

## Director City Planning Report No. CP14/24

### Subject: UNSW land at 215B Anzac Parade Kensington - Review of Planning Controls

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#### Executive Summary

- This report responds to a Council resolution seeking review of the planning controls that apply to the UNSW site at 215B Anzac Parade, Kensington. This resolution is in response to DA/168/2023, submitted on 11 May 2023 by the UNSW for construction of five new buildings which will include student accommodation, retail, university and creation of new public domain.
- The DA is categorised as a regionally significant development, under State Environmental Planning Policy (Planning Systems) 2021 as it has a capital investment value over \$30 million. The Sydney Eastern City Planning Panel (SECPP) is the consent authority and Council's role is to carry out the assessment of the application and make recommendations for the Panel's deliberation and decision.
- The SECPP has set a tentative determination date of 18 June 2024 and will hold a public meeting on this date.
- Upon reviewing the planning controls it is considered appropriate that a site-specific Planning Proposal be prepared, to reinforce the current height controls across the entire site. A draft Planning Proposal would set a minimum height for the middle of the site of 24m (7 storeys) and an open public space fronting Anzac Parade with a maximum height of 1m to accommodate public domain improvements. It would also reinforce the 12m height limit at the rear of the site.

#### Recommendation

That Council:

- a) commence the process of preparing a Planning Proposal to amend the Randwick LEP 2012 for the UNSW western carpark site, known as 215B Anzac Parade, Kensington.
- b) endorse the preparation of site-specific envelope controls and provisions to amend Randwick DCP 2013 for the subject site as part of the Stage 2 DCP review.
- c) endorse the submission of the draft Planning Proposal to the Randwick Local Planning Panel (RLPP), in accordance with Ministerial Direction and report back on their advice.
- d) receive a report back on the draft Planning Proposal with supporting urban design technical studies for Council's consideration prior to submitting the proposal to the Department of Planning, Housing and Infrastructure, requesting gateway determination and public exhibition.

#### Attachment/s:

Nil

## Purpose

The purpose of this report is to respond to Council's resolution of 28 November 2023:

(Luxford/Rosenfeld) That Council reinforces its objection to the development proposed by UNSW/Iglu at 215B Anzac Parade Kensington by reviewing its current LEP & DCP controls to ensure that any development on the site does not exceed 12m in height and incorporates a large civic space to Anzac Parade. This would preserve the amenity of the neighbouring residential properties and NIDA.

This report provides a summary of the planning context and the existing Randwick LEP and DCP development controls that apply to the subject site, reviews these development controls in the context of concerns raised by NIDA and surrounding residents and stakeholders, and in consideration of the long-term planning of the Kensington Town Centre, the UNSW and the integration of the UNSW Anzac Parade Light Rail stop, and the deliberations of the Sydney Eastern City Planning Panel (SECPP) and provides recommendations for amendments to the existing Randwick LEP 2012 height of building standards.

Subject to Council's endorsement of the proposed amendments, a draft Planning Proposal will be referred to the Randwick Local Planning Panel for advice as required by a Ministerial Direction. A report will be prepared for Council's consideration following receipt of this advice prior to the draft Planning Proposal being submitted to the Department of Planning, Housing and Infrastructure seeking a gateway Determination (to enable public exhibition).

## Background

- 11 May 2023  
DA/168/2023 submitted by the UNSW for construction of five new buildings which will include student accommodation, retail, university and creation of new public domain.
- 15 August 2023  
Briefing to SECPP by Council and Applicant
- 6 September 2023  
The Randwick Design Excellence Advisory Panel (DEAP) comments on the development proposal were provided to the applicant, with the key matters raised relating to scale and amenity, street and public domain network and aesthetics.

The comments generally relate to the following recommendations and improvements:

- Reduce Building A and B heights to retain amenity to surrounding dwellings and New College. Overshadowing and obstruction of views to the sky should be restricted to that which the DCP wall heights would create. Reference is made to a sketch showing DCP controls.
- Increase setback to NIDA and the western boundary.
- Create a more generous and impactful termination to the western end of the mall and create a generous and activated civic plaza.
- Improve treatment to the end of NIDA pathway to reduce the impact of the blank wall at its end.
- 5 October 2023  
Site inspection by the Panel attended by Council, Applicant and NIDA
- 14 November 2023  
A Council Request for Additional Information (RFAI) was made to the Applicant and the Applicant requested the RFAI be held in abeyance until mid-February 2024 to submit an amended proposal.
- 6 March 2024  
The Applicant submitted amended plans and an interim response to Council's RFAI. The

amended proposal submitted by the Applicant, included reduced tower heights of 1 storey (north tower) and 2 storeys (south tower) and increasing the north tower setback to the NIDA property boundary from 6.875m to 10.0m.

- 14 March 2024  
Meeting of SECPP. The Panel made the following comments:
  - Excessive height and density – consider a reduction in height of the amended scheme of five floors of each building (Building A 14 storeys, Building B 13 storeys), and introduce more separation between Building A and B
  - Parking availability/operation – further clarification and consultation
  - Building separation Building B to NIDA - consider an increase to 14m
  - Confirm semi-trailer access
  - Legal advice to confirm future subdivision permissibility
- 9 April 2024  
The Panel held a Briefing Meeting to clarify the comments of the previous briefing and discuss the progress of the application. The Panel discussed with the Applicant a reduction in the height of the two towers (reduced as previously discussed), legal advice regarding subdivision, NIDA vehicular access arrangements, building separation, NIDA parking provisions, whether re-exhibition will be required and Clause 4.6 update.

A tentative date has been set by the Panel of the 18 June to determine the application. Council's DA Assessment team is preparing a report to assist the Panel in its determination.

### **Proposed development**

The site at 215B Anzac Parade, Kensington has an area of 9,280m<sup>2</sup> and is currently used as an openair car park. It has a main frontage to Anzac Parade and is bound by the NIDA Parade Theatres immediately to the north, the UNSW Regiment buildings and New College residences to the south and low scale residential development to the west. The site is outlined in green in Figure 1.

DA/168/2023 was submitted on 11 May 2023 by the UNSW for demolition of existing structures, removal of five trees, excavation, remediation for a mixed-use development comprising 1066 student rooms with retail, university space, retail and communal open space. The original proposal included: one x part 19, part 23 storey building (Building A); one x 20 storey tower (Building B); one x 7 storey building (Building C); and two x 4 storey buildings (Building D and E).

A 3D block image is shown in Figure 2. The proposal also includes a two-level basement car park with 250 spaces and 107 bicycle spaces. On 14 March 2024 the Applicant presented an amended scheme to the Panel briefing in response to issues raised during exhibition of the proposal and feedback provided from Council and the Panel (this is further addressed below).

Figure 1: Aerial photo of site

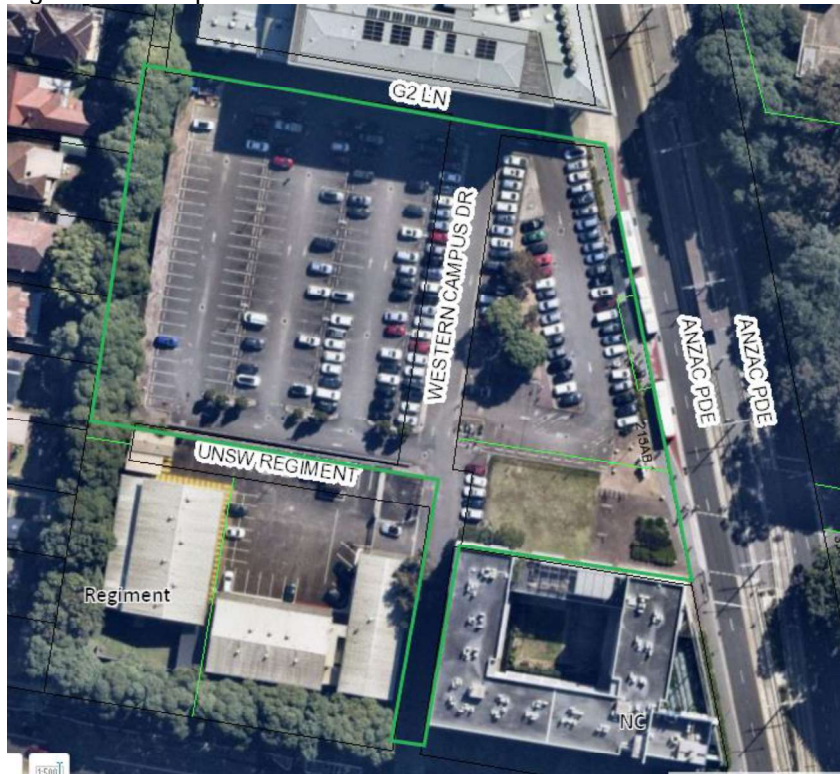
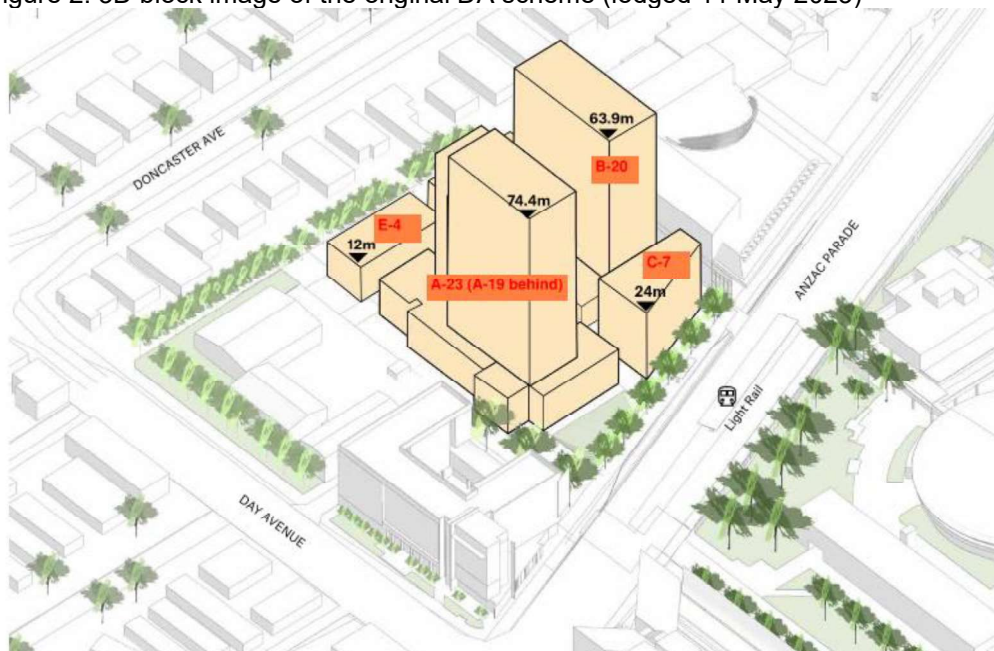


Figure 2: 3D block image of the original DA scheme (lodged 11 May 2023)



## Discussion

### Planning context

The site is zoned SP2 Educational Establishment under Randwick LEP 2012. The development is permissible with consent under the Transport and Infrastructure SEPP. Section 3.45 of the SEPP states that development for the purposes of campus student accommodation may be carried out by a person with development consent on land within the boundaries of a university.

The DA is categorised as a regionally significant development, under State Environmental Planning Policy (Planning Systems) 2021, as the development has a cost of works greater than



\$30M and is also a Crown Development with a CIV of more than \$5 million. This means that the SECPP is the consent authority and Council's role is to carry out the assessment of the application and make recommendations for the Panel's deliberation (reference PPSSEC-281).

The UNSW intends to enter a 99-year lease with Iglu to develop, manage and maintain the development.

### Randwick LEP 2012

The Randwick LEP 2012 Height of Buildings (HOB) Map currently sets a perimeter height control, extending 30m into the site from both the west property boundary (rear fence line of the Doncaster Avenue residential properties) and from the east Anzac Parade boundary (refer to Figure 3).

The west perimeter height control is set at a maximum of 12m, equivalent to a 3.5 storey residential building, whilst the east perimeter height control is set at a maximum of 24m, equivalent to a 7 storey residential building.

Figure 3 – Randwick LEP 2012 HOB Map – Subject site in red outline

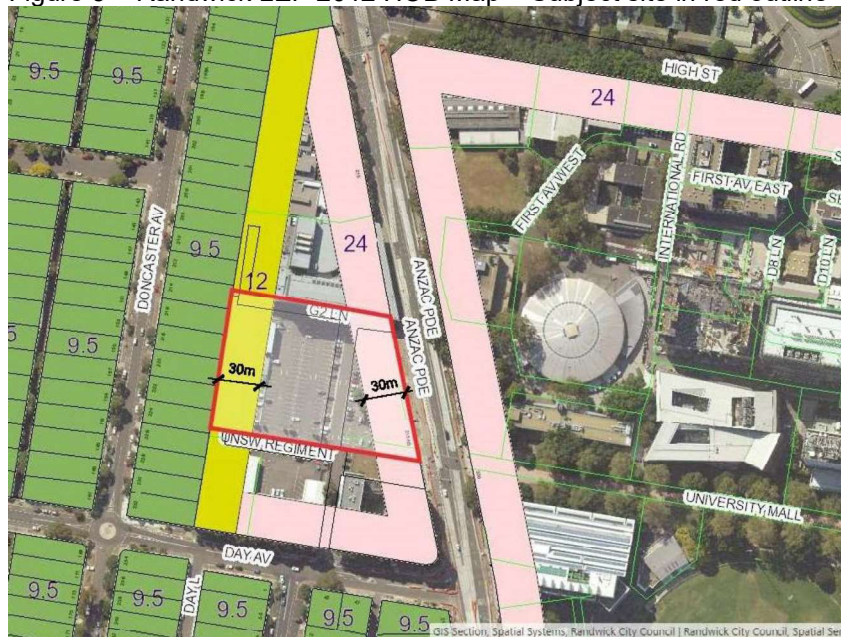


Figure 4 – NIDA building - view of south elevation

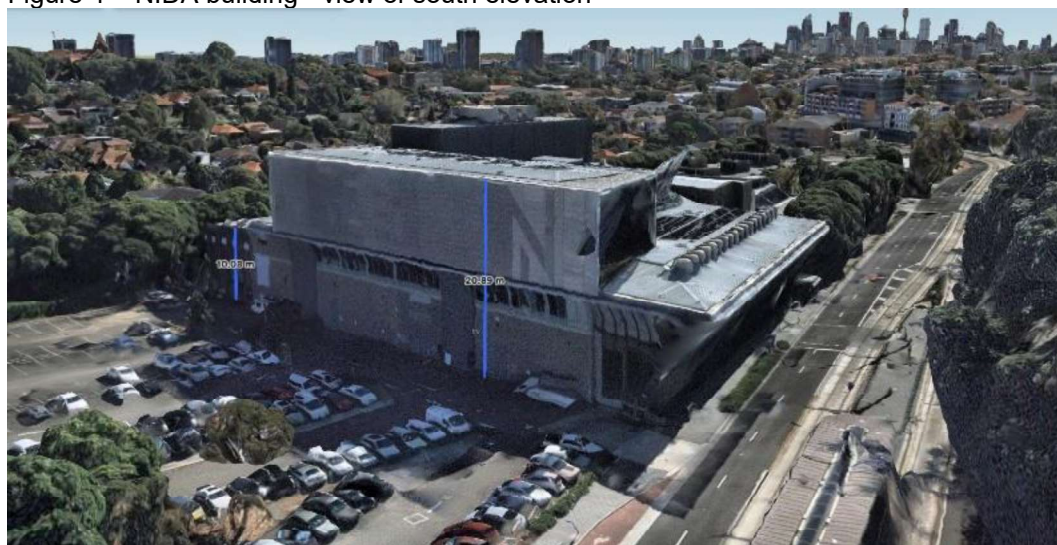
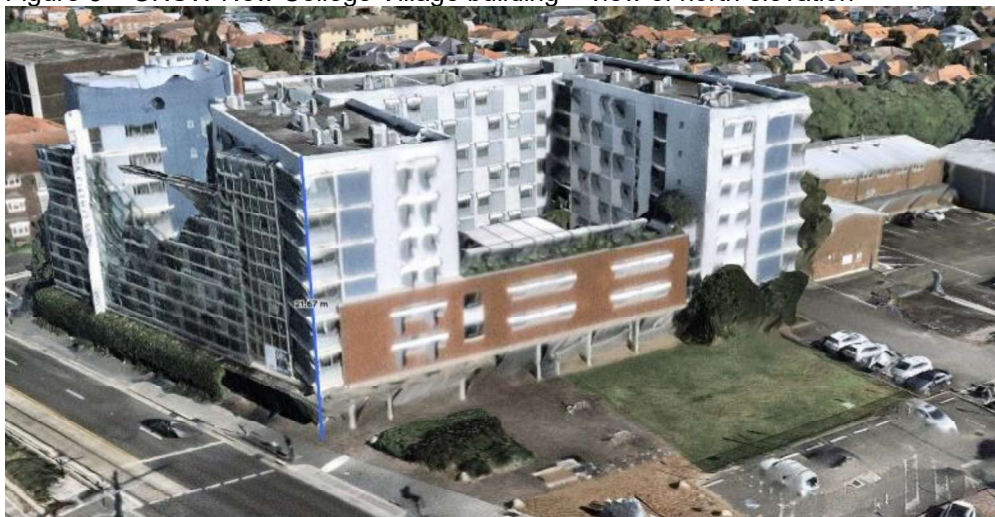


Figure 5 – UNSW New College Village building – view of north elevation



The primary massing of the existing NIDA building to the north of the subject site is approx. 20.9m in height, equivalent to a 6 storey residential building. The UNSW New College Village building, immediately to the south of the subject site, is 7 storeys in height (approx. 21.6m).

### Randwick DCP

In 2004 the UNSW commissioned the 'Campus 2020 Master Plan' for the Kensington Campus. This Master Plan was endorsed by Council following the exhibition/community engagement of the Randwick Development Control Plan 2013 and forms the basis of section 4. *UNSW Kensington*, of the E2 Randwick Education and Health Specialised Centre section of Randwick DCP 2013.

The relevant DCP planning controls for the site, include:

- The completion of the University Mall promenade and visual axis
- The continuation of University Mall onto the west side of Anzac Parade to tie the east and west sides of campus together
- Creating a university 'primary hub' to the west of Anzac Parade in the form of a public 'outdoor room' with outwardly focused ground level activities, including a major new 'landscape space' with 'structural planting' reinforcing the University Mall spatial axis
- It should be noted that whilst a slender tower building zone (up to 60m height) was envisaged on the main campus (east) in the centre of the block under the DCP and Campus Master Plan, and well setback from adjoining streets, no towers were envisaged or outlined on the subject site (western site)
- Courtyard buildings on the subject site were envisaged to be a maximum of:
  - 12m in the 30m wide strip along the western boundary (equivalent to 3.5 residential storeys or 3 university storeys)
  - 14m in the northeast of the site (equivalent to 4 residential storeys or 3 university storeys)
  - 24m in the middle, and south of the site (equivalent to 7 residential storeys or 6 university storeys)

### Summary of proposed amendments

	Existing Randwick LEP 2012	Proposed amendments to Randwick LEP 2012
<b>Zoning</b>	SP2 Educational Establishment	No change
<b>Height of Building</b>	Perimeter height controls extending 30m from boundaries: <ul style="list-style-type: none"> <li>○ 24m along Anzac Parade frontage</li> </ul>	New Height of Building (HOB) Map (7 storeys, 24m maximum in middle of the site – aligning with current DCP control and existing Anzac Parade perimeter height control)

	<b>Existing Randwick LEP 2012</b>	<b>Proposed amendments to Randwick LEP 2012</b>
	<ul style="list-style-type: none"> <li>12m to rear of Doncaster Avenue properties</li> </ul>	1m height control where there is public open space (e.g. the Arrival Plaza to complement University Mall on the eastern side of Anzac Parade)
<b>Site Specific clause</b>	Nil	New site-specific local clause addressing objectives, DCP requirements, setbacks, demonstrate design excellence and sustainability (addressed in more detail below)

### Strategic merit

A draft Planning Proposal for the site has strategic merit as the current Randwick LEP 2012 Height of Building (HOB) controls do not recognise the intent of broader strategic and design approach to balance redevelopment on both the university campus site and the Hospitals Complex with existing surrounding low scale residential development. A draft Planning Proposal aligns with and is not inconsistent with the priorities and key actions of productivity and livability outlined in strategic documents including the Randwick Place Strategy, Eastern District Plan and Randwick Local Strategic Planning Statement that apply to the site.

### Site specific merit

The site immediately adjoins low scale two storey residential development to the west and 5 and 7 storeys respectively to north and south (NIDA building, New College and Regiment site). Whilst perimeter height controls are defined in the Randwick LEP, the height controls for the middle of the site allow maximum seven storey scale envisaged in the UNSW Kensington Campus 2020 Master Plan and objectives and controls in Randwick DCP 2013. By including the DCP height control in the centre of the site as a LEP standard it would respect the sensitive location at the edge of the campus and recognise the need to treat the interface with more tailored controls. It is also considered that a building height standard in the centre of this site would ensure an appropriate built form, scale and massing impacts/outcomes on the surrounding streets and vantage points in Kensington, as well as minimising overshadowing impacts on residential properties surrounding the site.

### Proposed draft DCP controls

Preparation of a draft DCP for the site, included in the Randwick DCP Stage 2 Review, will support the Randwick LEP 2012 provisions by:

- Introducing site-specific built form envelope controls and a public open space to accommodate outdoor seating and landscaped area
- Detailing design excellence provisions
- Specifying the minimum area of public open space and clarifying public domain design requirements and connectivity with the main UNSW Campus
- Incorporating building setbacks including relationship with adjoining buildings
- Incorporating street wall height controls to Anzac Parade
- Addressing access requirements
- Specifying landscape design requirements and sun access
- Specifying environmental sustainability performance requirements
- Parking requirements

### Referral to RLPP

Following Council's consideration and endorsement of this report outlining proposed amendments to height controls for the subject site, the next step is to refer the draft Planning Proposal to the Randwick Local Planning Panel (RLPP) for advice as required by a Ministerial Direction. Following receipt of the RLPP advice, a further report will be prepared for Council's consideration to seek a



Gateway Determination from the Department of Planning, Housing and Infrastructure to enable the draft Planning Proposal to be publicly exhibited.

### Strategic alignment

The relationship with our 2022-26 Delivery Program is as follows:

#### Delivering the Outcomes of the Community Strategic Plan:

Strategy	Housing
Outcome	A city with excellent built form that recognises local character
Objective	100% of development applications approved from 2025 onwards are consistent with the desired future character of the local area and consider design excellence
Delivery program commitment	Implement local character development provisions across Randwick City through the appropriate planning framework by end 2025.
Delivery program commitment	Require design excellence and sustainability principles in all new developments by 2025.
Delivery program commitment	Investigate opportunities for promoting exceptional architectural and urban design outcomes for high density developments in key locations by 2025.
Delivery program commitment	Advocate for sustainable building and urban design excellence outcomes including higher BASIX requirements for residential flat buildings in Randwick City by 2025.

### Resourcing strategy implications

The costs associated with the preparation of this work have been prepared in-house by the Strategic Planning team.

### Policy and legislative requirements

Relevant policies and legislation in relation to the UNSW/Iglu 215B Anzac Parade, Kensington Proposed Development are:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2021
- Randwick Local Strategic Planning Statement
- Randwick Housing Strategy
- Randwick Local Environmental Plan 2012 (Amendment 9)
- Randwick Development Control Plan 2013
- Economic Development Strategy
- Environment Strategy
- Integrated Transport Strategy
- Public Art Strategy.

### Conclusion

A review of the existing planning controls for the subject site has concluded that there is site specific and strategic merit in reinforcing the DCP height controls for the centre of the site through a LEP standard to address potential impacts of higher development on the surrounding area. The submitted UNSW DA includes tower buildings that are inconsistent with the lower scale envisaged for the site and interface areas on the University and Hospitals Campus' as outlined in the UNSW Kensington Campus 2020 Master Plan and Randwick DCP 2013.



The site adjoins low scale residential development and is bound by non-residential uses to the north and south that are approximately six and seven storeys respectively. It is recommended that a site-specific Planning Proposal be prepared, to reinforce a maximum height for the middle of the site of 24m (7 storeys), aligning with the Randwick DCP. It is also recommended that new building envelope controls, including setback controls and vehicular access requirements, be incorporated in Randwick DCP 2013, to complement the LEP controls. Council will also seek the advice of the Randwick Local Planning Panel and report back to Council prior to submitting the Planning Proposal to the Department of Planning, Housing and Infrastructure for a Gateway Determination.

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**File Reference:** DA/168/2023