

ATTACHMENT B: INTERNAL REFERRAL & DEAP COMMENTS

Development Engineer

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

Reference is made to the subject Section 4.56 Application.

I have reviewed the submission and have formed the view that the majority of Development Engineering and Landscape Conditions within the current development consent for DA/288/2020 are still applicable.

- **Traffic Comments**

The proposed modifications increase the number of motorcycle parking spaces by 2 and change a standard carspace into an accessible carspace. Page 4 of 8 of the Transport Statement (prepared by Ason Group) has incorrectly stated that 63 motorcycle spaces will be provided with this application. Elsewhere in the report the correct figure of 65 motorcycle spaces is used.

*Page 5 of 8 of the Transport Statement (prepared by Ason Group) references a car share space (2nd dot point under **Car Parking**). The location of the car share space has not been shown and no conditions relating to a car share space were included in the development consent for DA/288/2020. It is assumed that no car share space is to be provided.*

The proposed modifications do not create any additional demand on parking above the approved scheme.

- **Changes to Consent conditions**

The proposed development will require a modification to Condition 62 – the Assessment planner is requested to modify this condition to reflect the amended Landscape Plans.

All other Development Engineering and Landscape conditions are to remain as documented in the attached development consent.

Heritage Planner

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

The Site

The Site is located at 182, 186-188 and 190 Anzac Parade and 157 Todman Avenue, Kensington and is legally described as Lot 1 and 2 DP 331408, Lot 1 DP 130297 and SP 45348. The Site comprises four (4) parcels and exhibits a total area of 1,879m².

The Site has a primary frontage of approximately 46m to Anzac Parade to the west and a secondary frontage of approximately 41m to Todman Avenue to the north.

Until recently, the Site comprised residential and retail uses across four (4) allotments. The buildings on site are vacant but have not been demolished to date.

- Lot 1 DP 331408 182 Anzac Parade, being a three-storey building comprising shop top housing and ground floor retail use (Kensington Pharmacy).
- Lot 2 DP 331408 186-188 Anzac Parade, being a three-storey walk up residential flats building with a brick garage at the rear of the property.
- Lot 1 DP 130297 190 Anzac Parade, being a two-storey residential building with vehicle access provided via Darling Lane
- SP 45348 157 Todman Avenue, being a four-storey residential flats building

Numbers 182-186 Anzac Pde comprise 1930s interwar residential flats buildings with some ground level retail use. These are in a relatively good quality but templated style, of which there is a substantial quantity within the Randwick LGA.

Number 157 Todman Ave is an unremarkable early 1970s four story residential flats building presenting in blond brick. It is sited perpendicular to the street frontage and aligned with its deep land parcel.

It is noted however that the dwelling at 190 Anzac Pde, although in currently bland colouration, is an interesting Edwardian building, presenting with remnant classic features such as bayed window formations and timber shingle frontages.

Existing trees are also identified within and surrounding the Site, including five (5) located on the Site and four (4) trees adjacent to the Site along Todman Ave and Anzac Pde.

The sites described above are not identified as heritage items, nor are they located within a heritage conservation area pursuant to the Randwick LEP 2012.

There are however several individually listed heritage items located in the vicinity, listed at the local level in Schedule 5 of the RLEP.

These include:

- Item 1149, located at 161 Todman Ave Kensington, being 'Cooma', an Edwardian mansion.
- Item 1114, located at 1-27 Darling St Kensington, being a single storey terrace group of worker cottages.
- Item 1126, located at 77-79E Doncaster Ave Kensington, being Kensington Public School Buildings.

The proposed development is also sited in proximity to a Heritage Conservation Area to the east, being the Randwick Racecourse HCA.

Background

The original Development Application, DA/288/2020 granted consent for:

- Integrated development application for construction of an eighteen (18) storey mixed-use development comprising basement / ground / first floor commercial, and a boarding house above to be used as student and key worker accommodation comprising 308 boarding rooms, provision of a public plaza and two through-site links, basement parking, signage, landscaping, earthworks and excavation and associated works (variation to height of buildings of the RLEP 2012)

Proposal

A modification application was made under Section 4.56 of the Environmental Planning and Assessment Act 1979 (EP&A Act) to Randwick City Council on behalf of Scape Australia ATF Anzac Parade Trust in support of amendments to Development Consent DA/288/2020.

The overall intent of the proposed modifications was to amend the design to satisfy the operational demands of the approved development.

Approval was granted by the Land and Environment Court of NSW by way of a Section 34 Agreement on 29 June 2021 (Perpetual Corporate Trust Limited v Randwick City Council – LEC No. 2020/288435) for the proposed development.

Submission

The proposal is substantially supported by the following relevant documentation:

- Architectural drawings (SK099 Revision A, E, F, G, Amended and dated 01.11.2021 - 04.11.2021), prepared by + ARCHITECTURE, d*
- Statement of Environmental Effects, prepared by Willow Tree Planning, dated 10 November 2021*
- LEC Judgment 1 July 2021 – 2020/00288435*

The currently proposed modifications are for operational needs. These include elevator and sanitary facilities, car/motorcycle parking, waste management, building services plant room, fire stair, retail outlet and minor landscaping, and an overall height increase of 0.54m.

It is noted that the SEE determines (Report Section 5.1.1) that the development as modified would result in substantially the same development as the development for which consent was granted under DA/288/2020.

Controls

RLEP2012 is the primary environmental planning instrument that applies to the Subject Site. The heritage section of Randwick Development Control Plan 2013 provides Objectives and Controls in relation to heritage properties.

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.

Clause 5.10(4) of Randwick Local Environmental Plan 2012 requires Council to consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area.

Furthermore, a planning strategy known as ‘The K2K Planning Proposal’ is currently with the Department of Planning, Industry and Environment awaiting finalisation.

It is noted that on the 28 July, the Draft Development Control Plan for K2K was endorsed by Council for public exhibition. The Draft DCP comprises controls in relation to development within the Kensington and Kingsford Town Centres, including in

relation to Design Excellence, Desired Future Character and Built Form, as well as in relation to Heritage Conservation (Part A, Section 9). And in this regard, on 14 August 2020 amendments to the Randwick LEP (Amendment 8) were gazetted in relation to a number of clauses relating to height and density, affordable housing and minimum non-residential floor space, design competitions and active street frontages within the Kensington and Kingsford Town Centres.

Comments

The subject site is identified as an 'opportunity site' within the K2K Planning Strategy. The K2K Planning Strategy is currently with the Department of Planning, Industry and Environment awaiting finalisation. It includes an Urban Design Principle of achieving a sensitive transition in relation to contemporary development and established lower-scaled neighbourhoods.

There are numerous buildings located along Anzac Parade which are identified as 'contributory' to this historical character. These comprise predominantly Federation and Inter-War shop top buildings, and some two-storey attached early twentieth century buildings.

The draft DCP heritage conservation objectives for this corridor aim to conserve and enhance this character and significance, to respect the relationships of this corridor to heritage items and conservation areas within the vicinity, and to maintain an emphasis on street corners and cross routes.

These considerations invite a sensitivity of overall presentation in terms of design excellence, public space amenity, compatibility of materials and colouration.

Careful review of the current architectural drawings, as well as the LEC Judgement for this proposal, deems these considerations are substantially met from the heritage perspective, largely in terms of change management. Therefore, it is considered that neither the initial Development Application nor the proposed modifications would result in any unacceptable impacts on the surrounding heritage items or the nearby heritage conservation Areas. The following further considerations are given:

Demolition of existing buildings

- The demolition of existing buildings at 182-188 Anzac Pde and 157 Todman Ave is supported in view of the abundance of similar templated housing stock in the Randwick LGA.*
- The demolition of the dwelling at 190 Anzac Pde should be subject to the practical summary conditions outlined below under Recommendations.*

Construction of new building

- The proposal incorporates built form, articulations height and setbacks which are generally consistent with the built form controls prescribed for the subject site within the K2K Planning Strategy.*
- The podium portion incorporates a three-storey high atrium element, with visual continuation at the east for another six levels (31m) being about half the height of the tower.*
- The podium level appears as 'invitational' on a human scale and comprises retail and communal/reception areas in largely see-through corners.*

- *The presentation of the podium area acknowledges the historic scale of existing shop fronts and contributory buildings along Anzac Parade. It also emphasises the street corners at this intersection.*
- *It includes combinations of landscaping, with mixed building materials in brick, aluminium, glass and softer natural-look surfaces that are contemporary, yet visually compatible with the fine grain character of the historical shop fronts along Anzac Parade.*
- *Its contemporary design, finishes and colouration in dark grey and bronze would sit cohesively within the historical character of the built form along Anzac Parade.*
- *The tower element is to be substantially setback from the podium frontages along Anzac Parade and Todman Ave.*

Public domain and landscaping

At street level the development is enhanced with paving, articulated levels and suitable landscaping, enhancing the general amenity of this intersection and its immediate neighbourhood.

Heritage items and contributory buildings within the vicinity

As noted above, there are several locally listed heritage items and a heritage conservation area in the immediate and proximate vicinity, which should be considered in regard to possible impact pursuant to Schedule 5 of the Randwick LEP 2012. These include:

- *Item 1149, located at 161 Todman Ave Kensington, being 'Cooma' an Edwardian mansion*
- *Item 1114, located at 1-27 Darling St Kensington, being a single storey terrace group of worker cottages*
- *Item 1126, located at 77-79E Doncaster Ave Kensington, being Kensington Public School Buildings*

The proposed development is also sited in proximity to a Heritage Conservation Area to the east, being the Randwick Racecourse HCA.

However, an analysis of these items in terms of their assessed significance and the impact of views to and from these items, concludes that the proposal is unlikely to negatively impact the items or their setting. Likewise, it is unlikely that the proximate Randwick racecourse HCA will be impacted in any manner.

Recommendation

The following conditions should be included in any consent:

- *The demolition of the turn-of-century Edwardian dwelling located at 190 Anzac Pde should be subject to the following requirements:*
 1. *A brief and basic archival photographic recording of the property shall be prepared and submitted to Council's Director City Planning.*

This should include front and rear elevations and the principal rooms, with any significant extant details such as decorative plaster ceilings, traditional fireplaces, doors and window features.

The legal property identifier, the address and site plan should be included, however base plans for the dwelling are not required.

Two copies of the endorsed archival recording, in both electronic and PDF form, shall be presented to Council, one of which shall be placed in the Local History Collection of Randwick City Library. There should be a copyright permission for Council to use the photographs for research purposes.

2. *In consultation with an established salvage and recycling company, a salvage plan should be constructed. This should include a digital record of salvageable items along with the stated process for removal with care. The salvage plan is required to ensure that salvageable materials such as fireplaces, architraves, skirtings, windows, doors, and other remnant components of heritage fabric are removed with care for sale or donation to facilitate the conservation of other buildings of a similar period.*
- *The colours, materials and finishes of the external surfaces to the building, as presented in certified documentation and as compatible with the surrounding character of the built corridor are to be strictly adhered to. Details of any changes to the proposed colours, materials and textures are to be submitted to and approved by Council's Director City Planning, in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.*
 - *Agreed signage is to be strictly adhered to, with details of any changes submitted to and approved by Council's Director City Planning.*
 - *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:

Proposed Modifications are outlined in Section 3 of the Statement of Environmental Effects (D04400012) which includes (but is not limited to) alterations to layout and provisions of plant and equipment at most levels.

Comments:

In order to assess the application, an amended acoustic report incorporating the proposed changes should be prepared and submitted to Council. This report should be undertaken in accordance with the requirements for the NSW EPA Industry Policy for Noise and Councils K2K DCP

Recommendation:

The following information is required to be submitted to Council prior to determination of the development application.

1. *An Amended Acoustic Report is required to be prepared by a suitably qualified and experienced consultant in Acoustics having regard to all the proposed modifications, alterations, and additions. The completed assessment and report shall be submitted to Council prior to determination of the application.*

The acoustic assessment and report must be completed in accordance with the NSW EPA Noise Policy for Industry, relevant industry Guidelines and best practice and the Councils K2K DCP.

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 of court-approved development including increased building height and FSR, internal reconfiguration, changes to parking layout and waste storage, changes to plant and equipment, changes to landscaping and building fenestration, and associated modifications. Original consent: Integrated development application for construction of a eighteen (18) storey mixed-use development comprising basement/ground/first floor commercial, and a boarding house above to be used as student and key worker accommodation comprising 308 boarding rooms, provision of a public plaza and two through-site links, basement parking, signage, landscaping, earthworks and excavation and associated works.

The proposal has previously been reviewed by DEAP. (Planner please confirm)

At the meeting it was confirmed by proponent that the primary use of this large tower development will be a boarding house for key worker and student accommodation (308 rooms). The revised proposal is subject to Land and Environment Court Judgement/Order 2020/00288435 dated 29 June 2021.

The Panels comments below (in RED) are directed to this proposed S4.56 modification of the court-approved development. The Eastern Sydney City Planning Panel has requested that DEAP provide it with advice in relation to proposed changes to the podium facades at the lower levels of the development, with particular reference to the introduction of new reverse arch elements.

These matters have been summarised by the responsible Council officer in the Planners Memo to the DEAP. The Panels response and comments in relation to these and other matters are as follows:

- *Increased building height and FSR*
 - *ACCEPTED, the height changes are minor and appear to have very limited (if any) impact on the public domain or nearby private property. (Note: Based on proponent advice at meeting, to be confirmed with Council)*
- *Internal reconfiguration of floorplans to satisfy consent conditions*
 - *ACCEPTED, no further comment.*
- *Changes to Basement parking layout and waste storage layout*
 - *ACCEPTED, subject to Councils requirements being met.*

- Changes to Roof plant and Equipment layout
- **ACCEPTED, subject to acceptable additional overshadowing impact analysis.**

- Changes to landscaping
- **ACCEPTED, no further comment.**

- Changes to Tower building fenestration
- **ACCEPTED, minor amendments only.**

- Changes to Podium building fenestration

The Panel does not support the proposed changes, being the reversed arches that have been introduced without a persuasive underlying rationale. The approved design provides a calmer expression of the podium form and parapet, as well as being more suitable for rational construction and detailing of the proposed face brickwork. The upturned arch elements introduce a superficial pattern to the podium facades that erodes its clear tectonic expression. The extension of this motif upwards into the eastern lower tower element accentuates the visual bulk of the overall built form and confuses the clarity of articulation between podium and tower.

The Panel also recommends that solid areas of brick cladding should align with vertical structure, and that window fenestration within the expressed podium façade bays be expressed as a metal framing system instead of the proposed brick (as illustrated in the project photo montages).

Relevant additional matters:

Vehicular movement paths and pedestrian safety within the southern shared way should be confirmed with Council.

Possible impacts in additional overshadowing arising from revision of roof plant locations should be resolved to Councils satisfaction.

The Panel notes that there are very limited provisions for communal kitchens and dispersed, floor-based communal spaces within the typical accommodation levels of the building. The main indoor communal space appears to be on L2, however there is no detail provided in regard to how this space will be used.

The Panel notes the paucity of landscaped open space and supporting deep soil provisions that would be appropriate for a development of this size and density.

SUMMARY AND RECOMMENDATIONS

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.