



General Manager  
Randwick City Council  
30 Frances St  
RANDWICK NSW 2031

Contact Suellen Howe  
Email [suellen.howe@waternsw.com.au](mailto:suellen.howe@waternsw.com.au)  
Our ref: IDAS1146521  
Our file: A-52296  
Your ref: DA/395/2022

22 November, 2022

**Attention: Ferdinando Macri**

Dear Sir/Madam

**RE: Integrated Development Referral – General Terms of Approval**  
**Dev Ref: DA/395/2022**  
**Description: Excavation**  
**Location: 77-79 Anzac Parade, Kensington 2033**

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the above location. Attached, please find the WaterNSW General Terms of Approval (GTA) for part of the proposed development requiring a Water Supply Work approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A (3) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, WaterNSW requests these GTA be included (in their entirety) in Council's development consent. Please also note WaterNSW requests notification:

1. If any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities that relate to i) in the bed of any river, lake or estuary, ii) on the banks of any river, lake or estuary, iii) on land within 40 metres of the highest bank of a river, lake or estuary, or iv) any excavation which interferes with an aquifer.

WaterNSW will ascertain from the notification if the amended plans require review of the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.

2. If Council receives an application under s96 of the EP&A Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.

3. Of any legal challenge to the consent.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, WaterNSW recommends the following condition be included in the development consent:

- **The attached GTA issued by WaterNSW do not constitute an approval under the *Water Management Act 2000*.** The development consent holder must apply to WaterNSW for a Water Supply Work approval **after consent** has been issued by Council **and before** the commencement of any work or activity.
- A completed application form must be submitted to WaterNSW together with any required plans, documents, application fee, and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Application forms are available from the WaterNSW website which can be found at [www.watnsw.com.au](http://www.watnsw.com.au) > customer Services > Applications & Fees.

**Information to the proponent:**

- Detailed information required to permit a hydrogeological assessment to be carried out is to be provided for any further application related to the subject property according to the minimum requirements for building site groundwater investigations and reporting.
- An extraction limit will be determined by the Department of Planning and Environment following a hydrogeological assessment using the detailed information and that will be included on the conditions applied to the approval for the dewatering activity.
- The approval will be issued for the purpose of temporary construction dewatering only and it does not constitute any form of permission for ongoing pumping of groundwater from basement levels after the building is issued an occupation certificate.

WaterNSW requests that Council provide a copy of this letter to the development consent holder. WaterNSW also requests a copy of the determination for this development application be provided by Council as required under section 91A(6) of the EP&A Act.

Yours sincerely



Suellen Howe  
Water Regulation Officer  
**WaterNSW**

## General Terms of Approval

for proposed development requiring approval  
under s89, 90 or 91 of the Water Management Act 2000

**Reference Number:** IDAS1146521

**Issue date of GTA:** 22 November 2022

**Type of Approval:** Water Supply Work

**Description:** Excavation

**Location of work/activity:** 77-79 Anzac Parade KENSINGTON 2033

**DA Number:** DA/395/2022

**LGA:** Randwick City Council

**Water Sharing Plan Area:** Greater Metropolitan Region Groundwater Sources 2011

The GTA issued by WaterNSW do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to WaterNSW for the relevant approval **after** development consent has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
<b>Dewatering</b>	
GT0115-00001	Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.
GT0116-00001	Before any construction certificate is issued for any excavation under the development consent, the applicant must: 1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and 2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity. Advisory Note: 3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. 4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.
GT0117-00001	A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement - see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.
GT0118-00001	If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waternsw.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of

## General Terms of Approval

for proposed development requiring approval  
under s89, 90 or 91 of the Water Management Act 2000

<b>Reference Number:</b>	IDAS1146521
<b>Issue date of GTA:</b>	22 November 2022
<b>Type of Approval:</b>	Water Supply Work
<b>Description:</b>	Excavation
<b>Location of work/activity:</b>	77-79 Anzac Parade KENSINGTON 2033
<b>DA Number:</b>	DA/395/2022
<b>LGA:</b>	Randwick City Council
<b>Water Sharing Plan Area:</b>	Greater Metropolitan Region Groundwater Sources 2011
	the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.
GT0119-00001	All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.
GT0120-00001	The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0 m below the natural ground surface.
GT0121-00001	Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. d) The monitoring bores must be protected from construction damage.
GT0122-00001	Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)
GT0123-00001	(a) Prior to the issuing of the occupation certificate, and following the completion

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**Water Sharing Plan Area:** Greater Metropolitan Region Groundwater Sources 2011

of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website [www.waternsw.com.au/customer-service/water-licensing/dewatering](http://www.waternsw.com.au/customer-service/water-licensing/dewatering)

- GT0150-00001 The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual
- GT0151-00001 Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
- GT0152-00001 This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
- GT0155-00001 The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report

## **SCHEDULE 1**

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by WaterNSW for integrated development associated with DA/395/2022 as provided by Council:

- Anson Kensington - Geotechnical Report (FINAL)
- SEE - 77-103 ANZAC PARADE & 59A-71 BORONIA STREET, KENSINGTON
- Anson Kensington - DA Architectural Drawings (FINAL)
- Anson Kensington - HIS (FINAL)
- Anson Kensington - Site Detail Survey (FINAL)

Mr Ferdinando Macri  
Environmental Planning Officer  
Randwick City Council  
30 Frances Street  
Randwick NSW 2031

Dear Mr Macri

**Development Application for 77-79 Anzac Parade, Kensington (DA/395/2022)  
Concurrence Letter**

Thank you for your correspondence via the ePlanning portal (ref: CNR-44265) on 17 August 2022, requesting Transport for NSW (TfNSW) to provide concurrence, pursuant to the provisions of the State Environmental Planning Policy (Transport & Infrastructure) 2021 (T&ISEPP).

This letter provides a response in relation to concurrence requirements under the rail related provisions of the T&ISEPP (clauses 2.98 and 2.99). A separate response will be submitted to provide concurrence under section 138 of the Roads Act 1993.

**Protection of Sydney Light Rail (SLR) Corridor**

The proposed development is located within 25m of the Sydney Light Rail corridor and includes ground penetration deeper than 2m, which requires concurrence from TfNSW in accordance with Clause 2.99 of the T&ISEPP. Clause 2.99 of the T&ISEPP requires TfNSW to take into consideration:

- (a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:
  - i. the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and
  - ii. the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and
- (b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.

TfNSW has undertaken an assessment of the information provided in accordance with the provisions outlined in the T&ISEPP and has decided to grant concurrence to the development proposed in development application DA/395/2022. This concurrence is subject to Council imposing the conditions provided in **TAB A**.

Should Council choose not to impose the conditions provided in **TAB A** (as written), then concurrence from TfNSW has not been granted to the proposed development.



In the event that this development proposal is the subject of a Land and Environment Court appeal, Council's attention is drawn to Section 8.12 of the Environmental Planning and Assessment Act 1979, which requires Council to give notice of that appeal to a concurrence authority. TfNSW therefore requests that Council comply with this requirement should such an event occur.

### **Design of Outdoor Terraces, Balconies and External Windows**

#### Comment

The information provided in the development application does not specify whether the outdoor terrace area, balconies and external windows facing Anzac Parade have openings that face the light rail corridor and Anzac Parade. Measures are needed to prevent objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that are within 20 metres of, and face, the rail corridor.

#### Recommendation

The applicant must design outdoor terraces, balconies, external windows and other external features that face onto the light rail corridor and Anzac Parade in accordance with Section 5.4 of the ASA standard T HR CI 12090 ST Airspace and External Developments version 1.0. This would potentially avoid any modification application associated with compliance of condition in relation to Outdoor Terraces, Balconies and External Windows included in this letter.

Thank you again for the opportunity of providing advice for the above development application. If you require further clarification regarding this matter, please don't hesitate to contact me on 0439 489 298.

Yours sincerely



1/9/2022

**Mark Ozinga**

A/Director, Corridor & Network Protection  
Customer Strategy and Technology

Objective Reference CD22/04736



## **TAB A – Required Conditions of Consent – Protection of TfNSW Infrastructure and Light Rail Operations**

### **General**

- The applicant must comply with all Altrac Light Rail Partnership (Altrac) or any subsequent operator of Sydney Light Rail (Sydney Light Rail Operator) policies, rules and procedures when working in and about the Sydney Light Rail corridor;
- The applicant must comply with the requirements of ASA standards T HR CI 12090 ST Airspace and External Developments version 1.0 and Development Near Rail Corridors and Busy Roads- Interim Guidelines;
- Activities of the applicant must not affect and/or restrict Sydney Light Rail operations without prior written agreement between the applicant, Transport for NSW (TfNSW), Altrac, and the Sydney Light Rail Operator, and it is a condition precedent that such written agreement must be obtained no later than two (2) months prior to the activity. Any requests for agreement are to include as a minimum the proposed duration, location, scope of works, and other information as required by the Sydney Light Rail Operator;
- The applicant must apply to Altrac and the Sydney Light Rail Operator for any required network shutdowns four (4) months prior to each individual required network shutdown event. Each request for network shutdown must include as a minimum the proposed shutdown dates, duration, location, scope of works, and other information as required by the Sydney Light Rail Operator. The Sydney Light Rail Operator may grant or refuse a request for network shutdown at its discretion;
- The applicant shall provide safe and unimpeded access for Sydney Light Rail patrons traversing to and from the Sydney Light Rail stops at all times;
- TfNSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought; and
- All TfNSW, Altrac and Sydney Light Rail Operator's costs associated with review of plans, designs and legal must be borne by the applicant.

## **Prior to the Issue of the Construction Certificate**

### **Process of Endorsement of Conditions**

Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever occurs first, the applicant shall:

- Consult with TfNSW, Altrac and the Sydney Light Rail Operator to ascertain requirements in relation to the protection of TfNSW's infrastructure and to confirm the timing of the each construction certificate and associated documentation and activities prior to preparation of requested documentation;
- Sign Infrastructure Assess Deed Poll, Safety Interface Agreement and Works Deed with TfNSW and/or the Sydney Light Rail Operator;
- Confirm in writing with TfNSW what each Construction Certificate stage will involve; and
- Submit all relevant documentation to TfNSW as requested by TfNSW and obtain its written endorsement for each construction stage. A summary report for each construction stage shall also be provided to TfNSW to demonstrate the following:
  - No adverse impacts to the light rail corridor and light rail operation by clearly identifying impacts and mitigation measures; and
  - Submitted documentation has satisfied the relevant conditions.

The Principal Certifying Authority (PCA) is not to issue the relevant Construction Certificate until they have received written confirmation from TfNSW that the relevant conditions have been complied with for each Construction Certificate.

### **Review and Endorsement of Documents**

- Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever occurs first, the following documentation shall be provided for the review and endorsement of TfNSW:
  - Final geo-technical and structural report / drawings. Geotechnical reports should include any potential impact on the light rail corridor located adjacent to the subject development site, easement and substratum;
  - Final construction methodology with construction details pertaining to structural support during excavation or ground penetration. Any temporary components, for example, shoring systems, formwork and falsework, that are located such that their failure has the potential to affect rail infrastructure facilities or operations shall have a minimum service life of 10 years;
  - Details of the vibration and movement monitoring system that will be in place before excavation commences;
  - Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor located adjacent to the subject development site. Cross sectional drawings should also include the accurate RL depths and horizontal distances from assets (tracks, overhead lines, structures and cables) to the nearest point of excavation or ground penetration works. All measurements are to be verified by a Registered Surveyor; and
  - Detailed survey plan with location of services.

### Pre-construction Work Dilapidation Report

A pre-construction work Dilapidation Report of the Sydney Light Rail and its assets shall be prepared by a qualified structural engineer. The dilapidation survey shall be undertaken via a joint site inspection by the representatives of the Sydney Light Rail Operator, TfNSW and the applicant. These dilapidation surveys will establish the extent of existing damage and enable any deterioration during construction to be observed.

### Acoustic Assessment

Prior to the issue of the relevant Construction Certificate, the final acoustic assessment is to be submitted to the PCA demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads-Interim Guidelines". All recommendations of the acoustic assessment are to be incorporated in the construction documentation.

### Electrolysis Analysis

Prior to the issue of the relevant Construction Certificate, the applicant is to engage an Electrolysis Consultant to prepare a report on the Electrolysis Risk to the development from stray currents. The applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the PCA with the application for the relevant Construction Certificate.

### Reflectivity Report

Prior to the issue of the relevant Construction Certificate, the applicant shall design lighting, signs and surfaces with reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor limiting glare and reflectivity to the satisfaction of Altrac, TfNSW and the Sydney Light Rail Operator.

### Outdoor Terraces, Balconies and External Windows

Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that are within 20 metres of, and face, the rail corridor, the development must have measures installed, to the satisfaction of TfNSW (eg awning windows, louvres, enclosed balconies, window restrictors etc) which prevent the throwing of objects onto the rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from TfNSW confirming that this condition has been satisfied.

### Consultation Regime

Prior to the issue of the relevant Construction Certificate, a detailed regime is to be prepared for consultation with and approval by TfNSW for the excavation of the site and the construction of the building foundations (including ground anchors) for the approved development, which may include geotechnical and structural certification in the form required by TfNSW.

### Insurance Requirements

Prior to the issue of the relevant Construction Certificate, the applicant must hold current public liability insurance cover for a sum acceptable to TfNSW. TfNSW's standard public liability insurance requirement for this type of development adjacent to a rail corridor is minimum of \$250M. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The applicant is to contact TfNSW to obtain the level of insurance required for this particular proposal. Prior to issuing the relevant Construction Certificate the PCA must witness written proof of this insurance in conjunction with TfNSW's written advice to the applicant on the level of insurance required.

## Works Deed / Agreements

Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever occurs first, if required by TfNSW, Works Deed (s) between the applicant, TfNSW and/or Altrac and the Sydney Light Rail Operator must be agreed and executed by the parties. These agreements may deal with matters including, but not limited to, the following:

- Sydney Light Rail Operational requirements;
- Sydney Light Rail access requirements;
- Altrac and Sydney Light Rail Operator policies, rules and procedures compliance requirements;
- Indemnities and releases;
- Security of costs;
- Insurance requirements and conditions;
- TfNSW, Altrac and the Sydney Light Rail Operator's recovery of costs from the applicant for costs incurred by these parties in relation to the development (e.g. review of designs and reports, legal, shutdown /power outages costs including alternative transport, customer communications, loss of revenue etc) risk assessments and configuration change processes;
- Interface coordination between the Sydney Light Rail Operator and the subject development construction works, including safety interface;
  - Infrastructure Assess Deed Poll and Safety Interface Agreement between the applicant and the Sydney Light Rail Operator must be agreed and executed by the parties. This agreement may deal with matters including, but not limited to, the following:
    - Pre and post construction dilapidation reports;
    - The need for track possessions;
    - Review of the machinery to be used during excavation/ground penetration / construction works;
    - The need for track monitoring;
    - Design and installation of lights, signs and reflective material;
    - Endorsement of Risk Assessment/Management Plan and Safe Work Method Statements (SWMS);
    - Endorsement of plans regarding proposed craneage and other aerial operations;
    - Erection of scaffolding/hoarding;
    - Light Rail Operator's rules and procedures; and
    - Alteration of rail assets such as the OHW along of track and associated hoarding demarcation system, if undertaken by the applicant.
- Altrac and the Sydney Light Rail Operator's reviews and impact assessment of the applicant's proposal, engineering design and construction works methodology on Sydney Light Rail Operations and assets;
- Attendance and participation in the construction works risk assessment of construction activities to be performed in, above, about, and/or below the Sydney Light Rail Corridor;

- Arrangements for shutdowns and Sydney Light Rail restricted operations related costs attributed to the applicant; and
- Sydney Light Rail site works access approval and access permit to work.

### **During Construction**

- Construction vehicles shall not be stopped or parked on Anzac Parade at any time without prior approval of TfNSW;
- All piling and excavation works are to be supervised by a geotechnical engineer experienced with such excavation projects;
- No rock anchors/bolts (temporary or permanent) are to be installed into the light rail corridor without approval from TfNSW;
- No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment unless a physical barrier such as a hoarding or structure provides separation;
- During all stages of the development extreme care shall be taken to prevent any form of pollution entering the light rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the applicant;
- The applicant must mitigate all noise and vibration to the extent possible and provide vibration monitoring equipment and provide the results to the Sydney Light Rail Operator at intervals required by TfNSW and the Sydney Light Rail Operator, and immediately implement corrective actions in the event that the noise or vibration exceeds acceptable limits;
- Rainwater from the roof must not be projected and/or falling into the rail corridor/assets and must be piped down the face of the building which faces the rail corridor. Given the site's location next to the rail property, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from TfNSW and the Sydney Light Rail Operator (or the delegated authority); and
- No scaffolding is to be used within 6 horizontal metres of the rail corridor unless prior written approval has been obtained from the Sydney Light Rail Operator and TfNSW and a physical barrier such as a hoarding or structure provides separation. To obtain approval the applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor.

### **Prior to the Issue of the Occupation Certificate**

#### Post - construction Dilapidation Report

Prior to the Issue of the Occupation Certificate, a post-construction dilapidation survey shall be undertaken via a joint inspection with representatives from TfNSW, Altrac, the Sydney Light Rail Operator and the applicant. The dilapidation survey will be undertaken on the rail infrastructure and property in the vicinity of the project. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report to TfNSW and the Sydney Light Rail Operator will be required unless otherwise notified by TfNSW. The applicant needs to undertake rectification of any damage to the satisfaction of TfNSW and the Sydney Light Rail Operator and if applicable the local council.

6 September 2022

TfNSW Reference: SYD22/00981 CNR-44265

Council Reference: DA/395/2022

Ms. Therese Manns  
The General Manager  
Randwick City Council  
30 Frances Street  
Randwick NSW 2031

Attention: Ferdinando Macri

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**PROPOSED CONSTRUCTION OF A MIXED-USE DEVELOPMENT (DA/395/2022)  
77-79 ANZAC PARADE, KENSINGTON**

Dear Ms. Manns,

Reference is made to Council's referral regarding the abovementioned application, which was referred to Transport for NSW (TfNSW) for comment under Clause 2.119 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*. A separate response will be submitted in response to the rail related provisions of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (clauses 2.98 and 2.99).

TfNSW has reviewed the submitted application and raises no objections, subject to the following requirements being included in any consent issued by Council.

1. All buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited height or depth), along the Anzac Parade boundary.
2. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

3. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018.
4. Any public utility adjustment/relocation works on the state road network will require detailed civil design plans for road opening /underboring to be submitted to TfNSW for review and acceptance prior to the commencement of any works.

The developer must also obtain necessary approvals from the various public utility authorities and/or their agents. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au)

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

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OFFICIAL

5. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.
6. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Anzac Parade during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

For more information, please contact Vic Naidu, Land Use Planner, by email at [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

Yours sincerely,



**James Hall**  
**Senior Land Use Planner**  
**Land Use Assessment Eastern**  
**Planning and Programs, Greater Sydney Division**





Reg No.: 22/0665  
Your Reference: DA/395/2022  
To: RANDWICK CITY COUNCIL & NSW PLANNING  
PORTAL

Thursday, 18 August 2022

### **Notice to Proponent of Property Development**

Dear Sir / Madam,

Application for approval of a controlled activity pursuant to:

*s.183 Airports Act - Notification of decision under Reg 15A (2) of the Airports (Protection of Airspace) Reg's 1996*

Proposed Activity: PROPERTY DEVELOPMENT  
Location: 77-79 ANZAC PARADE KENSINGTON  
Proponent: RANDWICK CITY COUNCIL & NSW  
PLANNING PORTAL  
Date: 17/08/2022

Sydney Airport received the above application from you.

This location lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations which limit the height of structures to 45.72 metres above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority.

The application sought approval for the PROPERTY DEVELOPMENT to a height of 62 metres Australian Height Datum (AHD).

In my capacity as Manager, Airfield Spatial & Technical Planning and an authorised person of the Civil Aviation Safety Authority (CASA) under Instrument Number: CASA 229/11, in this instance, I have no objection to the erection of this development to a maximum height of 62 metres AHD.

The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc.

**Sydney Airport**

Sydney Airport Corporation Limited ACN 082 578 809 — The Nigel Love Building, 10 Arrivals Court, Locked Bag 5000  
Sydney International Airport NSW 2020 Australia — Telephone +61 2 9667 9111 — [sydneyairport.com.au](http://sydneyairport.com.au)

**SYD Classification: Confidential**

Should you wish to exceed this height a new application must be submitted.

Should the height of any temporary structure and/or equipment be greater than 45.72 metres AEGH, a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.

**Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.**

Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.

Information required by Sydney Airport prior to any approval is set out in Attachment A.

"Prescribed airspace" includes "the airspace above any part of either an Obstacle Limitation Surface (OLS) or Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS) surface for the airport (Regulation 6(1)).

The height of the prescribed airspace at this location is 70 metres above AHD.

**Planning for Aircraft Noise and Public Safety Zones:**

Current planning provisions (s.117 Direction 3.5 NSW Environmental Planning and Assessment Act 1979) for the assessment of aircraft noise for certain land uses are based on the Australian Noise Exposure Forecast (ANEF). The current ANEF for which Council may use as the land use planning tool for Sydney Airport was endorsed by Airservices in December 2012 (Sydney Airport 2033 ANEF).

Whilst there are currently no national aviation standards relating to defining public safety areas beyond the airport boundary, it is recommended that proposed land uses which have high population densities should be avoided.

Sincerely,



**Peter Bleasdale**

Manager, Airfield Infrastructure Technical Planning

**Sydney Airport**

Note:

1. a person who conducts a controlled activity otherwise than with an approval commits an offence against the Act.
  - s. 183 and s. 185 Airports Act 1996.
  - Penalty: 250 penalty units.
2. if a structure is not authorised, the Federal Court may order a person to carry out remedial works, mark or light, or reduce the height of or demolish, dismantle or remove a structure.

**Attachment A**

**Application for Approval of Crane Operation**

**[Sections s.182, 183, Airports Act 1996]**

**[Airports (Protection of Airspace) Regulations 1996 – Reg 7]**

**TO: Sydney Airport Corporation Ltd**

c/- Airport Design Services

Locked Bag 5000

Sydney International Airport

NSW 2020

Email: airspaceprotection@syd.com.au

**Application pursuant to airport (protection of airspace) regulations reg 7:**

- a) Pursuant to s. 183 of the *Airports Act 1996* and Reg 7 of the *Airports (Protection of Airspace) Regulations 1996*, the Proponent must apply through the Airport to the Secretary of the Department of Infrastructure and Regional Development for approval of the operation ("controlled activity") set out in the Schedule.
- b) An Application for approval must be given to the Airport at least 28 days before commencement of the operation.
- c) The operation must not commence without approval and must only proceed in compliance with any conditions imposed on such approval.
- d) Sydney Airport has delegated authority from the Secretary to determine "short term" operations (less than 3 months).
- e) The Airport is required to invite submissions from CASA and Airservices regarding the proposed operation.
- f) The Secretary and the Airport, as applicable, may request further information before determining an application.
- g) The "**Important Notes**" must be read and accepted.
- h) The Proponent must complete this Application and provide it to Sydney Airport, with a copy to the Council as part of the relevant Development Application.

**CERTIFICATE BY PROPONENT:**

**Sydney Airport**

I certify that the Application for approval is complete to the best of my knowledge.

Dated: .....

Signature of Proponent: .....

Title of signatory: .....

**Schedule to Application for Approval of Crane Operation**

**Information required by the Airports (Protection of Airspace) Reg's – Reg 7:**

**APPLICANT:**.....[Proponent]

**Of:** .....

**Contact:** .....

**Phone:** .....

**Email:** .....

**1. Description of proposed crane operation:**

.....

**2. Period of Operation:**

from .....to.....

**3. Days and hours of operation:**

days:.....

hours:.....

**4. Location:**

Address:.....

Mapping Grid of Australia (MGA94) co-ordinates:

.....E

.....N

**Sydney Airport**

**5. Details of crane height**

(i) maximum height: ..... metres above ground

(ii) maximum height: ..... metres AHD

(iii) resting crane height: ..... metres AHD

**6. Purpose of the crane operation:**

.....

**7. Reference to relevant Development Application:**

Council and DA reference:.....

**SAFETY CASE FOR ACTIVITY:** The Proponent proposes the following safety case:

.....

.....

.....



## **IMPORTANT NOTES TO APPLICATION FOR APPROVAL OF CRANE OPERATION WHICH IS A CONTROLLED ACTIVITY**

### **[Airports Act 1996]**

### **[Airports (Protection of Airspace) Regulations 1996]**

1. Section 182: defines "controlled activities" – includes intrusions by cranes into prescribed airspace.
2. Section 187: if a controlled activity is carried out without approval, or is carried out otherwise than in accordance with an approval, the Federal Court may order a person to carry out remedial work on a building, structure or thing; to mark it or light it or both; to reduce its height.
3. Section 183: a person who carries out a controlled activity without the approval of the Secretary or Airport commits an offence against section 183 of the Act.
  - a) Penalty: 250 penalty units for each such offence.
4. Regulation 8: a building authority that receives a proposal for a building activity that, if undertaken, would constitute a controlled activity in relation to an airport must give notice of the proposal to the airport
  - a) Penalty: 50 penalty units for each such offence.
5. If the activity is a short term activity (less than 3 months), the Airport will determine the application pursuant to delegated authority from the Secretary.
6. If the activity is a long term activity (greater than 3 months), the Secretary will determine the application.
7. If the activity is a long term intrusion into PANS-OPS, the application will not be approved. [Reg 9].
8. The Airport will give notice of the application to, and invite submissions from, the Civil Aviation Safety Authority of Australia (CASA) and Airservices Australia. [Reg 10].
9. Upon receipt of submissions from CASA and Airservices, the Airport will refer the application and any submissions from CASA and Airservices, as well as the Airport, to the Secretary, or will determine the application itself if it is a short term activity. The Secretary or the Airport will notify you in writing of their decision.
10. Neither the Secretary or the Airport will approve any activity if CASA advises that carrying out the activity would have an unacceptable effect on the safety of existing or future air transport operations into or out of the Airport. [Reg14(6)].



TELEPHONE: 13 13 65

EMAIL: [development@ausgrid.com.au](mailto:development@ausgrid.com.au)

**This letter is Ausgrid's response under clause 45(2) of the State Environmental Planning Policy (Infrastructure) 2007.**

Ausgrid does not object to the proposed development.

The applicant/developer should note the following information regarding any development proposal near existing electrical network assets.

24-28 Campbell St  
Sydney NSW 2000  
All mail to  
GPO Box 4009  
Sydney NSW 2001  
T +61 2 13 13 65  
[ausgrid.com.au](http://ausgrid.com.au)

### **Ausgrid Underground Cables are in the vicinity of the development**

Care should be taken to ensure that construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.

It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Dial Before You Dig (DBYD).

The following points should be taken into consideration.

Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

In addition to DBYD the proponent should refer to the following documents to support safety in design and construction:

SafeWork Australia – Excavation Code of Practice.

Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables. This document can be found by visiting the Ausgrid website via [www.ausgrid.com.au](http://www.ausgrid.com.au).

The Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can also be found by visiting the Ausgrid website: [www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries](http://www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries)

Should you have any enquiries, please contact Ausgrid at [development@ausgrid.com.au](mailto:development@ausgrid.com.au)

Regards,  
Ausgrid Development Team

### Reflectivity Report

Prior to the Issue of the Occupation Certificate, the applicant shall demonstrate that lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor were installed limiting glare and reflectivity to the satisfaction of TfNSW, Altrac and the Sydney Light Rail Operator.

# Randwick Design Excellence Advisory Panel

## Endorsed Recommendations

Item: 3

Report Date: 29 August 2022

Address: 77-103 Anzac Parade and 59A-71 Boronia Street, Kensington

Application No.: DA/395/2022

Panel Members: Tony Caro, Conrad Johnston, Penny Collins, (chair)

Council Staff: Terry Papaioannou, Ferdinando Macri

### 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.*

- *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.***
- *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

The applicant did not attend the meeting; nonetheless, the Panel reviewed the documents and now provides the following comments without discussion with the applicant. The Panel noted that the proposal follows several earlier discussions with council including a pre-lodgment application in May 2022 which was reviewed by this Panel. Many of the issues raised at that meeting are reiterated here *in italics*.

*The Panel noted that the proposal amalgamates several sites that were not included in the K2K block plan and that the new configuration offers an opportunity to rethink the Block 24 plan.*

The Panel also notes Council's resolution on 30<sup>th</sup> August 2022 to:

- a) Endorse that part of the Planning Proposal that amends Randwick Local Environmental Plan 2012 in relation to the zoning and/or development standards outlined below:

# Randwick Design Excellence Advisory Panel

## Endorsed Recommendations

ii. 59A-71 Boronia Street and 77-103 Anzac Parade, Kensington

- Maximum FSR: Remove the maximum FSR of 0.9:1 for 59A, 61, 63-65 Boronia Street and 81- 85 Anzac Parade (Part)
- Maximum Height: increase the maximum from 1m to 31m for the strip of land (as shown in red) at the rear of 95, 91-93, 89, 87 and 81-85 Anzac Parade, Kensington. No other height change is supported.
- No change to the zoning: Retain R3 Medium Density Residential Zone for 59A, 61, 63-65 and 81-85 Anzac Parade (Part).

### 1. Context and Neighbourhood Character

#### - the quality and amenity of the public domain

#### THROUGH SITE LINKS

- *The panel considers the benefits of the NS through site link:*
  - *Connection to the Duke Street Plaza*
  - *Potential connection through the amalgamated sites to the north*
  - *Future connection to Balfour Lane (EW link)*
  - *Physical separation of built form from adjacent neighbours at 1 Duke Street.*
- *Notwithstanding the above, the Panel also believes that the block is relatively narrow in the EW direction, and that the NS link as shown in the K2K block plan (block 24) provides no direct line of sight through the block from either the Duke Street Plaza or the EW through site link, raising questions of safety and natural way finding.*
- *The Panel reached consensus that the NS through site link in the form shown on the K2K block plan, with multiple changes in direction, does not appear to provide significant benefits beyond amelioration of building bulk directly abutting 1 Duke Street.*
- *The Panel fully supports the EW link in the position proposed by the applicant. However the Panel believes that the EW link should be unobstructed above.*
- *The Panel's view is unchanged in relation to the need for a public N-S link and supports the deletion of a portion of the LEP North South site link to accommodate a supermarket.*
- *The EW link should be activated on both sides by retail, and not lined by a blank supermarket wall on its southern side. Retail spaces are more likely to succeed along this route than on secondary paths.*
- *The accessible paths from Anzac Parade via the East-West link to the Boronia St apartment lift lobbies are convoluted and need to be rationalized. They currently do not have sufficient passive surveillance for safe passage.*
- *The floor plates above the East-West through site link should be reduced, for example, by deleting the top two levels so that sky is visible between the buildings.*

#### STREETSCAPE + SETBACKS

- *The Panel does not support the changes to the western boundary directly abutting the neighbour at 1 Duke Street. The drawings provided by the applicant show these changes in isolation, and do not take into account the location of the Supermarket service driveway directly adjoining the northern boundary of 1 Duke Street. The Panel believes that the combined effects of these boundary conditions to 1 Duke Street impact upon the amenity of the neighbouring property negatively.*
- *The Panel questioned the rationale for the separation/setback from the northern boundary at podium level. There are ADG separation non-compliances with habitable rooms shown along this boundary within the proposal.*
- *The early concept diagrams as part of the presentation show direct height, awning, and material relationships in the building articulation between the proposal and the heritage item to the south. However these relationships do not appear to have been carried through to the later elevations and 3D model of the scheme.*
- *The applicant presented a number of studies for the re-organisation of services along Boronia Street from the south west corner of the site to the EW through site link. The Panel does not support the long expanse of services along Boronia Street at ground level in this location as shown in the proposal.*
- *The 6m DCP setbacks along the site boundaries to the Duke Street properties are required to safeguard the amenity of those neighbours.*
- *Complying DCP and ADG setbacks are required at the northern boundary to safeguard residents' and future neighbours' amenity.*
- *The relationship with the heritage building is jarring in terms of scale, articulation, and materials.*
- *The presentation of approximately 50m of engineering services fronting Boronia Street is entirely unacceptable. The driveways should be combined, and services such as the OSD tank need to be out of sight.*

# Randwick Design Excellence Advisory Panel

## Endorsed Recommendations

### 2. Built Form and Scale

- *The height of the proposal along Anzac Parade and the minor breaches of the LEP height limit appear reasonable given the inclusion of the supermarket, the flooding levels, and the location of the lift over-run / plant in the centre of the building form.*
- *The Panel is concerned that this density of development and height along the Anzac Parade corridor will result in a relentless 9 storey high street wall that restricts visual access and light into the public domain and intensifies noise and airborne pollution. The controls are producing long, horizontal forms of monolithic scale and grain. More variation in building heights and a more vertical rhythm of architecturally diverse built form is likely to produce a more varied, interesting, human scaled, and ultimately a higher quality built form outcome. In addition to this is, appropriate allowances for large, regularly spaced trees must be provided to mitigate the visual density of built form.*
- *The height of the proposal along Boronia Street and the significant breaches of the LEP height limit may be supportable with greater detail of the architectural expression. Council officers confirmed that the 4 storey / 12m height limit is intended to produce a setback / attic roof articulation for the top floor. The position of the height breach adjacent to the EW link may be supportable by the panel pending further detail of the intended architectural expression.*
- *The proposal included a residential component at the "ground floor" of the NW corner of the site. These residential apartments would be below the existing ground level of Boronia Street, and effectively make the NW building 5 storeys in height. The apartments in this location would have poor outlook and amenity and are not supported by the Panel.*
- *As discussed above, the zoning and K2K block plans were assembled based on an alternative pattern of land ownership. The proponent for this site has amalgamated a larger parcel than envisaged in the K2K block plans.*
- *Accordingly, an opportunity exists, given the current site consolidation, to review the K2K block plan and LEP zoning, which could involve the following:*
  - *Changes to the land zoning to allow the Supermarket to be located in the NW corner of the site, below the ground line of Boronia Street.*
  - *Servicing of the supermarket in the NW corner through / below the western end of the EW link.*
  - *Removal of the subterranean residential apartments along Boronia Street.*

### 3. Density

- *The proposal amounts to an increase in density for this well-serviced area. However, the additional floor space results in sub-standard amenity of internal spaces at lower levels and a lack of articulation and views of the sky where the through-site link has been occupied at higher levels.*

### 4. Sustainability

- *The amount of deep soil and other landscaping needs to be increased in this very dense development.*

### 5. Landscape

- *The proposal does not provide sufficient landscape, including deep soil areas.*
- *The landscape treatment to the Boronia Street end of the East-West link is supported.*

### 6. Amenity

- *The proposed residential apartments in the NW corner of the site located below the ground line of Boronia Street are not supported by the Panel.*
- *The proposal appears to provide air conditioning units to all balconies which is not supported, as this challenges the amenity, and usability of the private outdoor space.*
- *The majority of apartments in the Anzac Parade blocks appear deeper than ADG requirements and do not allow sufficient solar access to kitchens. The studies along the western facades will receive sun; however, the Panel is not convinced that they will create a pleasant outlook from the living rooms. The panel is divided on these and the long wardrobe corridors to bedrooms, however, is satisfied that a variety of alternative apartment layouts are offered.*
- *Refer to 2. Built Form and Scale above for discussion about setbacks required to achieve amenity of neighbours*

# Randwick Design Excellence Advisory Panel

## Endorsed Recommendations

### 7. Safety

- The convoluted passageways for inclusive access at ground level lack passive surveillance and need to be rationalised.

### 8. Housing Diversity and Social Interaction

- There is insufficient diversity in the apartment types, with a predominance of two-bedroom apartments.
- There is an insufficient provision of opportunities for spontaneous social interaction in lift lobbies
- The stairs could be better located to encourage day-to-day use.
- The Panel suggests that any floorplate above the East-West through site link would be ideal and more appropriate as communal open space areas

### 9. Aesthetics

#### Architectural Design, Materials and Detailing

- *The presentation included a number of images of vertically articulated, separate building forms as precedent images, which were supported by the Panel. However, the later 3D views of the proposal included large horizontally articulated and repeated volumes above the podium which are not supported by the Panel.*
- The panel supports the differentiation in façade treatments between the northern and southern blocks and would like to see similar differentiation between the two southern blocks. This would involve giving them each an individual identity, thus removing the horizontal emphasis derived from the separate long, uninterrupted podium and upper-level treatments.
- Similarly, the Boronia Street blocks appear decently proportioned in elevation above the unsatisfactory ground floor design; however, they should take on different characteristics, if only subtly.
- When seeking to diversify the building palette, the applicant could consider using materials found in good examples of architecture nearby, including the southern heritage neighbour.

## SUMMARY AND RECOMMENDATIONS

Reiterated from the Panel's May 2022 report:

*The Panel does not support the proposal in its current form.*

*Below is a list of key requirements and recommendations from the Panel's review of the available documentation and presentation:*

- *Opportunity for the proponent to engage with the Strategic Planning department within council given that the owner has managed to consolidate additional parcels of land beyond that envisaged within the K2K block plans and LEP.*
- *Removal of the built form above the EW through site link.*
- *Review of the combined amenity impacts of the proposal on the neighbouring property at 1 Duke Street.*
- *Further elevation and articulation studies of the Anzac Pde built form to better match the precedent imagery shown during the presentation, in order to secure greater diversity and vertical articulation.*
- *Further studies required for the contextual relationship of the built form, materiality, articulation, and awning between the proposed buildings and the heritage building to the south.*
- *Removal of the subterranean residential apartments in the NW corner of the site, located below the ground line of Boronia Street.*
- *Further studies required for the services (substation and the like) locations and street scape presentation to Boronia Street.*
- *Further studies required for the articulation of the southern end of the NW building - currently exceeding the height limit.*
- *Reduce the depth of built form to the Anzac Pde. Buildings to comply with the ADG maximums*

The panel adds to the above:



## **Randwick Design Excellence Advisory Panel**

### **Endorsed Recommendations**

- The floor plans present an overall sense that this development is too dense through its deep double-sided corridor floor plans and consequential relentless form. As a result, many units will feel too enclosed and lack access to light and fresh air. A slightly reduced yield with better amenity would create better urban and residential amenity design quality through a more sustainable outcome in the long term.
- The east-west through site link with a supermarket that does not unduly dominate Anzac Parade is supported. However, the visibility of the supermarket and other services on Boronia Street is untenable. The link requires improvement, including activation along its length and rationalisation of convoluted access to lobbies.
- The project is breaching the DCP and ADG envelopes in many areas, creating poor amenity outcomes for the site's occupants, neighbours, and future neighbours. Without FSR controls, the envelope controls need to be heeded.

## **Randwick Design Excellence Advisory Panel Endorsed Recommendations**

- Further discussion with Council of the need for the proposed public N-S link.
- Overall review of internal unit amenity and possible amendments to improve this principal objective of the development.
-

## Randwick Design Excellence Advisory Panel Endorsed Recommendations

<b>Item</b>	3	<b>Date of report</b>	September 2023
<b>Address</b>	77-103 Anzac Parade, KENSINGTON 2033	<b>Application no.</b>	DA/395/2022
<b>Date of meeting</b>	23rd August 2023		
<b>Panel members</b>	Tom Rivard, Paul Walter, Tony Caro		
<b>Council staff</b>	Terry Papaioannou, Ferdinando Macri		

### 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 provided 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.*

# Randwick Design Excellence Advisory Panel

## Endorsed Recommendations

### PANEL COMMENTS

#### INTRODUCTION

The subject site is located along the western side of Anzac Parade in Kensington, in Block 24 of the Kensington to Kingsford RDCP. The urban design and place making guiding principles of the RDCP include (among other aspects):

- The provision of quality affordable housing to meet local needs.
- Reinforcement of “boulevard character” via built form and additional landscape.
- Prioritising walking, cycling and use of public transport.
- Achieving sensitive transitions to established lower scaled residential buildings.
- Creating amenable ground level spaces with sunlight, accessibility and usability.
- Respecting the fine-grain character of contributory buildings.
- Establishing setbacks to allow wider footpaths and street tree planting.
- Urban design, place and architectural excellence, including best practice environmental design.
- Provision of active street frontages.
- Innovative place-led solutions for hydrology and resilience.

The proposal is for a multi-storey residential apartment complex above two basement levels. carparking. The proposal includes two 9-storey buildings along Anzac Parade and two 4-storey buildings on Boronia Street, two levels of basement carparking and ground floor retail spaces.

#### 1. Context and Neighbourhood Character

The specific block controls from the K2K RDCP include, in addition to the basic 4 and 9 storey massing controls, building articulation to Anzac Parade, pedestrian amenity, significant setbacks around the contributory item on Duke Street and 4-metre setbacks fronting the through-block connection. The controls also re-emphasise the need for active frontages to the western side of any proposed buildings, “to encourage connectivity and access.”

While the proposal adheres to the basic requirements of the RDCP and the block controls, it lacks any specific spatial generosity that would make it an exemplary development. Nearly every standard and control has been exceeded, to the point where any public amenity, whether internally to the site or externally to the public domain, remains minimised and compromised. Every part of the development that is not spatial yield has been reduced to the minimum dimensions and qualities, resulting in a development with very little nuance, refinement and responsiveness to context and residential quality of life within the site.

#### 2. Built Form and Scale

As noted above, the pushing of the massing to and beyond site controls results in a fairly relentless massing and built form along the perimeters of the site, and within its internal communal spaces. There are no setbacks to the contributory item on Duke Street, the building does not respond to corner conditions or mediate its profile against the sky, the internal “urban forest” is spatially constrained and unlikely to receive much natural light, and the notional through site connection has a 5-storey built element above it.

#### 3. Density

The proposal aims for maximum density on site, at the expense of public domain and internal residential amenity. This results in tightly constrained external spaces, lacking in

## **Randwick Design Excellence Advisory Panel**

### **Endorsed Recommendations**

spatial and solar access. The nearly complete coverage of the site with a low-level basement creates poor results in terms of landscape and environmental performance.

#### **4. Sustainability**

For a proposal that opens with an acknowledgement of Country, and claims “ecological design” as a driving consideration, there are very few sustainability measures or strategies. For a development with such extreme site coverage, all rainwater and stormwater should be harvested, stored, treated and re-used in toilets, laundries and gardens. Solar panels should be included on all roof surfaces not occupied by green open space.

The “green travel plan” included with the submission is not an adequately detailed or specific document to support a proposal of this scale and ambition. The revised plan should include site and location specific drawings, notating public transport routes and access points, vehicle, pedestrian and cycling movements and the relationship of site specific active transport infrastructure to public transport and active cycling networks. The revised plan also needs to include considerations of micro-mobility, on-demand PT, vehicle evolution and autonomy and other emerging developments in transport technologies that are going to reduce private car use and predominance.

Any bicycle parking proposed should be on the ground floor, easily accessible, and highly visible to mitigate safety concerns. Currently, bicycle parking is located in a sub-basement, which has no clear means of moving bicycles from this location to street level. Additional public bicycle parking should be provided directly adjacent to public spaces within and adjacent to the development – along Anzac Parade and the through-site link. This should be visible, under cover, and exceed minimum standards.

#### **5. Landscape**

The applicant has failed to provide an updated set of landscape plans to support the proposal. This is an absolute requirement, especially given the extreme site coverage and maximising of building mass. The Panel notes that there were many discrepancies in the previous set of drawings between the architectural set and the landscape drawings – many areas coloured green on the architectural drawings and calculated as landscape area were not included within the landscape drawings. The revised landscape documents should be developed as a collaboration between architects and landscape architects, with particular concern given to viability of areas nominated within the architectural drawings as “landscape,” many of which were subsequently omitted from the previous landscape documents.

Currently, many of those areas in the architecture drawings shaded green as landscape areas present as unviable, either in terms of soil depth and width, access to sunlight and ability to access the spaces to maintain the planting. The landscape drawings must include detail sections of every proposed planting location, indicating viable soil depths and widths (minimum 600mm in depth, and 1000mm in width), and how these areas will be irrigated, accessed and maintained. Internal planting areas proposed within deep slots in the buildings and at the ends of corridors should also be tested via shadow analysis, to ensure that they will receive commensurate amounts of sunlight corresponding to plant selection. This information should be included in the updated landscape documents.

Additional scattered recesses throughout the development are nominated as landscape areas, without consideration to their viability or utility. The series of recesses between blank walls along Anzac Parade, currently nominated as planting areas, are unlikely to sustain viable planting, and more likely to collect rubbish. Landscape areas should be

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consolidated into large, generous, viable areas, with adequate sunlight and access, and directly adjacent to equally generous public domain areas.

There is no deep soil proposed within the development. The reduction in basement size noted above, made possible by providing fewer car parking spaces, will allow for some deep soil. Given the density and coverage, the proposal should aim to meet the deep soil requirements. This should occur in areas where tree planting is proposed, like the central “urban forest.”

The proposal notes the removal of 23 mature trees from the site – the landscape plans should clearly document where replacement trees are intended to be planted and detail their viability in terms of species and locations. The proposed “urban forest” in the centre of the development does not seem viable, in terms of planter sizes, soils depths and amount of sunlight. It is unclear exactly how the “urban forest” is intended to be used by residents – the architectural plans indicate a sinuous path with episodic benches. More attention needs to be given to creating genuine communal space, able to be used by both large and small groups. The relationship between units at this level fronting this space is unclear, in terms of access, privacy and security – more attention must be given to these units, explored and illustrated in plan and section.

The K2K guidelines suggest a range of solutions to not only comply with landscape requirements, but to add amenity and environmental performance to dense developments in this rapidly urbanizing area. Some requirements on the guidelines include:

- 40% of landscape area to include sufficient soil depth and structure to accommodate mature trees.
- 25% (min) of ground plane to be landscaped sufficient to accommodate trees.
- Roof tops can only contribute up to 30% of the total landscape area.

Finally, the proposal needs to be accompanied by a comprehensive Public Domain Plan, as per the RDCP, demonstrating consistency with the public domain objectives and addressing the following:

- Street levels
- Interface between the public and private domains, including levels
- Detail of the entire adjoining streets
- Collection, flow and treatment of stormwater
- Paving and other hard surfaces
- Street trees and vegetation as per Randwick’s Street Tree Master Plan
- Lighting
- Safety
- Seating and other furniture
- Stairs and other methods of managing gradient change
- Refuse bins
- Signage, including interpretation and wayfinding signage
- Public art
- Water sensitive urban design (WSUD, inc. swales) to improve the quality of water entering the ground
- Through site links and shared zones

All these aspects should be detailed in plan, section and elevation on the landscape drawings. As per the RDCP requirements, these landscape documents are to include:

- Quantity of landscaping

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- Drawings of all areas
- How landscaping complements the architecture and presentation to the streetscape
- Rainwater harvesting and other irrigation methods
- Details of soil profile, attachment to the building, and drainage/waterproofing
- Engineering confirmation for planting and associated structures.

#### 6. Amenity

The maximisation of internal built floor space reduces every public space to their minimums, resulting in poor amenity across the development. The internal corridors are narrow and long, without much spatial relief along their lengths, or when they intersect with a glazing line or the building edge. More attention should be paid to lobby arrival areas, and their end and intermediate conditions, including incorporation of viable landscape areas, as noted above.

The “recreation area” which has replaced some former subterranean apartments on Boronia Street should be further explored and explained, to ensure that this is a viable communal space with decent qualities of space and light.

The rooftop communal spaces should be shown in detail, in plan and section, on both architectural and landscape plans, to ensure that they are providing high-quality social infrastructure to the development.

The RDCP and block controls call for activated frontages to Anzac Parade, the through site link and Boronia Street. The proposal indicates 5 shopfronts and a portion of supermarket window along Anzac Parade, none of which are at street level, most being up to one-metre higher than footpath level, and connected by a single domestic-scaled doorway. Additionally, there is no allowance for any outdoor space which might accommodate outdoor dining or other standard forms of street activation. This is an unacceptable outcome, as it will effectively sterilise Anzac Parade in perpetuity along the entire length of the block. A range of retail spaces should be provided, all at footpath level, and with corresponding generous external spaces able to accommodate requisite outdoor activities.

Internally, four additional retail spaces are indicated with no frontage to streets or public spaces, no natural light, and accessed via a single narrow corridor with no natural light. These are likely to be unviable retail spaces, and contribute nothing to the required activation of public domain.

The through site link on the western side of the site is edged by ramps and planter boxes, neither of which constitute “activation.” This area should be re-designed so that the residential lobbies to either side are accessed from the through site link. Corresponding social amenity (seats, planting, congregation areas) should be included in this area.

The Boronia Street frontage consists of service entries, blank walls and solid planters, some up to 3 metres high. Residential units here should be redesigned as live-work units, with generous access to Boronia Street, creating a form of potential activation suitable to this residential street.

The residential waste cycle is unclear. Vertical rubbish and recycling chutes and collection points are not indicated in the plans. This means that many residents with rubbish and recycling must exit the complex onto Anzac Parade, re-enter through the pedestrian link, and enter the loading dock area to dispose of waste. This is neither convenient, sanitary or safe. A proper waste management plan should be provided with the amended application.



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#### **7. Safety**

Personal areas in the basements, including bicycle parking and storage areas, are located in remote corners or under driveways – this lack of surveillance presents a safety issue.

#### **8. Housing diversity and Social Interaction**

The proposal does not contribute to housing diversity, comprising mostly standard two-bedroom units with little to no variability. The proposal does not meet the minimum requirements for studios and one bedroom units (20%) nor 3-bedroom or more units (20%). There are no larger, family-oriented units to accommodate different emerging demographics.

Including a diverse range of housing typologies, in both form and size, would allow the proposal to better address not only housing diversity but also resolve some adjacency and activation issues within the site. Two storey work-live units along Boronia Street could begin to address the activation problems. Two-storey family units at the level of the urban forest would allow living areas adjacent to public domain, and bedrooms one level removed from the site's major communal space.

#### **9. Aesthetics**

While the façade elements are fairly well-resolved, the overall monolithic building mass could benefit from some refinement and modulation, especially in how the building meets the corners, and responds to the sky plane. It is unclear what the “concrete look finish” proposed in the materials legend is: Render? Paint? The challenges of maintenance should be considered if an applied rather than an integral finish.

Given the extent of facades and their prominence, rainwater collection and drainage from rooftops and balconies should be detailed in the amended package, to ensure that rain heads, drainage sumps and downpipes will be integral and concealed within the built fabric, and not applied to the facades.

### **SUMMARY AND RECOMMENDATIONS**

This proposal aims to achieve the maximum developable yield on the site, resulting in a development that is relatively homogenous in content and expression and consistently lacking in residential amenity, civic quality and environmental performance.

Significant amendments are required across a range of criteria to satisfy the objectives and controls of the area plans, the aims of Council and the needs of the community. These improvements will ensure that the development delivers both a desirable and marketable residential product in conjunction with a dynamic, generous and viable urban development consistent with the qualities and considerations evident in many other recent developments in the precinct.