



MN/KS
15880
28 April 2016

Karen Armstrong
Regional Director – Sydney East
Department of Planning and Environment
22-33 Bridge Street
SYDNEY NSW 2000

Attention: Charlene Nelson

**LODGEMENT OF PRE GATEWAY REVIEW
111-125 ANZAC PARADE AND 112 TODMAN AVENUE, KENSINGTON**

This letter has been prepared on behalf of TOGA Kensington Pty Ltd (TOGA Kensington), in response to the Department of Planning and Environment email dated 6 April 2016 requesting information for the Pre-Gateway review of the Planning Proposal for the site at 111-125 Anzac Parade and 112 Todman Avenue, Kensington. You have advised that a preliminary assessment of the proposal requires the following additional information.

1a) Information is required to be provided under Part B: Reason for Review and the Planning Proposal of the application form. Please provide confirmation in writing from Randwick Council that the request to prepare a planning proposal is not supported and the date of this confirmation.

Council's Report on the Planning Proposal and Minutes of the Randwick Council Meeting on 22 March 2016, are attached to this letter (**Attachment A**). The report and minutes confirm that Randwick Council considered the Planning Proposal and resolved not to support the Planning Proposal.

b) Please provide an amendment to the application to complete this section which was not completed in the submitted form.

A political donations form is included at **Attachment B**.

2. Information required to be addressed and submitted as part of the Pre-Gateway review is outlined in Section 5 of the Department's A Guide to Preparing Local Environmental Plans (pg. 10). This includes the following information:

- All correspondence from the council in relation to the proposed instrument, including (if relevant) a copy of the council's advice detailing why the council did not proceed with preparing a planning proposal;*

Detail of the pre-lodgement consultation with Council is provided in Section 2.2.1 of the Planning Proposal. In summary, TOGA Kensington and the relevant consultants met with Randwick City Council (Council) planning staff 4 November 2015 to discuss the Planning Proposal. No meeting minutes or correspondence was received from this meeting.

The Ordinary Council Meeting Business Paper dated 22 March 2016 (see **Attachment A**) outlines a Planning Report for the proposal. The meeting minutes (page 10) confirm Council's resolution.

- *All correspondence from other Government agencies, if available, about the proposed instrument;*

Detail of the pre-lodgement consultation with Government Agencies is provided in Section 2.2 of the Planning Proposal. In summary:

- The applicant and consultants met with representatives from the DPE on 11 November 2015 to discuss the Kensington Planning Proposal. At this meeting representatives from the DPE indicated that it was supportive of high density development in this location as it seeks to provide additional homes, services and jobs in a location that will benefit from major public investment in transport infrastructure;
- TOGA Kensington, JBA and GTA met with representatives from RMS on 30 November. At this meeting representative from the RMS were supportive of the proposal and the access arrangements to the site; and
- On 1 December 2015, TOGA Kensington and JBA met with the Light Rail Project team from Transport for NSW (TfNSW). TfNSW indicated support for the proposed project in this location as it seeks to utilise the transport infrastructure being provided by the light rail project.

No meeting minutes were issued from these meetings.

- *The proponent's justification for why a review is warranted (this should also respond to Council reasons for not supporting the planning proposal);*

Council's reasons for not supporting the Planning Proposal and our response are outlined below in Table 1.

Table 1 – Response to Council Issues with Planning Proposal

Council Issues	Response
A holistic approach, rather than an ad hoc Planning Proposal, for this significant corridor is the best, most efficient and most effective means of achieving a review of the planning controls that currently apply to the site and the remainder of the town centre	During the pre-lodgement consultation Council staff indicated that Council is undertaking its own strategic planning for the Kingsford area, however no timeframe was provided for the strategic planning of the Kensington area. It is noted that the Council Minutes now reference the commencement of both the Kingsford and Kensington Town Centre Review. The work program for the review has been amended to include an international design competition to develop the strategic planning mission for the two centres and will be completed in April 2017 at the earliest. The timeframe for the intended strategic planning and any subsequent rezoning will be long and will consequently delay development ready sites from being developed in time for the opening of the light rail. The Planning Proposal seeks to facilitate the development of the site for additional housing and commercial floor space that is able to be delivered as close as possible to the commencement of the light rail operation in March 2019. This will ensure there is development to support the operation of the light rail when it opens. The controls for the site envisaged under the Planning Proposal are based on the Draft Randwick Urban Activation Precinct (UAP) controls. Additionally, TOGA Kensington undertook a Corridor Study for the Anzac Parade corridor from Centennial Park to Kingsford to inform the Urban Design analysis for the sites within this study area in a holistic manner. Further to this, a detailed concept design has been prepared for the site that has been informed by the corridor strategy.

Council Issues	Response
Strategic planning work based on research and modelling is currently being undertaken by Council to understand key drivers for growth for housing, employment and social infrastructure to meet future needs of the community and guide future planning decisions. Council is undertaking this work in conjunction with University of NSW City Futures Centre and with an International Urban Design Competition	As outlined above, the timeframe for the strategic planning work will inhibit development from occurring in time to benefit from the commencement of light rail services in 2019. The light rail is considered to be a key driver for housing and employment growth and the Planning Proposal will include the provision of commercial and residential floor space in proximity to the future light rail station to service the needs of the local population. Further investigations will be undertaken as part of the preparation of the DA material to determine whether any upgrade of existing facilities is required and the applicant is willing to enter into further discussions with Council regarding potential public benefit initiatives. The Planning Proposal is based on the comprehensive corridor strategy prepared by SJB and is consistent with State and Regional strategic framework for the area. The SJB strategy takes a holistic view of the corridor and presents a design solution for the corridor as a whole. This strategy has then been used as a reference point for the development of appropriate planning controls for the site which are being sought as part of the Planning Proposal. As outlined in Section 3.6.1 of the Planning Proposal, the delivery of housing on the site, as facilitated by the Planning Proposal, will be accommodated by the spare capacity in the future Light Rail network and the Todman Avenue Station. The site is located within the Global Economic Corridor and the Anzac Parade corridor which are both identified in <i>A Plan for Growing Sydney</i> as key corridors for jobs and housing. The proposed delivery of housing on the site will not have a significant adverse impact on the capacity of public transport services, nor will it have an adverse impact on traffic generation on the local road network. Council's resolution to commence the preparation of a review for both the Kingsford and Kensington Town Centres, commencing with an international design competition, is due to be completed in October 2016 and exhibition of a draft 'strategy' in April 2017. If the 'strategy' is exhibited in April 2017, it is likely it would only be adopted by Council after consideration of public submissions which is expected to take at least three months (ie July 2017). Only then would a Planning Proposal be able to be prepared. It is unlikely that exhibition of such a Planning Proposal would occur prior to mid 2018. If this is the case, finalisation of any Planning Proposal could only be expected in 2019. It is only at this stage that development applications to increase heights and densities along the light rail route could be lodged. This timeframe is not considered appropriate having regard to the significant investment of public funds into the light rail infrastructure which will commence operation in March 2019. The Planning Proposal seeks to deliver additional housing and commercial floor area in close proximity to the light rail stop as soon as possible after the light rail commences operation.
Any changes to planning controls needs to be carried out comprehensively and holistically to ensure that benefits to the community associated with the additional housing, outweighs adverse community impacts	The Planning Proposal is based on the comprehensive corridor strategy prepared by SJB and is consistent with State and Regional strategic framework for the area. The plan identifies that the corridor has excellent access to employment, recreational opportunities, higher education, health facilities and social infrastructure, which are all key catalysts for locating new housing. The light rail will better connect the corridor to the CBD, improving transport access and the strategic significance of the site.
A comprehensive approach is needed to better understand the infrastructure requirements, both physical and social, in particular transport, traffic and schools in conjunction with the proposed light rail services which should include demand from suburbs further south	Further investigations will be undertaken as part of the preparation of the DA material to determine whether any upgrade of existing facilities is required. In addition to this, the applicant is willing to enter into further discussions with Council regarding potential public benefit initiatives.
The subject Planning Proposal proposing to uplift the corner of Anzac Parade and Todman Avenue in form of a 85m tower in this ad hoc manner without considering the surrounding height of buildings, within the Kensington Town Centre and adjoining residential areas, would create an inconsistency within the neighbourhood streetscape;	The Planning Proposal is based on the comprehensive corridor strategy prepared by SJB which considers the development potential of the site in the context of the broader urban design framework along the Anzac Parade Corridor. The SJB analysis notes that potential areas of higher density along the broader Anzac Parade corridor are constrained by large areas of open space and special uses precincts. Accordingly, a centres based approach is recommended in the strategy, where higher density centres accommodate a large portion of the planned growth in close proximity to light

Council Issues	Response
This site because of its prominent location needs to be comprehensively considered within the context of the entire Town Centre to ensure that the best urban design outcomes	rail stations and services. The centres, identified in the strategy graduate down in building heights and density from the Sydney CBD to Little Bay. The SJB analysis seeks to locate increased densities around key strategic centres to reduce the potential sprawl into the surrounding medium and low density areas. More specifically, the corridor strategy identifies the significant development potential of the remaining corner sites at the Anzac Parade and Todman Avenue junction. The corridor strategy identifies the development of 18-20 storey towers on these corner sites due to their strategic location in close proximity to a future light rail station and large site areas. The redevelopment of the key marker sites in the Kensington Centre as well as the seven storey development on the adjoining site to the north (105-109 Anzac Parade and 2A Duke Street) will provide a consistent urban form that identifies the Kensington Centre.
The subject site directly adjoins R3 Medium Density Residential zoned land to the west. The proposed redevelopment is likely to have significant adverse impacts on the amenity within the R3 zoned properties	The site comprises seven amalgamated properties and has a large site area that enables the development on the site to appropriately setback from the adjoining properties while accommodating a larger building form. A shadow analysis of the site is provided in the Architectural Drawings. The shadow studies indicate that the proposal will not cause significant overshadowing impact on areas of public open space and will cast shadows commensurate with that of the future development in the Kensington Centre. As demonstrated by the shadow diagrams, the proposed buildings will have a tall, slender tower form that combine to cast a fast moving shadow. The shadow, during the winter solstice, generally will not overshadow a single location for greater than 2 hours, hence maintaining significant access to sunlight. The site immediately to the south of the site (opposite Todman Avenue) could be overshadowed by a development built on the site at the existing height control of 25 m, and is therefore not further impacted. Detailed compliance with SEPP 65 will be demonstrated in a future DA for the building facilitated by this Planning Proposal. Detailed testing of SEPP 65 and the Apartment Design Guide was conducted throughout the design of the concept scheme which is capable of satisfying these provisions.
The intended increase in the permissible building height from 12m, 21m and 25 metres to 85 metres, is ad hoc and more than three times of what is allowable will create a building which is physically and architecturally out of character within the Anzac Parade corridor which is currently subject of a comprehensive strategic approach.	The proposal is based on a comprehensive corridor strategy which considers the development potential of the site in the context of the broader urban design framework along the Anzac Parade Corridor. The SJB analysis seeks to locate increased densities around key strategic centres to respond to constraints presented elsewhere along the corridor and to reduce the potential sprawl into the surrounding medium and low density areas. Further, it is expected that density will generally be increased along the corridor to reflect the changing nature brought about by the new light rail and that the proposed scale would not be out of character with the future context of the corridor.

- *any supporting information to address the review assessment criteria (as outlined in A Guide to Preparing Local Environmental Plans);*

TOGA Kensington and the project team have considered all of the above assessment criteria to provide a comprehensive Planning Proposal that provides strategic justification for the project based on relevant strategic and statutory planning documents. A copy of the Planning Proposal along with the relevant supporting studies and reports have been submitted to the Department to support the pre-Gateway Review.

- *disclosure of reportable political donations under section 147 of the Act, if relevant.*

A political donations form is included at **Attachment B**.

We hereby request, on behalf of TOGA Kensington, that the DPE initiate a Pre-Gateway Review of the proposal to determine if it has strategic merit. Representatives from TOGA Kensington and JBA met with Lee Mulvey in late 2015 prior to the lodgement of the Planning Proposal with Randwick Council to seek the Department's feedback and input into the Proposed LEP amendments. Feedback from this meeting indicated that the proposal does have strategic merit and we consider that a Pre-Gateway review is necessary.

Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or kshmuel@jbaurban.com.au.

Yours faithfully



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Urban Planner



Kim Shmuel
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