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Submission to Randwick Draft LEP 2012

153-157 ANZAC PARADE, KENSINGTON



Prepared on behalf of [REDACTED]

April 2012

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1. EXECUTIVE SUMMARY

This report is a formal submission to the exhibition of the Randwick Draft LEP 2012 in relation to the property at 153-157 Anzac Parade Kensington. The submission is made on behalf of the owners [redacted] and Dr Philip Georgiadis.

The site the subject of this submission consists of two properties, a residential flat building at 153 Anzac Parade and a kitchen centre/medical practices at 157 Anzac Parade. The site has an eastern frontage to Anzac Parade and a secondary southern frontage to Addison Street. The properties have a combined site area of approximately 730 sqm.

Need for the review

This submission is considered to be necessary to address the following issues:

- Deletion of the front portion of the building footprint/envelope over Council land given the unviability of diversion of services below the land
- Provision of a revised building footprint/envelope with a reduced western setback
- Removal of the right of carriageway through the western side of the site to the northern neighbour
- Increased height to allow for flood level clearances

It should also be noted that the Design Review Panel who have provided advice to each redevelopment in the Kensington Town Centre since 2002 have also recommended a review of the Kensington Town Centre DCP to address the above issues when reviewing a draft proposal for this site.

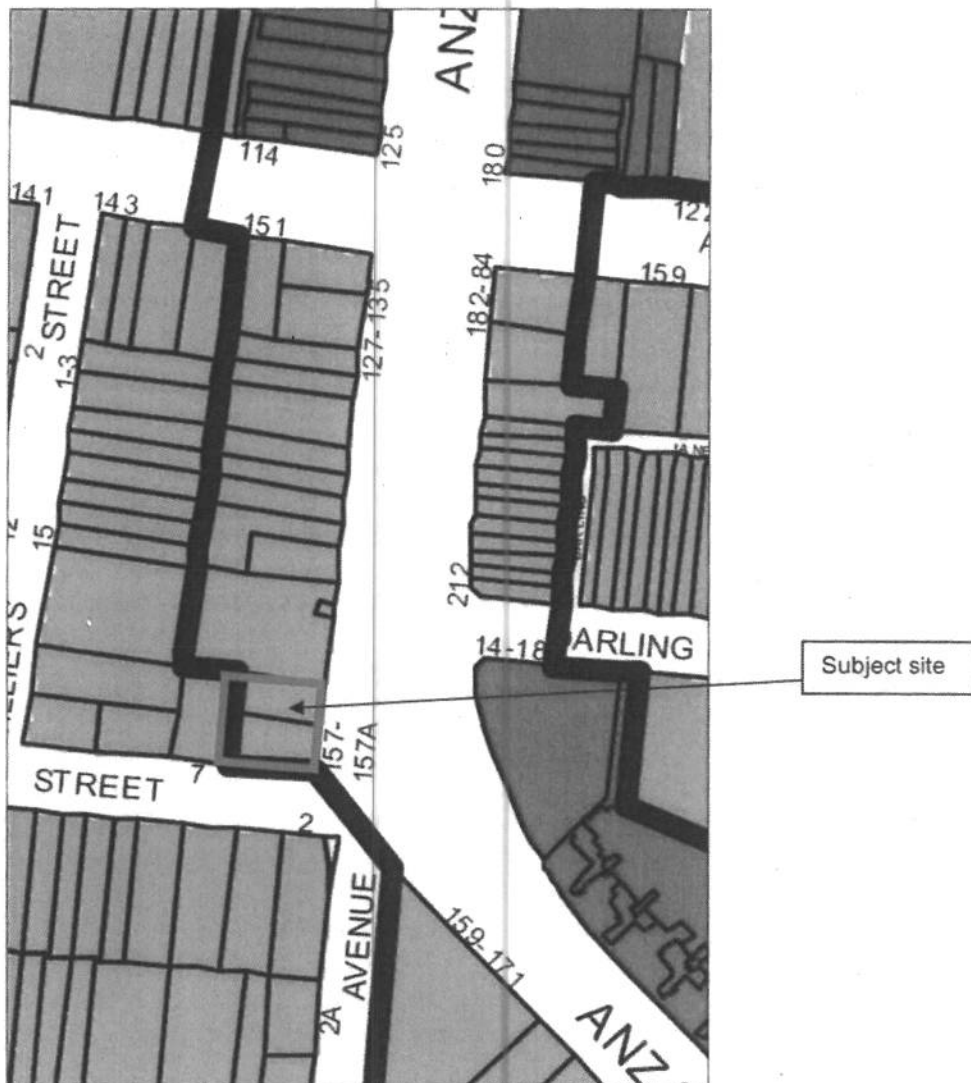
The Design Review Panel commented as quoted below on 7 November 2011:

"The DCP envelope assumes that the site would be amalgamated with the parking area in front, however this is neither desirable nor achievable. Therefore a more regular envelope is proposed, more in line with the other buildings in this block. The urban design outcomes are open to valid questioning and redefinition. The Panel again urges Council to revisit all town centre DCP's, as these important centres are increasingly housing a significant residential population."

Current Residential 2C zoning under Randwick LEP 1998

The site lies within a precinct known as the Kensington Town Centre. The planning of the site is currently covered by the provisions of Randwick LEP 1998 and Kensington DCP 2002.

The current LEP zones the land as Residential 2C which would normally restrict uses on the site to predominantly residential uses, which is inconsistent with the planning intent for the centre which promotes ground floor retail uses with residential apartments above. The zoning 'anomaly' is currently addressed via Schedule 2 of the LEP which allows for uses on the site which are also permitted in the 3B Neighbourhood Business zone. This 'anomaly' is addressed in the Draft LEP which rezones the site to B2 Local Centre.



Current zoning excerpt – Randwick LEP 1998

Land comprising the Kensington Town Centre within Zone No 2C (Residential C Zone).

All development that is permissible within Zone No 3B (Local Business Zone).

Only if the development is located at the ground floor, or the ground floor and first storey of motels, multi-unit housing and serviced apartments.

Any proposed retail development must be subject to an economic assessment of its impact on existing retail development in the town centre.

The development must be in accordance with the *Kensington Town Centre Development Control Plan 2002* approved by the Council on 26 November 2002.

Proposed B2 zoning under the Draft LEP

It is noted that the provisions of the Draft LEP zoning allow for uses which would be consistent with the predominant form of development in the Town Centre which is for ground floor retail/commercial with residential apartments above.



B2 Local Centre (R3 to the west)
Zoning Excerpt – Draft LEP 2012

Zone B2 Local Centre**1 Objectives of zone**

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To enable residential development that is well-integrated with, and supports the primary business function of the zone.
- To facilitate a high standard of urban design and pedestrian amenity that contributes to achieving a sense of place for the local community.
- To minimise the impact of development and protect the amenity of residents in the zone and in the adjoining and nearby residential zones.

2 Permitted without consent

Home occupations; Recreation areas

3 Permitted with consent

Amusement centres; Boarding houses; Car parks; Child care centres; Commercial premises; Community facilities; Dwelling houses; Educational establishments; Entertainment facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Function centres; Group homes; Home-based child care; Home businesses; Hostels; Information and education facilities; Medical centres; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Research stations; Residential care facilities; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Signage; Tourist and visitor accommodation; Veterinary hospitals; Any development not specified in item 2 or 4

4 Prohibited

Agriculture; Airstrips; Air transport facilities; Animal boarding and training establishments; Biosolids treatment facilities; Boat launching ramps; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industries; Industrial retail outlets; Industrial training facilities; Jetties; Marinas; Moorings; Mooring pens; Mortuaries; Open cut mining; Port facilities; Recreation facilities (major); Residential accommodation; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

FSR

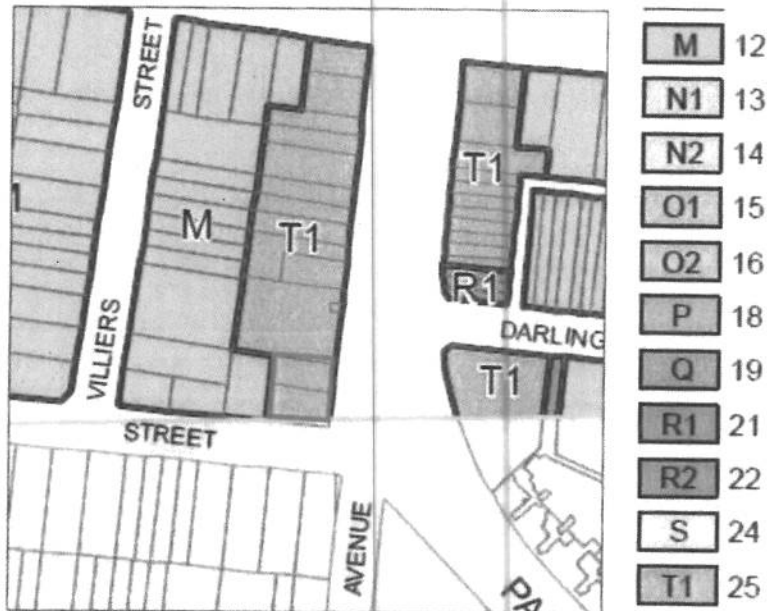
No FSR applies to the subject properties nor to any of the sites within the Kensington Town Centre. Instead, the size of buildings is generated by building envelopes as determined by the provisions of the Kensington Town Centre DCP 2002. The Draft LEP maintains the current scenario as no numeric FSRs are applicable to any sites within the Kensington Town Centre. The provisions of the DCP (including the building envelopes) are not proposed to be altered as part of the Strategic Planning Review.



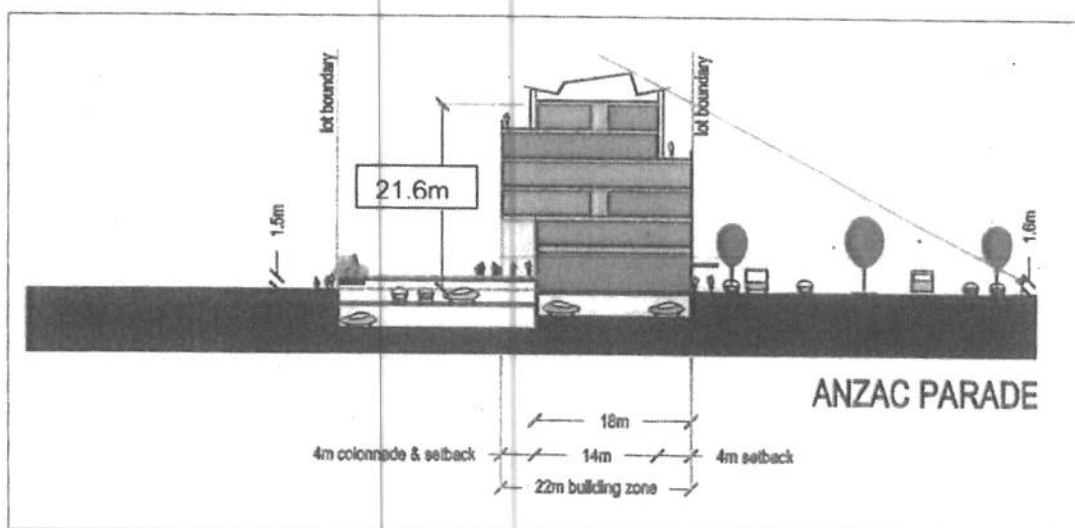
The DCP divides the Town Centre into 10 'blocks'; each with their own building footprints, setbacks and heights which determine the form of development (ie. building envelope) of each site.

Height

The Draft LEP does however provide a numeric height standard for properties within the Town Centre with the subject properties and those adjoining to the north having an overall height of 25-metres.



Currently, such height is measured from natural ground to the highest point of the building in a vertical direction. (The current height limit of 21.6m is measured to the underside of the topmost ceiling and does not include reference to the habitable roof zone on the top floor which is above the statutory height limit- both numerically and in terms of permitted storeys - 6 in this instance).



Excerpt from Kensington DCP 2002 – Current Height control

The proposed 25-metre height limit would allow for the additional part storey as envisaged by the building envelope controls, ie. a total of 7 storeys.

However, it is considered that the proposed height limit within the Draft LEP does not take the flood levels that apply to the Town Centre into account. Parts of the Town Centre are required to have their ground floor levels up to 1.5m above natural ground to be above the flood freeboard level.

To avoid issues of non-compliant height for future applications, it is considered necessary that the numeric height provisions should be increased to 26.5m.

The recommended height of 26.5m would allow for the 6-storey building height contained in the building envelope, plus the habitable roof zone (ie. a partial additional storey) as well as allowing for the increased height of the building necessary to clear the flood levels. Council's Development Engineering Section may provide further input in this regard.

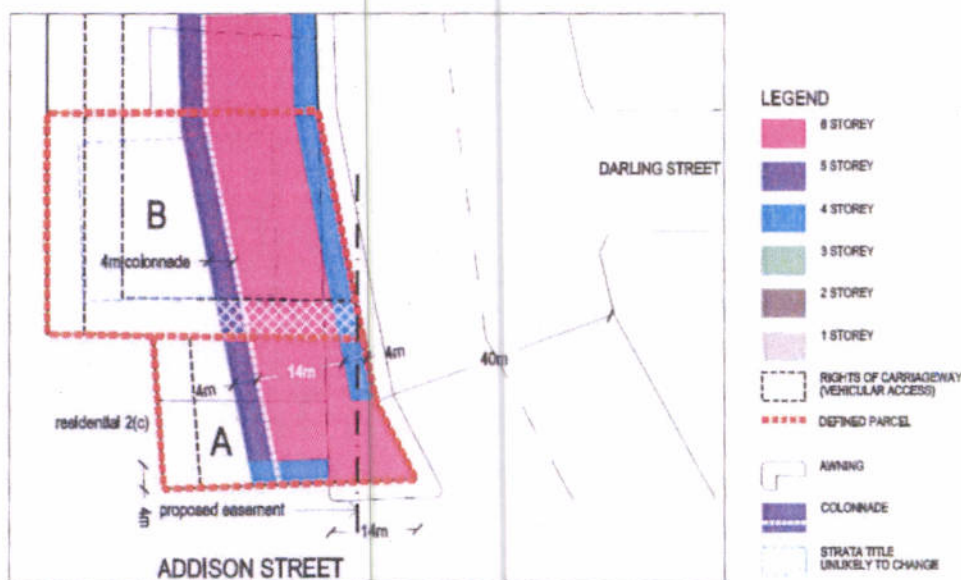
It should be noted that such height would not enable an 8-storey building given the flood clearance requirements combined with the minimum required ceiling heights for commercial/retail space at ground level.

Building Footprint Recommendations

The subject property is located within Block 8 of the DCP.



Zoning Map – Kensington Town Centre & Surrounds



Block 8: Current controls

The Kensington Town Centres DCP states the following with regards to Block 8 controls:

"The current built form at the corner of Anzac Parade and Addison Street is inconsistent with the overall objective for the Town Centre of a continuous built form at the street edge. This corner currently features a very small Council owned carpark at the street edge.

The Kensington streetscape would benefit from realignment of the footpath to achieve a continuous built form as Anzac Parade sweeps around the corner.

Such a re-alignment would also achieve an effective privacy barrier for residential dwellings on the Addison Street/Lorne Avenue corner.

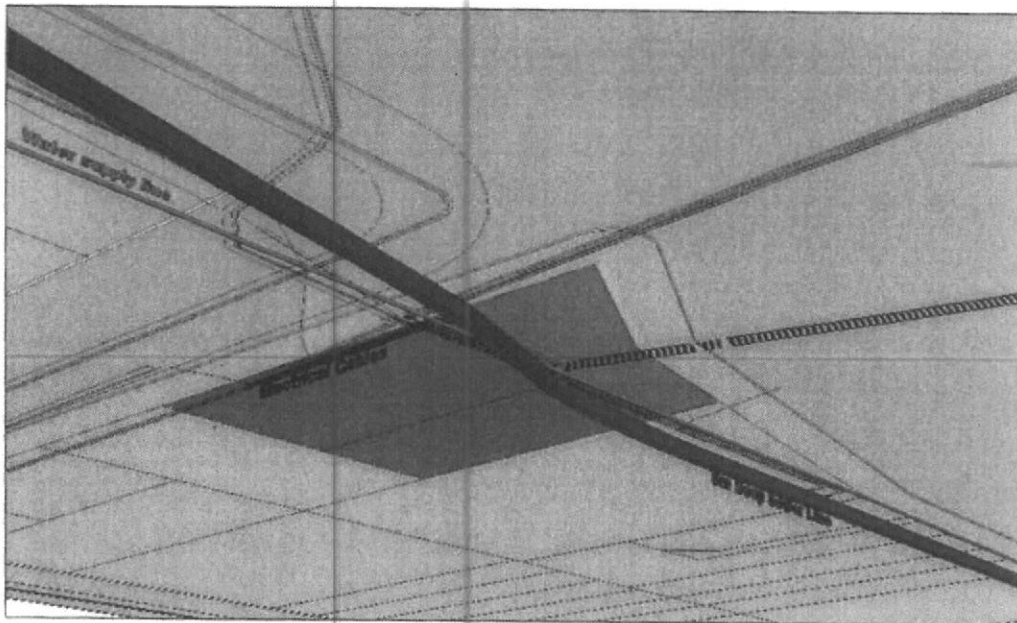
Council may consider the sale of land currently in the public domain in order to achieve this streetscape benefit. These controls are based on the built form which could be achieved should such a sale (including suitable off-set arrangements for the existing on-street carparking) be concluded. The sale would also need to address access to existing infrastructure services located within the road reserve (the sewer, a Sydney water main, AGL gas line and a Telecom line).

Whilst an easement is preferred, and generally not considered problematic given the type of services involved, public authorities may require that services be relocated along the new footpath".

The building footprint for the subject properties also includes a 'front portion' over Council's land.



Below Council's land are a number of major services which include telecommunications cabling, Sydney Water main, gas and sewer piping. These services are depicted on the section provided by Sgammotta Architects. See Appendix 1 for individual service locations.



Photomontage of services under subject site

As part of the investigations by Sgammotta Architects on behalf of the owners of the site when preparing concept plans for Pre-DA purposes, it was revealed that the diversion of the services below the front portion of the 'site' below the Council owned property is prohibitive both in terms of the physical redirection and cost. The stakeholders have advised that it would be extremely unlikely that permission would be granted to the redirection of such services. It is clearly unviable that the Council owned land should be included in the building footprint and that it should therefore be excluded as part of the Strategic Planning Review.

With the inclusion of the front portion at the eastern end of the site, it has resulted in a substantial western setback, most likely to avoid an excessive building depth which would compromise internal amenity as envisaged by the Residential Flat Design Code.

Without the front portion, the building depth is such that it is considerably below the usual building depths within the town centre of 20-26-metres, as it is only 12-16 metres for levels 1-4 and 9-12 metres for levels 5 & 6. Discounted from such depths are balconies and articulation zones. This results in setbacks to the western boundary of 10 – 14 metres for levels 1-4 and 14 -18 metres for levels 5 & 6. Such setbacks are grossly excessive and far beyond which has been typically applied to new development adjoining flat buildings in residential 2c zones.

To achieve the typical building depths, it is considered reasonable and necessary to provide for a reduced western side setback. This would allow for a more typical form of building on the site whilst also allowing for a more viable form of development.

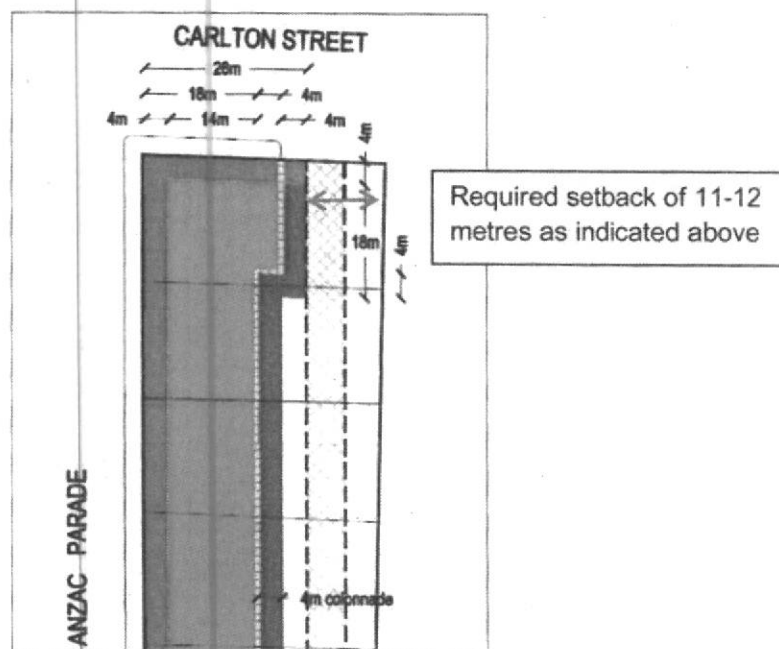
For example, the setback of buildings within the town centre of new buildings adjacent to strata titled residential flat buildings is 3-6-metres. It is noted that a 6-metre setback is required where a building adjoins a strata titled residential flat building within the town centre.

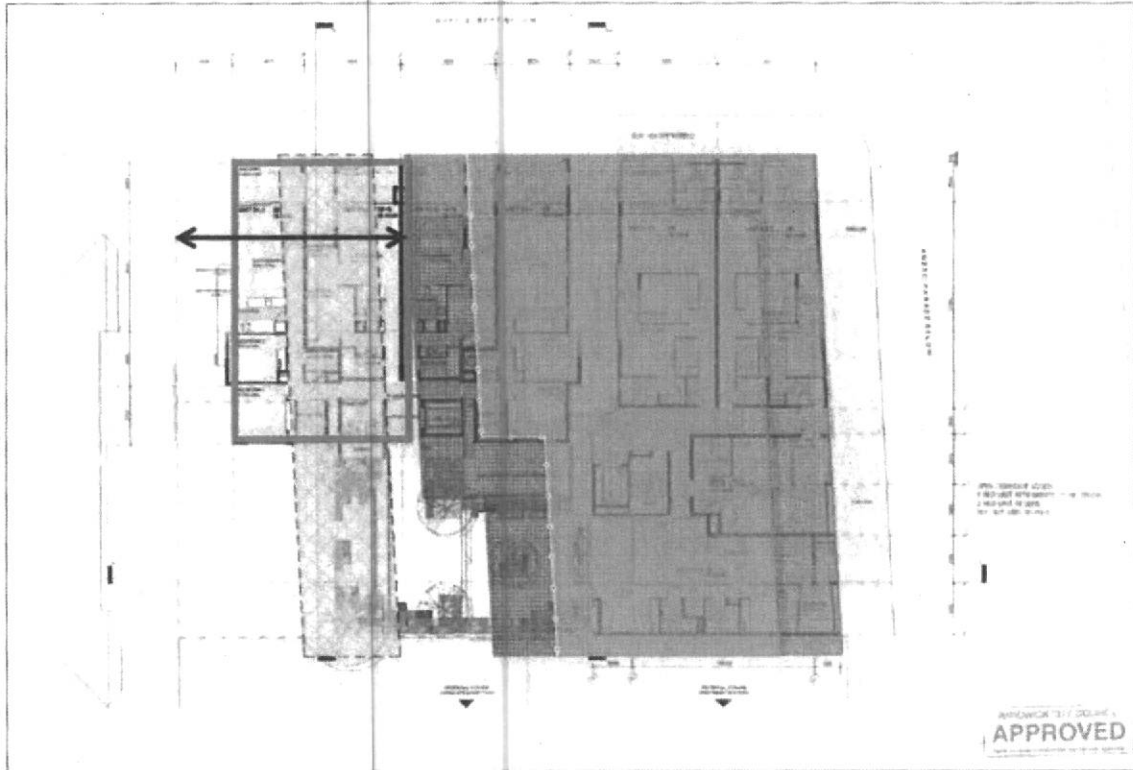
These examples include:

76-80 Anzac Parade- adjacent to No. 6 Carlton Street (outside the town centre)



A 5 metre setback was allowed to the eastern neighbour whereas the DCP footprint indicates a setback of 11-12 metres

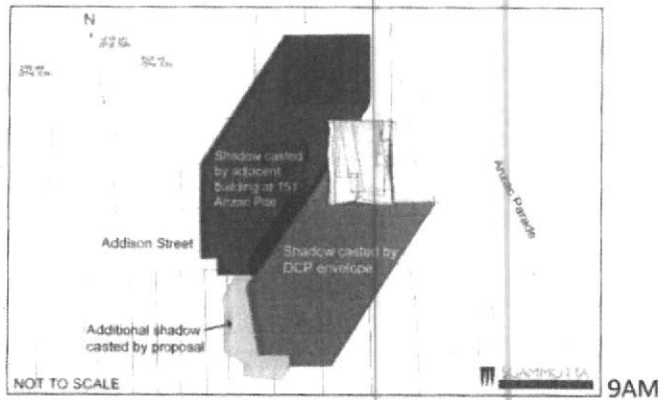


105-109 Anzac Parade- adjacent to 2-4 Duke Street

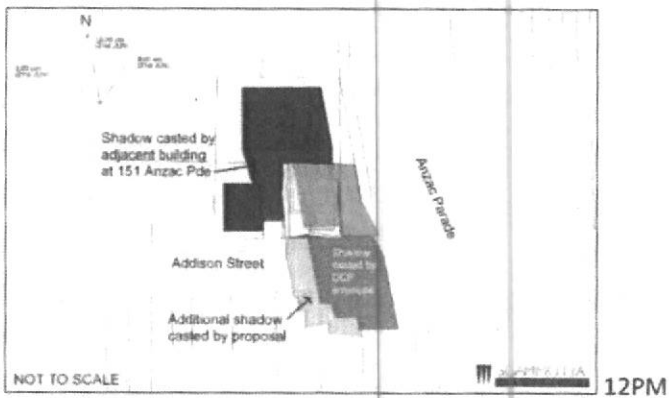
The red square illustrates the extent to which the approved development lays outside the DCP envelope. The black double side arrow indicated the 14 metre western setback required, however a setback of only 4 metres was permitted.

In the subject circumstances, the concept plans have been prepared for a development with a 6-metre setback. The 6-metre setback allows for an appropriate driveway width in addition to a 1.5m wide deep soil landscape zone adjacent to the western boundary.

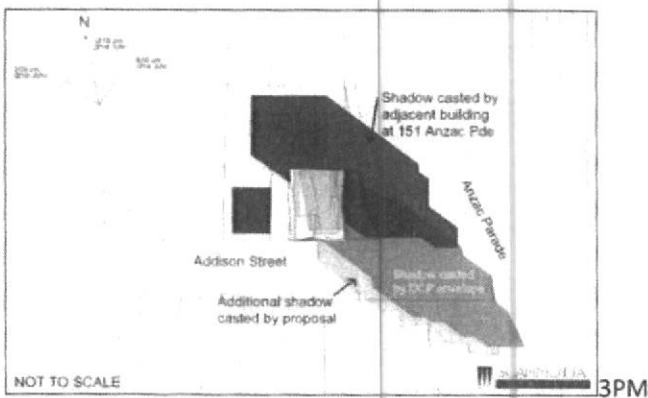
The following shadow diagrams are associated with such concept plans. The diagrams reveal that the western neighbour will be unaffected from 10am.



9AM



12PM



3PM

The primary orientation of the openings associated with the western neighbour are to the north noting that the subject property is located to the east. Furthermore, the existing residential flat building at the northern end of the site is sites considerably closer than the recommended 6-metre setback under this submission.



Current inter-relationship between the subject site (right) and western neighbour (left) which shows the close proximity of existing balconies and lack of boundary landscaping between the properties.

The proposed 6-metre setback from the western side boundary is considered to be justified on the following basis:

- The setback allows for retention of solar access to the western neighbour
- The setback allows for provision of a 1.5m wide landscape buffer and driveway access to basement levels on the site
- The setback allows for outlook from the secondary windows along the eastern elevation of the western neighbour noting that these windows are in closer proximity to the existing flat building on the subject site
- The setback is consistent with the setback contemplated to buildings within the town centre under the DCP
- The setback is greater than that provided to other developments in similar circumstances such as 76-80 Anzac Parade and 105-109 Anzac Parade

It is therefore considered that the DCP envelope and footprint controls should be revisited to reflect the above assessment which has demonstrated that:

- The front portion of the building envelope over Council land should be deleted
- The building footprint should be altered to allow for a greater building depth and reduced western setback to 6-metres

Right of carriageway

The DCP plan for the subject site includes the provision of a right of carriageway from the subject site through to the Addison Hotel site to the north. Driveway access to the subject site is from Addison Street with access within the site being adjacent to its western boundary.

The assessment of a recent development application on the Addison Hotel site revealed that Council and the RTA did not object to ingress and egress from and to Anzac Parade- DA 1115/2010. This removes the necessity for the right of carriageway through the subject site which should therefore be removed from the recommended review of controls.

Conclusion

This submission has provided sufficient justification to support a review of the planning controls that relate to the subject property.

It is considered that the exhibition of the Draft LEP provides Council with the appropriate opportunity to review the controls for the subject site.

The review and recommendations contained in this report are also supported by the Design Review Panel who has considered the draft proposal for the site.

- Deletion of the front portion of the building footprint/envelope over Council land given the unviability of diversion of services below the land
- Provision of a revised building footprint/envelope with a reduced western setback of 6-metres
- Removal of the right of carriageway through the western side of the site to the northern neighbour
- Increased height of 27.5-metres to allow for flood level clearances

It is considered that this submission has provided sufficient justification for Council to amend the DCP as part of its strategic planning review.

'yes'
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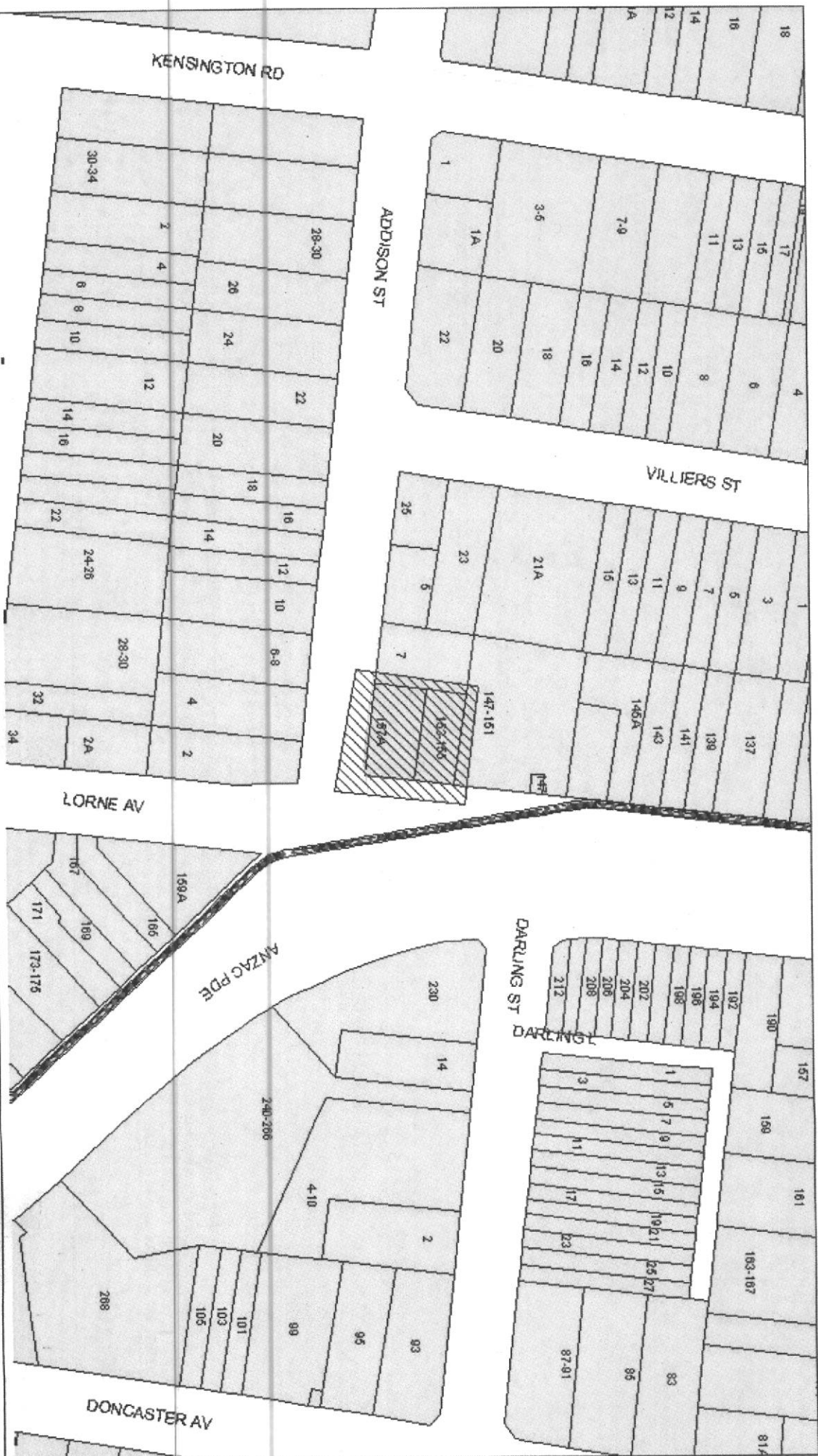
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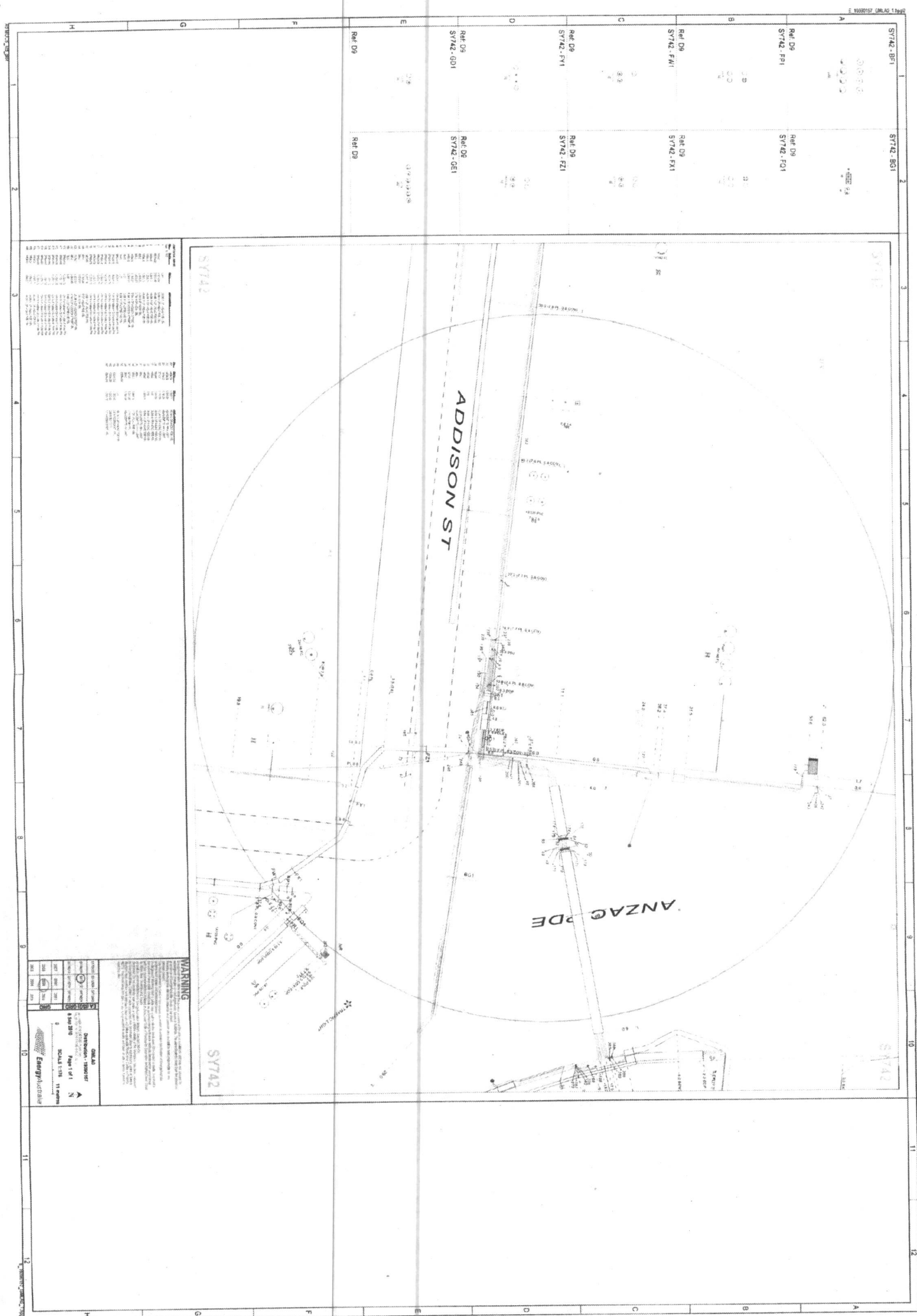


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