

## **Attachment D: Internal Referral Comments**

### **Development Engineering**

#### General Comments

No objections are raised to the proposal subject to the comments and conditions provided in this report.

There is a minor shortfall in the parking provision with 249 spaces required and 245 spaces provided however the shortfall only represents 1.6% of the total parking requirements and is not of concern to Development Engineering. The site is also well situated to reduce dependence on a motor vehicle.

The assessing officer is advised not to approve the submitted Drainage Plans, Waste management plans & Green Travel Plan as part of this consent. Development Engineering has included a number of conditions that will require amendments to these items with new plans and documentation to be approved prior to the issuing of the construction certificate.

#### Site Consolidation Comments

The proposed development site currently comprises of individual lots being;

- Lots 1 & 2 in DP 539543 (59A boronia St & 77-79 Anzac Pde)
- Lots A & B in DP 345913 (81-85 Anzac Pde & 61 Boronia St)
- Lots A & B in DP 331643 (87 Anzac Parade & 63 Boronia St)
- Lots 1 & 2 in DP 605231 (89 Anzac pde & 67 Boronia St)
- Lots A & B in DP 953401 (69-71 Boronia St & 91-93 Anzac Parade)
- Lot 22 in DP 3917 (95 Anzac Pde)
- Lot 2 in DP 221584 (97-99 Anzac Pde)
- Lot C & D in DP 30406 (101-103 Anzac Pde)
- Lot 1 in DP 939172 (103A Anzac Pde)

The site will be required to be consolidated with the Plan of Consolidation to be registered prior to commencement of construction works for the basement.

#### Flooding Comments

The assessing officer is advised that the subject development site lies adjacent to a flow path on Anzac Parade and a more minor flow path on Boronia Street with the adopted Kensington/Centennial Park Flood Study predicting the front of the site along the Anzac Parade frontage may be impacted by flooding with flood depths of 0.25-0.5m predicted in this area.

The applicant has submitted a Floodplain Management report by Northrop Pty Ltd which has further refined the flood model and increased resolution to a 1m grid (see plot at right).

They have also undertaken a pre and post development analysis to determine the impacts. As very little floodwaters actually entered the site pre-development due to the presence of brick facades and fences wall along the Anzac Parade frontage the new development will generally be replicating existing conditions in the sense flood waters will not generally enter the site thereby not significantly affecting flow paths or flood storage.

The floor levels of the proposed commercial tenancies along the Anzac Parade frontage have been designed at or above the level of the 1% AEP and are satisfactory and compliant with Council's requirements.



The minor flood way along Boronia Street is restricted to the road reserve and so will not impact on the proposed vehicle access, carpark and loading bay.

There are therefore no objections from a flooding perspective.

#### Drainage Comments

The Planning Officer is advised that the submitted drainage plans should not be approved in conjunction with the DA, rather, the Development Engineer has included a number of conditions in this memo that relate to drainage design requirements. The applicant is required to submit detailed drainage plans to the Principal Certifier for approval prior to the issuing of a construction certificate.

The stormwater must be discharged (by gravity) either:

- i. Directly to the kerb and gutter in front of the subject site in Anzac Parade or
- ii. Directly into Transport for NSWs underground drainage system located in Anzac parade via a new kerb inlet pit; or
- iii. To a suitably designed infiltration system (subject to confirmation in a full geotechnical investigation that the ground conditions are suitable for the infiltration system),

Should the Stormwater be discharged to Council's street gutter or underground drainage system, an onsite stormwater detention (OSD) system will be required for this development.

### Parking Comments

Parking Requirements for the development have been assessed as per the parking rates provided in the Kensington to Kingsford DCP and Transport for NSW (RMS) Guide to traffic generating developments.

For commercial (as per the K2K DCP)

- 1 space per 125m<sup>2</sup> (business premises)
- 1 space per 100m<sup>2</sup> (for cafes & restaurants)
- 2.5 spaces per 100m<sup>2</sup> (for supermarket)

For residential apartments

- 0.6 spaces per 1 bedroom apartment
- 0.8 spaces per 2-bedroom apartment
- 1.1 spaces per 3-bedroom apartment
- 1 visitor space per 5 rooms

### Parking required for Residential Component

A total of 197 apartments are proposed comprising of 33 x 1-bedroom, 140 x 2-bedroom, 24 x 3-bedroom units.

$$\begin{aligned}\text{Parking Required} &= (33 \times 0.6) + (140 \times 0.8) + (24 \times 1.1) + 197/5 \text{ (visitor)} \\ &= 19.8 + 112 + 26.4 + 39.4 \\ &= 197.6 \\ &= \text{say } 198 \text{ spaces}\end{aligned}$$

$$\begin{aligned}\text{Parking Proposed} &= 157 + 29 \text{ visitor} \\ &= 186 \text{ spaces}\end{aligned}$$

### Parking required for Commercial/business component

A total of 3086m<sup>2</sup> GFA is proposed for retail use with 1501.4m<sup>2</sup> proposed for supermarket while 1585.2m<sup>2</sup> will be for specialty shops.

$$\begin{aligned}\text{Parking required (specialty shops)} &= 1585/125 \\ &= 12.7\end{aligned}$$

$$\begin{aligned}\text{Parking required (supermarket)} &= 2.5 \times 1501/100 \\ &= 37.5\end{aligned}$$

$$\begin{aligned}\text{Total Commercial Parking required} &= 12.7 + 37.5 \\ &= 50.2\end{aligned}$$

$$\text{TOTAL PARKING REQUIRED} = 50(\text{Commercial}) + 198(\text{Residential}) = 249 \text{ spaces}$$

$$\text{TOTAL PARKING PROPOSED} = 245 \text{ spaces}$$

$$\text{TOTAL PARKING SHORTFALL} = 4 \text{ spaces (1.6\%)}$$

Apart from a minor shortfall the provision is generally satisfactory however the parking allocation is not compliant. There is an under-allocation to the residential component but a overallocation to the commercial.

Residential – 197 spaces required (with 39 visitors), 186 provided (with 29 visitors)

Commercial – 50 spaces required, 57 provided

It appears the visitor spaces are being located on Basement level 1 and are separated from the commercial component by a security gate

#### Motorbike & Bicycle Parking

Motorbike Parking Requirements for the development have been assessed as per the parking rates provided in the Kensington to Kingsford DCP.

Residential - 5% of Vehicle Parking requirements =  $0.05 \times 198 = 9.9 = 10$  spaces

#### Commercial -

#### Service and Delivery Parking

Service and Delivery Parking is to be provided at the rate of 1 space per 50 units up to 200 dwellings, plus 1 space per 100 dwellings thereafter.

#### Carpark Layout

The vehicular access driveways, internal circulation ramps and the carpark areas, (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of Australian Standard 2890.1:2004.

#### Provision for electric charging stations

In accordance with the requirements of the K2K DCP the basement carparking levels are to provide a suitable amount of charging stations for electric vehicles. An amount equating to a minimum 20% of the provided carspaces will be considered minimum. Any variation to this amount must be justified in the amended Green Travel Plans and any other supporting documentation & will be subject to the approval of Council's Department of Integrated transport in writing. A suitable condition has been provided in this report.

#### Geotechnical Comments

Groundwater is expected to be encountered which will require Tanking and Waterproofing of the basement levels along with any additional requirements from the Office of Water.

#### Waste Management Comments

The Waste Management Plans submitted with the application shall not be approved as part of this development consent. An amended Waste Management Plan for the development is required to be submitted and approved by Council's Lead Specialist Strategic Waste including provision of a localized Automated Waste Collection System (LAWCS) for the residential component and private waste bin or Council collection of bins for the commercial component. Suitable conditions have been included in this report.

### **Environmental Health**

The proposed development states that retail services will include a supermarket, however details of fitout have not been included as part of this development application. Separate development consent and construction certificate or, a complying development certificate (as applicable) must be obtained for the proposed fit-out and use of commercial tenancies/premises that is not encompassed in this development application.

#### Acoustic Amenity

An acoustic assessment prepared by Acoustic Logic (Doc Ref: 20220328.2/1507A/R2/HD) dated 15 July 2022 was submitted with the development application at lodgement.

A subsequent acoustic assessment prepared by Acoustic Logic (Doc Ref: 20220328.2/1912A/R3/HD) dated 19 December 2022 was provided to support the application. The assessment includes construction and design recommendations although it is noted that future commercial tenancy spaces are unknown at this stage. There are provisions for a major supermarket and café space which should be subject to an additional DA for the fitout of these premises.

The assessment also states that an acoustic review should be undertaken prior to CC to determine acoustic treatments to control noise emissions to satisfactory levels. Acoustic treatments to all plant are to be reviewed by the acoustic consultant prior to construction once final plant selections have been made to ensure relevant noise emission requirements are satisfied. It is also noted that there are air conditioning condenser units on each apartment balcony. Noise levels are to be satisfied cumulatively from all plant servicing the development.

The assessment concludes that vibration isolation treatment is not required for the development given the proximity to the light rail. The potential acoustic concerns have been considered and appropriate conditions have been included in this referral to ensure compliance with the relevant criteria.

#### Land Contamination

A Preliminary Site (Contamination) investigation prepared by Douglas Partners (Project 210308.01) dated July 2022 was submitted with the development application. The report states based on the findings of this PSI a number of potential on-site and off-site sources of contamination have been identified which may have impacted the filling, surficial soils and groundwater. Therefore, a detailed site investigation involving soil and groundwater assessment will be required to assess the presence and extent of contamination across the site. It is recommended that the investigation be completed post demolition once the site is more accessible.

The potential for land contamination for this site has been considered and appropriate conditions have been included in this referral.

#### Recommendation

Should the application be approved, it is recommended that the conditions be included in the consent.

### **Building Compliance**

#### Comments

No objections are raised to the proposed development from a building/compliance perspective.

#### Recommendation

Should the application be approved, it is recommended that the following conditions be included in the consent.

### **Heritage**

#### Background

PL/67/2021 proposed demolition of the existing buildings on the site and construction of a development comprising 9 storey buildings to Anzac Parade and 5 storey buildings to Boronia Street. The submission provided minimal detail on the architectural treatment of the building.

The current application similarly proposes demolition of the existing buildings on the site and construction of a development comprising a 9 storey building to the Anzac Parade frontage and a 5 storey building to the Boronia Street frontage, separated by an elevated courtyard. Two basement level include carparking and services. The ground level is to comprise lobby, retail and service areas, while upper levels are to comprise residential floor space. The lowest residential floor level in the Boronia Street building is below street level. A rooftop terrace is to be provided to the Boronia Street building.

A through site link is again provided between Anzac Parade and Boronia Street. The buildings which front Anzac Parade and the building which front Boronia Street define an enclosed central courtyard.

The buildings which front Anzac Parade comprises a 4 storey podium, with the top 5 levels setback a further 4m or so from the Anzac Parade frontage. The buildings which front Boronia Street are setback 3m from the street.

Council issued a Request for Information and amended drawings have been received addressing and number of the planning and heritage issues raised.

#### Proposal

As compared to the original drawings, amended drawings have made changes to proposed uses below ground level; made changes to the through site link and the future north south connection; increased landscape provision including communal areas to all rooftops; made changes to materials, finishes and windows in the vicinity of the contributory building; and increased the setback to the Duke Street properties.

#### Submission

The original application was accompanied by a Heritage Impact Statement prepared by Urbis. The HIS includes a historical overview for each of the buildings on the site. The HIS recommended the development of "a protection methodology as part of the construction management plan to ensure no undue construction impacts on the adjacent contributory building from the proposed development."

The amended plans have been accompanied by a Heritage Response to Council's Request for Information, also prepared by Urbis. The Heritage Response concludes as follows:

Having regard for the revisions made to the proposed design, as well as for the outcomes anticipated by Council's K2K Strategy, it is therefore considered that the new development provides a sympathetic and appropriate response from a heritage perspective. Key period buildings (including the contributory item at 103A Anzac Parade and the early-20th century dwellings at Duke Street) will not be adversely impacted by the proposed development, insofar as their ability to demonstrate the historical patterns of development within this locality will not be altered or obscured.

#### Controls

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

#### Randwick LEP 2012 Amendment No.8 (gazetted on 14 August 2020)

The LEP amendment for the Kensington and Kingsford town centres (clauses 6.17 to 6.21) includes floor space ratios and building heights, as well as provisions in relation to community infrastructure, affordable housing, non-residential floor space, active street frontages and design excellence. In relation to design excellence, Council is required to have regard to how the development addresses heritage issues and streetscape constraints.

#### Development Control Plan- Kensington and Kingsford Town Centres

##### Part E6 (adopted 17 November 2020)

The Development Control Plan- Kensington and Kingsford Town Centres provides detailed Objectives and Controls, including sections addressing Urban Design and Place-Making and Heritage Conservation, and includes Block Controls for Strategic Node sites and other sites. The site is part of Block 24 within the Kensington Town Centre. The Heritage items and contributory buildings mapping for the Kensington Town Centre identifies the following contributory buildings in the vicinity of the site:

Immediate to the south of the site, is the following contributory building:

- no.103A Anzac Parade- 2 storey Georgian style Interwar building

To the west of the site, is the following contributory building:



- no.126-146 Anzac Parade- 2 storey Edwardian shoptop housing

As an update to previous heritage comments, it is noted that nos.1-3 Duke Street and nos.5-7 Duke Street **have not** been identified as draft heritage items under the Randwick Comprehensive LEP 2020.

Part 9 of the draft DCP- Heritage Conservation, includes the following Objectives and Controls for development involving Heritage Items and Contributory Buildings:

#### Objectives

To conserve and enhance the character and heritage significance of heritage items

To retain and conserve distinctive elevations and significant fabric of contributory buildings

To encourage sensitive adaptation of heritage items and contributory buildings

To ensure infill development is designed to respond sympathetically to the historic built form, character and detailing of nearby heritage items and contributory buildings

To ensure that the heritage significance of heritage items and/or conservation areas located in the vicinity of the town centres is considered in the assessment of development applications

#### Controls - All Development

- a) All development involving heritage items are to be in accordance with requirements for heritage set out in Part B2 of the DCP
- b) All development involving heritage items and contributory buildings are required to:
  - i) Adhere to the principles of the Burra Charter
  - ii) Include the submission of a Heritage Impact Statement (or Heritage Impact Assessment) which considers the heritage significance of the item or contributory building, the impact of the proposal on the heritage significance of the building or heritage items within the vicinity, the rationale for the proposed development, and the compatibility of the development with the objectives and controls, and/or recommended management within relevant conservation management plans, planning instruments or heritage inventories
- c) Development located within the vicinity of another local government area requires the preparation of a Heritage Impact Statement to address the potential impact on adjoining or nearby heritage items or heritage conservation areas in the adjoining local government area.

New development adjacent to heritage items and contributory buildings:

- a) Development adjacent to heritage items and contributory buildings (infill development) should:
  - i. Be designed to respect the historic scale, proportions and articulation of adjacent contributory built forms, including heights, solid to void ratios and alignments of street awnings
  - ii. Incorporate podiums and framed overlays that reference the principle influence line of historic streetscapes, and are cohesive with the established street frontage
  - iii. Be designed to incorporate setbacks which retain the profile and massing of exposed side elevations to retained contributory built forms

- iv. Ensure new street elevations maintain the vertical articulation and segmented character of historic building groups which provide variety to the streetscape and sense of human scale, and avoid unrelated horizontally emphasised articulation
  - v. Provide contemporary new signage that compliments the character of the contributory buildings and
  - vi. Ensure that new finishes to side elevations should not detract from street front detailing and finishes.
- b) Development should maintain and reinstate the emphasis of street corners and cross routes through reinforcement of historic height lines remaining at, and adjacent to intersections.

### Comments

Previous heritage comments advised that the proposed infill development should respond sympathetically to the historic built form, character and detailing of the adjacent two storey draft heritage items in Duke Street and the two storey contributory building in Anzac Parade. It was noted that new development adjacent to the draft heritage items and the contributory building, as required by the DCP, is to respect their scale, proportions and articulation, and be cohesive with the established street frontage.

### Contributory building

It appears that the development proposal is consistent with floor space ratios and building height controls contained in the K2K Planning Proposal, contained in the K2K Development Control Plan, intended to satisfy the Urban Design and Placemaking Guiding Principle of achieving a sensitive transition in relation to recently constructed development and surrounding established lower scaled residential neighbourhoods, and in order to ensure impacts on the setting and views to and from heritage properties in the vicinity of the site are minimised.

Setbacks of the proposed development from the eastern boundary/Anzac Parade frontage appear to be generally consistent with Built Form envelopes contained in the DCP, with articulation provided through a change in external materials and finishes, and fenestration only.

The contributory building at no.103A Anzac Parade, immediately to the south of the site comprises a fine two storey Georgian style Interwar building comprising a hipped terracotta tiled roof, and face brick walls with sandstone base and entrance, rendered masonry pilasters and entablature, and timber framed windows. It is agreed that the blank northern wall of the contributory building acknowledged that adjoining development would abut it. Such adjoining development however would have been anticipated to have a scale of two or three storeys, rather than nine storeys.

The façade treatment of the contributory building balances vertical rendered masonry corner pilasters with the strong horizontal line of the eaves and rendered masonry entablature. The 4 storey podium for the Anzac Parade building somewhat assists in relating the development to its two storey neighbour, although the horizontal lines of old and new are unrelated. The south elevation and the southern end of the development should form a sensitive backdrop to the contributory building at no.103A Anzac Parade, rather than seeking to isolate and divorce itself it. Given the over 100m length of the building frontage which faces Anzac Parade, it would not seem unreasonable to provide a localised design response to the contributory building. Such a design response would better integrate the southernmost bays of the development with the two storey scale of contributory building by relating materials, finishes and proportions of the ground and first floor levels of the development to its terracotta tiled roof and predominantly face brick walls and fine grained detailing, rather than simply to the white painted rendered masonry frame surrounding it.

**The proposed changes to external materials and finishes and to fenestration do not significantly reduce the visual dominance of the development. The proposed changes do not significantly improve the relationship of the development to the historic scale and height of the adjacent two storey contributory building, nor better reference the principal influence line of the historic streetscape. An appropriate consent condition should be included requiring the submission of amended plans.**



Consent conditions should be included in relation to excavation and support for the proposed development to avoid impact on the physical fabric of the contributory building immediately to the south of the site.

#### Duke Street properties

The residential buildings at nos.1-3 Duke Street and nos.5-7 Duke Street, immediately to the south west of the site comprise two storey semi-detached pairs with hipped tiled roofs. The dwellings date from the early twentieth century and display Edwardian and Art Nouveau detailing, but have not been identified as draft heritage items.

Setbacks of the proposed development from eastern/side boundary and from the northern/rear boundary of the Duke Street properties appear to have some inconsistencies with Block Controls and Built Form envelopes in the DCP. Where the Block Controls require a 6m separation between the development and the eastern boundary of the draft heritage items, the proposal provides only a 3m separation. Where the Block Controls require a 6m separation between the development and the northern boundary of the heritage items, the proposal provides a 7m separation which reduces to only 2m at the eastern end. It is noted however that the proposed link to the Duke Street plaza has now been deleted with the setback areas to instead be landscaped, to provide a buffer to the residential buildings in Duke Street. The proposed landscaped buffer will assist in addressing amenity and liveability issues for the residential properties.

#### Recommendation

The following conditions should be included in any consent:

- Amended plans are to be submitted presenting further changes to external materials and finishes and to fenestration, in order to reduce the visual dominance of the development in relation to the adjacent two storey contributory building, and to improve the relationship of the development to the historic scale and height of the adjacent two storey contributory building, and better reference the principal influence line of the historic streetscape. This localised design response to the contributory building would better integrate the southernmost bays of the development with the two storey scale of contributory building by relating materials, finishes and proportions of the ground and first floor levels of the development to its terracotta tiled roof and predominantly face brick walls and fine grained detailing, rather than simply to the white painted rendered masonry frame surrounding it. Amended plans are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
- Further detail of the proposed art installation on the upper floors of the south elevation of the Anzac Parade building are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
- Prior to issue of a Construction Certificate for the development, a report from a suitably qualified and experienced Heritage Structural Engineer must be provided to the satisfaction of the Certifying Authority, including the following:
  - a) Geotechnical details which confirm the suitability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the proposed development and adjoining properties.

b) Details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings located at 103A Anzac Parade and 1 – 7 Duke Street.

c) Details to demonstrate that the proposed methods of excavation, support and construction are suitable for the site and should not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration.

d) Details of appropriate measures, monitoring regime/s and controls to be implemented during excavation and construction work, to maintain the stability and significance of the building/s located at 103A Anzac Parade and 1 – 7 Duke Street.

The information shall include; details of suitable specific plant and equipment; inspection regimes; development and implementation of appropriate vibration limits; adoption of relevant standards and criteria; monitoring equipment and vibration control strategies.

e) Written approval must be obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place) and details must be provided to the *Certifying Authority*.

- A detailed assessment of the condition of the building/s located at 103A Anzac Parade and 1 – 7 Duke Street shall be carried out by the Heritage Structural Engineer prior to commencing works; at suitable intervals during the course of the excavation and construction work and; prior to issuing an occupation certificate for the development, which provides details of the condition of the subject building/s and which details any impacts or changes to the building which may be a result of the excavation and construction work.

A copy of the assessments and reports must be provide to the PCA, Council and owners of the subject properties.