

ATTACHMENT B: INTERNAL REFERRAL & DEAP COMMENTS

Development Engineer & Landscape Officer

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

A S4.56 modification has been received for amendments to the approved design, including addition of a basement level accommodating 98 car parking spaces, 106 motorcycle spaces and 114 bicycle spaces; provision of 363 student rooms in Tower A; provision of 112 key worker rooms in Tower B; reconfiguration of Tower A; new room types to Tower B and Tower A; increased floor to floor heights (2.96m); removal of commercial lift; modification to landscape area and plant area on Level 9 and 18; and site A and B lift overrun increases at the above site.

Groundwater Comments

The additional level of basement parking takes the development further into the water table. No conditions need to be changed or additional conditions included.

Traffic and Parking Comments

The modification provides for 98 car spaces, 114 bicycle spaces and 106 motorcycle spaces. The parking provision is therefore in excess of that required by the K2K DCP (a minimum of 69 spaces are required) and the bicycle and motorcycle parking are acceptable based on the Transport Assessment undertaken for the original DA (AG 2020 TA).

Development Engineering doesn't object to the development on the basis of parking or traffic considerations.

Should this Modification be supported, the assessing officer is advised that the following conditions (as taken from the L & E Court ruling of 17/06/2021) will need to be amended to now read as follows:

Condition 47

A minimum of 98 car spaces shall be provided for this development. A plan showing the allocation of car spaces shall be submitted to the Principal Certifier with the Construction Certificate. Car spaces shall be allocated in accordance with the following:

- K2K DCP parking rate for business premises (1 space per 125m2 for commercial premises and 1 space per 100m2 for cafes);*
- 1 space per 2 staff; and*
- 1 space per 2 key workers.*

The construction certificate must demonstrate compliance with this requirement and Council must be provided with a copy of the car space allocation should Council not be the Principal Certifier

Assessment comments: The recommended change to condition 47 in aligning with the number of key workers is not able to be complied with noting the 96.5 spaces required for the

number of occupants (193) of key workers based on single and double room sizes in Tower B. Moreover, it doesn't align with the construct of the provisions in SEPP ARH which requires parking be provided per number of rooms (in this case 112 key worker rooms) would require at least 56 parking spaces. The applicant nominates 82 parking spaces for key workers which readily complies with the minimum provisions. As such the condition is amended in line with the parking proposed by the applicant and shall read as follows:

47. A minimum of 98 car spaces shall be provided for this development. A plan showing the allocation of car spaces shall be submitted to the Principal Certifier with Construction Certificate 3. Car spaces shall be allocated in accordance with the following:

- K2K DCP parking rate for business premises (1 space per 125m² for commercial premises and 1 space per 100m² for cafes).
- 1 space for Boarding House management staff; and
- K2K DCP parking rate for Key Workers (Boarding Houses) – 0.5 space per room (as per ARH SEPP)
- K2K DCP parking rate for student accommodation – 0 space per room.

Construction Certificate 3 must demonstrate compliance with this requirement and Council must be provided with a copy of the car space allocation should Council not be the Principal Certifier.

Condition 51

*As the proposed basement **levels** may extend into the water table (or be affected by fluctuations of the water table), the following requirements apply:*

- a. *The design and construction of the basement **levels** must preclude the need for dewatering after construction.*

That part of the development that may be impacted by the water table must include a waterproof retention system (i.e. a fully tanked structure) with adequate provision for future fluctuations of water table levels. (It is recommended that a minimum allowance for a water table variation of at least +/-1.0 metre beyond any expected fluctuation be provided). The actual water table fluctuation and fluctuation safety margin must be determined by a suitably qualified professional.

- b. *Groundwater management systems shall be designed to transfer groundwater around, through or under the proposed development without a change in the range of the natural groundwater level fluctuations in the locality.*

Where an impediment to the natural flowpaths is created as a result of the nature of the construction methods utilised or the bulk of the below-ground structure, artificial drains such as perimeter drains and through drainage may be utilised. These systems may only be utilised where it can be demonstrated that the natural groundwater flow regime is restored both up-gradient and down-gradient of the site, without any adverse effects on surrounding property or infrastructure.

Groundwater management systems:

- Are to be designed to be easily maintained.
 - Should have a design life of 100 years.
- c. The basement level/s of the building must be designed by a structural engineer who is qualified and experienced in the design of structures below a water table. Details of the proposed methods of managing groundwater, tanking and waterproofing must be submitted to and approved by the certifying authority, prior to issuing the **construction certificate**. A copy of the engineer's qualifications and experience must also be submitted to the Certifying Authority.

In the event of the development being modified in a manner that changes building/structural loads or alters the basement design, a suitably qualified and experienced structural engineer must certify that the design of the basement remains adequate for the site conditions.

Landscape Comments and changes to Conditions

Should this Modification be supported, the assessing officer is advised that the following conditions (as taken from the L & E Court ruling of 17/06/2021) will need to be amended to now read as follows (all changes in red):

DELETE CONDITIONS 68-69 AND REPLACE WITH THIS NEW, SINGLE CONDITION:

Landscape Plans

Written certification from a qualified professional in the Landscape industry (must be eligible for membership with a nationally recognised organisation/association) must state that the Landscape Plans submitted for the Construction Certificate are substantially consistent with the Amended Landscape Plans by Landform Studios, dwg's LD-S4.56-000 - 900, rev 1, dated 17/12/21, with both this statement and plans to then be submitted to, and be approved by, the Principal Certifier.

- ~~68. Detailed Landscape Plans, prepared by a qualified professional in the landscape industry (who is eligible for membership with a nationally recognised organisation/association) must be provided, and are to include at minimum:~~
- ~~a. A Planting Plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting, and whether in deep soil or on podium.~~
 - ~~b. All plants are to be shown at their mature size and must ensure continuous cover is achieved throughout all planted areas.~~
 - ~~c. A high-quality selection and arrangement of decorative species at Ground Level, around the perimeter of the site, to assist with presentation of the development to the respective streetscapes and improve interaction with the adjoining public domain, as well as at the upper levels, so as to create visual interest and cater to the recreational needs of future occupants.~~

- ~~d. A Planting Schedule listing all plants by botanic & common names, quantities/densities, pot sizes, size at maturity and similar.~~
 - ~~e. Additional notations showing soil and mulch details, planter boxes/podiums, irrigation (connected to rainwater tanks), paving, fencing details, surface finishes, lighting, retaining wall details, and any other elements to fully describe the proposed works.~~
 - ~~f. Full construction details of any green walls or similar, including a written design statement, visual representation and how it will be fixed to the building, along with species selection, watering regime, maintenance/access requirements and any other relevant matters.~~
 - ~~g. Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.~~
 - ~~h. Strategically selected and located feature trees to give accent, shade and amenity, and must be suitable for the space they are growing in, both above and below ground.~~
 - ~~i. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm, 1000mm for trees, with lawn areas to have a minimum soil depth of 300mm. Details confirming compliance shall be submitted with the detailed landscape plans.~~
- ~~69. Written certification must be provided (from a qualified professional in the Landscape industry), confirming that these plans comply with the requirements listed above, with both this statement and plans to then be submitted to, and be approved by, the Principal Certifier.~~

AMEND CONDITION 131 TO NOW REFERENCE THE CURRENT/AMENDED LANDSCAPE PLANS:

Landscape Certification

131. Prior to any Occupation Certificate, certification from a qualified professional in the Landscape industry must be submitted to, and be approved by, the Principal Certifier, confirming the date that the completed landscaping was inspected, and that it has been installed substantially in accordance with the Amended Landscape Plans by Landform Studios, dwg's LD-S4.56-000 - 900, rev 1, dated 17/12/21, and any relevant conditions of consent.

Strategic planning

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

Regarding the proposed change of the north tower use from Boarding House to Key Worker Housing, this is supported in principle as it would provide more variety and mix of occupants for the building and additional accommodation of this type for Kensington Town Centre. Compliance with the Housing SEPP bonus provisions should be reassessed as necessary.

Heritage Planner

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

The Site

The site is occupied by:

- 111 Anzac Parade- a two storey commercial building in the Brutalist style
- 113 – 115 Anzac Parade- two story post war retail/commercial building
- 117 – 119 Anzac Parade- two storey post war retail/commercial building
- 121 – 125- "Phillips' Corner" 2 storey commercial/residential building dating from 1917
- 112 Todman Avenue- carparking and vehicular access

To the east of the site, no.161 Todman Avenue, "Cooma" an Edwardian mansion, and Kensington Public School are listed as heritage items under Randwick LEP 2012. To the south-east of the site, nos.1 - 27 Darling Street, a single storey terrace is listed as a heritage item. To the north-west of the site, no.23 Duke Street is listed as a heritage item, while to the south west of the site, no.4 Villiers Street, "Avalon" a bungalow, and nos.14 - 16 Villiers Street, a semi-detached pair, are listed as a heritage item.

Background

As the Site is identified as an Opportunity Site within the K2K Strategy, a Design Excellence competition was undertaken to maximise the potential of the Site and obtain an additional two (2) storeys in height for the proposed development. An Architectural Design Competition with 3 participants was held in February/March 2020 with the selected winner submitting a pre-lodgement application.

History

PL/20/2020 proposed partial retention of nos.121 – 125 Anzac Parade and demolition of all other buildings on the site and construction of a development comprising a lower tower (6 storeys), a mid tower (9 storeys) and an upper tower (18 storeys) over basement carparking. A number of heritage concerns were raised in relation to the pre-lodgement proposal.

The original application similarly proposed partial retention of nos.121 – 125 Anzac Parade and demolition of all other buildings on the site and construction of a development comprising towers over basement carparking. The ground level is apparently to comprise retail/commercial space, foyer, coworking and service areas, the first floor is apparently to comprise predominantly communal areas, as well as commercial space and an innovation space while upper levels are to comprise boarding house rooms, as well as communal areas and roof gardens at level 18 and level 9 (swimming pool also provided at this level).

The proposed development consists of a grouping of towers with the northernmost lower towers comprising 6 and 10 storeys, and the southernmost higher towers on the corner of Todman Avenue comprising 17 and 19 storeys.

Heritage comments on the original proposal again raised concerns that the proposal was incompatible with Burra Charter Principles; adopts a facadist approach which does not retain the first floor structural bay/first room which will maintain the structural stability of the building, and may not provide a 6.5m upper level setback between the remnant of

the contributory building and new building; and did not include a Statement of Conservation Works prepared by a heritage practitioner/conservation specialist. Consent conditions were included in relation to conservation works, archival recording, salvage and interpretation.

Proposal

A Section 4.55 amendment has now been received which proposes changes to floor plans and elevations including a new basement and revised tower forms. Tower A (to the south) is to comprise student rooms while Tower B (to the north) is to comprise key worker rooms and the amendment includes internal reconfiguration and associated facade redesign. Floor to floor heights are to be increased and the overall height of each of the towers is to increase.

Submission

The original application was accompanied by a Heritage Impact Statement prepared by Urbis and a Structural Report prepared by van der Meer. The electronic file includes a large number of drawings and a considerable number of reports, but does not seem to provide any information addressing the heritage impact of the amended plans. A Heritage to be Retained drawing is provided.

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.

The K2K Planning Proposal which was with the Department of Planning, Industry and Environment awaiting finalisation at the time the original application was submitted, was gazetted on 14 August 2020 as Randwick LEP 2012 Amendment No.8. The subject site is identified as an 'opportunity site' within the K2K Planning Strategy. In relation to design excellence, Council is required to have regard to how the development addresses heritage issues and streetscape constraints.

The Draft Development Control Plan for K2K which was endorsed by Council for public exhibition in July 2020, was adopted 17 November 2020. The Development Control Plan- Kensington and Kingsford Town Centres provides detailed Objectives and Controls, including sections addressing Urban Design and Place-Making and Heritage Conservation, and includes Block Controls for Strategic Node sites and other sites. The site is part of the Todman Square precinct Strategic Node site. The Heritage items and contributory buildings mapping for the Kensington Town Centre identifies the heritage properties to the east and the south east of the site.

The draft DCP heritage conservation objectives aim to conserve and enhance the character and significance of heritage items and ensure that significance is considered for heritage items and development affecting contributory buildings, and heritage items within the vicinity. The controls also require that heritage impact of development located within the vicinity of heritage items within adjoining local government areas is considered, as well as a number of requirements for building adjacent to items or contributory buildings. It also requires that 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.

Comments

The building envelope appears to remain generally consistent with building envelopes in the Block Controls Development Control Plan- Kensington and Kingsford Town Centres.

The amended proposal for the site should be generally consistent with floor space ratios and building height controls contained in Randwick LEP 2012 Amendment No.8, and the Building Envelope Controls contained in the K2K Development Control Plan in order to satisfy the Urban Design and Placemaking Guiding Principle of achieving a sensitive transition in relation to recently constructed development and surrounding established lower scaled residential neighbourhoods, and in order to ensure impacts on the setting and views to and from heritage properties in the vicinity of the site are minimised.

The height of the podium to the northern tower relates to the scale of the retained section of the Contributory Building and to the scale of traditional buildings in the town centre, while the height of the northern tower itself relates to the scale of more recent development along Anzac Parade. The building envelope, and material and finishes of the proposed development address the fine grain early twentieth century character of the streetscape of Anzac Parade and Todman Avenue.

Recommendation

No additional consent conditions are required.

Environmental Health

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

Proposed Development:

Scape Development Amended Application received and reviewed. The Development Schedule has been reviewed (D04454512) and also the Schedule of Amendments D04454513.

Comments:

Amended Acoustic Assessment requested and received, please refer to D04491427. Should the amended application be approved, the acoustic report and recommendations should be conditioned to be approved with. This includes (but it is not limited to):

"6.2.5 Loading Dock Operation

- *No loading dock operation between 6pm – 7am Monday to Saturday or 6pm to 8am Sunday/Public holidays.*
- *Garbage compacting can only be operated during the day (7am to 6pm Monday to Saturday, 8am to 6pm, Sunday or Public Holidays).*
- *Prominent notice shall be displayed within the loading dock to remind operators to minimise noise during loading and unloading activities*
- *Floor finish of the loading dock should be of broom finish to avoid tyre squealing noise" page 24*

Recommendation:

Should the application be approved, it is recommended that the following conditions be included:

- 1 *The Amended Acoustic Report prepared by Acoustic Logic titled: "Scape Lachlan, 111-125 Anzac Parade, Kensington - Noise Impact Assessment dated 22/02/2022 reference: 20200308.7" is to be complied with and forms part of this consent.*

2. *The use and Operation of the Loading Dock is required to comply with the following as stipulated in the submitted acoustic report:*
- *No loading dock operation between 6pm – 7am Monday to Saturday or 6pm to 8am Sunday/Public holidays.*
 - *Garbage compacting can only be operated during the day (7am to 6pm Monday to Saturday, 8am to 6pm Sunday or Public Holidays).*
 - *Prominent notice shall be displayed within the loading dock to remind operators to minimise noise during loading and unloading activities*
 - *Floor finish of the loading dock should be of broom finish to avoid tyre squealing noise.*

Design Excellence Advisory Panel

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

PANEL COMMENTS

Description

S4.56 modification to court-approved design including addition of a basement level accommodating 98 car parking spaces, 106 motorcycle spaces and 114 bicycle spaces; provision of 363 student rooms in Tower A; provision of 112 key worker rooms in Tower B; reconfiguration of Tower A; new room types to Tower B and Tower A; increased floor to floor heights (2.96m); removal of commercial lift; modification to landscape area and plant area on Level 9 and 18; and site A and B lift overrun increases.

The proposal has been reviewed by DEAP previously.

The subject s4.56 modification application comprises the following items, as summarised by Council's responsible officer for this application:

- *Addition of a basement level accommodating 98 car parking spaces, 106 motorcycle spaces and 114 bicycle spaces;*
- *Provision of 363 student rooms in Tower A;*
- *Provision of 112 key worker rooms in Tower B;*
- *Reconfiguration of Tower A rooms to minimise overlooking to western neighbours;*
- *Elevations updated to reflect the reorientation of Tower A rooms;*
- *New room types added to Tower B and northern portion of Tower A to include 1 bed and suites;*
- *Tower B podium updated to reflect revised room layout;*
- *Updated Finished Floor Levels (FFLs) to reflect increased floor to floor heights (2.96m);*
- *Core arrangement, lifts and fire stairs repositioned to match revised tower form;*
- *Modification to building internal layout to accommodate revised structure and core layouts;*
- *Relocation of gas meter from Anzac Parade to Todman Avenue;*
- *Removal of commercial lift;*
- *Modification to landscape area and plant area on Level 9 and 18;*
- *Site A lift overrun increases from RL 85.51 to RL 86.65;*

- *Site B lift overrun increases from RL 59.10 to RL 59.56;*
- *Amendment to façade design to accommodate the amended internal layout; and*
- *Amendment to the landscape design based on the changes to the Architectural Plans.*
- *Variations to following development standards:*
 - *Height (1.9% to 60m height for Site A and 9.23% variation to 31m height for Site B (noting variation sought under modification to approved is 1.38%).*
 - *FSR (approved variation of 25.46% - 7.49:1 from 6:1 standard); 4.8%; proposal reduces variation by 0.66% down to 24.8%)*
 - *Area of non-residential FSR (standard requires 1:1 approved; Mod seeks for Site A non-res FSR of 0.276:1 or 384sqm). Applicant says they continue to provide non-residential FSR of 1.10:1 distributed over site B.*

The DEAP has reviewed and generally accepts each of these amendments as minor/reasonable and not detrimental to the overall design intent and detail of the court-approved proposal.

The Panel made further comments and raised the following detailed matters at the meeting for the consideration of Council and the proponent. These should be resolved to the satisfaction of Council.

- *The Panel notes the applicants' advice that the submission was lodged and is to be considered under ARHSEPP 2009. This should be confirmed with Council.*
- *The Panel is generally supportive of the dedication of Tower B to key worker housing.*
- *The Panel queried changes to height with particular reference to possible further overshadowing of the low-density R3 precinct to the west and south-west by extension of the Tower A roof plantroom (L.18) to align the western façade. The architects advised the meeting that there were no impacts, however this should be confirmed to Council with comparative shadow impact diagrams.*
- *The Panel notes applicant advice that the ground level cross site link is open to the public at all times, and that it would be surveilled by security cameras.*
- *The Panel noted the proposed waste management strategy is yet to be resolved, and that adequate provisions for removal of waste must be provided for both options.*
- *The Panel queried the split corridor arrangement to the northern wing typical floors of Tower A, noting the dog-leg corridor and a lack of access to natural light. It was suggested that this be further reviewed by the architects to determine how this could be remedied.*
- *The Panel noted the high number of "front doors" in Tower A and queried the level of lift service that is being provided. The applicant advised that this has been reviewed with consultant engineer and considered acceptable. Details of proposed service wait times should be provided to Council.*
- *The Panel queried the modelling and method of measurement of GFA in relation to*

the angled/serrated GRC façade system on the south on Tower A. Further dimensions and detail should be provided to Council's satisfaction.

SUMMARY AND RECOMMENDATIONS

The urban design and architectural approach to this proposal has been well considered and delivers an appropriate sense of human scale through a fine-grained approach to built-form, convincing architectural diversity and rich, varied materiality.

Subject to matters raised in this report being addressed to the satisfaction of Council, the development does not need to return for further DEAP review.