

## **ATTACHMENT C: INTERNAL REFERRAL & DEAP COMMENTS**

### **Development Engineer**

The application was referred to Council's Development Engineer Coordinator who provided the following comments:

*An integrated development application has been received for demolition of existing structures, site remediation and construction of a 9 storey mixed use development comprising of ground floor commercial/retail premises and 142 dwellings on floors above, 2 levels of basement parking with vehicular access from Anzac Parade, tree removal, associated landscape and public domain works at the above address*

### **General Comments**

*The development site was the subject of a previous Development Application and subsequent appeal to the Land and Environment Court, (DA/428/2020). The application was refused however significant work was done on Development Engineering and Landscape' conditions of consent should an approval been issued. The recommended conditions of consent for this application are reflective of work done on DA/428/2020 given the similarity of the applications from a Development Engineering and Landscape perspective.*

### **Traffic Comments**

*The application was referred to TfNSW RMS given its location on a classified road and proximity to light rail infrastructure. TfNSW has not raised objections to the proposal subject to compliance with conditions. The Assessment Planner is required to include all TfNSW conditions and reference is made to the final draft conditions of consent presented to the L and E Court for guidance.*

### **Parking Comments**

*The proposed development has 2 levels of basement parking with 151 spaces provided including 2 car share spaces. Strict compliance with the K2K DCP parking rate would require 156 spaces in total (not 153 as stated in the Transport Impact Assessment lodged with the application). There is a shortfall in visitor parking however the residential and commercial component fully comply with the K2K rates and two car share spaces are to be provided.*

*The application provides for 12 spaces for the combined retail and commercial allocation. A condition requiring that a minimum of three (3) of the twelve (12) retail and commercial spaces be available as visitor spaces outside of standard retail / commercial hours and signposted as such has been included within this report.*

### **Office of Water Comments**

*The development will intercept the predominant ground water table and will require temporary dewatering during construction. The Assessment Planner is requested to include all Office of Water conditions / requirements within any consent and reference is made to the final draft conditions of consent presented to the L and E Court for guidance.*

*Development Engineering conditions relating to dewatering, discharge of groundwater and permanent tanking of structures have been included within this report.*

### **Tree Management Comments**

*Spaced evenly along the length of Council's full width public footpath, which has recently been upgraded as part of significant civil works associated with the Light Rail, is a row of five mature Platanus x hybrida (London Plane Trees), of between 7-12m in height, which are all protected by the provisions of our DCP, and are also part of an avenue planting that exists along both sides of this street, in both the immediate area as well as extending into surrounding suburbs, so as a group, are regarded as a major feature of the streetscape, providing a sense of place and character.*

*They comprise T1, just past the scope of works/northern boundary of no.135 (which is the only street tree listed for retention), then T2 centrally in front of no.137, T3 centrally in front of no.145, which is just north of the existing Right of Way, then lastly, T4 & T5 in front of no.151, within separate, dedicated garden beds, on either side of the pedestrian entry to the existing hotel, where the footpath widens out*

at the bend in the road, with T2-5 all shown for removal, presumably so to accommodate new public domain works.

Council will concede to removal of the most southern street tree, T5, in order to accommodate the widened vehicle access/basement entry/exit that will extend into this same area as shown, with the standard loss of amenity fee not to be imposed in this case given that the applicant will already need to cover all costs associated with re-planting several new street trees along the length of this frontage as part of the external Public Domain works.

However, there seems no reasonable justification to support removal of the other street trees, T2-4, as they are established elements in the streetscape, which will directly assist with minimising any visual impacts arising from this development, with all services already having been placed underground, so while it is acknowledged that the public domain will be upgraded, the expectation is that these trees will be retained in-situ, and simply be incorporated into these external works, with the necessary amendments and adjustments to be made where necessary to ensure this, with conditions in this report provided on that basis, with a bond also imposed as security for compliance.

Progressing within private property, there is a mature, 15m tall *Castanospermum australe* (Black Bean, T6) that is located wholly in the rear setback of the adjoining private property to the south, 7 Addison Street, almost hard up against the common boundary, which is an evergreen non-endemic native that is protected by the DCP, with both Council and the applicant having a responsibility at common law to ensure it is not affected in anyway by these works.

Given that the southern wall of the basement is to be constructed right up onto this common boundary, the original Arborist Report (by Red Gum Horticultural) recommended its removal given that this would result in a major encroachment, but Council could obviously not agree to this given its location on another site, as the tree is clearly not even under the ownership of the applicant.

Subsequently, a supporting comment has now been provided from another consultant Arborist (Tree Wise Men), which categorically confirms that despite the close proximity of the works, and the resulting 'theoretical' incursion, the previous assessment was incorrect, as it assessed notional impacts only, and did not consider other site factors and conditions at all.

This relates specifically to the presence of an existing masonry wall/dividing fence on the common boundary between the two sites, adjacent the northern side of its trunk, which would have already acted as physical barrier to prevent root growth from even being able to enter the subject site, as evidenced by the fact that the existing concrete driveway within no151 already extends below the ground level of the adjoining site, where this tree is growing.

On this basis, Council concurs that T6 can be retained, and supports the recommendations for site specific tree protection measures, relating to the manner in which the existing wall is to be demolished and the new wall constructed, as well as the need to support the difference in grounds levels during these components to prevent collapse of the soil profile and de-stabilising the tree.

While some lateral branches have previously been removed from its northern aspect so as to provide a clearance over the driveway at no.151, additional pruning will still be required to accommodate the piling rig that will construct the southern wall of the basement, and while the southern elevation of the upper floors of the actual building will also finish in this boundary, it is further to its east, away from the tree.

The amount required has been assessed as being tolerable by this specimen, with conditions dealing with this component provided, and in both instances, to ensure a higher level of scrutiny and control over these works is applied than normal, joint site inspections must be attended by Council's officer, prior to commencing with these components.

The same also applies to the smaller Coastal Banksia directly beneath T6, which was not identified or assessed in the Arborist Reports, and overhangs into this development site.

There is a row of other specimens of varying sizes contained wholly in the rear setbacks of adjoining private properties to the west, also close to the common boundary, which as a group, perform an

important screening and privacy function between the two sites, which will be valuable for the future amenity of both parties, during construction as well as upon completion of the development.

The lower half of the dividing fence here comprises a masonry/block wall, which supports the difference in levels between the concrete parking area of the development site, and the higher ground level where the trees are growing.

Importantly, all plans show that a 6m exclusion zone will be provided parallel with this boundary, so as to accommodate the future dedication of a laneway/through-site-link, meaning that the existing walls boundary walls can likely remain in situ, and while the ground level in this part of the subject site will be raised by roughly 1400mm to RL24.840, this on its own should not adversely affect these trees, which can be easily protected and retained.

They comprise firstly, within 17-21 Villiers Street, two mature, 12-15m tall *Eucalyptus scoparia* (Wallangarra White Gums, T7-8), in the northeast site corner, as well as hedges of *Photina* (T14), *Murraya* (T15) and *Waterhousia floribunda* (Weeping Lilly Pilly, T16) to their south, into the southeast corner.

The same also applies to those further to the north, being a *Cupressus sempervirens* (Italian Cypress, T12) and an *Elaeocarpus reticulatus* (Blueberry Ash, T13), within 7 Villiers Street, and lastly, a multi-trunk *Ficus rubiginosa* (Port Jackson Fig, T10) within no.1-3 Villiers Street, which will likely require clearance pruning to facilitate future access, due to the extent of overhang, with precautionary type protection conditions imposed,

All other vegetation within the confines of the subject development site, exclusively within the front and rear setbacks of 139-141 Anzac Parade, will not pose a constraint to these works in anyway, including a *Persea americianna* (Avocado, T9), which despite being a large and mature example of the species, will be heavily impacted by the western wall of the basement and other associated works in this area, with the *Archontophoenix cunninghamiana* (Bangalow Palm, T11), as well as the Camphor Laurel (T17) and two White Cedars (T18-19) respectively, all being directly within the new footprint, so consent has been granted for their removal as shown and recommended.

### **Landscape Comments**

The submitted scheme shows a high level of detail that will result in a high-quality outcome for future occupants/users, including a variety of flexible communal spaces containing podium planting, outdoor BBQ and seating areas, with treatment on the upper levels ('the Meadow') to involve 'look-out-planting' within two separate courtyards to provide visual relief between different parts of the building.

A major feature of the design also includes a 6m wide laneway/through-site-link parallel with the rear/western boundary, which will include screen planting, feature paving and deciduous trees, with significant Public Domain Works also to be undertaken on the public frontage, with conditions for these external works requiring that the applicant liaise with Council's Open Space Coordinator as to the preparation of site-specific plans to ensure that the list of inclusions meets Council's requirements.

### **Heritage Planner**

The application was referred to Council's Heritage Planner who provided the following comments:

#### **The Site**

The site is currently occupied by the following structures:

137 Anzac Parade, being a mid-century, four-storey residential flat building with ground level carparking

139-141 Anzac Parade, being an early twentieth century single-storey, semi-detached pair of dwellings

143 Anzac Parade, being an early twentieth century two-storey commercial/residential building

*145 Anzac Parade, being a two-storey shop-top housing building with a ground level commercial use*

*145A Anzac Parade, being a two-storey brick rendered shop-top housing building with commercial use at ground level and open car park at rear, accessible from Anzac Parade*

*147-151 Anzac Parade, being a three to four-storey housing complex known as the 'Addison Hotel and Oz Harvest Market'. The building formerly accommodated a hotel and now contains residential housing, and includes supportive accommodation for homeless youth*

*The heritage listings in the wider vicinity of this site, as contained in the Randwick Local Environmental Plan (LEP) 2012 include the following:*

- To the east of the site, in a perpendicular roadway known as Darling Street, is a row of single-storey terraces at numbers 1-27 that is listed as a group item (I114). However, the frontage of this group is oblique to the proposed development. It is removed by more than 50 metres and is sited behind the principal line of properties along Anzac Parade. There is an insignificant and oblique line of sight to and from the heritage item.*
- Again, to the east of the site, in a perpendicular roadway known as Todman Avenue, is an individually listed historic Edwardian mansion at number 161 and known as "Cooma" (I149). Further east along Todman Avenue (but with a principal frontage to Doncaster Avenue) is another group listed heritage item known as the Kensington Public School buildings (I126). However, the frontages of these items are oblique to, and completely removed by their distance from the proposed development, with an insignificant and obliquely angled line of sight to and from the heritage items.*
- To the west of the site, at number 4 Villiers Street, is an individually listed early 20<sup>th</sup> century bungalow known as "Avalon" (I150). Further along Villiers Street, at numbers 14-16 is a group-listed semi-detached pair (I151). These items are separated from the articulated rear side of the proposed development by deep land parcels on the east side of Villiers Street, as well as the street width itself. There is a moderate line of sight impact to and from these heritage items given the height of the proposed development. However, the spatial separation is deemed acceptable, being at greater than 50m, as well as being separated by the line of properties along the east side of Villiers Street, several of which are of double and triple-storey height. Views to and from these heritage items would therefore be partial and angular.*

*All the above are listed as heritage items under the Randwick LEP 2012 and described in detail within the Heritage NSW data base.*

*The site is also located near a Heritage Conservation Area (HCA), known as Randwick Racecourse Precinct. This has some remnant historical connections to this precinct.*

*Further, as noted below, the Kensington to Kingsford Town Centres Planning Strategy Development Control Plan was published and took effect from 20 November 2020. That DCP noted that the built item at 208-212 Anzac Parade, which is located directly opposite the proposal, is a contributory item to its immediate precinct.*

## **Background**

*The proposal consists of an Integrated Development Application (DA) under Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act) for the redevelopment of a consolidated number of sites at 137-151 Anzac Parade, Kensington for a mixed-use and residential development.*

*The proposal has had extensive industry development. It has had negotiation between several parties, and significantly between the developers and Council. It has had representation in, and modifications in respect of a Land and Environment Court ruling.*



*Previous Heritage comments advised that any development proposal for the site would substantially fulfill heritage intentions if the development is consistent with floor space ratios and building height controls contained in the K2K Planning Proposal. This would satisfy the Urban Design Principle that requires a sensitive transition to surrounding established lower-scaled residential neighbourhoods, and would mitigate impacts on the setting and views to and from heritage properties in the vicinity.*

## **Proposal**

*This involves the demolition of the existing structures over all land parcels and the removal of certain trees.*

*All necessary site preparation works, including bulk excavation and remediation.*

*Then, the construction of a nine-storey mixed-use building over two levels of basement carparking to include:*

- *142 apartments*
- *Ground-level commercial and retail premises, including ground floor office space as part of 14 Soho apartments on the western interface*
- *The two levels of basement to contain 151 vehicle spaces*
- *A vehicular entrance driveway from Anzac Parade*
- *Associated landscape, community infrastructure, and public domain works*
- *Extension and augmentation of physical infrastructure and utilities as required*

*The complex is to present with continuous active retail uses at ground level. It proposes extensive public domain upgrades to facilitate the revitalisation of Anzac Parade.*

*The building comprises a re-designed variable height base podium of four to five storeys, with upper levels stepped back from the Anzac Parade frontage. At the west (rear side), the building steps from 2-storeys to 4-storeys to 9-storeys. The upper floors are articulated into three rear wings to provide improved amenity for the apartment complex, which backs onto residential properties in Villiers Street.*

## **Submission**

*The proposal is accompanied by:*

*An acceptable Statement of Environmental Effects (SEE) prepared by The Planning Studio (December 2021).*

*A full set of highly detailed architectural drawings prepared by Turner Architectural and including a comprehensive finishes schedule and 3D imagery.*

*These documents highlight:*

- *Additional consultant studies as per the requirements of Council.*
- *The façade redesign following a negative decision regarding the original proposal in the Land and Environment Court of NSW*
- *Site remediation and extensive public domain upgrades*
- *An accordance with Council's vision for the precinct as prescribed by the K2K Planning Strategy, LEP and DCP controls for desired design and future character*
- *A response to street alignment and desired built form for improved interface between public and semi-private spaces, especially visual character and amenity*

*It is notable however that the current SEE prepared by The Planning Studio does not appear to address the impacts of the proposal on the heritage values of the several individually listed heritage properties in the general vicinity of the site, nor upon the adjoining Heritage Conservation Area, nor its immediate precinct character in heritage terms. Nor is there any separate document that addresses any such heritage impacts.*

*The previous SEE prepared by Mecone, while not specifically addressing such potential heritage impacts, at least noted these considerations. It included Councils Heritage Map, showing heritage items*

and heritage conservation areas, as well as noting the heritage aspects and Contributory Items map from the then Draft K-K DCP.

## **Controls**

Clause 5.10(1) of Randwick Local Environmental Plan 2012 includes an Objective of conserving the heritage significance of heritage items and heritage conservation areas, including associated fabric, setting and views.

Floor space ratios and building height controls for the site are contained in Randwick LEP 2012 Amendment No.8, gazetted on 14 August 2020. The LEP amendment for the Kensington and Kingsford town centres includes provisions in relation to community infrastructure, affordable housing, non-residential floor space, active street frontages and design excellence.

The Development Control Plan (DCP) for Kensington to Kingsford Town Centres was published and took effect from 20 November 2020. That Plan provides detailed Objectives and Controls, including sections addressing Urban Design, Place-Making and Heritage Conservation. It includes specific 'Block Controls' for Strategic Node sites and other sites.

The subject site is part of the Block 21 within the Kensington Town Centre. It is noted that the heritage items and contributory buildings mapping for the Kensington Town Centre identifies the built item at numbers 208-212 Anzac Parade as being contributory. The item is directly opposite the subject site.

Further, the K2K Planning Proposal includes an Urban Design Principle of achieving a sensitive transition in relation to recently constructed development and the established surrounding lower-scaled residential neighbourhoods. That is, the acknowledgement of precinct character in terms of heritage values.

In that regard Part 9 of the K-K DCP - Heritage Conservation - includes the following Objectives and Controls for development adjacent to and in the vicinity of Contributory Buildings:

### **Objectives**

- To ensure that heritage significance is considered for heritage items and development affecting contributory buildings and heritage items within the vicinity.
- To encourage the sensitive adaptation of heritage and contributory buildings, and ensure infill development is designed to respond positively to the heritage character of nearby heritage items and contributory buildings.

New development adjacent to heritage items and contributory buildings:

- a) Development adjacent to heritage items and contributory buildings (infill development) should:
  - i. Be designed to respect the historic scale, proportions and articulation of adjacent contributory built forms, including heights, solid to void ratios and alignments of street awnings
  - ii. Incorporate podiums and framed overlays that reference the principle influence line of historic streetscapes, and are cohesive with the established street frontage
  - iii. Be designed to incorporate setbacks which retain the profile and massing of exposed side elevations to retained contributory built forms
  - iv. Ensure new street elevations maintain the vertical articulation and segmented character of historic building groups which provide variety to the streetscape and sense of human scale, and avoid unrelated horizontally emphasised articulation
  - v. Provide contemporary new signage that complements the character of the contributory buildings and
  - vi. Ensure that new finishes to side elevations should not detract from street front detailing and finishes.
- b) Development should maintain and reinstate the emphasis of street corners and cross routes through reinforcement of historic height lines remaining at, and adjacent to intersections.

Such Built Form Controls will also include provisions relating to Contributory Facades.

Clause 24.0 of the DCP - Heritage Conservation - includes the following Objectives and Controls for development adjacent to and in the vicinity of Contributory Buildings:

#### **Objectives**

- To encourage contemporary design which responds appropriately to heritage significance of neighbouring heritage items and contributory buildings, their setting and overall streetscape.

#### **Controls**

DAs for sites adjacent to contributory buildings must:

- i. Provide a contemporary design which is sympathetic to the contributory building in terms of: scale, proportions, materials, colours and details.
- ii. Reflect segmented frontages of historic building groups through facades that are broken into smaller vertical sections and articulation
- iii. Provide consistent heights and alignment of street awnings with existing contributory forms
- iv. Retain the profile and massing of exposed side elevations
- v. Provide podiums that reference the principal influence line of historic streetscapes and are cohesive with the established street frontage
- vi. Provide contemporary new signage that compliments the character of the contributory buildings.

#### **Comments**

As noted above, the site is well separated from individually listed heritage properties in the vicinity, as recorded in the RLEP 2012 Plan. It is unlikely to result in any perceived significant impact. Likewise, the subject site is well separated from the adjacent Heritage Conservation Area (HCA) known as the Randwick Racecourse Precinct, albeit with some remaining historical connections.

As noted above, any development proposal for the site should also be consistent with K2K Planning Proposal controls. These aim to promote positive precinct identity, including heritage values, by fostering human relationships of scale, sense of place, setting and views.

For instance, it is deemed that the design of the proposed development responds to its precinct character and the traditional scale of the nearby contributory buildings by provision of a street level awning, by its stepped back separation between the podium and upper levels, as well as in its overall street amenity, landscaping, and public spaces.

#### **Recommendation**

- For consistency in the documentary development to date, for the record into the future, and for future considerations of precedent, it is essential that the Statement of Environmental Effects (SEE) incorporates a section that addresses the several heritage issues outlined above. These are in respect of:
  - (a) Individually listed items in the general vicinity
  - (b) The adjacent Heritage Conservation Area
  - (c) The contributory item as listed in the K-K DCP, as well as immediate precinct character in terms of heritage values

Details shall be submitted for Council's approval prior to the issue of the construction certificate.

- In the unlikely event that historical archaeological remains or deposits are exposed during the works, all work should cease while an evaluation of their potential extent and significance is undertaken, and the NSW Heritage Office notified under the requirements of the Heritage Act.

#### **Environmental Health**

The application was referred to Council's Environmental Health Officer who provided the following comments:

#### **Proposed Development:**

The application seeks approval for a 9-storey mixed use building accommodating a total of 142 apartments and continuous active retail uses at ground level. It proposes extensive public domain upgrades to facilitate the revitalisation of Anzac Parade.

### **Land Contamination**

Land contamination has been noted in the statement of Environmental Effects and a Remediation Action Plan has been submitted with the development application. However there was no detailed site (DSI) Investigation (Land contamination) submitted with the proposed site. A remediation action plan (RAP) was prepared and submitted with the application which sets out several remediation processes necessary to ensure that the site is made suitable for its intended use.

The RAP states that previous contamination investigations undertaken in 2015 and 2016 had identified concentrations of various contaminants in the soil above and below the groundwater table. Notwithstanding, the level of contamination was noted within the relevant health criteria.

The RAP nominates a range of measures to facilitate remediation of the site to enable its redevelopment for the proposed use.

### **Environmental Health Comments:**

The RAP provided is based on a review of previous investigations from 2015-2019 undertaken by consultants engaged to investigate contamination migration from the service station. There has been no detailed site investigation for the proposed site or a site history review has not been completed.

It should be noted that this RAP does not form a detailed specification for the proposed site remediation works, but rather represents a planning document which outlines the means by which site remediation can render the site suitable for the intended land-use.

The below information was noted:

- The testing undertaken prior to November 2016 indicates that the concentrations of the various contaminants in the soils above the groundwater table are within the adopted Health-based and Ecological-based comparative criteria. The November 2016 testing indicates that the natural soils below the groundwater table also have concentrations of the various hydrocarbon-related contaminants within the adopted Health-based and Ecological-based comparative criteria.
- It is noted however that testing was limited and that there are data gaps, particularly within building footprints where no testing has been conducted to date and therefore further testing is required in these areas.
- At this stage the current extent of the groundwater impacts has not been fully quantified, particularly as it relates to the potential impact on the classification of the natural soils at the site.
- The site history assessment at the site has been limited. Therefore further site history assessment would be beneficial to identify potential areas of environmental concern. Furthermore there has been no testing previously conducted in the building footprints and generally the density of soil testing at the site is low with the previous focus being on the hydrocarbon plume from the 7-Eleven site. Therefore, it is recommended that a data gap assessment combining soil testing from test pits in the building footprints and deeper test bores and groundwater assessment be undertaken.
- In 2019 Groundwater sampling from monitoring wells at 2 locations which are both located in the north-east of the development site, both reported detectable concentrations of TRH, BTEX and naphthalene. Naphthalene was the only PAH with a concentration above the laboratory limit of reporting.

In addition to the above, a quick review of previous uses on the proposed site by the Environmental Health team indicates that the land has been used for manufacturing activities that may have had land contamination impacts such as a leather manufacturing facility, a printing company and a dry cleaners located at 145 Anzac Parade.

Considering contamination has been identified in the ground water and the current extent of the groundwater impacts has not been fully quantified, a detailed site investigation or site history of the



*proposed site has not been undertaken and there has been previous uses on the site that may have contaminated the proposed land, it is recommended that a detailed site Investigation is undertaken and submitted to Council prior to the construction certificate being issued.*

*Following the DSI, a revised RAP is to be developed and reviewed by a NSW EPA site auditor.*

*A site auditor is to be engaged to audit the remediation and validation process of this development to ensure the site is suitable for the intended use.*

*The land contamination risks associated with the development have been considered and appropriate conditions have been included in this referral.*

#### **Additional comments regarding land contamination**

*An updated draft RAP has been provided to Council on 24/06/2022. Please note this is in draft form only. The RAP outlines that a Data Gap Investigation and a Site History investigation was undertaken. Old uses of the site were considered and included drycleaners, manufacturers, printing shops and other commercial uses. Impacts regarding these uses were not discussed in detail and should be further discussed at the Detailed Site Investigation Stage.*

*The RAP concludes that subject to proper implementation of the RAP and validation reporting, DP considers that the site can be made suitable for the proposed redevelopment subject to a number of recommendations including further investigation and remediation of the site. However, the draft RAP states that a long term EMP may be needed. A long-term EMP may only be necessary for the site in the event that the soils below the basement and within the deep planting zone near the western boundary require a management strategy to deal with residual contamination in the soil.*

*The land contamination risks associated with the development have been considered and appropriate conditions have been included in this referral.*

#### **Internal and external noise**

*The site is located in B2 Local Centre zone. The surrounding area is predominantly characterised by residential dwellings to the rear of the premises and commercial/ residential buildings to the front. However it also faces Anzac Parade which has high traffic noise emissions from vehicles and rail.*

*The SEE states that noise and vibration has been considered and an acoustic report has been prepared and submitted by White Noise Acoustics dated 9/12/2021.*

*The report concludes the following;*

- details the required acoustic constructions of the building's façade, including external windows, to ensure that the future internal noise levels comply with the relevant noise levels of the Australian Standard AS2107:2016 and the Department of Planning Development Near Rail Corridors and Busy Roads Interim Guideline and the Infrastructure SEPP Providing the recommended constructions detailed in the report are included in the construction of the project the required internal noise levels will be achieved.*
- An assessment of the potential for noise and vibration impact from the operation of the light rail which is located on Anzac Parade and providing the recommendations in this report are included in the design and construction of the project compliance with the Department of Planning Development Near Rail Corridors and Busy Roads – Interim Guideline and the Infrastructure SEPP will be achieved.*
- External noise emissions from the site have been assessed and detailed in accordance with the NSW Environmental Protection Authorities Noise Policy for Industry (previously the Industrial Noise Policy).*
- The future design and treatment of all building services associated with the project can be acoustically treated to ensure all noise emissions from the site comply with the EPA NPfl criteria. Details of the equipment and associated acoustic treatments will be provided as part of the CC submission of the project.*

## **Environmental Health comments;**

### **Plant noise**

A review of the plans indicated that there are 3 plant rooms on the roof and additional plant rooms on the ground floor. It is noted that the equipment for these rooms have not been selected and details of the equipment and associated acoustic treatments will be provided as part of the CC submission of the project.

Considering this equipment is a major source of noise, it is recommended that an acoustic report is to be submitted and accepted by Council at CC stage and is to detail the predicted noise levels from all mechanical plant sources including all plant and equipment throughout the building including car park ventilation and individual air conditioning units, lift shaft noise etc) into all residential receivers (internal and external). Calculations of how the predicted noise levels were determined is to be specified in the report. Specific conditions will be included in this referral.

### **Ventilation requirements and achieving internal noise criteria**

To achieve internal noise level requirements specified in the Australian Standard AS2107:2016 and the Department of Planning Development Near Rail Corridors and Busy Roads, the acoustic report states "it is necessary for the windows and doors to remain closed to achieve compliance with specified internal noise levels and an alternative method of providing outside air ventilation will be required to all units within the development.

The method of providing an alternative for outside air ventilation is required to be provided in accordance with relevant regulations including the Building Code of Australia and AS1668". The report further states "The installation of the ventilation should not compromise the acoustic performance of the external building shell and is required to comply with the noise emission criteria detailed in the acoustic report".

However, the air quality assessment report prepared by VIPAC for the development states that the proposed building will be reliant upon natural cross ventilation for 60% of all accommodation spaces. This is contradictory to the noise assessment report and there is uncertainty as to whether the applicant can meet the noise criteria if the applicant is proposing to use natural cross ventilation in the residential units.

Furthermore there is no mechanical ventilation systems noted on the plans for each unit.

A request for information was requested on 19 May 2022 with regards to clarification of the conflicting air quality report and acoustic report. Clarification was requested to ascertain whether the residential units would be naturally ventilated (which is a recommended in accordance with SEPP 65) and if so, the acoustic report would need to be reviewed and amended to determine how the acoustic criteria would be achieved.

On 21/06/2022 the assessing planner advised Environmental Health that the applicant had confirmed that the units will be naturally ventilated and this is an oversight on the acoustic report.

There has been no further acoustic reports submitted to Council to address this and the Environmental Health team is uncertain as to how the internal acoustic criteria will be achieved. This matter was discussed with the assessing planner on 21/06/2022 and due to time limitations to obtain a further acoustic report, it was recommended that the relevant noise criteria should be conditioned as part of this referral and a further acoustic assessment should be submitted to council at CC stage.

Conditions have been included below to address these concerns.

## **Design Excellence Advisory Panel**

The application was referred to Council's Design Excellence Advisory Panel who provided the following comments:

### **INTRODUCTION**

Attached is a copy of the minutes relating to this Design Excellence Advisory Panel meeting.

The Panel's comments are intended to assist Council in their design consideration of an application against the SEPP 65 or/and Design Excellence principles. The absence of a comment under a head of consideration does not imply that particular matter to be satisfactorily addressed, more likely the changes are suggested elsewhere to generate a desirable change.

Your attention is drawn to the following;

- SEPP 65, including the 9 Design Quality Principles and the requirements for a Qualified Designer (a Registered Architect) to provide Design Verification Statements throughout the design, documentation and construction phases of the project.
- The Apartment Design Guide, as published by Planning NSW (July 2015), which provides guidance on all the issues addressed below.

Both documents are available from the NSW Department of Planning.

**Note:**

The Design Excellence Advisory Panel is appointed by Randwick Council. The Panel's written and verbal comments are their professional opinions and constitute expert design quality advice to Randwick Council, the architect and the applicant.

1. To address the Panel's comments, the applicant may need to submit amended plans. **Prior to preparing any amended plans or attending additional Panel presentations, the applicant MUST discuss the Panel's comments and any other matter that may require amendment with Council's assessing Planning Officer.**
2. When addressing the Panel's comments by way of amendments, if the applicant does not propose to address all or the bulk of the Panel's comments, and wishes to make minor amendments only, then it should be taken that the Panel considers the proposal does not meet the SEPP 65 requirements or Design Excellence Principles. In these instances it is unlikely the scheme will be referred back to the Panel for further review.

**PANEL COMMENTS**

**INTRODUCTION**

DA INFORMATION	
App Number	DA/481/2021
Proposal	<i>Integrated development application for demolition of existing structures, site remediation, and construction of a 9 storey mixed use development comprising ground floor commercial/retail premises and 142 dwellings on floors above, 2 levels of basement parking with vehicular access from Anzac Parade, tree removal, associated landscape and public domain works (variation to building height). A proposal for the same site was shown to the RDEAP in July 2020.</i>
Key dimensions	<i>Site area = 858.4m<sup>2</sup> Floor Space Ratio Control = 4:1 (K2K – clause 6.17) Proposed: 3.94:1 (complies) Height Control = 31m (K2K – clause 6.17) Proposed: 35.45m to lift overrun ( does not comply) Storey Control = 1 - 9 storeys in DCP envelope (does not comply with DCP envelope storey heights and volume)</i>

The proponent requested the panel's comments on their Anzac Parade street wall design options. The panel generally supports the new, less monolithic direction in the street wall design but recommends further modulation of the skyline.

The panel has concerns about other non-compliant aspects of the scheme, namely, concerning the proposed bulk beyond the front façade, which affects the amenity of both the occupants and the adjacent residents.

### **Principle 1: Context and Neighbourhood Context**

The area is under redevelopment in line with the Kensington to Kingsford controls within the Randwick Development Control Plan which describes the desired future character of the blocks. The subject site is approximately 75% of Block 21.

Block 21 is straddled between 131-135 Anzac Parade (Todman Square K4 strategic node site) to the north and Addison Road to the south.

The DCP describes the desired future character:

The site follows the curvature of Anzac Parade and will benefit from a new public space proposed at the south-eastern corner (Addison Street Triangle Plaza). Redevelopment of the block will reinforce a 9 storey cohesive built form outcome envisaged for the town centre with a four storey street wall providing a civic scale to both Anzac Parade and Addison Street. A flexible zone is included on the western side to enable built form to be suitably distributed across the site whilst achieving ADG requirements for building separation to the residential areas and minimising amenity, bulk and scale impacts.

An increased upper level setback is to be provided above the 4 storey podium on the southern elevation to reduce potential overshadowing of the Uni Lodge Plaza which lies across the road at the corner of Lorne Ave and Addison St.

A 3m building setback to the northern boundary will help achieve built form separation to 131-135 Anzac Parade including a proposed pedestrian link on that site. Ground floor active frontages are required around the entire perimeter of the building.

The proposal's design for the nine storey street wall to Anzac Parade has evolved since its recent development application was lodged and the panel was shown four "refinement options".

The DCP allows for a nine-storey building on the subject block and 18 storeys on the adjacent K4 site in this Kensington Town Centre precinct. A four-storey podium wall height control is critical in uniting these disparate elements and creating a cohesive streetscape.

This proposal envisages a three-part podium of four and five-storey elements, the higher element in the middle. The panel supports the additional height of the central element as it provides variety within the long block and relates to contemporary buildings close to the north and south of the site, which have podiums ranging from 4–6 storeys. In addition, the options show varying degrees of change in façade modulation above the four-storey street wall, providing emphasis beyond that offered by the required setbacks.

The options shown were

01 | Emphasis – Vertical Rhythm

01B | Emphasis – Vertical Rhythm + Change in Material Colour

02 | Emphasis – Street Wall Proportion

02B | Emphasis – Street Wall Proportion+ Change in Material Colour

03 | Emphasis – Vertical Rhythm + Vertical Material Colour Change

04 | Emphasis – Street Wall Proportion+ Vertical Material Colour Change

The panel supports the emphasis on the street wall portions (podium element widths) in the same colour or with the vertical colour change. I.e options 02 and 04 as they tend to break the block up into three distinct buildings. Option 03 also does this to a lesser extent.

The panel recommends further modulation of parapet heights and receding of top level balconies to emphasise the three separate sections to the building.

Similarly the panel believes that the building would seem less vast to residents if it were to have individual entries (addresses) to each of the three lift cores, although they could still be linked by a common hallway internally.



*As the adjacent sites are unlikely to be developed soon, the panel would like to see the street-front façade brick material return onto the exposed side flank walls for at least the depth of the balconies.*

### **Principle 2: Scale and Built Form**

*The panel supports the emphasis on the street wall portions (podium element widths) in the same colour or with the vertical colour change. I.e. options 02 and 04 tend to break the block into three distinct buildings. Option 03 also does this to a lesser extent. The panel recommends further modulation of parapet heights and receding of top-level balconies to emphasise the three separate sections of the building.*

*Similarly, the panel believes that the building would seem less vast to residents if it were to have individual entries (addresses) to each of the three lift cores. However, they could still be linked by a shared hallway internally.*

### **Principle 3: Density**

*The proposal amounts to an appropriate increase in density for this well-serviced area. However, the additional floor space derived from the Affordable Housing bonus is challenging the DCP envelope. It results in sub-standard amenity of internal spaces at lower levels and an overbearing presence to the properties to the rear.*

### **Principle 4: Sustainability**

*The proposal's density compromises sustainable aspects such as solar access and cross ventilation, see discussion in 6. Amenity below.*

### **Principle 5: Landscape**

*Reviewed at a high level only. Access to and usage of the level 2 courtyards is unclear. The roof terrace is well located and laid out.*

*The site relies heavily on borrowed landscape at the rear.*

### **Principle 6: Amenity**

*The proposal's density compromises sustainable aspects such as solar access and cross ventilation. The provided metrics are skewed by the two lowest levels of apartments rebranded as offices and SOHOs but are planned as separate domiciles. This level (01) is non-compliant with the DCP envelope.*

*The rear neighbours amenity is severely impacted, particularly regarding views of sky and privacy.*

*The building would benefit from individual entry points to each of the three lift cores. In addition, the hallways to the lifts could be made more inviting. Residents of the lower floors will want to access their units by conveniently placed stairs.*

*The upper-level lift lobbies and hallways have some access to light but would benefit from natural ventilation and views to the outside.*

*The rear setbacks are not compliant with ADG and DCP setback controls and unfairly impact the rear neighbours.*

*The width and spacing of the rear wings do not comply with the DCP envelope, and the residents' amenity suffers accordingly.*

### **Principle 7: Safety**

*The shared hallway's sightlines between the lift cores are advantageous for passive surveillance. However, the building entry(s) would benefit from more visual connectivity, e.g. to the cores to allow for passive surveillance and avoid the opportunity for concealment.*

*The drawings should show space for all fire protection systems, e.g. fire control room, sprinkler system equipment including tank, fire protection panel and stair pressurization.*

### **Principle 8: Housing Diversity and Social Interaction**

*There is sufficient diversity in the accommodation offered within the building.*

*The communal rooftop space could be a thriving space for social interaction.  
There should be easier stairway access to the units.*

### **Principle 9: Aesthetics**

*Architectural Design, Materials and Detailing*

*The façade design follows the intent of the DCP's vision of the future character in terms of scale and proportion. The façade design is discussed above in 1. Context and Neighbourhood Character*

*The presentation includes a range of brick precedent images on the façade. The red brick shown in the Existing Context and Arlington Grove images would sit well in the streetscape and could be accompanied by any of the others. A high contrast of between brick and mortar colours, as depicted in the Face Brick reference image, would not be appropriate.*

### **SUMMARY AND RECOMMENDATIONS**

*The panel acknowledges that the overall built form is generally consistent with the precinct and site-specific controls, noting that the allowable density is difficult to reconcile within the height controls whilst achieving a good urban design and amenity outcome.*

*The proponent's "refinement options" for the Anzac Parade façade are an improvement, in that the façade is broken down into three distinct parts. The panel recommends further modulation of the skyline distinguishing the three parts. Refer to the discussion above 1. Context and Neighbourhood Character.*

*The bulk and scale of the proposal is supported except where non-compliance with the DCP envelope at the rear impacts both occupants' and nearby residents' amenity. The building should conform with the DCP and ADG rear setbacks.*