to improve light and ventilation.

Approved development DA/320/2013

DA/320/2013 was approved by the JRPP on 29 May 2014 for demolition of existing structures and construction of a part six (6), part seven (7) storey mixed use development, comprising three (3) basement levels with 257 car spaces, ground floor supermarket with loading dock and 100 residential units above. Associated excavation, dewatering and landscaping works were included.

Subject Site

The subject site is known as 84- 108 Anzac Parade, Kensington. It has a 96 metre frontage to Anzac Parade.

The approved development amalgamates nine (9) individual allotments, previously comprising a run of nondescript one (1) and two (2) storey commercial buildings, some with residential above. The applicant has commenced demolition of the buildings on the site.

The amalgamated site is generally rectangular and of the following dimensions:

Boundary	Length	Land area
Northern, side boundary	39.345 metres	3336m ²
Western, Anzac Parade boundary	96.7 metres	
Southern, Goodwood Street boundary	39.345 metres	
Eastern, rear boundary.	98.81 metres	

3. Community Consultation:

The owners of adjoining and neighbouring properties were notified of the proposed development; and the proposed development was also advertised, in accordance with the DCP – Public Notification. Nine (9) submissions were received from the following properties and one submission was received from a town planning consultant. The

issues raised in the submissions are addressed below and in the subsequent sections of this report.

- 7 Elsmere Street, Kensington
- 15/9-19 Elsmere Street, Kensington
- 23 Elsmere Street, Kensington
- 3 Elsmere Street, Kensington
- 25 Elsmere Street, Kensington
- 29 Elsmere Street, Kensington
- 16/9-19 Elsmere Street, Kensington
- 65 Doncaster Avenue, Kensington
- 5 French Street, Maroubra (property owner 29 Boronia Street, Kensington).
- GPL Planning

Issues	Comments
<ul style="list-style-type: none"> • Damage arising from excavation and construction 	<p>The proposed change to the method of excavation and dewatering is not supported due the significant impact on the canopy of neighbouring trees to east.</p>
<ul style="list-style-type: none"> • Excessive size and scale of building 	<p>The increase in the overall height of the building arises from the amended roof form which has a bulky appearance and awkward shape. The proposed roof will compromise the aesthetics of the building by not providing a coherent architectural language and resolution in its overall appearance. It is recommended by condition that the building be reduced in height to be more consistent with the approved height and the roof form be redesigned to better integrate with the architectural form of the building. In terms of the building depth, the additional floor area has been providing in a new mezzanine level within the approved void area in the basement and as such there is no increase in the physical volume of the building. Similarly, the increase in the number of dwellings is facilitated within the existing building depth and generally involves the conversion of the cross through apartments to a double loaded arrangement.</p>
<ul style="list-style-type: none"> • Car park exhaust vents impacting on amenity of properties to the east. 	<p>The proposed plant for the supermarket is in close proximity to the residential properties to the south east of the site and would exhaust at a height that would adversely impact on these residences. A condition is included in the recommendation that requires this plant to be deleted.</p>
<ul style="list-style-type: none"> • No need for additional retail tenancies 	<p>The new retail spaces are intended to compliment the supermarket component and provide additional uses that will contribute to the economic viability of the town centre.</p>

Issues	Comments
<ul style="list-style-type: none"> Adequacy of rear landscaping 	<p>The proposed amendments to the landscaped buffer to the east would appear to allow more terracing and the widening of the planter box. As the basement is proposed to be extended to the east, it is unclear whether the landscaping in this location will effectively screen the podium wall of the supermarket. As the amended method of excavation is not supported a condition is included requiring the changes in this location to be deleted and for it to revert back to the originally approved design.</p>
<ul style="list-style-type: none"> Traffic hazards due to increased number of vehicles 	<p>The proposed 113 units will generate an additional peak demand of 2.47 trips for the morning and 1.95 for the afternoon over and above what has already been approved. This is not significant and represents less than 2% of the expected vehicle trips generated by the approved development.</p> <p>Traffic associated with the commercial component will not significantly change when compared to the original proposal.</p>
<ul style="list-style-type: none"> No architectural merit to roof and no justification for breaching height limit 	<p>The roof design has been amended so that the rear (eastern) component is replaced with screening for the plant and equipment. The front (western) presents as a particularly bulky structure and is inordinately high given that reasonable floor to ceiling heights can be achieved within a lower pitch. As such, a suitable condition is included in the recommendation requiring the lowering height of the roof structure to be more consistent with the approved height.</p>
<ul style="list-style-type: none"> Reduction in cross through apartments does not ensure quality design 	<p>The use of the "slots" to allow for a double loaded arrangement of the floor plate was not considered by Council in the original assessment of the application as being adequate to allow suitable levels of amenity both in terms of light and ventilation to the apartments. Notwithstanding, the JRPP have accepted this approach as an appropriate design solution. I note that the proposed apartment layouts maximise the opportunities for light and ventilation by siting habitable rooms mostly to the external walls. However, the extent of operable glazing to the external walls along the "slots" would appear to be reduced, thereby lessening the ability to provide good levels of light and ventilation. A condition is including in the</p>

Issues	Comments
	recommendation requiring the amount of operable glazing to be increased consistent with the approved plans.
<ul style="list-style-type: none"> Increased bulk of podium wall to rear 	<p>The proposed amendments to the landscaped buffer to the east would appear to allow more terracing and the widening of the planter box. As the basement is proposed to be extended to the east, it is unclear whether the landscaping in this location will effectively screen the podium wall of the supermarket. As the amended method of excavation is not supported a condition is included requiring the changes in this location to be deleted and for it to revert back to the originally approved design.</p>
<ul style="list-style-type: none"> Increase in number of apartments and size of the building results in greater solar access and noise impacts and loss of amenity. 	<p>The increase in the number of apartments does not directly translate into any greater impacts in terms of overshadowing as they are provided for within the approved floor plates of the development. A condition is recommended requiring the maximum height to be reduced to be more consistent with that originally approved. As such, any increase in overshadowing will be negligible. In terms of noise, the proposed increase in the population of the building development would be unlikely to generate significant additional noise impacts given that the changes are within the approved building envelope and there is adequate spatial separation between the approved building and the residential properties to the rear.</p>
<ul style="list-style-type: none"> Change to excavation method and impact on neighbouring trees to the east 	<p>The proposed change to the method of excavation and dewatering is not supported due the significant impact on the canopy of neighbouring trees to east</p>
<ul style="list-style-type: none"> Inadequate width of driveway entry 	<p>The condition requiring the width of the driveway to be increased is recommended to be retained.</p>
<ul style="list-style-type: none"> Impacts on car parking capacity in the locality. 	<p>The development is over-compliant with its parking provision for the residential component and will be able to meet its car parking demand on site. Whilst there is a slight deficiency of 7 spaces for the commercial component it less than the deficiency that was originally approved and as such improves the ratio of car parking.</p>
<ul style="list-style-type: none"> Bulky appearance of modified roof form should not be considered an architectural roof feature. 	<p>The roof design has been amended so that the rear (eastern) component is replaced with screening for the plant and equipment. The front (western) presents as a particularly bulky structure and is</p>

Issues	Comments
	inordinately high given that reasonable floor to ceiling heights can be achieved within a lower pitch. As such, a suitable condition is included in the recommendation requiring the lowering of the roof structure to be more consistent with the approved height.
<ul style="list-style-type: none"> Consultation with Sydney Airports is required due to the increase in height 	The height increase is within the height limit previously approved by the authority and does not require a further referral.
<ul style="list-style-type: none"> The retail units at ground floor compromise the approval of the JRPP in allowing the floor area of the supermarket to breach the envelope control. 	The new retail spaces are intended to compliment the supermarket component and provide additional uses that will contribute to the economic viability of the town centre.
<ul style="list-style-type: none"> 121 Units and not 113 units proposed 	The objector would appear to have counted the residential floor space on the roof top level as separate apartments. These spaces are connected to the apartment below providing for a total number of 113 apartments.
<ul style="list-style-type: none"> Inconsistent with objectives of the Zone 	The proposal will be consistent with the objectives of the zone subject to the imposition of appropriate conditions.
<ul style="list-style-type: none"> Increase in density and overdevelopment of the site 	The proposed built form will be consistent with the approved envelope and the increased intensity of use arising from the additional apartments would not result in any significant increase in traffic generation.
<ul style="list-style-type: none"> Breach of envelope control 	Notwithstanding that the approved development did not comply with the envelope control, the proposal subject to the reduction in height will remain consistent with the size and scale of the of the originally approved building
<ul style="list-style-type: none"> Non Compliance with DCP Sections B7 – Transport & D1 Kensington Town Centre. 	The proposal subject to the imposition of conditions contained in the recommendation will remain consistent with the original approval and the objectives of the RDCP 2013.

4. Design Review Panel comments:

The Panel's comments on the proposed modifications are provided below:

"The Panel was informed that this is now an amendment of a current Development Application for this major site, although it is for an adaptation of the design which has now been approved by the JRPP. This is the fourth time the Panel has seen a proposal for this major site, the most recently in October 2013.

The Panel notes that the applicant has again changed architects, and a different architect attended the meeting to the one who prepared the drawings submitted to the Panel. This in itself is a cause for concern, for it is widely seen in the architectural profession that a lack of continuity in the design of the project rarely produces good buildings.

Few of the Panel's previously stated concerns appear to have been substantively addressed in this application - the proposal remains monolithic and risks having an overbearing presence in the street, with many apartments of compromised amenity and environmental performance.

The Panel is familiar with the site and the broader Kensington Town Centre. Previous comments are retained, with new comments added in ITALICS UNDERLINED IN CAPITALS.

1. Relationship to the Context of the Proposal

The site is located on the eastern side of Anzac Parade in the Kensington Town Centre. Goodwood Street forms the southern boundary, while a 6 storey apartment building generally conforming to the Town Centre DCP has a party wall on the northern boundary. An assortment of houses and apartment buildings have their rear gardens adjoining the common boundary. The site is extremely well placed in relation to a range of public places and public transport, which is about to be further improved following the announcement of the tramline.

The proposal has an extensive frontage of almost 100 metres to Anzac Parade (#106 *has now been successfully incorporated*), replacing a run of nondescript and dilapidated buildings. The site is relatively flat, and like most of the centre, affected by flood freeboard levels. The site presents an unusual urban opportunity in Sydney of a long, level street façade (see discussion below).

The NEW DA CONTINUES TO IGNORE the Panel's concerns about the lack of information on context submitted. There remains minimal urban and site analyses to underpin the site planning and distribution of building volumes. There is REMAINS INADEQUATE INFORMATION on the residential properties to the rear, including their mature trees near the boundary, scale relationships, overshadowing (such as sun to windows of habitable rooms and gardens). Indeed neighbouring buildings CONTINUE TO BE not shown in either the elevations or sections submitted to the Panel.

Along the Anzac Parade frontage, THE ADJUSTED PROPOSAL SEEMS TO ACCORD MORE CLOSELY TO THE DCP HEIGHTS AND SETBACKS, WHICH HAVE BEEN ENFORCED BY COUNCIL IMPLEMENTATION OVER THE LAST DECADE IN A SUCCESSION OF DA APPROVALS.

The Panel reiterates that the architect should clearly annotate the extent of compliance / departure from the DCP envelopes, and calculate the volume of the DCP envelopes and the permissible FSR 80-85% of the envelope). The DCP envelope should clearly be shown on all plans, elevations and sections, and any departures or improvements shown and justified. Again no such information has been presented, and the excessive development proposed cannot be supported. STILL NOT SHOWN.

1. The Scale of the Proposal

The Panel makes the following comments in relation to the form and scale of the revised proposal;

- *THE STREET FAÇADE NOW SEEMS TO ACCORD WITH THE DCP ENVELOPE AND HEIGHT. THE ONLY NEGATIVE IN THIS CHANGE IS THE LOSS OF THE COMMON ROOF TERRACE. THE PANEL CONSIDERS THAT THE ROOF PLANT AND EXHAUSTS WHICH WOULD BE REQUIRED TO SERVICE SUCH A MAJOR SUPERMARKET AND CAR PARK NEED TO BE*

FULLY AND ACCURATELY SHOWN. EXHAUST GRILLES, EMISSIONS AND NOISE NEED TO BE FULLY REPORTED ON SO THAT THEY CAN BE ASSESSED IN THIS DA. ALTHOUGH BRIEFLY DISCUSSED AT THE PANEL MEETING, THIS TYPE OF REQUIRED DETAIL APPEARS FUDGED IN THE DRAWINGS SUBMITTED FOR APPROVAL.

- THE HEIGHT OF THE SOUTHERN END BETTER ACCORDS WITH THE DCP ENVELOPE, HOWEVER IT EXTENDS FURTHER TO THE EAST. THE RESULTANT WINTER SHADOW IMPACTS AFFECT MANY PROPERTIES, AS NOW SHOWN ON THE DRAWINGS.
- The building mass is configured as a series of linked volumes, creating a rhythm along the street front. HOWEVER AS PREVIOUSLY NOTED the gaps have been reduced to such mean proportions (1 800mm) that the building would read as a continuous mass. The Panel had suggested at pre-DA stage that the architect could investigate making 3 distinct buildings, with gaps or slices through to courtyard gardens behind. Such an approach could retain the sense of rhythm to the street while allowing permeability for vistas, landscape, cross ventilation and light to apartments and summer breezes to filter through to improve both residential amenity and the pedestrian experience along Anzac Parade. NOT DONE

NONE OF THE ABOVE HAS BEEN ATTEMPTED – THE PROPOSAL REMAINS OVERLY MONOLITHIC, PRESENTING AN UNRELIEVED MASS THAT REQUIRES MORE ARTICULATION AND REDUCES AMENITY FOR OTHERS.

- The side boundary setback on Goodwood Street should be increased to comply with RFDC separation distance between buildings. This setback should comprise predominantly deep soil landscaping to provide a green outlook and screening between buildings. – NOT ADEQUATELY DONE. The nature of the "green zone" shown on the drawings is not evident - IT SEEMS TO BE TOO NARROW, DIFFICULT TO ACCESS FOR MAINTENANCE AND IMPOSSIBLE FOR RESIDENTS
- THE RETAIL FRONTAGE TO ANZAC PARADE HAS BEEN IMPROVED SOMEWHAT, AS A STRIP OF THIN RETAIL HAS BEEN LAMINATED ACROSS THE SUPERMARKET FRONT. THIS GIVES THE OPPORTUNITY FOR MORE DIVERSIFIED RETAIL FRONTAGE, WHICH WOULD BE FURTHER IMPROVED IF THERE WAS A GREATER VARIETY OF ACCESS AND SIZE OF SHOP. THE ELEVATIONS SEEM TO SHOW THE GLAZING NOW COMING DOWN TO THE PAVEMENT LEVEL (AS NOTED IN THE PREVIOUS PANEL REPORT), BUT THE ACTUAL ARRANGEMENT AND CONSTRUCTION ARE NOT ADEQUATELY SHOWN ON THE SECTIONS. THE RETAIL REMAINS RAISED DUE TO FLOODING, WHICH MEANS THAT THE PEDESTRIAN EXPERIENCE IS OF A WEST FACING BLANK WALL WITH THE SHOP LEVEL EFFECTIVELY AT AROUND HEAD HEIGHT – AN INTERFACE OF NO CHARACTER THAT IS THE LENGTH OF A STREET BLOCK. IT REMAINS AN UNRELIEVED, WEST FACING WALL, CREATING A POOR FOOTPATH ENVIRONMENT.
- IN LINE WITH THE PANEL'S SUGGESTIONS, the street awning has been lowered to normal height, and windows light the retail area above the awning. The awning appears to have circular skylights, which would provide a distinctive pattern of light, and are supported as long as their components are of an enduring quality. – NO INFORMATION PROVIDED. A FIXED PLASTIC DOME DETAIL

WILL INCREASE HEAT LEVELS AT THE FOOTPATH IN SUMMER AFTERNOONS.

- Neither the architectural or landscape drawings show any street trees along what is almost a full block frontage. The awning design should allow for street trees. This has been raised before - no response from the applicant. – NO INFORMATION PROVIDED
- The 2 residential entries to Anzac Parade remain rather mean, with narrow deep set entries. The space in front of the lifts seems inadequate. In contrast, the entry to Goodwood Street is quite generous. –THIS IS STILL THE CASE
- The Panel supports a driveway passing under the building, generally in the position as is proposed. However the double driveway proposed would have highly negative impacts on the street environment and pedestrians - any merging required should be accommodated within the property, and a single driveway only shown. Instead there is the opportunity for secondary retail to Goodwood Street. – NOT DONE, AND THE PROBLEM HAS BEEN EXACERBATED BY THE ADDITION OF A SUBSTATION AND FIRE ESCAPES ALONG THE GOODWOOD STREET FRONTAGE
- The dock area is now internalised, and is reasonably compact. Nonetheless, its driveway should be combined with the vehicular driveway, and its presence should not be at the expense of deep soil planting along the rear boundary - it needs further revision. There are successful examples of supermarkets in dense areas which operate without such large loading docks. – NOT DONE
- The Panel reiterates its concerns regarding building depth and the number of predominantly single orientation units, particularly those facing west to a main road. The Panel encourages a different form at the rear, allowing a thinner sectioned building than the maximum 22 metre deep volume in the DCP, which plainly is inconsistent with SEPP 65 requirements. As long as a 9 metre rear set back was provided, the architect could provide projecting elements and deep slots along the rear facade, allowing sun and air into all bedrooms. This could break up the long volume into articulated projections, and improve the environmental performance of what are otherwise *effectively* single orientation units (see further comments below). – NOT ATTEMPTED. THIS REMAINS A MAJOR NON-COMPLIANCE WITH THE RFDC'S 18 M MAXIMUM BUILDING DEPTH – THE OVERALL BUILDING DEPTH IS MORE THAN 24 METRES. THIS RESULTS IN AN UNACCEPTABLY DEEP BUILDING, WITH THE MIDDLE THIRD OF THE PLAN ON ALL LEVELS ENTIRELY DEPENDENT ON ARTIFICIAL LIGHT AND MECHANICAL VENTILATION.

None of the above has been done – the overall building depth at the lower levels seems to BE APPROXIMATELY 20-22m glass to glass as the typical depth. In the Panel's assessment the proposed configuration fails to meet key RFDC targets in terms of building depth, single orientation apartments, and probably 3 hours of sun.

- The Panel supports the light and air in all the common lobbies. Retained, acceptable. THOUGH THE LINKING OF THE CORES, SEEMINGLY IN ORDER TO SAVE ON LIFTS, RESULTS IN EXCEEDINGLY LONG COMMON CORRIDORS - ALBEIT RELIEVED BY A SMALL AMOUNT OF ACCESS TO LIGHT IN THE MIDDLE - NATURAL VENTILATION SHOULD ALSO BE AVAILABLE.

- The basement car parking now fully occupies 3 levels, which run the entire length and breadth of the site, including SUBSTANTIALLY under the rear landscape zone – WHICH SHOULD BE DEEP SOIL LANDSCAPE. THE DEEP SOIL AREA SEEMS RATHER TOKEN, AND RISKS BEING UNLOVED AND INACCESSIBLE. The height of the podium to the neighbours to the rear would clearly be a very poor outcome - overshadowing, over-looking and overbearing the 9 properties to the east. The proposal should be setback from the eastern boundary by the width of the proposed storage areas in the basement to allow for ground level deep soil planting of trees and under-storey planting. This space should be accessible and useful. This was previously recommended. – THIS REMAINS A VERY POOR ARRANGEMENT
- Gardens and courtyards could separate and complement the building volumes. This has now been done – the landscape area shown on the podium is now substantial (IT SEEMS TO HAVE SHRUNK, AND NOW IS NOT LARGE RELATIVE TO THE RESIDENT POPULATION) and is complemented by the roof terraces (NOW DELETED).
- THE NEW, ANGLED ROOF ELEMENTS ARE SOMEWHAT OVERSTATED AND NOT INTEGRATED WITH CORNER ELEMENT.

FEW of the Panel's suggestions have been taken up – instead the design has regressed IN MANY RESPECTS. The design does not meet SEPP 65 or RFDC standards, therefore major revisions are required.

3. The Built Form of the Proposal

See comments above

4. The Proposed Density

The redevelopment of such a well-located site is welcome. The Panel notes that the proposal's floor space needs to be equated to 80 – 85% of the DCP's envelopes – this needs to be derived by a to-scale graphic comparison between the proposed building against the generic envelope, in both plan and section. – NOT SHOWN TO THE PANEL

Despite being stated very clearly in the pre-DA and post-DA reports, this has still not been done – the volume proposed has further increased and appears to be considerably more than the permitted percentage. This contributes directly to the deficiencies noted above.

5. Resource and Energy Use and Water Efficiency

The Panel previously considered that, although the architect claims a reasonable percentage of units are cross-ventilated, too many of the units are predominantly single orientation. By the Panel's calculation 16 of the 21 units on the podium level, 12 of the 21 units on the typical floors, 7 of the 16 units on level 9, and 0 out of 4 units on levels 13 and 14 are single orientation (the Panel is not convinced that the few secondary windows on the deep slots would provide enough effective cross ventilation) Multiple design adjustments are required to substantially improve the proposal's substandard performance.

IF ANYTHING THESE PERCENTAGES ARE NOW LIKELY TO BE WORSE, AS THE PREVIOUS THROUGH APARTMENTS AT THE ENDS HAVE NOW BE TURNED INTO

A PAIR OF NARROW, SINGLE ORIENTATION UNITS WITH AN INTERNAL BEDROOM

The Panel believes that a combination of BCA advice, better use of light and air from the common galleries, and fire-rated plenums and the like should be used to guarantee as high as possible a percentage of cross-ventilated units. Kensington benefits from the sea breeze, especially to the rear, however the frontage is exposed to noise from Anzac Parade, so cross ventilation should obviate the need for air-conditioning. In this regard the reworking of mass, footprint and section could significantly improve the environmental performance. *Not done. – STILL NOT DONE*

Ceiling fans should be provided for each bedroom and clearly shown on the plans. This is particularly relevant where the bedroom is deep within the plan and the cross ventilation is compromised. The Panel advises against having 'snorkel' or internalised bedrooms that are compromised in terms of natural ventilation. *Not done. – NOT EVIDENT*

Window operation should be clearly marked on all windows on the elevations – including any clerestory windows. All units should have balcony doors and windows that can be secure, open-able and weather-sheltered to allow cross ventilation at night or when the apartment is not occupied. *Not done. – STILL NOT DONE*

The facade to Anzac Parade will need particular attention to reduce road noise and western sun problems whilst simultaneously allowing good ventilation. *Attempted, but solutions as yet not satisfactory. The window selection is not fully described or worked out, and the screened balconies lack sufficient detail. – STILL NOT DONE*

The opportunity for added light, ventilation and winter sun through the roof by utilising clerestory windows should be considered. Light and air can be achieved in this way without the problems of road noise and privacy issues. *Not done. – THIS IS UNCLEAR IN THE SECTIONS, AS THE EXTENT OF VENTING AND ITS RESTRICTION ON OPENINGS IS NOT AT ALL DESCRIBED*

LARGE UNPROTECTED PANELS OF WEST FACING GLASS AS SHOWN ON LEVEL 9 ARE UNACCEPTABLE

Given the above, the building will be heavily reliant on artificial cooling and lighting therefore environmental performance is considered substandard and does not meet SEPP 65 and RFDC standards. THE PROPOSAL CONTINUES TO FAIL SEPP 65 AND RFDC REQUIREMENTS

6 The Proposed Landscape

The landscape design has been revised AGAIN. The PREVIOUSLY generous communal terraces at the rear at podium level, and on terraces across all roofs HAVE BEEN SIGNIFICANTLY REDUCED IN AREA AND THEREFORE UTILITY AND AMENITY. The podium and roof top terraces are all accessible off the 3 cores, giving equitable access. The Panel AGAIN HIGHLIGHTS THE following landscape issues require further resolution;

- *INADEQUATE sections are shown through either the podium. The landscape plans are full of references to other projects and images, but do not show HOW this is to be achieved on this challenging site. Imagery is not enough in a DA for such a proposal - how for instance does the Lloyd Rees Fountain in Martin Place have any relevance to what is proposed here?*

- *The Panel is concerned that the maintenance required for the proposed landscape treatment*
- *The podium roof terraces need to be coordinated with the many service and exhaust risers required, which all have clearances to communal areas. This has the potential to severely compromise the landscape, and needs to be resolved*
- *No soil depths are indicated on either the architectural or landscape drawings - this does not meet either SEPP 65 or Council's submission requirements*
- *No planting schedule has been provided, including species, indicative numbers, sizes etc.*
- *Are external clothes lines provided?*
- *No information has been provided that shows how privacy to the rear would be achieved from the common terrace. This is some 7 metres above the level of the neighbours - how are issues such as privacy and maintenance addressed?*
- *The architectural drawings infer a planted wall to the eastern boundary - this does not seem to be referenced in the landscape drawings and lacks credibility. How would such as space be accessed, irrigated or maintained?*
- *The landscape amenity of the properties to the rear remains severely compromised, and their existing trees would be imperilled by the deep excavation and height of the party wall along the entire boundary.*
- *No street trees are proposed to either frontage, nor are any details of public domain improvements indicated*

Despite its potential, at this stage the concept design still lacks adequate detail, so does not as yet meet SEPP 65 and RFDC standards. THE EXTENT OF LANDSCAPE HAS SEVERELY DECREASED

7. The Amenity of the Proposal for its Users

The Panel reiterates multiple concerns regarding residential amenity, including the STILL INADEQUATE RESPONSE TO THE following issues;

- *the excessive glass to glass building depth of 23.7m for the lower 4 residential levels far exceeds the 18 metres maximum set out in the RFDC. Recent research is indicating that about 15 metres glass to glass is the maximum for effective cross ventilation in units, so the few genuine dual aspect units at the lower levels still would not have a good internal environment*
- *there are too many single orientation units throughout. Single orientation west apartments should be minimized, and more use made of the slots provided – As noted above, this aspect remains unacceptable. The slots themselves are narrow dead ends, and may not assist with cross ventilation across the corner. At 1.8m in width, they should not be the only outlook for a large number of bedrooms.*
- *there are too many embedded and 'snorkel' type bedrooms, and the occasional internal room. The Panel strongly suggests major indents and projections long the rear face of the building, which would increase the length of the perimeter, and*

much improve possibilities for cross ventilation, daylight and outlook to the rear gardens. *While the number of 'snorkel' type bedrooms have been decreased (there are however 2 totally internal bedrooms/ studies per floor, and others deep into the slots), no other improvements have been made - remains unsatisfactory*

- *5 small vertical holes (approx. 2 x 2m, 6 storeys high) have been added to penetrate the floor plates - these open off 5 otherwise internal bedrooms per floor. These would not be effective 'lightwells' (rather 'darkwells'), and would give rise to unacceptable odour and acoustic problems while providing no daylight (they would likely get unwanted night light spill effects). The northern hole is in any case roofed over*
- *virtually all bathrooms, laundries and ensuites are internalised, and would rely on artificial light and mechanical ventilation all day and night. Many bathrooms have an external wall to the slots - which would be ideal for openable windows - why hasn't this been carried out, as suggested?*
- *almost no kitchen complies with the RFDC requirement to be within 8 metres of the openings to the exterior*
- *the single orientation units on the Podium Level could benefit from parts with a greater ceiling height, or other sectional ideas, such as skylights / shafts etc – this could be skilfully done, and demonstrated in detailed sections. Not done*
- *an improved variety of apartment types is now proposed, including one, two, three and four bedroom units. Most units appear to have well-planned, functional layouts - except for the lack of effective natural ventilation and daylight.*
- *there are two storey units on the upper levels – the amenity could be improved by including cross-over units. This improvement has now been done.*
- *furniture layouts and room dimensions should be shown throughout. Furniture layouts have generally been added, but not room dimensions. The few overall dimensions are too small to be read on the plans supplied to the Panel - DETAILED PLANS OF EACH UNIT TYPE HAVE NOW BEEN SUBMITTED*
- *more use could be made of the roof terraces off the upper apartments - this has been done*
- *in detailed design, providing each unit with a range of openings and weather shelter is important. Not done*
- *The perforated screens to the west elevation seem to have more concern with aesthetics than acoustic or thermal performance. THE PANEL HAS DISCUSSED WITH THE APPLICANT THE NEED FOR ACOUSTIC AND SUNSHADE DEVICES ON THE WEST. PERFORATED SOFFIT MATERIAL TO THE BALCONIES AND OTHER SUCH STRATEGIES SHOULD BE INVESTIGATED.*
- *The internal planning in the southern tower seems to have excessive circulation space and poor room relationships to terraces which are too consistently narrow.*

8. The Safety and Security Characteristics of the Proposal

The proposal provides good surveillance of the street and perimeter garden areas. The entry paths are clearly arranged, with good address and way-finding.

As noted above, the site and mix of uses is complex and BCA advice should be sought and incorporated into the design.

Unchanged.

The double driveway to Goodwood Street would create conflicts with pedestrians, and needs to be reconsidered as noted above. – MADE WORSE

9. Social issues

The intensification of such well-placed sites is socially beneficial. *The provision of a range of units, including garden units at podium level, larger and smaller units, is supported.* The site planning arrangement allows the future residents of what would be a large development to have a large rear landscaped garden. The Panel also supports each part being separately expressed and accessed.

The Panel is concerned about the current form of the supermarket proposed, and the additional parking. A smaller supermarket, with far less or no parking, would have a much better presence in Kensington's shopping strip. The large car park proposed (69 public spaces) would create additional traffic congestion in Kensington, in particular in Goodwood Street and Doncaster Avenue. This is of no benefit to the centre, which should have a more pedestrian focus, particularly given the introduction of the light rail. The Panel does not concur that such a large supermarket should trigger any bonuses for either height or floor area.

THE DIVISION / SECURITY BETWEEN THE PUBLIC AND PRIVATE CAR PARKING AREAS IS NOT EVIDENT ON THE PLANS

The proposed arrangement of the retail to the street would result in a monotonous streetscape, with no diversity of retail frontage. This could rob Anzac Parade of vibrancy – opposite to the DCP intent. Indeed the existing nondescript mixed retail could well be considered to be superior to the proposal.

10. The Aesthetics of the Proposal

The proposal has the potential to be a fine addition to Kensington, and to become a model for future apartment buildings along Anzac Parade. The parts are potentially well scaled and articulated, with the intention of creating a variety of elements and scales to make what is a large project as a series of well-related parts.

Thought needs to be given to the materials palette. The Panel is concerned that the larger buildings in the Kensington should be designed and built with robust materials and an enduring character. Large rendered and painted surfaces, for example, are likely to present on-going maintenance problems for an Owners Corporation. 1:50 part elevations / sections and showing colours and materials should be part of the DA drawing set to remove ambiguity.

In the revised proposal, no 1:50 sections and part elevations have been provided. The detailed design and material palette are notional and have not been sufficiently developed to be convincing. The southern building now has an imposing aesthetic that does not show correlation to the internal spaces, views or sunshading requirements.

THE ARCHITECTURAL RESOLUTION OF THE DESIGN APPEARS TO HAVE REGRESSED IN THE LATEST SUBMISSION. THE INFORMATION PRESENTED

APPEARS UNCOORDINATED, LACKS DETAIL AND CONSTRUCTIONAL REALITY. FOR EXAMPLE;

- THE CANTILEVERED AWNING ROOF ABOVE LEVEL 10, WHICH APPEARS TO BE SUCH A DISTINCTIVE FEATURE OF THE SCHEME, LACKS ANY STRUCTURE.
- THE PRIVACY SCREENS AT LEVELS 8 AND 9 COULD BE VERY PROMINENT IN 3 D, ARE NOT CLEARLY ILLUSTRATED
- THERE REMAINS SCANT INFORMATION ON THE CIRCULAR ELEMENTS, THEIR MATERIAL, SUPPORT, DETAIL
- THE PICTURES, MONTAGES AND LARGER SCALE ELEVATION APPEAR UNRELATED, AND DO NOT GIVE A RELIABLE OR ENFORCEABLE AESTHETIC CHARACTER TO THE SCHEME

SUMMARY AND RECOMMENDATIONS

The site is an exceptionally important one, as it has an usually long frontage to the area's most important boulevard Anzac Parade, is central to Kensington's evolving town centre, and has the potential to reinforce the spatial definition and life of the street. It could also become home for hundreds of people for many decades to come.

The site's potential has not been realized in either the earlier DA submission nor this revised submission. The Panel reiterates that the application is deficient in many fundamental aspects, and has shown no signs at all of design development. For example the drawings do not show any relationship to the DCP envelopes, lack boundary dimensions, do not show surrounding development adequately, have few overall or grid dimensions, do not show setbacks from boundaries, and have no room dimensions.

The Panel remains very disappointed that the submitted proposal has not engaged with either the pre- or post-DA advice. The design falls well short of SEPP 65 principles and RFDC standards in a number of key areas, and needs to be substantially improved before being resubmitted to the Panel at a future meeting. As submitted, it is the Panel's view that the DA should be rejected.

THE PANEL REITERATES ITS PREVIOUS ADVICE THAT THIS SCHEME SIGNIFICANTLY FAILS SEPP 65 AND THE RFDC RULES AND SHOULD BE REJECTED."

Planner's Comments:

The Panel's comments largely concern themselves with aspects of the original proposal that have now been approved. In respect to the proposed modifications, the applicant has reconfigured some of the apartments to increase opportunities for light and cross ventilation and a suitable condition is included in the recommendation requiring the extent of operable glazing in the "slots" to be increased to that originally approved. Also, the presentation of the retail façade has been amended to provide a lighter aesthetic through the use of colour backed glass, the domes have been deleted in the awning to the street, the roof areas have been reconfigured and screens introduced to levels 9 and 10 to assist with protection from the afternoon summer sun. Details have also been provided of the openings to the lobby areas demonstrating that there will be adequate light and ventilation to these spaces. The issues in relation to the plant and equipment and landscaping to the east are addressed in the environmental assessment section of this report.

5. Technical Officers Comments:

The application has been referred to the relevant technical officers, including where necessary external bodies and the following comments have been provided: -

5.1 Development Engineer Referral Comments:

Council's Development Engineer has provided the following comments on the proposed modification:

A Section 96(2) application has been received which seeks to modify the consent by seeking to increase parking to 283 vehicle spaces, changes to retaining walls within the eastern boundary setback, reconfigure ground floor retail to allow for 4 tenancies, increase number of approved units from 100 to 113, reconfigure apartment layouts and increase roof height.

Original consent: Demolition of existing structures and construction of a part 6/part 7 storey mixed use development, comprising 3 basement levels with 257 car spaces, ground floor supermarket with loading dock and 100 residential units above. Includes associated excavation, dewatering and landscaping works

This report is based on the following plans and documentation:

- *Landscape Plans by Site Image, dwg SK01-02, issue B, dated 07/07/14;*
- *Root Mapping Report by Urban Forestry dated 24 February 2014;*
- *SEE by City Plan Services dated July 2014 and stamped by Council 1 August 2014;*
- *Amended Architectural Plans by Luxcon, sheets DA.101 – 202, dated 14/3/14 and stamped by Council 30TH October 2014;*
- *Supplementary Traffic Report by Parking & Traffic Consultants.*

GENERAL COMMENTS

The decreased basement setback and change in construction methodology is not supported by Council's Landscape Development Officer due to the unacceptable impacts on the neighbouring trees adjacent to the eastern boundary. As the increased parking provision and parking layout is dependent on this amended design the proposed Section 96 application cannot be supported.

Amendments to conditions relating to the parking allocation and access driveway are also not supported due to the resulting non-compliances with the required commercial; parking provision and the requirements of AS 2890.1:2004.

Further details on the proposed amendments to engineering and landscape aspects of the proposal are given below.

FLOODING COMMENTS

Flood mitigation measures appear to be satisfactory. A note in condition 48 requiring the lifts at the northwest corner of the development to be suitably protected is no longer necessary as they have now been raised above the flood planning level with the Section 96 plans and may be deleted.

TRAFFIC GENERATION COMMENTS

The RMS Guide to Traffic Generating Developments specifies a peak traffic generation rate of 0.24 vehicles per dwelling. The technical direction (TDT 2013/04a) of August

2013 provides an updated figure of 0.19 vehicle trips per dwelling for the AM peak and 0.15 trips per dwelling for the afternoon peak.

The proposed 113 units proposed will therefore generate an additional peak demand of 2.47 trips for the morning and 1.95 for the afternoon over and above what has already been considered and approved for the development. This is not significant and represents less than 2% of the expected vehicle trips generated by the approved development.

Traffic associated with the commercial component will not significantly change when compared to the original proposal. No objections are raised on this aspect

PARKING PROVISION COMMENTS

The parking provision is generally considered to be satisfactory subject to the conditions of consent. There is a small 2 space deficiency in the amount of motorbike parking provided however this is not of significant concern to Development Engineering given the over-compliance with the total amount of parking required.

It is also noted the parking provision for the commercial parking can now be provided all on one level (basement level 1). Further breakdown of the competing parking demands is given below.

Vehicle Parking Provision-Residential

The residential component now contains 113 units comprising of 43 x 1 bedroom units + 49 x 2 bedroom 21 x 3 bedroom units.

Adopting the rates specified in Part B7 of Council's DCP 2013 this will generate the following parking demand

$$\begin{aligned}\text{Parking Required} &= (43 \times 1) + (49 \times 1.2) + (21 \times 1.5) + 113/4 \text{ (visitor)} \\ &= 43 + 58.8 + 31.5 + 28.25 \text{ (visitor)} \\ &= 161.55 \\ &= \text{say } 162 \text{ spaces including } 28 \text{ visitor spaces}\end{aligned}$$

Parking Provided = 211 spaces (including 10 small car spaces) on basement levels 2 & 3

The residential parking provision is satisfactory. The provision of small carspaces is generally not supported, however as the development is over-compliant with its parking provision however, no objections are raised in this instance. It will be required however that a maximum of 1 small carspace only shall be dedicated to any single unit.

Service and Delivery Parking

Service and Delivery Parking is to be provided at the rate of 1 space per 50 units up to 200 dwellings, plus 1 space per 100 dwellings thereafter. For subject development two carspaces will be required. This has already been conditioned the development consent but it is noted two loading bays on the ground floor are now dedicated for residential use. Condition 44e may therefore be deleted/amended

Motorbike Parking – Residential

Motorbike Parking is to be provided at 5% of the vehicle parking requirement.

$$\text{Motorbike Parking Required} = 0.05 \times 162 = 8 \text{ spaces}$$

Motorbike Parking Provided = 7 spaces (shortfall of 1 space)

Bicycle Parking- Residential

For Flats/multi dwelling bicycle parking to be provided at 1 space per 2 units plus 1 visitor space per 10 units

Bicycle Parking Required = 113/2 + 113/10(visitor)

= 56.5 + 11.3

= 68 spaces (including 11 visitor spaces)

Bicycle Parking provided = 62 (basement 2) + 5 (basement 3) + 9 shared (basement 1)

The residential bicycle parking provision is considered to be satisfactory.

Vehicle Parking Provision-Commercial

It is noted the traffic report has adopted the general DCP commercial rate of 1 space per 40m² for the supermarket arriving at a figure of 51 spaces for the total ground floor area of 2050m². This is not supported as Development Engineering has consistently requested (since assessment of the original application) that the RMS rate of 42 spaces per 1000m² is applicable to the supermarket component. Adopting this rate the 1610m² supermarket would generate a parking demand of 68 spaces.

The shop tenancies can be assessed as per the general DCP commercial rate of 1 space per 40m² specified in Part B7 of Council's DCP. For a combined floor area of 440m² (126+190+124) the shop tenancies will generate a parking demand of 11 spaces.

Total Commercial Parking Required = 11 (Shops) + 68 (supermarket) = 79 spaces

The plans indicate that 72 car spaces will be provided on basement level 1 which if totally dedicated to commercial parking will resulting in a parking deficiency of 7 spaces for the commercial component. It is noted however this is also proposed to be shared with residential visitor parking which is not supported (as with the original application).

With the original application, Development Engineering accepted a parking deficiency of 10 spaces (94 required while 84 required in consent) in recognition of the site's context in Kensington Town centre and proximity to public transport (including future light rail). The difference in the total number of commercial carspaces required from the original application is attributed to the reduced size of the proposed supermarket and application of a different parking rate to the newly proposed shop tenancies.

As the parking deficiency for the commercial component has now decreased by 3 spaces from what was conditioned in the original proposal, the parking provision of 72 spaces for the commercial component is therefore considered to be satisfactory provided the spaces are not shared with residential visitors. There is an ample supply of resident parking in the lower basement levels to meet the demand for residential visitors as well as the residents themselves (162 required, 211 provided) without the need to impact on commercial parking. The deletion of condition 44b is therefore not supported.

Motorbike Parking-Commercial

Motorbike Parking is to be provided at 5% of the vehicle parking requirement.

Motorbike Parking Required = 0.05 x 72 = 3.6 = say 4 spaces

Motorbike Parking Provided = 3 spaces (shortfall of 1 space)

Bicycle Parking-Commercial

Commercial bicycle parking is to be provided at the rate of 1 space per 10 parking spaces

Bicycle Parking Required = $72/10 = 7$ spaces

Bicycle Parking Provided = 9 spaces (partially shared)

The Bicycle parking provision is satisfactory.

PARKING LAYOUT COMMENTS

Access Driveway

In the original assessment, the access driveway width was considered inadequate when assessed against the requirements of Australian Standard 2890.1:2004 and it has always been Development Engineering's position that a 7.5 wide driveway consisting of 2 x 3.5m wide trafficable lanes plus a 0.5m wide central island would be the minimum acceptable width. This was conditioned in the development consent (Condition 42 dot point 2) and is consistent with a similar development at Bunnerong Road Matraville.

As the number of carspaces is increasing by nearly 30 spaces with this S96 application, this issue has been exacerbated further. The deletion of condition 42 dot point 2 is therefore not supported by Development Engineering and shall be retained.

Carspace size

The provision of small carspaces in developments is generally not supported however as the development is over-compliant with its parking provision, no objections are raised in this instance. It will be required however that a maximum of 1 small carspace only shall be dedicated to any single unit.

Apart from the issues raised above the amended carpark layout appears to generally comply with the requirements of AS 2890.1:2004.

As Council is not supporting the changes to the basement and excavation method, the parking demand associated with the increase in apartments and introduction of shops to the ground level will still be able to be accommodated within the originally approved basement. The original development was approved with a total of 257 spaces over 3 basement levels. This is still sufficient to meet the demands for the increased number of 113 residential apartments (162 spaces) plus the demand for the amended commercial level (79 spaces) total = 241 spaces (surplus of 16 spaces)

There was an issue with how the spaces were to be allocated and condition 44 in the original consent was an attempt to correct this. It will need to be amended slightly to reflect the amended commercial layout. I indicated in my S96 report that I would accept a parking provision of 73 spaces for the commercial component (supermarket + tenancies).

The amount of bicycle parking for the residential parking component will also need to increase slightly from 65 to 68 spaces

Condition 44 shall therefore need to be amended as follows

Parking conditions

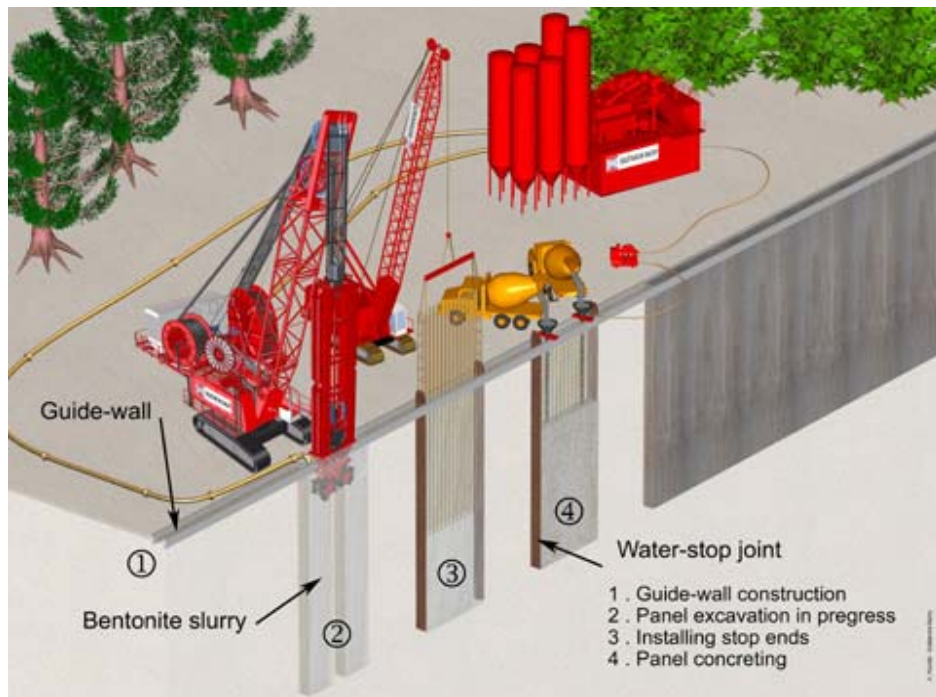
44. ***Plans submitted for the construction certificate shall demonstrate compliance with the following amendments/requirements for parking allocation;***
- a) ***A minimum of 72 spaces shall be allocated to the retail component (future supermarket & shops)***
 - b) ***Visitor parking for the residents must not be shared with the retail component.***
 - c) ***A minimum of 1 space shall be allocated to each unit***
 - d) ***Three or 4 bedroom units shall be given preference if two spaces are intended to be dedicated to a unit.***
 - e) ***A minimum of two spaces in the residential parking level shall be dedicated for service and delivery parking***
 - f) ***Motorbike parking is to be provided at 5% of the total parking provision.***
 - g) ***Adequate provision is to be made for a minimum of 68 bicycle spaces (including 11 visitor spaces) on the residential parking levels.***
 - h) ***Adequate provision is to be made for a minimum of 9 bicycle spaces on the main retail parking level.***

CONSTRUCTION SEQUENCE COMMENTS

The applicant is proposing a revised construction methodology for the excavation and construction of the basement levels. The current approved methodology was proposed by Aurecon in the original application as a way of addressing Council's concerns on the impact on neighbouring trees and the management of groundwater. The development was approved with strict adherence to this construction method specified in the conditions of consent (conditions 28, 32 & 52).

Council's Development Engineer and Landscape Development Officer previously indicated it did not support any variation to conditions that deleted the reference to the construction sequence plans by Aurecon without further supporting documentation. Until recently Council had only received a one page document by Urban Forestry in support of the deletion of this construction sequence which was not considered acceptable. Additional information was requested and has now been submitted in the form of a root mapping report and details of an alternative construction method (Diaphragm Walls).

A letter has also been received from Douglas Partners Engineers dated 25th June 2014 in support of the revised construction methodology. It states that the originally proposed method was "very complex and likely to be difficult to construct in the water charged sands that underlie the site". The alternative method comprising of diaphragm type walls is now proposed to be installed around the full basement perimeter. The letter from Douglas Partners also states "that from a geotechnical perspective this revised methodology is considered to be a more practical method than that proposed by Aurecon. A diagram of the proposed method is provided below which has been obtained from an internet search and may be helpful in understanding the method proposed.



Obtained from <http://www.bacsol.co.uk/techniques/retaining-walls/diaphragm-walls/>

It is acknowledged that the proposed revised methodology is a more conventional & practical method than that originally proposed by Aurecon but concerns were raised on the potential for additional impacts on the root zones of significant trees situated on adjoining properties to the east. The submitted tree mapping report appears to have addressed the Landscape Development officers concerns in this regard.

It should also be noted that any drilling rig/crane will now be located closer to the eastern boundary than originally envisaged, significantly increasing the amount of pruning required on the neighbouring tree canopies. These impacts have been assessed by Council's Landscape Development Office (see tree and landscape comments) and found not to be acceptable. In light of the Landscape Development officers concerns the revised construction methodology is not supported by Development Engineering.

The requested amendments to Conditions 28, 32, 52 are therefore not supported.

TREE & LANDSCAPE COMMENTS

In order to minimise damage both above and below ground to the row of established trees that are growing on adjoining private properties to the east, in Elsmere Road, development consent was granted on the basis that the eastern wall of the basement would be constructed using a specific and complex technique, the 'Aurecon shoring scheme', that would result in a setback of 1200mm being provided from the eastern boundary at the southern end of the site, expanding out to 2700mm at the northern end of the site.

However, this S96A application not only seeks to depart from the Aurecon shoring scheme altogether, reverting to a more traditional diaphragm type wall, it also proposes that the basement wall setbacks from the boundary be drastically reduced to only 200mm at the southern end and 1600mm at the northern end.

A Root Mapping Report by Urban Forestry dated 24 February 2014 was received by Council via e-mail in early November 2014. This Report confirms (through the inclusion of photos) that the majority of roots from these trees are contained wholly

within those properties in Elsmere Road, as once they reach the existing footing/wall, they are then deflected to the north and south.

While it is possible that some roots may still be encountered within the development site, based on the findings of the Root Mapping Report, the amount would be minimal, and in any case, would not comprise roots which are critical to the future health and stability of the trees.

On this basis, it is anticipated that performing the works at the approved setbacks would not have a major impact on any of their root systems, and while it may even be possible to relocate the basement wall closer to the boundary and trees, as is shown with this S96A application, without damaging roots, it is noted that this would result in other indirect impacts; being; an unacceptable and unsustainable amount of pruning, with root damage also likely to occur during installation of the ground anchors at such a close setback.

A joint site meeting was held with the consulting Arborist and developer on 12 November 2014 to confirm the extent of pruning that would be required. While a string line was provided along the line of the approved Aurecon basement wall, as discussed above, this S96 actually proposes that the eastern basement be constructed much closer to the eastern boundary and trees than the string line.

The pruning assessment confirmed unanimously that both a reduction in the setback from the boundary and a change in construction technique would have a direct and significant impact on all of the neighbouring trees.

While the selective pruning of overhanging branches was always going to be necessary, even as part of the approved Aurecon scheme, so as to provide a clearance for the piling rig operation, as well as to avoid damage to the trees, relocating the eastern basement wall as is shown on this S96 application would result in a catastrophic loss of foliage and branching structure to all of these trees, and is not an amount they could sustain.

Council is responsible for ensuring these neighbouring trees are reasonably protected from the adverse impacts of construction, which will not be physically possible if the eastern boundary wall is constructed as is shown on this current S96A application.

On this basis, the assessing officer is advised that Council's Landscape Development Officer cannot support this S96A application as shown.

If further applications are submitted for this site, Council requires that the applicant also address the following matters:

- The consulting Arborists recommendation to retain the existing footing/wall on the eastern boundary so as to maintain tree stability is supported. However, clarification is sought on how a new 1.8m high boundary wall and footing can be constructed on top of these existing structures that are remaining;*
- Confirm whether a 1.8m masonry wall will be built on the eastern boundary;*
- Confirm whether this wall be backfilled with soil and planted-out; or; if planting will be at ground level. The Architectural Plans and Landscape Plans are not consistent.*

WASTE MANAGEMENT COMMENTS

The amount of waste generated for the amended development has been determined from waste generation rates specified in Appendix A of the Council Document "Waste Management Guidelines for Proposed Developments".

Residential Component

The waste guidelines specify the amount of waste generated for Residential Units as;

Normal Garbage = 120L per week

Recyclables = 60 per week

The 113 units will therefore generate the following amount of waste

Normal Garbage

Waste Generated = $113 \times 120\text{L/week} = 13,560\text{L per week}$

The Waste management plan states that this will be stored in 660L bins

Number of 660L bins required = $13560/660 = 20.5 = \text{say } 21 \text{ bins}$

Recyclables

As recycled bin are collected fortnightly waste generated has been calculated on this frequency

Waste Generated = $113 \times 60\text{L/week} \times 2 = 13,560\text{L per fortnight}$

The Waste management plan states that this will be stored in 240L bins

Number of 240L bins required = $13560/240 = 56.5 = \text{say } 57 \text{ bins}$

These will be stored on enlarged storage areas on Level B1 and on levels 5-9. The plans satisfactorily demonstrate that enough area is available to store the required number of waste bins. The doorways to the 3 garbage rooms should however be designed to accommodate the width of 660L bins of dimensions 1.24m x 0.78m.

Waste Collection

The collection of recycling bins at the proposed loading bay will be by side loading Council collection vehicles which are solely operated. This aspect was not addressed in the original application and condition 58 was placed in the development consent relating to this aspect.

The Section 96 application now appears to indicate a temporary holding facility within the residential loading dock while the loading dock itself has been enlarged to allow for both a residential and commercial loading bay. This is an improvement on the original proposal and no objections are raised.

In order to allow for the increase in apartments and shops within the originally approved basement, the waste storage rooms may need to be increased in size to accommodate the additional waste generation. This will be in the order of an additional 12-14 bins (6-7 recycling + 6-7 recycling).

I therefore recommend the following additional condition in Requirements prior to CC.

The residential garbage rooms shall be sized to contain a total of 21 x 660 Litre (or 57 x 240 litre) bins for garbage and 57 x 240 litre bins for recycling with adequate provisions for access to all bins. Details showing compliance are to be included in the construction certificate.

5.2 External Referrals:

The application was assessed as integrated development, due to the excavation and basement levels protruding into the water table. The NSW Office of Water has commented on the proposed modifications and advised that;

"The NSW Office of Water has previously provided general terms of approval for the original development application. It is noted that the construction of a three (3) level basement car park remains within the modification application, with alterations to the layout to allow for increased vehicular capacity included, and therefore it is considered that general terms of approval in relation to an authorisation for the take of groundwater remain warranted."

6. Section 96 Assessment

Section 96(2) of the Environmental Planning and Assessment Act 1979, states that a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

The proposed modifications under are generally contained within the approved building envelope. Whilst there are increases in the quantum of dwellings and car parking, in the context of the overall scope of the development, the qualitative and qualitative changes do not involve a significant change to the built form or intensity of the use of the approved development. Therefore, the proposed modifications are considered to result in a development that remains substantially the same as the development for which consent was originally granted

7. Assessment of Key issues:

Height

The proposed modification would result in the building being increased in height to a maximum of 27.4m well beyond the maximum height limit of 25m pursuant to RLEP 2012. The increase in the overall height of the building is 2.55m higher than that approved and arises from the amended roof form which has a bulky appearance and awkward shape. The figures below show the new roof form in comparison to that originally approved

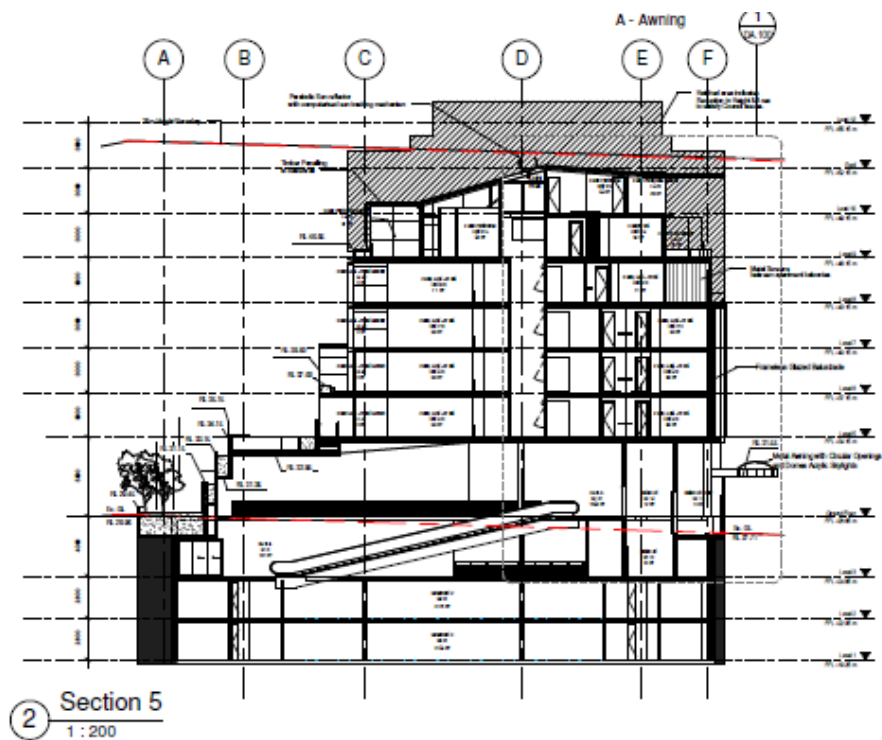


Figure 1:Original Approval

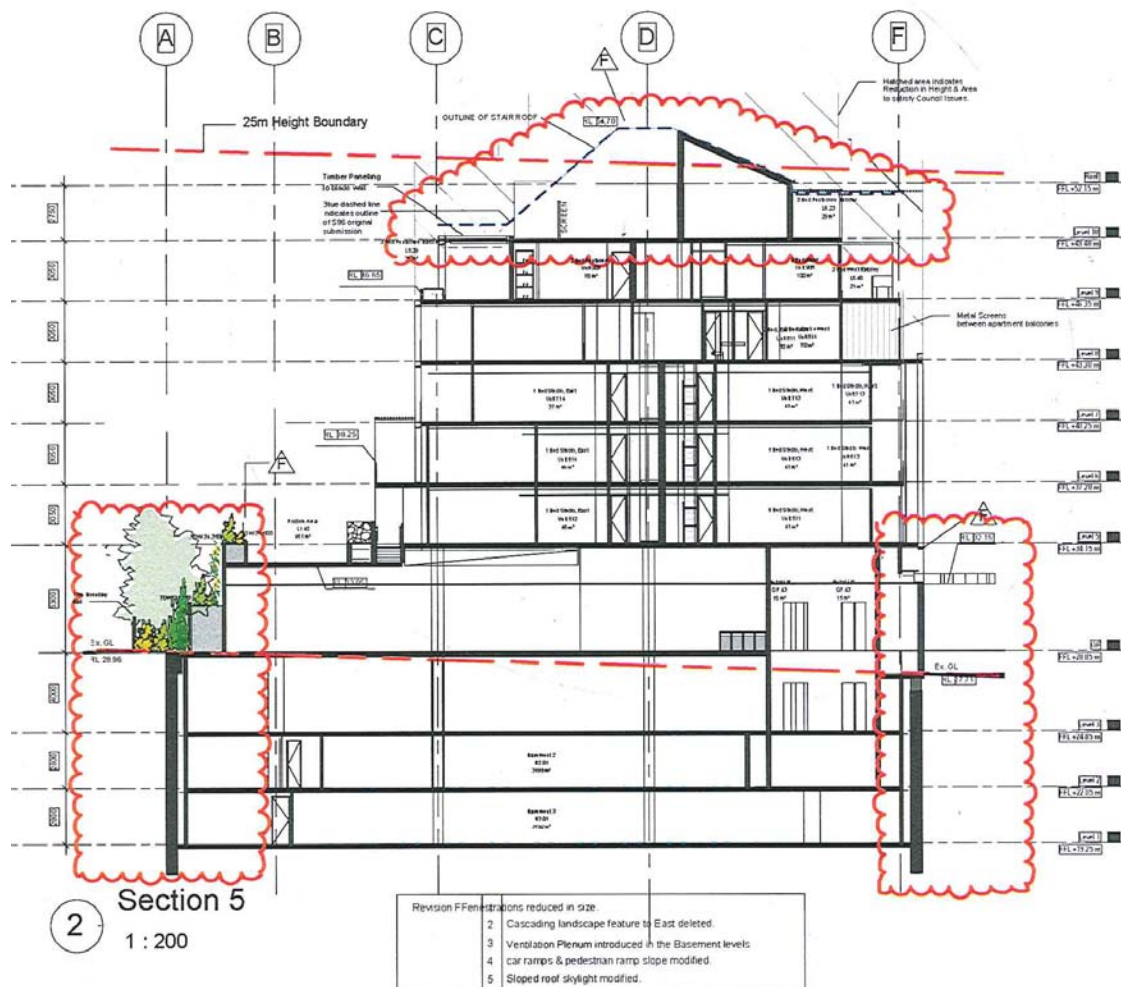


Figure 2: S96 Proposal

Council's Randwick DCP 2013 requires that lift over-runs and service plant are contained within roof structures or roof lines. It also tries to minimise the bulk and mass of roofs and their potential for overshadowing. The proposed roof will compromise the aesthetics of the building by not providing a coherent architectural language and resolution in its overall appearance. The overstated pitched roof form to Anzac Pde and combination of open screening to plant areas to the rear appears piecemeal and does not provide for a cohesive expression of the top of the building or is effective in reducing the visual intrusiveness of the service elements. The screening and location of the plant above apartment 914 would also appear to be excessive and poorly resolved.

The RL's of the building have been adjusted from level 6 to 10 to achieve an overall increase of 250mm at the level 10 finished floor level. Hence, allowing for a 2.75m floor to ceiling height, the RL for the ceiling height at level 10 would be RL 52.15 which is the approved maximum height of the pitched roof area along the northern section of the building. It should be noted that the 25m height limit has been designed so that buildings within the Kensington Town Centre can comfortably fit within the height standard and has taken into consideration flood levels and the provision of a habitable roof space. The applicant has indicated that the roof could be reduced to RL 52.82 which allows for a minimal increase in the height of 670mm above that approved and a maximum of 520mm above the 25m height limit. Such an increase in height would be negligible in terms of any additional amenity impacts on adjoining and neighbouring properties. A suitable condition is therefore included in the recommendation requiring the building to be reduced in height to be more consistent with the approved height, and that the roof form be redesigned to better integrate with the architectural form of the building.

Increase in number of apartments

It is proposed to increase the number of apartments within the building from 100 to 113. This has been achieved by reducing the number of cross through apartments and results in the residential floor plates of the building being dominated by a double loaded arrangement. The use of the "slots" to allow for a double loaded arrangement of the floor plate was not considered by Council in the original assessment of the application as being adequate to allow suitable levels of amenity both in terms of light and ventilation to the apartments. Notwithstanding, the JRPP have accepted this approach as an appropriate design solution. I note that the proposed apartment layouts maximise the opportunities for light and ventilation by siting habitable rooms mostly to the external walls. However, the extent of operable glazing to the external walls along the "slots" would appear to be reduced, thereby lessening the ability to provide good levels of light and ventilation (see figures 3 & 4 below). As a significant proportion of the apartments will be reliant on the "slots" for light and ventilation, it is critical that these openings be maximised. A suitable condition is included in the recommendation requiring the amount of operable glazing to be increased consistent with the originally approved plans.

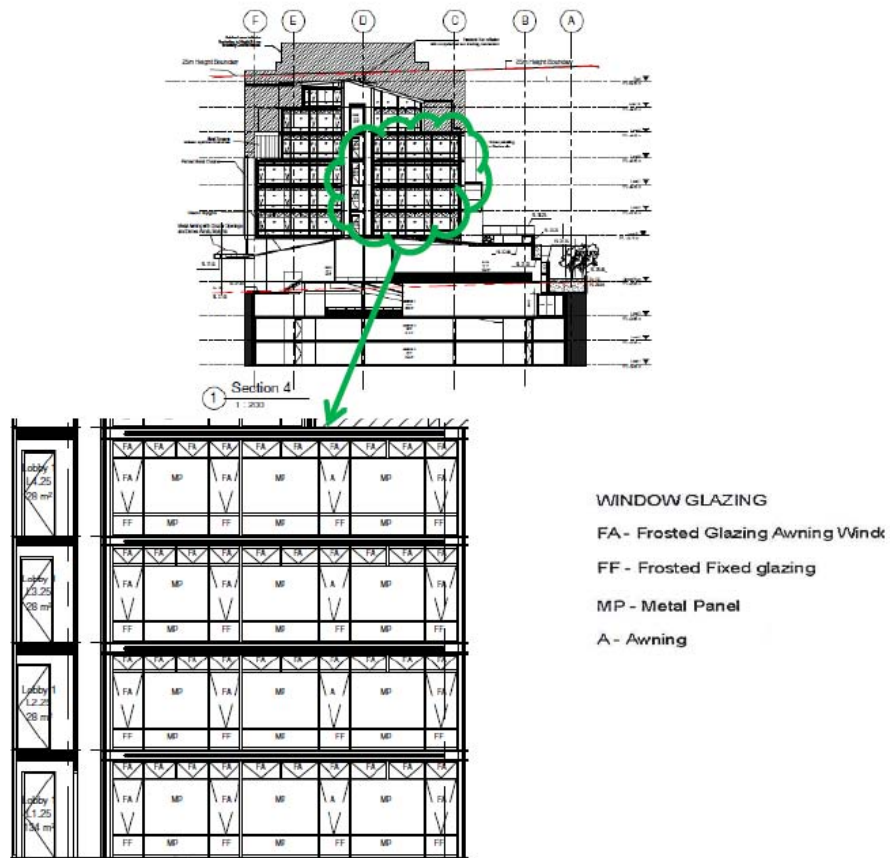


Figure 3: Original approval

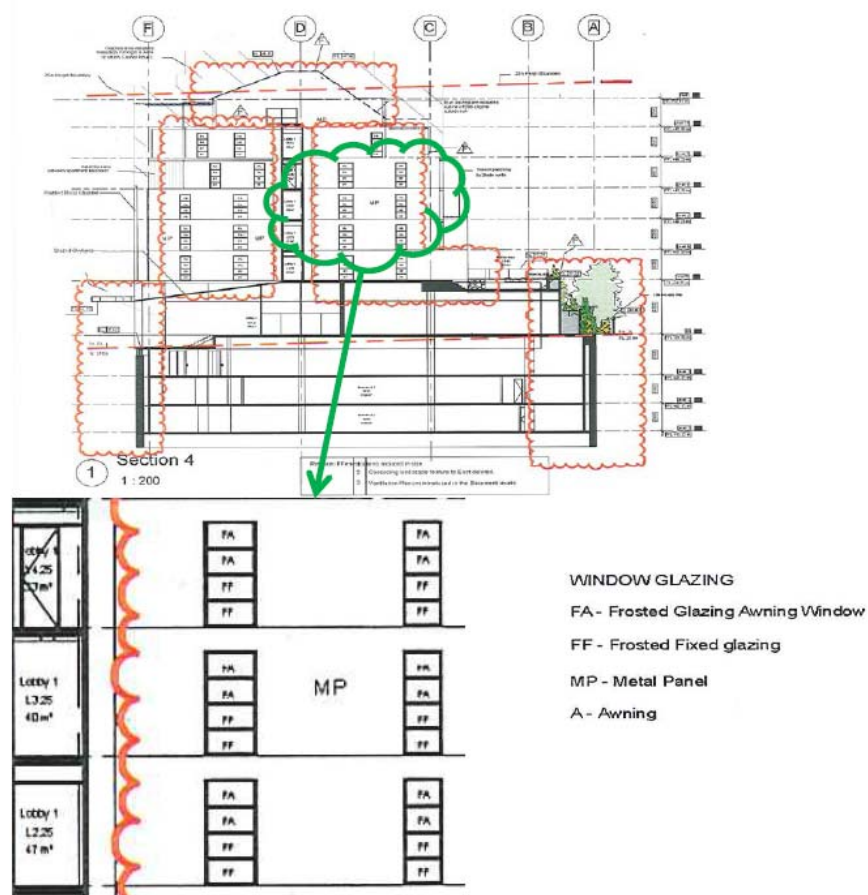


Figure 4: S96 Proposal

Excavation method and impact on trees

Council's Landscape officer has provided the following assessment of the proposed change to the method of excavation and the impact on the trees located on the residential properties to the east:

"In order to minimise damage both above and below ground to the row of established trees that are growing on adjoining private properties to the east, in Elsmere Road, development consent was granted on the basis that the eastern wall of the basement would be constructed using a specific and complex technique, the 'Aurecon shoring scheme', that would result in a setback of 1200mm being provided from the eastern boundary at the southern end of the site, expanding out to 2700mm at the northern end of the site.

However, this S96A application not only seeks to depart from the Aurecon shoring scheme altogether, reverting to a more traditional diaphragm type wall, it also proposes that the basement wall setbacks from the boundary be drastically reduced to only 200mm at the southern end and 1600mm at the northern end.

A Root Mapping Report by Urban Forestry dated 24 February 2014 was received by Council via e-mail in early November 2014. This Report confirms (through the inclusion of photos) that the majority of roots from these trees are contained wholly within those properties in Elsmere Road, as once they reach the existing footing/wall, they are then deflected to the north and south.

While it is possible that some roots may still be encountered within the development site, based on the findings of the Root Mapping Report, the amount would be minimal, and in any case, would not comprise roots which are critical to the future health and stability of the trees.

On this basis, it is anticipated that performing the works at the approved setbacks would not have a major impact on any of their root systems, and while it may even be possible to relocate the basement wall closer to the boundary and trees, as is shown with this S96A application, without damaging roots, it is noted that this would result in other indirect impacts; being; an unacceptable and unsustainable amount of pruning, with root damage also likely to occur during installation of the ground anchors at such a close setback.

A joint site meeting was held with the consulting Arborist and developer on 12 November 2014 to confirm the extent of pruning that would be required. While a string line was provided along the line of the approved Aurecon basement wall, as discussed above, this S96 actually proposes that the eastern basement be constructed much closer to the eastern boundary and trees than the string line.

The pruning assessment confirmed unanimously that both a reduction in the setback from the boundary and a change in construction technique would have a direct and significant impact on all of the neighbouring trees.

While the selective pruning of overhanging branches was always going to be necessary, even as part of the approved Aurecon scheme, so as to provide a clearance for the piling rig operation, as well as to avoid damage to the trees, relocating the eastern basement wall as is shown on this S96 application would result in a catastrophic loss of foliage and branching structure to all of these trees, and is not an amount they could sustain.

Council is responsible for ensuring these neighbouring trees are reasonably protected from the adverse impacts of construction, which will not be physically possible if the eastern boundary wall is constructed as is shown on this current S96A application."

The retention of the trees to the east were an essential element of the original approval in that they provided effective screening and softening of the appearance of mass associated with a 7 storey building that extends for a length of almost 100m. As such, the amended basement design and excavation method is not supported.

8. S94A Contributions

The applicant is seeking to modify the Section 94A Development Contributions condition to allow them to be paid in cash, bank cheque or by credit card on a pro-rata basis at the excavation/ground works stage and the building construction stage. Council has advised the applicant that as the Development consent for the subject DA granted on 27 March 2014 was not for a staged DA, the deferral request is inconsistent with Clause 20 of the s94A Plan. Therefore in accordance with Clause 17 of the s94A Plan and the subject development condition, the levy must be paid to Council prior to the first Construction Certificate being issued for the proposed development (noting that 'development' includes 'demolition of a building or work' under the Environmental Planning and Assessment Act 1979).

9. Section 79C Assessment:

The site has been inspected and the application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act 1979, as amended.

Section 79C 'Matters for Consideration'	Comments
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	The relevant provisions of RLEP 2012 would be satisfied subject to the imposition of appropriate condition as recommended.
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	An amendment to SEPP 65 is currently on exhibition. Whilst the amendments are neither imminent or certain, the proposal subject to the imposition of appropriate conditions as recommended, would be consistent with the principles of SEPP 65.
Section 79C(1)(a)(iii) – Provisions of any development control plan	The relevant provisions of RDCP 2013 would be satisfied subject to the imposition of appropriate conditions as recommended
Section 79C(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	NA
Section 79C(1)(a)(iv) – Provisions of the regulations	The relevant provisions of the Environmental Planning and Assessment Regulation 2000 have been satisfied.
Section 79C(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	The environmental, social and economic impacts of the proposed development have been addressed within the body of this report
Section 79C(1)(c) – The suitability of the site for the development	The site is located within an established Business centre with convenient access to variety of amenities and public transport services. The site has sufficient area to accommodate the proposed land use and physical structures.
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	Submissions that were received in response to the public notification and advertising have been addressed in the body of this report.
Section 79C(1)(e) – The public interest	The proposal would not result in any unacceptable environmental, social or economic impacts on the locality, subject to the recommended conditions. The development is therefore considered to be in the public interest.

10. Relationship to City Plan

The relationship with the City Plan is as follows:

Outcome: A vibrant and diverse community, leadership in sustainability, excellence in urban design and development, integrated transport and land use.

Direction: Improved design and sustainability across all development, integrating transport and pedestrian links between town centres and key locations.

11. Conclusion

The proposed modifications relating to the roof form, increase in number of apartments and new shops at the ground floor would do not give rise to unacceptable amenity impacts and would generally maintain the physical massing of the approved development, if implemented in accordance with the recommended conditions. The proposed change to the method of excavation and extension of the basement are unacceptable and should be deleted for the proposed modifications.

Having regard to the provisions of Section 96 of the Environmental Planning and Assessment Act, 1979, as amended, the proposed modifications are considered to result in a development that remains substantially the same as the development for which the consent was originally granted.

Approval of the modification (subject to conditions) will not result in any significant environmental impacts and will not detract from the integrity of the development nor its relationship with adjoining development.

Recommendation

That the Joint Regional Planning Panel, as the consent authority, grants consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No. DA/320/2013/A by modification of the approved development through basement car park alterations allowing increase to 283 vehicle spaces, changes to retaining walls within the eastern boundary setback, reconfigure ground floor retail to allow for tenancies, increase number of approved units from 100 to 113, reconfigure apartment layouts and increase roof height at 84-108 Anzac Parade, Kensington, in the following manner:

A. Amend Condition No. 1 to read:

Approved Plans & Supporting Documentation

1. *The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp, except where amended by Council in red and/or by other conditions of this consent:*

<i>Plan</i>	<i>Rev</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Date received</i>
<i>DA101</i>	<i>E</i>	<i>Bureau of Urban Architecture</i>	<i>14 March 2014</i>	<i>14 March 2014</i>
<i>DA102</i>				
<i>DA102A</i>				
<i>DA103</i>				
<i>DA104</i>				
<i>DA105</i>				
<i>DA106</i>				
<i>DA107</i>	<i>C</i>			
<i>DA108</i>	<i>E</i>			
<i>DA109</i>				

DA113				
DA114				
DA115				

As amended by the Section 96'A' plans as detailed below only in so far as they relate to the modifications highlighted on the Section 96 plans.

Plan	Rev	Drawn by	Dated	Date received
DA101	F	MKD Architects	28 October 2014	30 October 2014
DA102				
DA103				
DA104				
DA105				
DA106				
DA107				
DA108				
DA109				
DA110				
DA300				
DA301				
Sk01- Residential breezeway	A	MKD Architects	7 November 2014	12 November 2014

except as may be amended by the following conditions and as may be shown in red on the attached plans:

B. Add the following conditions:

Amendment of Plans & Documentation

- 3(a) *The proposed roof over the northern section of the building (between gridlines 1 & 9) shall be lowered to a maximum RL of 52.82 and shall be redesigned to better integrate with the plant areas to the eastern side of the roof. Details must be submitted to Council's Manager Development Assessment for approval prior to a construction certificate being issued for the proposed development.*
- (b) *The plant areas above apartment 914 and in the mezzanine level shall be deleted from the plans. Any additional plant that is relocated to the roof level must be integrated with the roof form pursuant to condition 3(a) and shall be submitted to Council's Manager Development Assessment for approval prior to a construction certificate being issued for the proposed development.*
- (c) *The amount of operable glazing to the "slots" shall be increased to be consistent with the plans dated 14 March 2014. Details must be submitted to Council's Manager Development Assessment for approval prior to a construction certificate being issued for the proposed development*
- (d) *The terraced landscaping and basement areas shown on the S96A plans that extend beyond that of the originally approved plans dated 14 March 2014 are not approved and shall be deleted from the plans to be submitted with the construction certificate. Details must be submitted to Council's Manager Development Assessment for approval prior to a construction certificate being issued for the proposed development*
- (e) *The residential garbage rooms shall be sized to contain a total of 21 x 660*

Litre (or 57 x 240 litre) bins for garbage and 57 x 240 litre bins for recycling with adequate provisions for access to all bins. Details showing compliance are to be included in the construction certificate

Amend Condition 23:

23. External Colours, Materials & Finishes

The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.

*Details of the proposed colours, materials and textures, including that of the colour backed glass to the ground floor (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning & Assessment Act 1979 **prior to a construction certificate being issued** for the relevant building works.*

Amend Condition 44:

Parking conditions

44. Plans submitted for the construction certificate shall demonstrate compliance with the following amendments/requirements for parking allocation;

- a) A minimum of 72 spaces shall be allocated to the retail component (future supermarket & shops)*
- b) Visitor parking for the residents must not be shared with the retail component.*
- c) A minimum of 1 space shall be allocated to each unit*
- d) Three or 4 bedroom units shall be given preference if two spaces are intended to be dedicated to a unit.*
- e) A minimum of two spaces in the residential parking level shall be dedicated for service and delivery parking*
- f) Motorbike parking is to be provided at 5% of the total parking provision.*
- g) Adequate provision is to be made for a minimum of **68** bicycle spaces (including 11 visitor spaces) on the residential parking levels.*
- h) Adequate provision is to be made for a minimum of 9 bicycle spaces on the main retail parking level.*