

COUNCIL SUPPLEMENTARY ASSESSMENT REPORT

SYDNEY EASTERN CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSEC-215 [DA/395/2022]
PROPOSAL	Integrated development for demolition of all structures on site, construction of new shop top housing development comprising four distinct buildings having 9 storey fronting Anzac Parade and 4 storey fronting Boronia Street with 2 basement levels for 243 parking spaces, ground level retail premises including a supermarket, a total of 195 dwellings including 6 affordable dwellings, communal open spaces, removal of trees, amalgamation of existing lots, associated site and landscape works (Variation to height of buildings) (Water NSW approval required).
ADDRESS	77-103 Anzac Parade and 59A-71 Boronia Street, Kensington Lot 2 DP 539543 [77-79 Anzac Parade] Lot A DP 345813 [81-85 Anzac Parade] Lot A DP 331643 [87 Anzac Parade] Lot's 1-2 DP 605231 [89 Anzac Parade & 67 Boronia Street] Lot B DP 953401 [91-93 Anzac Parade] Lot 22 DP 3917 [95 Anzac Parade] Lot 2 DP 221584 [97-99 Anzac Parade] Lot C DP 30406 [101 Anzac Parade] Lot D DP 30406 [103 Anzac Parade] Lot A DP 953401 [69-71 Boronia Street] Lot B DP 331643 [63 Boronia Street] Lot B DP 345813 [61 Boronia Street] Lot 1 DP 539543 [59A Boronia Street]
APPLICANT	Anson City Developments 1 (Australia) Pty Ltd
OWNER	Anson City Developments 1 (Australia) Pty Ltd
DA LODGEMENT DATE	4 August 2022
APPLICATION TYPE	Development Application (Integrated)
REGIONALLY SIGNIFICANT CRITERIA	Clause 2 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : General Development over \$30million.
CIV	\$103,984,225.00 (including GST)

CLAUSE 4.6 REQUESTS	Clause 4.3, 4.3A(5) and 6.17 of RLEP 2012 (Building Height)
KEY SEPP/LEP	<ul style="list-style-type: none"> • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (Industry and Employment) 2021 • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Planning Systems) 2021; • State Environmental Planning Policy (Transport and Infrastructure) 2021; • Randwick Local Environmental Plan 2012; and • Part E6 of Randwick Development Control Plan Kensington and Kingsford Town Centres 2020.
TOTAL & UNIQUE SUBMISSIONS ISSUES SUBMISSIONS	<p>Six (6), including two (2) submission raising different concerns from the same property owner. Summary of issues outlined as follows:</p> <ul style="list-style-type: none"> • Building separation to existing properties; • Overshadowing; • Visual privacy; • Acoustic privacy and impacts; • Loading dock impacts; • Bulk and scale; • The proximity of commercial uses; • View loss; • Loss of property value; and <p>Excavation, interface and site isolation impacts to the adjoining contributory heritage building.</p>
KEY DOCUMENTS SUBMITTED FOR CONSIDERATION	<p>Amended BASIX Certificate</p> <p>Revised draft Consent Conditions</p> <p>Architectural Plan Set</p>
RECOMMENDATION	Approval, subject to consent conditions
DRAFT CONDITIONS TO APPLICANT	N/A
SCHEDULED MEETING DATE	25 January 2024

PLAN VERSION	28 July 2023 Version P1 – P19 (No change from previous meeting).
PREPARED BY	Ferdinando Macri
DATE OF REPORT	29 December 2023

EXECUTIVE SUMMARY

The Development Application (DA/395/2022) seeks consent for the integrated development for demolition of all structures on site, construction of new shop top housing development comprising four distinct buildings having 9 storey fronting Anzac Parade and 4 storey fronting Boronia Street with 2 basement levels for 243 parking spaces, ground level retail premises including a 1,422m² supermarket tenancy and an indoor recreation facility, a total of 195 dwellings including 6 affordable dwellings, communal open spaces, removal of trees, amalgamation of existing lots, associated site and landscape works ('the proposal') at the subject site.

The site is located on the western side of Anzac Parade. The site comprises of fourteen (14) separate lots and is collectively known as 77-103 Anzac Parade and 59A-71 Boronia Street, Kensington with a total consolidated site area of 6,296m². The consolidated site is occupied by a range of two storey commercial buildings, two storey shop top housing buildings, one and two storey dwelling houses and a three storey residential flat building. The site is directly adjoined to the south by 103A Anzac Parade, a former interwar bank that has been converted to residential accommodation and a home occupation business. The property is identified as a item of contributory heritage significance under Part E6 of the Randwick DCP. The site is an irregular shaped corner allotment with dual street frontages, including Anzac Parade to the east and Boronia Street and multiple vehicular access driveways to the west.

The site is located within the E2 Commercial Centre zone and the R3 Medium Density Residential Zone. The proposed development is permissible with consent, being defined as a shop top housing development comprising podium retail and commercial with residential accommodation above on Anzac Parade and Boronia Street frontages. The site is located in an area of transition from the high density and multi use buildings of the Kensington Town Centre as identified in Part E6 of the Randwick DCP 2013 (Kensington and Kingsford Town Centres). As a result of this context, the proposal is surrounded by buildings typically ranging from two (4) to (7) Storeys, compared with the predominantly low to medium density residential development area which surrounds the site to the west (1-4 storeys).

The Sydney Eastern City Planning Panel (SECPP) is the consent authority for the Development Application pursuant to Section 4.7, of the Environmental Planning and Assessment Act 1979 and Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021), as the development has a capital investment value over \$30 million and is defined as Regionally Significant Development.

A detailed assessment of the proposal and determination report was provided at the determination meeting on 30 November 2023, in which the application was recommended for approval subject to conditions pending the submission a revised BASIX certificate. However, the Panel deferred the determination to enable the applicant with additional time to complete the amended BASIX documentation and allow for the preparation of revised street tree planting and electric vehicle charging conditions.

This addendum report is supplementary to the original assessment report, dated 21 November 2023, and addresses the reasons for deferral through the assessment of the amended BASIX certificate and the recommendation of amended consent conditions.

It is considered that the additional information and revised conditions in support of the proposal have addressed and incorporated the requirements of the Panel, as detailed in the Record of Deferral, dated 5 December 2023.

In view of the above, following consideration of the matters under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, the provisions of the relevant State

environmental planning policies, RLEP 2012 and RDCP 2013, and the direction provided by the Panel, the proposal is considered suitable for the subject site. Accordingly, the proposal is recommended for approval subject to the draft consent conditions at **Attachment A** of this report.

1. THE PROPOSAL AND BACKGROUND

1.1 Background

A determination meeting was held with the Panel on 30 November 2023. At the determination meeting, the Panel resolved to defer the determination of the application to enable the preparation of additional information, including an amended BASIX certificate, along with revised street tree planting and electrical vehicle charging conditions.

In response to the matters raised by the Panel, amended BASIX information was provided by the Applicant and the consent has been amended by Council to capture each of the previous deferral items. An assessment of the submitted information and compliance with the deferral matters is outlined in the Key Issues section below.

1.2 The Proposal

Council is in receipt of a proposal seeking consent to an integrated development application for the demolition of all structures on site and construction of a new shop top housing development comprising four distinct buildings with nine storeys fronting Anzac Parade and part four to part five storeys fronting Boronia Street above ground level retail premises, a supermarket with an area of approximately 1,422sqm and two basement levels with 243 parking spaces accessed from Boronia Street. The proposal comprises a total of 195 apartments including 6 affordable dwellings, podium and roof terrace communal open spaces, amalgamation of existing lots, associated site and landscape works. Specifically, the proposal involves:

- Demolition of all existing buildings and removal of onsite vegetation;
- Site preparation works, bulk excavation and remediation;
- Construction and use of a Part 9 and 4-5 storey mixed use development, including:
 - 195 apartments on Levels 1 to 9 across three 9 storey towers, a 3 to 8 storey cantilevered floor plate to Anzac Parade, along with two 4-5 storey buildings orientated to Boronia Street;
 - The provision of a DDA accessible and public east-west through site link from Anzac Parade to Boronia Street and a future northern boundary connection point that align with desired travel path to Balfour Lane through adjoining redevelopment sites;
 - Communal open space areas at the central courtyard podium Level 1 and communal rooftop terraces above the buildings on Boronia Street and Anzac Parade;
 - Ground level commercial, retail premises, an indoor recreation facility, a supermarket (1,422m²) and residential lobbies;
 - Two rear vehicular entrances with a supermarket loading access from the southern edge of the site and a central commercial and residential basement access for 243 parking spaces via Boronia Street;
 - Two basement levels containing carparking, service areas, bicycle storage, and plant facilities;
 - Six affordable housing dwellings designated for dedication in perpetuity on Level 1 of the Boronia Street buildings;
 - Rooftop access overruns and plant facilities; and
 - Several business identification signage zones at the ground level of retail tenancies along the Anzac Parade frontage;
- Associated landscape, community infrastructure, and public domain works; and

- Extension and augmentation of physical infrastructure and utilities as required.



Figure 1 – Roof Plan



Figure 2 – Perspective from Anzac Parade.



Figure 3 – Perspective from Boronia Street Pedestrian Link

Table 1: Development Data

Control	Proposal
Site area	6,296m ²
GFA	Total: 22,611m ² Commercial: 3,379.2m ² Residential: 19,231.8m ²
FSR	Clause 6.19 (Alternative FSR) - 4:1 Applicable to land parcels fronting Anzac Parade. Proposed: 3.8:1
Clause 4.6 Requests	Yes – Clause 4.3, 4.3A(5) and 6.17 (Building height)
No. of apartments	195 Apartments (41x) 1 Bed (122x) 2 Bed (32x) 3 Bed
Max Height	Part 31m and 1m to Anzac Parade Part 12m and 17m to Boronia Street – (Clause 4.3A permits up to 17m within southern portion when a supermarket is provided in the Kensington Centre).

	<p>Building A (Boronia south) - 17m required / proposed 17.8m parapet (4.7% variation) and 20.2m rooftop overrun structures (18.8%).</p> <p>Building B (Boronia north) – 12m required / proposed 14m parapet (16.6% variation) and 17.3m rooftop overrun structures (44% variation).</p> <p>Building C (Anzac south) – 31m required / proposed 31.95m parapet (3% variation) and 36.1m rooftop overrun structures (16.5% variation).</p> <p>Building D (Anzac north) – Part 31 and 1m required / proposed 31.65m parapet (2% variation) and 35.61m rooftop overrun structures (14.9% variation) Substantial variation to part 1m height limit resulting from relocation of east-west through site link further to the south and more central to redevelopment.</p>
Landscaped area	<p>100% required under DCP. 70.8% proposed (4,458.1m²).</p> <p>Planting areas and adjacent to site boundaries and on-structure within the through site link, façade slots, private open space and communal open space level 1 podium and rooftop terraces.</p>
Car Parking spaces	<p>Total of 243 Carparking spaces provided including:</p> <ul style="list-style-type: none"> • 57 Commercial spaces • 186 Residential spaces (Incl. 29 visitor)
Setbacks	<p><u>Podium</u> Anzac Parade: 1.5m Northern Boundary: Nil Southern Boundary: Nil – 9m</p> <p><u>Tower</u> Anzac Parade: 5.5m Boronia Street: 3m Northern Boundary: 3m Southern Boundary: Nil – 7m</p> <p><u>Internal Separation</u> Central courtyard: 12m</p>

* No change to development data resulting from supplementary BASIX reporting or condition amendments.

2. KEY ISSUES

In addition to those identified in the original assessment report, the following Key Issues are relevant to the assessment of this application:

2.1 State Environmental Planning Policy (BASIX) 2004

The application is accompanied by a compliant BASIX Certificate lodged with Council in December 2023, committing to environmentally sustainable measures. The Certificate demonstrates the proposed development satisfies the relevant water, thermal and energy commitments as required by the BASIX SEPP. The proposal is consistent with the BASIX SEPP subject to the recommended conditions 1, 65 and 150 of the attached consent.

2.2 Randwick DCP Part E6 – Section 22 Sustainability

Concerns were raised by the Panel at the determination meeting on the 30th of November 2023 in relation to the rate of electrical vehicle (EV) charging infrastructure. In accordance with the recommendation of the Panel, the electrical vehicle charging facility condition has been amended to ensure that all residential parking spaces can accommodate the future installation of EV chargers. The updated wording was issued to the Applicant in December 2023 for review and the revised conditions 27, 28 and 177 have been included in the updated consent for endorsement.

2.3 Randwick DCP 2013 Section B4 – Landscaping and Biodiversity

Council's Landscaping Officer had raised the need to amend the number of street trees conditioned along the Anzac Parade frontage from three to four street tree emplacements under Condition 40 (c)(i). The amendment was consulted with the Panel and Applicant at the meeting on the 30th of November and it was noted that no concerns were raised in relation to the condition revision, which has been included in the attached consent.

3. CONCLUSION

The Applicant has provided the additional information to address concerns raised by the Panel and has adequately addressed the reasons for deferral at the Panel meeting of 30 November 2023. It is considered that the outstanding key issues as outlined by the Panel in section 2 have been resolved satisfactorily through condition amendments in the attached consent.

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in the original assessment report and this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

4. RECOMMENDATION

That the Development Application DA/395/2022 for the integrated development for demolition of all structures on site, construction of new shop top housing development comprising four distinct buildings having 9 storey fronting Anzac Parade and 4 storey fronting Boronia Street with 2 basement levels for 243 parking spaces, ground level retail premises including a supermarket, a total of 195 dwellings including 6 affordable dwellings, communal open spaces, removal of trees, amalgamation of existing lots, associated site and landscape works (Variation to height of buildings) (Water NSW approval required) at 77-103 Anzac Parade and 59A-71 Boronia Street, Kensington be APPROVED pursuant to Section 4.16(1)(a) or (b) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at **Attachment A**.

The following attachments are provided:

- **Attachment A:** Draft Conditions of Consent
- **Attachment B:** Revised BASIX Certificate