

Our Ref: D03579958/D03473543/D03437380/(F2017/00269)

28 June 2019

James Groundwater

NSW Department of Planning and Environment

GPO Box 39

Sydney NSW 2000

Dear Mr Groundwater,

**RE: Randwick City Council comment on applicant's response on the State Significant Development Application: Doncaster Avenue Student Accommodation (SSD 9649).**

I refer to your email dated 12 June 2019 seeking comment on the applicant's response to submissions regarding the propose DA lodged by the Blue Sky Private Real Estate (BSPRE) for 4-18 Doncaster Avenue, Kensington.

Amendments:

The amended proposal involves a reconfigured layout from an S-shaped building into an E-shaped building layout with a single 3 storey block located along the rear boundary, three projecting building elements towards Doncaster Avenue and a communal courtyard at the northern end that now opens out to Doncaster Avenue.

The amended proposal also increase the front setback of the building component south of the heritage item however no change to the front setback of the building north of the heritage item which is located forward of the heritage items front building line.

Proposal

- Retention of a heritage building for use as student accommodation;
- Construction of a 3 storey student accommodation, with the total provision of 274 beds (less 2 beds than originally proposed), comprising a combination of the following:
  - a. single studio units;

- b. twin studio units;
  - c. multi bedroom clusters of 3, 4, 5 and 6 bedrooms;
- Construction of a basement level carpark comprising the following:
  - a. 55 car parking spaces (including 5 car share spaces);
  - b. 1 staff car parking space; and
  - c. 56 motorcycle parking spaces.
  - d. 48 bicycle spaces including 12 bike racks at end of carspaces 12 to 23.

## **Planning**

### State Environmental Planning Policy – Affordable Rental Housing 2009 (AHSEPP) – Division 3 Boarding houses

- Room sizes - Less than 12sqm

As previously indicated in comments provided by Council, the proposal provides less than minimum accommodation sized rooms indicated under CL 29(2f) of AHSEPP which is a standard that cannot be used to refuse consent. The amended SEE includes additional information suggesting a merit assessment (CL.29(4)). The amended information provides two examples of student housing projects that have approved less than 12sqm room sizes as well as examples providing less than minimum room sizes for developments in other states of Australia. The two NSW examples include a student housing project located and developed as part of an educational establishment site containing teaching facilities and the other is a multi-storey tower (stage 2 DA) in association with a concept plan approval for the Sydney International Convention, Exhibition and Entertainment Precinct (SICEEP).

In terms of comparing the proposed scheme with the two NSW examples, the Sydney University example has student housing in association with an educational establishment directly connected to teaching facilities within the building, which means that the AHSEPP did not apply. In relation to the SICEEP development, the obvious difference is that each scheme is located in vastly different urban contexts whereby the SICEEP scheme is contained within a high density area and the proposed scheme is located within a lower medium density area.

The SICEEP scheme also contains larger room sizes of around 10.3sqm (with en-suite) for single rooms which is larger than the proposed scheme which provides boarding rooms having around 8sqm for rooms in clusters and around 10sqm for self-contained studios (excluding bathroom and kitchen facilities). Despite the lower sized rooms consideration may be given to whether the similar amenity is provided in the current scheme which provides separate communal living spaces and bathrooms (albeit at a lower rate than the SICEEP scheme) and whether this effectively supplements shortfalls below the 12sqm standard in the AHSEPP.

- Room sizes – greater than 25sqm

The size of 2 Level 1 boarding rooms in the retained heritage item exceed the 25sqm maximum GFA for boarding rooms (excluding private kitchen or bathroom facilities) in CL30(1b) of the AHSEPP. It is noted that a larger than minimum area may be provided for a Manager of the facility.

- Communal facilities:

The proposal provides only one communal toilet facility at ground level which is considered inadequate to service the needs of a significant number of future lodgers of the boarding house facility.

Floor space ratio:

The proposal significantly exceeds the 0.9:1 maximum FSR permitted on the site. The Applicant's written request pursuant to clause 4.6 of the Randwick LEP 2012 in relation to the contravention of the development standard in clause 4.4(2) of the RLEP 2012 does not demonstrate (having regard to the matters referred to in clause 4.6(3)):

iii. *That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.*

iv. *That there are sufficient environmental planning grounds to justify contravening the development standard.*

The following objectives of the FSR development standard in CI 4.4 of the Randwick LEP are:

(a) *to ensure that the size and scale of development is compatible with the desired future character of the locality,*

(b) *to ensure that buildings are well articulated and respond to environmental and energy needs,*

(c) *to ensure that development is compatible with the scale and character of contributory buildings in a conservation area or near a heritage item,*

(d) *to ensure that development does not adversely impact on the amenity of adjoining and neighbouring land in terms of visual bulk, loss of privacy, overshadowing and views.*

The proposal as amended does not satisfy the FSR objectives for the following reasons:

- The building north of the heritage item does not provide additional front setbacks and continues to project forward of the heritage items front building line; the siting and bulk and scale of this part of the development dominates the heritage item and detracts from the desired streetscape character;
- The building south of the heritage item whilst providing additional front setbacks that alleviate its dominance of the heritage item, it has a building width of 28m with very little articulation across three and a half storeys other than stepped in elements at ground level (pedestrian and vehicle entrances). The proposed bulk and scale of this part of the building will detract from the desired streetscape character and the heritage item.
- The amended scheme does not provide sufficient perceptible 'depth' within long building along Doncaster Avenue relying on mixed materiality and brick work for articulation. Additional articulation (through balconies and stepped in elements) will assist in reducing the massing of very long and

tall external walls. Genuine articulation will also assist with increasing solar access and cross ventilation to substandard sized boarding rooms.

- The applicant relies on providing 43% Landscape area and 23% deep soil area however the RDCP controls for medium density development located opposite and surrounding the site are subject to 50% landscaped open space and 25% deep soil minimum controls. The lower than minimum landscaped open space and deep soil within the site will not be consistent with the envisaged site coverage for medium density development in the area.
- Increased separation should be provided from the southern neighbour's property at No. 20 Doncaster Avenue to maximise the solar access to the northern aspect. It is also noted that the windows located along the southern elevation have the potential to result in adverse acoustic impacts on the amenity of the neighbouring property.

Medium Density Residential zone:

The proposal also does not satisfy the following objectives of the R3 medium density zone:

- *To provide a variety of housing types within a medium density residential environment.*
- *To recognise the desirable elements of the existing streetscape and built form or, in precincts undergoing transition, that contribute to the desired future character of the area.*
- *To protect the amenity of residents.*
- *To encourage housing affordability.*

The proposal displays several elements of non-compliance with the Randwick DCP relating to medium density development – landscaping and deep soil areas and results in adverse impacts on the amenity of residents having regard to overshadowing, and visual amenity. For the reasons outlined above under FSR objectives, the proposed development warrants amendments that minimise the impacts on the heritage item and the streetscape character. Overall, it isn't considered that the proposal does not satisfy the objectives of the standard or the zone.

Overall, the proposals bulk and scale and proportions are excessive exhibited by the excessive FSR, wall heights, excessive building widths that inadequately relying on a mix of material to provide for articulation, shallow front setback of the building north of the heritage item, and shallow setbacks from the respective boundaries does not contribute to the public domain and detracts from the streetscape character, adversely dominates the retained heritage item, and results in adverse visual impacts on the on the neighbouring properties.

- Substation

The amended application makes no change to the location of the proposed substation indicating that it is subject to particular access requirements and will be integrated into landscaping design. It is recommended that the substation be relocated further away from neighbouring property to the south and it is not considered that the need for access prevents its relocation.

**Referral comments:**

- Randwick Integrated Traffic department

*Bicycle parking:*

*There appears to be no provision made for on grade visitor parking. It is strongly encouraged to provide this.*

*Bicycle pathways*

*Footpath and bicycle lane access must be maintained in any Construction Traffic Management Plan, and during construction. If separated cycleway is in place (east side of Doncaster Ave), traffic controller must be employed during all movements of heavy vehicles across cycleway and footpath.*

- Development Engineer:

*Drainage: Drainage comments and conditions are still applicable.*

*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.*

*The proposed driveway in Doncaster Avenue and the internal driveway should be widened to accommodate 2 way traffic movements / passing movements. As an absolute minimum a suitable passing area needs to be incorporated within the development site, near the Doncaster Avenue property boundary.*

*Parking Comments:*

*The parking provided remains close to 0.2 spaces per room whilst consistent with Council's DCP rate for this type of development, however it's noted that the DCP requires consideration of the AHSEPP rates. In this respect, the proposal remains well below the parking rates in the AHSEPP which is a standard that cannot be used to refuse consent thereby requiring a merit assessment. It is vital however to mention that the AHSEPP provisions were amended from 0.2 parking rate to 0.5 parking rate which should be addressed. Council does not support the shortfall at this point in time for the following reasons:*

- *The survey information for the UNSW site is limited to 2 days;*
- *Survey information focuses on occupancy rate within the carpark – this should be supplemented by survey information on car ownership rates and vehicle use requirements;*
- *The GoGet / Car Share letter and offer is generic – no information is provided on what membership will be offered to occupants of the facility are still relevant;*
- *The proposed development cannot be restricted to be only Student Accommodation and therefore cannot be conditioned.*

*Landscape Officer:*

*Communal courtyard:*

*The Communal Courtyard towards the northern end of the site is a good initiative (and a superior outcome to the original layout) when viewed from Doncaster Avenue, allowing the amount of planting in this area to be increased, which will assist in integrating the building into the streetscape as all the perimeter planting will 'blend in' together, so is supported.*

*Landscape plans:*

*All of the Landscape Plans show a high level treatment, so would be supported. However, Planting Plans are required to show exactly what is going where, and quantities etc, so for instance, we can ensure that adequate screen planting is provided for the private property to the south, as well as of the Tram yard to the east.*

Please note: The selection of screen planting on the southern side should consider species that do not result in encroaching branches and their height at maturity will not result in adverse visual impacts and overshadowing.

*Tree 42:*

*A major concern remains, the separation that will be provided between Tree 42 and the above ground parts of the building at the northwest corner of the site. It seems the original setback we considered was 5900mm (6.2m measured from the blue dashed line in the amended plans), however it is much less now and appears to be only 3.44m from the trunk.*

The proposed footprint has the potential to affect its crown, which given its prominence in the site/street is a concern, particularly as it's the only established tree that is retained. No root mapping has been performed at this reduced setback either, which would inform the amount of root activity and potential impacts. It is recommended a detailed report on both aspects before consideration of the reduced setback. The basement setback remains acceptable.

- Heritage Planner comments.

### **Proposal**

*The proposal is for construction of a student accommodation development comprising a large number of units together with communal areas. The development includes demolition of the detached dwelling at 4 Doncaster Avenue, and the semi-detached pair at nos. 14– 16 Doncaster Avenue. The front section of the existing two storey pair, at nos. 10 and 12 Doncaster Avenue, are to be retained, but their rear wings are to be demolished.*

*The residential block was to be located above a level of basement parking for cars, motor cycles and bicycles, and an above ground drainage channel. Due to flooding restrictions, the ground floor level is elevated around 1m above the level of the footpath and the ground floor level of the existing terraces, giving the development an additional half storey scale.*

### **Background**

*The original development proposal was to be in form of a single three storey S-shaped block wrapping around an east facing rear courtyard and the two heritage items facing Doncaster Avenue. Concerns*

were raised in relation to the impact of the proposal on the heritage items and the heritage conservation area.

Amended drawings have now been received. As compared to the original proposal, the current proposal is in the form of a single three storey block along the rear boundary of the site, with projections towards the street, wrapping around the two heritage items and defining a communal courtyard off Doncaster Avenue.

### **Submission**

The original proposal was accompanied by a Heritage Impact Statement prepared by GBA Heritage, a Historic Archaeological Assessment prepared by GML Heritage (Draft Report), and Aboriginal Cultural Heritage Assessment Report prepared by GML Heritage and a Heritage Interpretation Plan prepared by GML Heritage.

#### **GBA Heritage- Heritage Impact Statement**

The amendments have not been accompanied by an amended HIS.

#### **GML Heritage- Aboriginal Cultural Heritage Assessment Report**

The amendments have not been accompanied by an amended AHIP.

#### **GML Heritage- Heritage Interpretation Plan**

The amendments have not been accompanied by an amended HIP.

#### **Impact of the proposal on the heritage items**

As part of the original submission, it was recommended that standard consent conditions should be included in relation to maintenance of the structural stability of the existing building. It was also recommended that an appropriate consent condition should be included requiring the submission of a Schedule of Conservation Works for the heritage items, in order to ensure that necessary external and internal conservation works are carried out in conjunction with the development.

Amended drawings have increased the front setback of the building to the south of the heritage items, so that the front building line of the new building matches the front wall of the heritage items. The front building line of the building to the north of the heritage items is unchanged however, and matches the line of the front verandah and balcony of the heritage items. Concerns remain that that the proposed front setback of the new building will make it a dominance element in the streetscape of Doncaster Avenue, and impact on views to and from the heritage items and on the streetscape setting of the heritage item.

#### **Impact of the proposal on the heritage conservation area**

Amended drawings have reduced the monolithic nature of the section of the development to the north of the heritage items through the introduction of the communal courtyard, but somewhat reduced façade articulation in the section of the development to the south of the heritage items. The ground floor façade between the heritage item and the remainder of the heritage conservation area only is broken by a



*pedestrian access and a vehicular access, with a central glazed strip marking the location of the communal areas above the pedestrian access point. Concerns remain that the development has little relationship with the fine grain of traditional buildings in the heritage conservation area. Once again, the proposed building provides minimal facade depth, contrasting with the traditional verandahs and balconies in the heritage conservation area, which provide an interface between the building and the street, and shading and a sense of depth to the front facades.*

*The Doncaster Avenue façade of the northernmost projection of the building is to comprise 3 ½ storeys of brickwork, comprising darker brickwork to the lowest level and very light brickwork to the upper levels, somewhat assisting in façade articulation. The Doncaster Avenue façade of the southern two thirds of the building is to comprise 2 ½ storeys of brickwork with the top storey in metal cladding. Despite the use of metal cladding for the top storey, there is no minimisation to the scale and bulk of the building which would relate it to its context. The Doncaster Avenue façade of the new building between the heritage item and the remainder of the heritage conservation area has a 3 ½ storey scale to the street, dominating the height and form of the terraced pair and the predominantly single storey streetscape on the eastern side of Doncaster Avenue. There are concerns in relation to the compatibility of the new building with the scale, form and materials of the heritage items and the Doncaster Avenue streetscape.*

*The development proposes a setback to the single storey cottages to the south of 4.2m for the ground floor level of the new building, and 5.6m for the second and third levels. The proposal relies on planting within this setback area to reduce impact on the amenity of the single storey cottages to the south in the heritage conservation area.*

### **Recommendation**

*A number of concerns remain in relation to the impact of the proposed development on the heritage significance of the heritage items and the Randwick Racecourse heritage conservation area which should be addressed prior to any consent.*

*The following conditions should be included in any future consent:*

- Recommended consent conditions from Heritage Impact Statement prepared by GBA Heritage.*
- Recommended consent conditions from the Historic Archaeological Assessment prepared by GML Heritage (Draft Report).*
- Recommended consent conditions from Aboriginal Cultural Heritage Assessment Report prepared by GML Heritage and a Heritage Interpretation Plan prepared by GML Heritage.*
- A comprehensive Interpretation Plan for the site is to be prepared providing detailed design of the interpretative content for the site. The Interpretation Plan shall be submitted to and approved by Council's Director City Planning, in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. The recommendations of the Interpretative Strategy and Plan are to be implemented in conjunction with the proposed development.*
- A Schedule of Conservation Works for the heritage items comprising nos.10 – 12 Doncaster Avenue shall be prepared in accordance with the principles embodied in the Australia ICOMOS*



*Burra Charter and the methodology outlined in J.S. Kerr's The Conservation Plan. This Plan shall be prepared by an architect suitably qualified and experienced in heritage conservation, and shall be to be submitted to and approved by Council's Director City Planning, in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.*

- *The conservation policies and maintenance program outlined in the Schedule of Conservation Works are to be implemented in conjunction with the proposed development. An architect suitably qualified and experienced in heritage conservation shall be engaged to oversee the implementation to ensure the use of technically sound and appropriate techniques. All work shall be carried out in accordance with the principles of the Australia ICOMOS Burra Charter and to the satisfaction of the Director City Planning.*

Should you require further information relating to the comments made above please contact Louis Coorey on 9093 6524.

Regards

Louis Coorey

Senior Environmental Planning Officer

Randwick City Council