



IRF24/2047

## Gateway determination report – PP-2024-1581

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215, 215A and 215B Anzac Parade, Kensington  
(UNSW West Campus)

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# Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
Randwick City Council Urban Design Study: UNSW West Anzac Parade, Kensington (16 July 2024)
Draft Development Control Plan – E8 UNSW West (9 July 2024)
Randwick City Council meeting minutes (28 November 2023)
Randwick City Council meeting agenda and meeting minutes extract (30 April 2024)
Randwick Local Planning Panel advice (4 June 2024)
Randwick City Council meeting minutes (25 June 2024)

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	Randwick
<b>PPA</b>	Randwick City Council
<b>NAME</b>	215, 215A and 215B Anzac Parade, Kensington (UNSW West Campus)
<b>NUMBER</b>	PP-2024-1581
<b>LEP TO BE AMENDED</b>	Randwick Local Environmental Plan 2012
<b>ADDRESS</b>	215, 215A and 215B Anzac Parade, Kensington
<b>DESCRIPTION</b>	Proposed maximum height of buildings provisions for the UNSW West Campus site.
<b>RECEIVED</b>	16/07/2024
<b>FILE NO.</b>	IRF24/2047
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required.
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal.

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that explain the intent of the proposal.

The planning proposal objectives are to:

- Establish a clear vision for future development of the site that aligns with the strategic planning framework.
- Provide certainty, to both the University of New South Wales (UNSW) and to the community, on the future redevelopment of the site.
- Establish appropriate building heights across the site that are suitable to the site's context as a transitional location between the institutional buildings and residential buildings.
- Facilitate heights which are appropriate for future development fronting Anzac Parade in this location.
- Ensure built form controls on the site respond to the bulk, scale and siting of neighbouring developments, introducing improved building separation to adjoining sites that respond to the desired future character.

- Protect defined areas of open spaces and public domain to ensure adequate street and laneway width is provided, setbacks to neighbouring properties, facilities and streetscapes are suitable, to provide privacy, access to light and natural ventilation, and to allow appropriate landscaping in the public domain
- Allow for development in line with built form outcomes envisaged in the UNSW 2020 Master Plan
- Ensure public/user amenity outcomes for the site by securing open spaces planned in the UNSW 2020 Campus Master Plan
- Create greater visual amenity in the public domain with a variety of building scales and forms
- Allow appropriate flexibility in the building envelopes to allow meaningful design excellence processes
- Facilitate the delivery of appropriately located uses consistent with the sites SP2 Educational Establishment zone, that satisfies the university core function as a tertiary institution and meets the needs of both students, workers, visitors and residents, enabling day and night activity to enliven and complement the neighbourhood.

The objectives of this planning proposal are clear.

## 1.3 Explanation of provisions

The proposal refers to ‘drafting instructions’ when explaining how the intended outcomes of the proposal will be achieved. However, the Department notes that the preparation of ‘drafting instructions’ is a matter for the LPMA’s consideration in the final stages of the plan-making process, as prescribed under Division 3.4 of the *Environmental Planning & Assessment Act 1979*. Notwithstanding this, the planning proposal includes an explanation of the intended provisions.

The proposal seeks to amend the Randwick Local Environmental Plan 2012 to apply new and amended height controls and introduce a new local provision, as outlined in **Table 3**.

The planning proposal primarily seeks to amend the height of buildings map.

It is noted that while the central part of the site does not currently have a maximum height of building standard in the Randwick LEP 2012, the Randwick DCP 2013 contains building heights that were informed by the Campus 2020 Master Plan (**Figure 7**).

However, the Department does not support the planning proposal to proceed as it lacks strategic and site-specific merit, and it has not demonstrated the necessity for the amendments to the LEP. Refer to further assessment discussion outlined below.

**Table 3 Current and proposed controls**

Control	Current	Proposed
Zone	SP2 Educational Establishment	No change.
Maximum height of the building	Part 12m Part 24m	Part 1m Part 12m Part 24m
Floor space ratio	n/a	n/a
Minimum lot size	n/a	n/a

Control	Current	Proposed
Additional local provision	n/a	<p>New requirement for any development applications on the site to have regard to the proposed amendments to the maximum height limit.</p> <p>The proposal indicates a savings provision will not apply.</p>

Council has also prepared a draft site-specific DCP (E8 UNSW West) for the site.

#### Proposed additional local provision

The proposed additional local provision seeks to ensure that any development application for the site has regard to the intended height controls for the site under this proposal.

The LEP Practice Note *‘Preparing LEPs using the Standard Instrument: standard clauses (PN11-001)’* provides that councils can include local clauses that address specific local circumstances, where justified.

The planning proposal does not provide adequate justification for the proposed local provision.

The proposed local provision also appears to duplicate the requirements of section 4.15 Evaluation of the *Environmental Planning and Assessment Act 1979* (EP&A Act), which outlines the general matters a consent authority must take into consideration when determining development applications. Subclause 4.15(a)(ii) of the Act specifically requires that consideration be given to publicly exhibited planning proposals in the assessment of any DA's, as it states that:

*“any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)”.*

The proposed additional local provision is not supported.

## 1.4 Site description and surrounding area

The planning proposal applies to crown land at 215, 215A and 215B Anzac Parade, Kensington (Lot 11 in DP1062204, Lot 1 in DP1173179 and Lot 4 in DP1264172) (**Figure 1**).

The site has an area of 27,150m<sup>2</sup> and is part of the UNSW Kensington Campus. It has frontages to Day Avenue (to the south) and Anzac Parade (to the east) (**Figure 2**).

The site is currently zoned SP2 Educational Establishment under the Randwick LEP 2012. Development is permitted with consent for the purposes of educational establishments and any development that is ordinarily incidental or ancillary to that purpose.

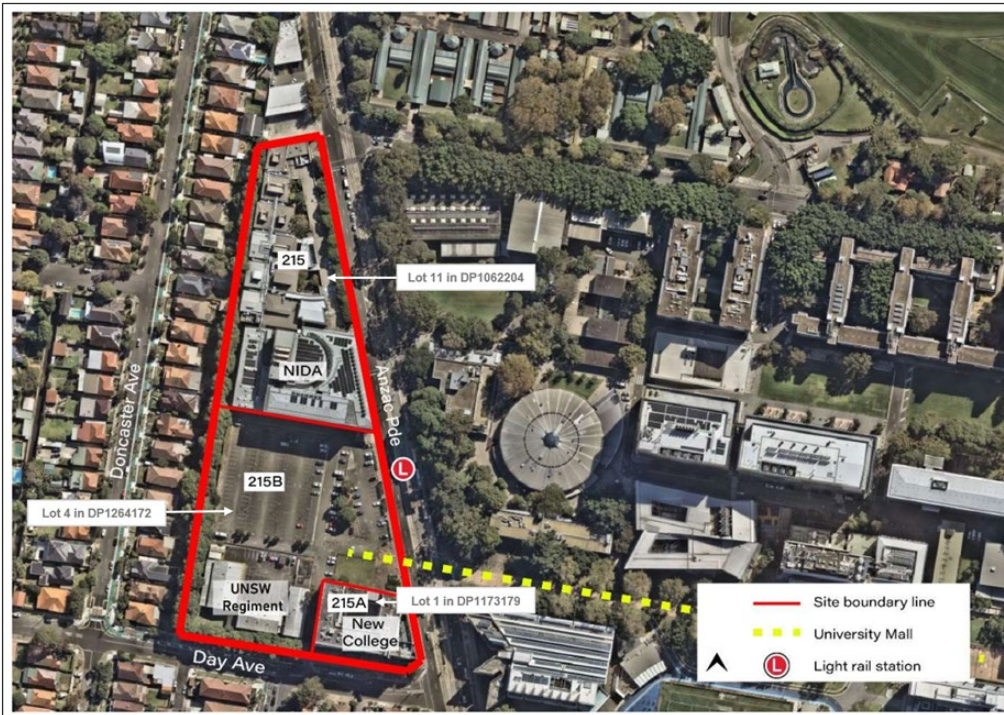
Section 3.45 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* permits with consent ‘campus student accommodation’ on land within the boundaries of the university.

Existing development on the site comprises the National Institute of Dramatic Art (NIDA), an at grade carpark, New College (student accommodation) and the UNSW Regiment. Existing vehicle access is available via Western Campus Drive (off Day Avenue) and Anzac Parade.

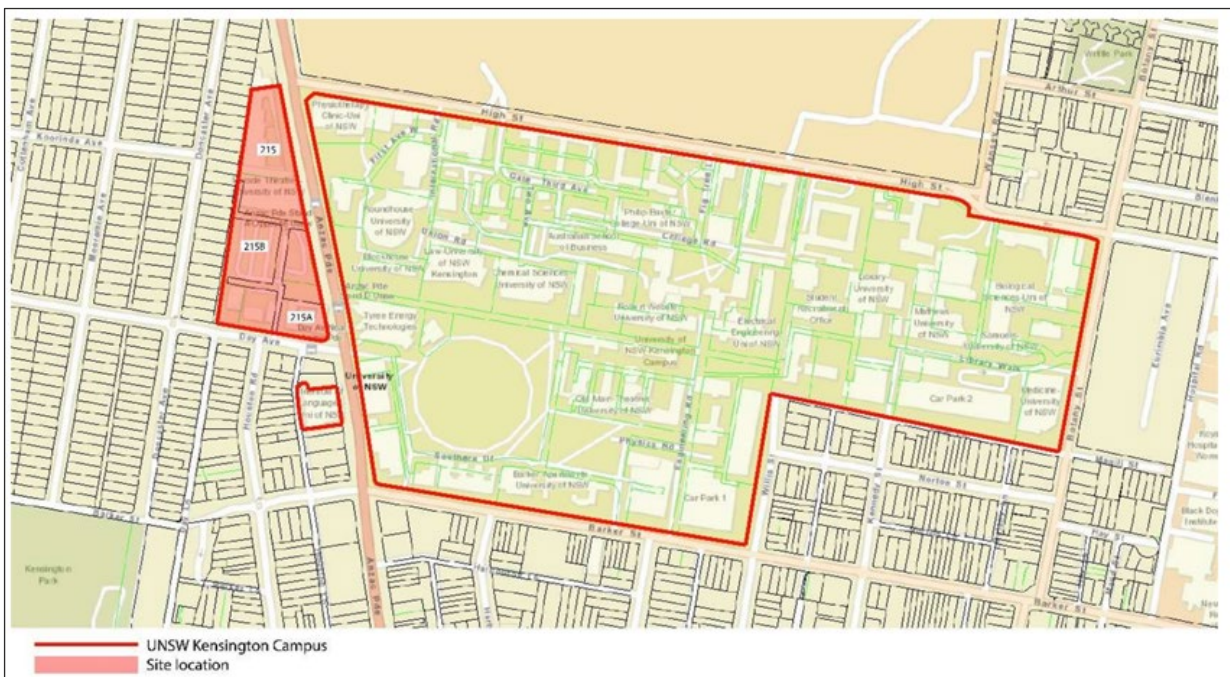
The surrounding area is zoned R2 Low Density Residential to the north, R3 Medium Density Residential to the south predominantly characterised by medium density residential flat buildings along Day Avenue, and the University of NSW campus is opposite the site to the east.



The site is within the Randwick Health and Education Precinct, Randwick collaboration area and is approximately 8km south-east of the Sydney CBD. It is serviced by the UNSW Anzac Parade Light Rail station and bus services which operate along Anzac Parade.



**Figure 1 Subject site (source: adapted from Randwick City Council Urban Design Study, UNSW West Anzac Parade, Kensington, 16 July 2024, p.3)**



**Figure 2 Site context within UNSW campus (source: Planning proposal, 16 July 2024, p.9)**



## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Randwick LEP 2012 Height of Buildings Map (**Figures 6**).

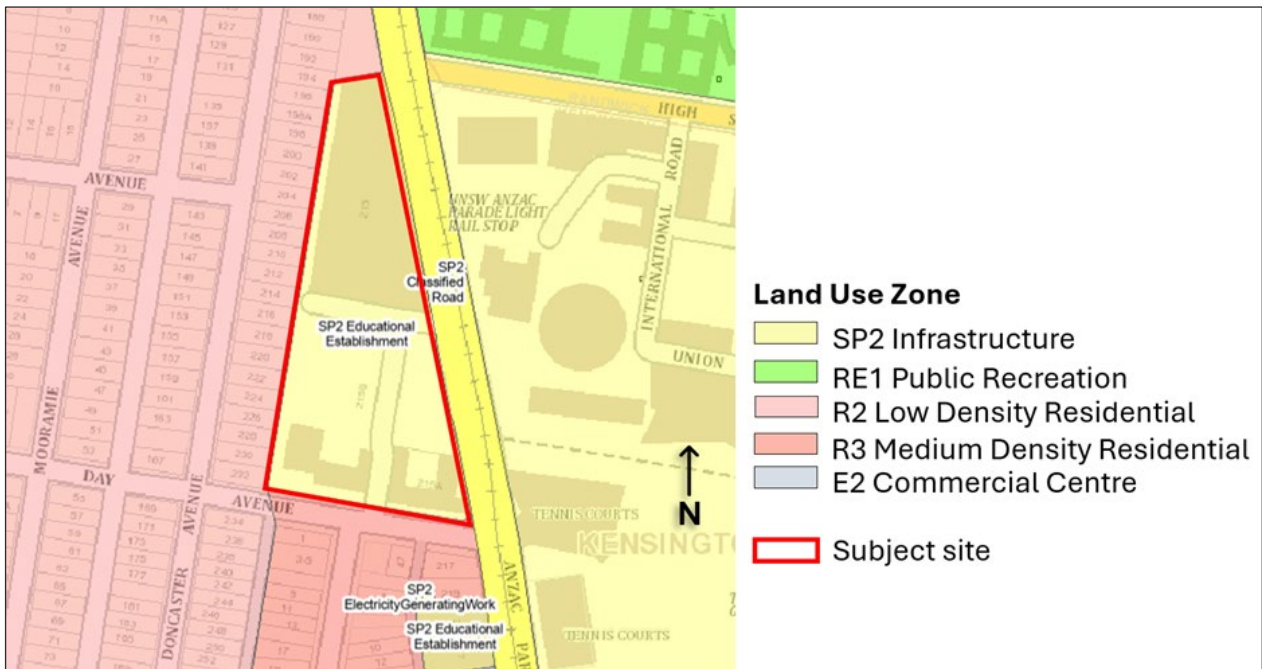


Figure 3 Current zoning map (Source: NSW Planning Portal Spatial Viewer, August 2024)

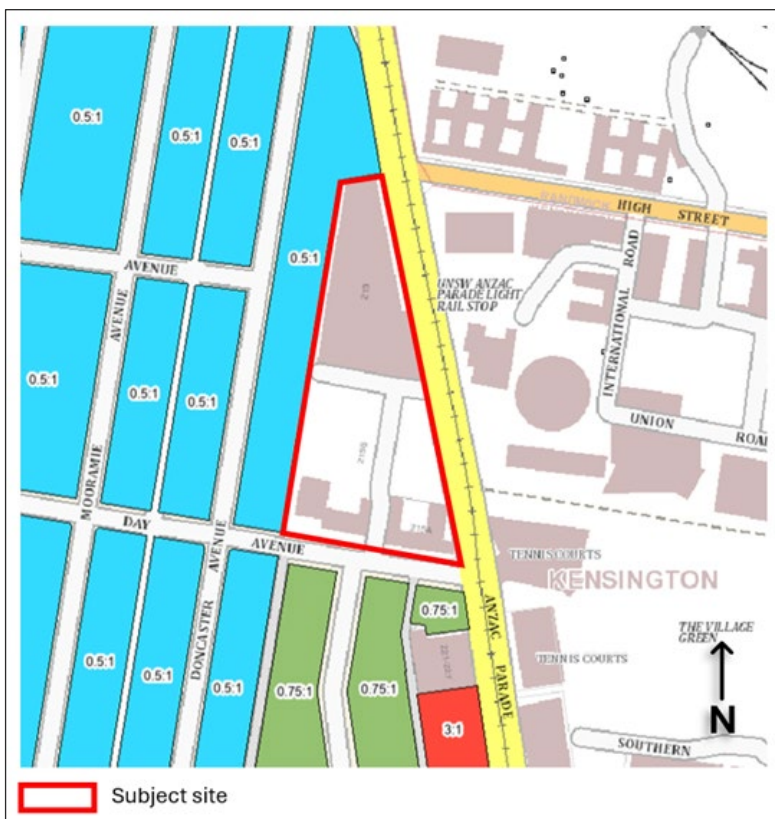


Figure 4 Existing floor space ratio map (Source: NSW Planning Portal Spatial Viewer, August 2024)

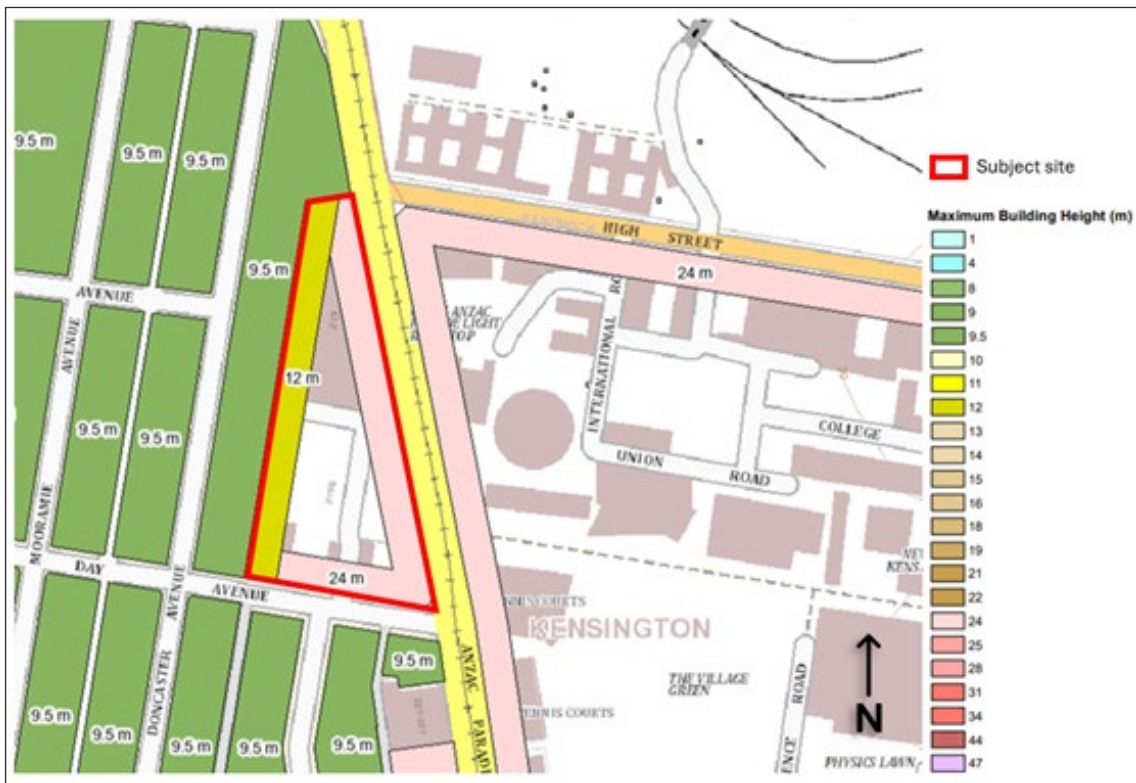


Figure 5 Current height of buildings map (Source: NSW Planning Portal Spatial Viewer, August 2024)

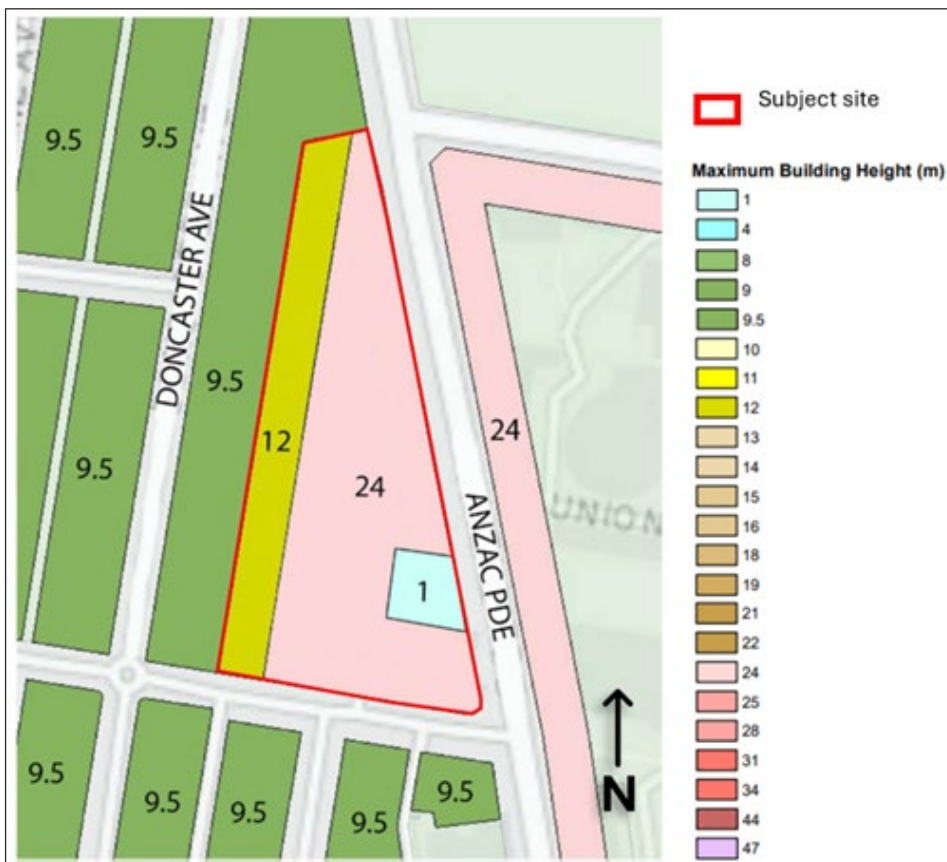
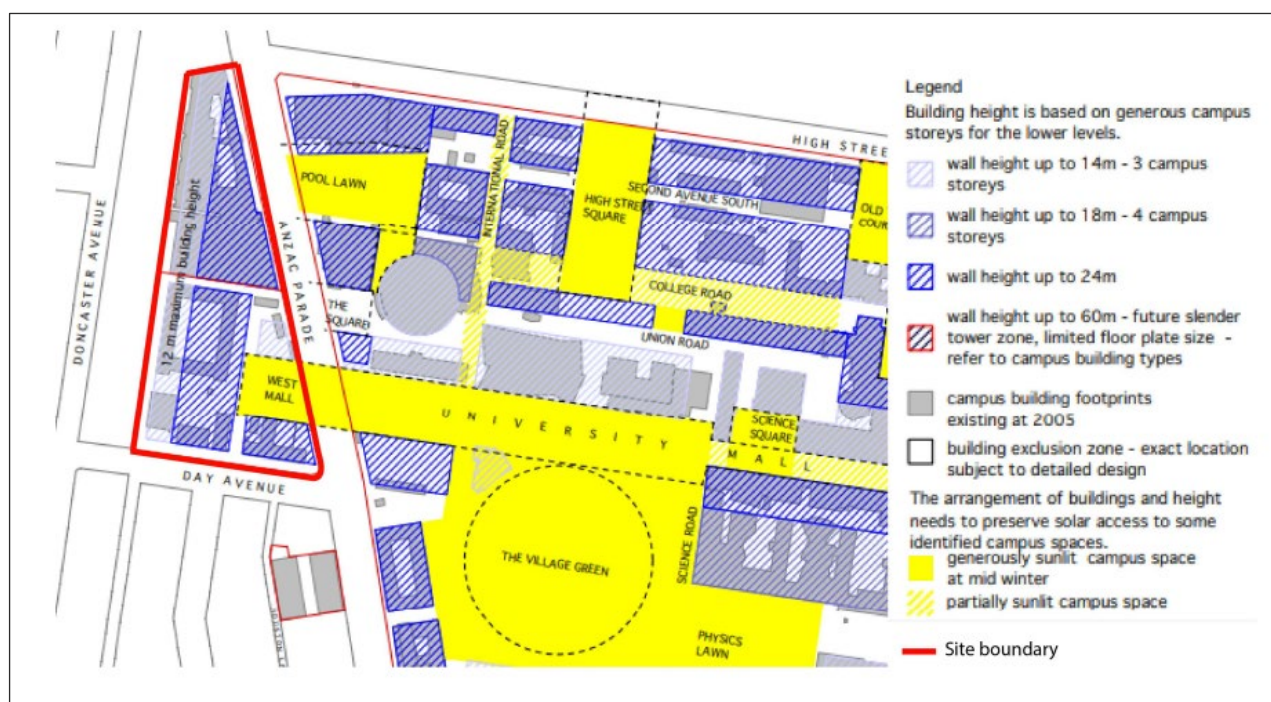


Figure 6 Proposed height of buildings map (Source: Planning proposal, 16 July 2024, p.51)



**Figure 7 Randwick DCP 2013 building heights consistent with the UNSW Campus 2020 Master Plan (2007) (Source: Planning proposal, 16 July 2024, p.35)**

## 1.6 Background

A summary of key background information relating to the site and the planning proposal is provided in **Table 4** below.

**Table 4 Overview of planning proposal history**

Date	Event
2004	UNSW commissioned the Campus 2020 Master Plan for the Kensington Campus.
2007	Campus 2020 Master Plan for the Kensington Campus was endorsed by Council. This was subsequently included as Part E2 Randwick Education and Health Specialised Centre in the Randwick DCP 2013.
11 May 2023	Development application (DA/168/2023) lodged for demolition and mixed-use development comprising student accommodation, university space, retail, communal open space and basement parking at 215B Anzac Parade, Kensington.
July 2023	DA/168/2023 was referred to the Sydney Eastern City Planning Panel.
28 November 2023	Council resolved to reinforce its objection to DA/168/2023 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, to preserve amenity of neighbouring residential properties and NIDA.
30 April 2024	Council resolved in part to prepare a planning proposal for the site.
4 June 2024	Randwick Local Planning Panel recommended the planning proposal proceed.



Date	Event
25 June 2024	Council resolved to submit the planning proposal for Gateway determination.
16 July 2024	Planning proposal submitted for Gateway determination.
9 August 2024	The Sydney Eastern City Planning Panel deferred determination of the DA.
17 September 2024	The Sydney Eastern City Planning Panel determined to approve DA/168/2023.

## 2 Need for the planning proposal

The planning proposal is the result of an urban design study prepared by Council which was initiated by Council resolutions from 23 November 2023 and 30 April 2024. The study broadly sought to review the existing development controls to provide certainty and set the vision for the site's future development.

The proposed provisions seek to apply a consistent height control across the site, transitioning to the existing low density residential development to the west and south of the site, while also providing for future open space in the form of a public plaza along the Anzac Parade frontage.

A planning proposal is the best means of amending the height of building map to achieve the understood but limited objectives.

However, the Department does not support the planning proposal to proceed as it lacks strategic and site-specific merit, and it has not demonstrated the necessity for the amendments to the LEP or its consequences, if implemented. Refer to further assessment below.

The planning proposal also seeks to introduce a new local provision in the Randwick LEP to require consideration of the proposed height controls in the assessment of any development application for the site, which is not supported by the Department. See section 1.3 of this report for assessment of this proposed provision.

### The proposal does not respond to current circumstances

The planning proposal identifies consistency with the Randwick Local Strategic Planning Statement (LSPS), and alignment with the local character and development outcomes envisaged in the Kensington and Kingsford Town Centre Strategy, the Randwick DCP 2013 and UNSW 2020 Campus Master Plan.

Local character is an important element of great places however it does not preclude development uplift and will change over time. The Department notes that there has been a significant policy shift and change in government priorities and circumstances since the UNSW Campus 2020 Master Plan was prepared in 2004/2005 and was previously implemented in the LEP and DCP. Significant change has occurred in the area since this time.

The Department is not satisfied that Council has demonstrated the need for a planning proposal to amend the LEP when as outlined in sections 1.3 and 1.5 of this report, the proposal seeks to apply height of buildings standards which are generally consistent with those already established in the Campus 2020 Master Plan. Council has previously translated the master plan for the site into what it viewed as appropriate LEP and DCP controls which have been in effect for over a decade.

Furthermore, as discussed in Section 3.5 of this report, the proposal seeks to apply multiple height of building standards across the site which are generally considered to be overly prescriptive and are generally only recommended in certain exceptional circumstances.

The planning proposal has not adequately explained how the proposed heights will not unreasonably limit and, in part, reduce the site's development potential into the future, nor has it provided analysis of a range of alternative potential heights which would enable growth.

The Local Environmental Plan Making Guideline (August 2023) sets out that a proposal must demonstrate how it will give effect to the strategic framework, and highlights that a change in circumstances that has not been recognised by the existing planning framework is a relevant consideration in the strategic assessment of a planning proposal. The Strategic Merit Test further outlines that alignment with government policies is a relevant consideration.

The Department acknowledges that Council has undertaken considerable work to prepare this planning proposal. However, the Department is not satisfied the proposal has adequately demonstrated alignment with the NSW strategic planning framework and government priorities, nor does it respond to the change in site circumstances.

The site is within a precinct identified for growth, see assessment in section 3 of this report. The Department considers the proposal to be incompatible with its immediate context as it will limit the site's development potential and the ability to maximise the use of public transport infrastructure within 30-minutes of the Sydney CBD.

There has been significant transport infrastructure investment in the area, including the introduction of the CBD and South-East Light Rail along Anzac Parade. The Light Rail provides a direct link between Kingsford and Circular Quay and has been a catalyst for urban renewal and growth in the area. The planning proposal does not adequately justify how it capitalises on this infrastructure.

The Department is not satisfied that the planning proposal responds to the current circumstances and has not demonstrated sufficient strategic merit or need to amend the LEP, in order to proceed.

Council is encouraged to undertake further strategic analysis of the locality, in consultation with the university and key stakeholders (including NIDA, the Commonwealth government and Transport for NSW) to identify a new vision for the site that considers the opportunity for growth.

#### Impact on provision of student accommodation

NSW has experienced significant growth in population and an increase in the demand for housing within recent years. All levels of Government now have a shared responsibility to address the housing crisis, with the NSW Government committed to delivering at least 377,000 new well-located homes across the state by 2029, to align with the Federal Government's National Housing Accord initiative.

The NSW Government has recently issued local housing targets to councils in Greater Sydney under section 3.4(7) of the *Environmental Planning and Assessment Act 1979*, including a 5-year housing target of 4,000 new dwellings between 1 July 2024 to 30 June 2029 for Randwick LGA, which reflects the government's commitment for more well-located housing supply around existing infrastructure.

Whilst currently student accommodation is not counted in the monitoring of new dwellings which contribute to meeting housing targets, there is an ongoing need for student accommodation. Purpose built accommodation can help meet demand whilst reducing competition with market housing.

The NSW Government is focused on driving more housing supply through collaboration with all levels of Government, communities, and the private sector. The Minister of Planning has emphasised this in a letter to Mayors and Panel Chairs in the Six Cities in August 2023 stating *"While governments at all levels have undertaken substantial work to implement strategic plans and deliver housing targets, it's clear to me that past strategic plans didn't anticipate or account for the scale of the housing crisis we now face. The immediate need is for us to make sure the planning system presents no impediment to dwelling approvals and construction in appropriate locations."*

Housing in the form of campus student accommodation is permitted with consent on the site under section 3.45 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*. The Australian Government's 2024-2025 Budget states that it will work with the higher education sector to develop regulations requiring universities to increase their supply of student accommodation.

The Department is not satisfied that the proposal will support increased opportunities for student accommodation on the site, which is well located, in proximity to transport, infrastructure and services.

Council is encouraged to undertake further analysis in consultation with the key stakeholders, including UNSW and NIDA, to identify a new vision for the site and immediate area that considers the opportunity for growth and plans for student accommodation.

## 3 Strategic assessment

### 3.1 Regional Plan

The Greater Sydney Region Plan – A Metropolis of Three Cities (the Region Plan), released by the NSW Government in 2018, integrates land use, transport and infrastructure planning and sets a 40-year vision for Greater Sydney as a metropolis of three cities. The Region Plan contains objectives, strategies and actions which provide the strategic direction to manage growth and change across Greater Sydney over the next 20 years.

Under section 3.8 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) a planning proposal is to give effect to the relevant District Plan. By giving effect to the District Plan, the proposal is also consistent with the Regional Plan. Consistency with the District Plan is assessed in **Section 3.2** below.

### 3.2 District Plan

The site is located within the Eastern City District. The Eastern City District Plan (the District Plan), released by the former Greater Sydney Commission in March 2018, applies to the site. The Plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The site is in the Randwick Health and Education Precinct which is identified in the Region Plan and District Plan as an important housing and economic growth area.

The Department's assessment of the proposal against the relevant priorities and actions of the District Plan, outlined in **Table 5**, has identified limited strategic alignment with the infrastructure, productivity and liveability priorities of the District Plan.

The proposal largely seeks to maintain the status quo by facilitating a bulk and scale that is commensurate to the vision established in the UNSW Campus 2020 Master Plan which was prepared in 2004/2005 and adopted by Council in 2007. The proposal does not adequately demonstrate how it responds to changes in circumstances and NSW Government policy since this time.

This is inconsistent with the District Plan priorities, which are focused on promoting growth in health and education precincts, capitalising on infrastructure, and facilitating the delivery of diverse housing in well located areas.

Council should undertake further investigation to establish a vision for the site and the desired future character, whilst also providing opportunities for economic growth and student accommodation in this strategic health and education precinct, to capitalise on recent infrastructure investment such as the light rail.

The Department is not satisfied the planning proposal adequately gives effect to the District Plan.



Table 5 District Plan assessment

District Plan Priorities	Justification
E1 Planning for a city supported by infrastructure	<p>This priority seeks to maximise the use of existing infrastructure, through the alignment of growth with infrastructure.</p> <p>The proposal states that it is consistent with this priority as it will support effective infrastructure planning by providing certainty around development and density outcomes.</p> <p>The Department is not satisfied that the proposal has demonstrated that it aligns growth with infrastructure. The planning proposal seeks to apply heights which are generally consistent with the vision set in the masterplan prepared in 2005 and there has been significant change and infrastructure investment since this time.</p> <p>The UNSW Kensington Campus, hospitals, existing high frequency bus and light rail services operating along Anzac Parade provide strategic opportunities for growth in the area. The proposal does not clearly set out how it responds to these strategic opportunities or promotes growth on the site.</p> <p>Council is encouraged to work with the university and stakeholders to review the masterplan for the campus to identify opportunities for the future beyond the vision to 2020 which was adopted in 2007.</p> <p>The proposal has not adequately demonstrated consistency with this direction.</p>
E5 Providing housing supply, choice and affordability with access to jobs, services and public transport	<p>This priority encourages delivery of increased supply of diversity and affordable housing choices.</p> <p>Development for the purposes of campus student accommodation is permitted with consent at the university under s. 3.45 of SEPP (Transport and Infrastructure) 2021. Council's local strategies identify that there is unmet demand for student accommodation in the area.</p> <p>It also noted that the Australian Universities Accord (25 February 2024) sets out the Australian Government's commitment to ensuring students have access to affordable accommodation by requiring universities to provide appropriate levels of new student housing to support future growth.</p> <p>The proposal does not provide material uplift on the site as the controls are largely consistent with the existing DCP height controls. The planning proposal states it is consistent with this priority as it the urban design analysis responds to the requirements of the Housing SEPP and Apartment Design Guide.</p> <p>The planning proposal does not provide sufficient information to explain how it contributes to the supply of student accommodation to meet housing needs.</p> <p>The planning proposal has not provided sufficient information to address this priority.</p>
E6 Creating and renewing great places and local centres, and respecting the District's heritage	<p>This planning priority recognises the importance of creating and renewing great places and local centres and respecting the district's rich heritage.</p> <p>The planning proposal states that it will facilitate development on the site that is responsive to the existing streetscape, improves site connectivity and amenity, and is sensitive to the character and qualities of the area and the density, and built form</p>

District Plan Priorities	Justification
	<p>outcomes envisaged in the UNSW Campus 2020 Master Plan and Randwick DCP 2013.</p> <p>While the Department acknowledges the importance of respecting and enhancing local character when planning for growth in principle, respecting character does not mean that development uplift cannot occur. Local character is not unchanging, as evidenced by the introduction of the light rail line along Anzac Parade, Kensington. Great places build on local characteristics to create a sense of place that reflects shared community values and culture</p> <p>Having regard to the current policy context and significant growth and change that has occurred in the area since the UNSW Campus Masterplan was adopted by Council in 2007, the Department considers there is a need for further strategic analysis and planning for the site.</p> <p>Council is encouraged to work with the University, NIDA and key stakeholders to review the masterplan for the site, having regard to the overarching strategic vision for the Health and Education Precinct. This will assist to inform any future review of existing development controls and ensure any subsequent amendments appropriately give effect to the District Plan.</p>
E8 Growing and investing in health and education precincts and the Innovation Corridor	<p>This priority recognises the importance of growing and investing in significant industry clusters, including health and education precincts such as Randwick, in supporting Greater Sydney's economic growth and global competitiveness.</p> <p>While the proposal doesn't address consistency with this priority, the Department considers this priority of relevance to the proposal as it relates to land within the identified Randwick health and education precinct.</p> <p>The Randwick Health and Education Precinct is identified in the Eastern City District Plan as an area of strategic importance to Greater Sydney's economic growth and global competitiveness.</p> <p>The plan highlights the need for diversification and expansion of health and education precincts, and outlines the importance of <i>"capitalising on the potential mass transit solution for the south east of the District, with a view to creating complementary employment opportunities, delivering affordable housing for key worker and student populations and facilitating improved connections to residential areas"</i> (p.66).</p> <p>Having regard to the above, the Department considers the proposal to be inconsistent with this priority as it will reduce the potential opportunity to leverage the sites locational attributes and facilitate growth and expansion of the Randwick health and education precinct.</p>
E10 Delivering integrated land use and transport planning and a 30-minute city	<p>This planning priority recognises the importance of integrating land use and transport planning in delivering walkable, 30-minute cities.</p> <p>Action 36 outlines the need to <i>"Plan for urban development, new centres, better places and employment uses that are integrated with, and optimise opportunities of, the public value and use of Sydney Metro City &amp; South West, CBD and South East Light Rail, and Westconnex as well as other city shaping projects"</i> (p.76).</p> <p>While the proposal contends that it will not inhibit development as it does not seek to alter the existing height controls that apply to the site and predate the Light Rail,</p>

District Plan Priorities	Justification
	the Department is not satisfied the planning proposal has demonstrated how it optimised opportunities created by infrastructure investment in the area to support 30-minute city objectives.
E18 Delivering high quality open space	<p>This planning priority highlights the importance of maximising the use of existing open space and protecting and enhancing the delivery of quality open space.</p> <p>The proposal is consistent with this priority as it seeks to support the delivery of new areas of open space, in the form of a future public plaza and improved public domain outcomes.</p>

### 3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. Consistency with the strategic direction and objectives if the relevant local strategies is discussed in **Table 6** below.

**Table 6 Local strategic planning assessment**

Local Strategies	Justification
Vision 2020: Randwick Local Strategic Planning Statement (March 2020)	<p>The LSPS sets the vision for land use planning in the Randwick LGA over the next 20-years, as well as the planning priorities and actions to achieve this vision.</p> <p>The planning proposal identifies consistency with the LSPS. In particular:</p> <ul style="list-style-type: none"> <li>• Planning Priority 3: Encourage development that responds to the local character and desired future character of our neighbourhoods</li> <li>• Planning Priority 7: Provide greater access and opportunities for walking and cycling</li> <li>• Planning Priority 8: Plan for and support strong connections for a 30 minute city</li> <li>• Planning Priority 9: Focus economic development, innovation and jobs growth in strategic centres</li> <li>• Planning Priority 10: Support the long-term economic viability of our town and neighbourhood centres</li> <li>• Planning Priority 18: Reduce the consumption of energy and water</li> <li>• Planning Priority 19: Manage our waste efficiently.</li> </ul> <p>Priorities 8, 9 and 10 of the LSPS recognise the need for integration of land use, infrastructure and transport to deliver the 30-minute city and identify the Randwick Health and Education Precinct as an opportunity for growth and employment in the LGA.</p> <p>As previously discussed, while the Department acknowledges Council's intention to ensure a consistent and holistic approach to the development and growth of UNSW, including the interfaces with the low-density surrounding uses, given the significant changes in the area in recent years the Department considers that further planning and analysis around the desired future character and vision for development in the future should be undertaken.</p>

Local Strategies	Justification
A sense of community – Community Strategic Plan 2022-2032	<p>The CSP sets the 10-year vision and priorities for the future of the Randwick LGA. It underpins Council's future planning and decision making and contains strategies to achieve the community vision.</p> <p>The CSP promotes integrated transport and economic development outcomes and to concentrate growth in and around planned renewal or infrastructure projects, to better reflect built environment changes (e.g. Randwick Heath and Education Precinct).</p> <p>The planning proposal does not include an assessment of consistency with the CSP. The Department encourages Council to work with key stakeholders and the community to plan for opportunities on the site into the future.</p>
Vision 2040: Randwick Local Housing Strategy (2020)	<p>The Randwick Local Housing Strategy (LHS) was endorsed by the Department in June 2021 subject to requirements and advisory notes. The LHS guides residential growth within Randwick LGA to 2040.</p> <p>The LHS identifies a need for more purpose-built student accommodation in high amenity areas in proximity to tertiary establishments. It states that Council will investigate appropriate locations for boarding house and student housing development, and appropriate development standards for each land use.</p> <p>This strategy applies as housing in the form of campus student accommodation is permitted with consent on the site under the provisions of SEPP (Transport and Infrastructure) 2021.</p> <p>The Department encourages Council to consider student accommodation needs when it reviews the vision for the UNSW campus and local area.</p>

### 3.4 Local planning panel (LPP) recommendation

On 4 June 2024, the Randwick LPP advised Council:

*That the Randwick Local Planning Panel advise Council that it supports the recommendations set out below:*

- a) *Amend Randwick LEP 2012 and the accompanying Height of Building Map/s to clarify the maximum permissible building height for the subject site, NIDA and adjoining Regiment land, setting a maximum building height of 24m, as illustrated in Figure 21.*
- b) *Endorse the draft DCP for the site outlining detailed controls supporting the Randwick LEP 2012 amendments with the following recommendations:*
  - *In dimensioning the setback of Anzac Parade it should align with the top section of the NIDA building.*
  - *The 18m north setback from the NIDA building should be reduced so as to avoid adverse visual and physical impacts, such as: exposure to servicing and parking environment from the public domain; reducing flexibility of future development on the subject site; constraining open space elsewhere on the site thereby reducing amenity, solar access; etc.*
  - *The termination of the University Mall axis on this site should have a legible and coherent architectural and/or landscape response.*
  - *The centre line of the University Mall axis should be clearly shown on the DCP plans/diagrams to emphasis its significance and to structure potential design responses.*

- *Consideration should be given to widening the Day Avenue laneway for facilitating primary vehicular access to the site.*
- c) *The RLPP further recommends the following:*
- *Council invites the UNSW to collaborate in the review of its master plan in relation to this site.*
  - *That the termination of the University Mall axis be prioritised on this site in built form and landscaping treatments to complement the University Mall on the eastern side of Anzac Parade.*
  - *This site is of great importance in evolving the character of the university campus particularly on its major entry point for the public and requires great sensitivity in terms of architectural response and urban design.*

On 25 June 2024, Council considered the advice of the LPP and resolved to support the planning proposal and draft DCP proceeding subject to changes including increased setbacks, treatment of the University Mall extension and vehicular access.

### 3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 7 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.4 Site Specific Provisions	Inconsistent	<p>This direction seeks to discourage unnecessarily restrictive site-specific planning controls.</p> <p>The proposal is inconsistent with this direction as it seeks to apply split height controls to the site and introduce an additional site-specific local provision in the Randwick LEP 2012.</p> <p>The Department is of the view that the conventions for Standard Instrument LEP maps are to apply consistent development standards across single sites. However, applying multiple standards to one site may be accommodated in certain exceptional circumstances.</p> <p>Applying more than one height standard to a site of this nature and size is considered overly prescriptive and inconsistent with this Direction given there are no exceptional circumstances such as differing environmental values, land constraints or topography, that would warrant such an approach.</p> <p>With regard to the proposal site specific provision, as previously discussed in section 1.3 of this report, this is not supported as it is inconsistent with the SILEP and duplicates matters for consideration under section 4.15 of the Act.</p> <p>The proposal is inconsistent with the direction.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
3.2 Heritage Conservation	Consistent	<p>The Directions seeks to conserve items, areas, objects and places of environmental and Aboriginal heritage significance.</p> <p>The site is not a heritage item or located within a heritage conservation area (HCA). There are local heritage items in the vicinity, including a Bungalow (I130) at 202 Doncaster Avenue, Kensington, and the Racecourse HCA (C13).</p> <p>The proposal is consistent with this Direction as it does not seek to amend the heritage listings in the LEP or reduce the ongoing application of existing LEP provisions for heritage conservation.</p> <p>The Department is satisfied that any matters associated with potential heritage impacts would be adequately addressed as part of any future development assessment for the site.</p>
4.1 Flooding	Consistent	<p>This Direction seeks to ensure that development of flood prone land is consistent with the Government's Flood Planning Framework and ensure LEP provisions are commensurate with the flood behaviour and consider the potential impacts on and off the land.</p> <p>This direction applies as parts of the perimeter of the site are mapped as being affected in the 1% AEP and PMF event in Council's Kensington – Centennial Park Floodplain Risk Management Study and Plan (February 2019).</p> <p>The proposal is considered consistent with this direction as it does not seek to alter the land use permissibility or intensify development density on the subject site.</p>
5.1 Integrating Land Use and Transport	Inconsistent	<p>This direction seeks to ensure development is appropriately located to improve access to housing, jobs and services by active and public transport; reduce car dependency and travel demand; and support the efficient operation of public transport.</p> <p>This direction applies to all planning proposals that will create, alter or remove a zone or provision relating to urban land.</p> <p>The proposal does not explain how it capitalises on the site's strategic location, investment in services and infrastructure in the area, and its proximity to the new light rail and existing bus services.</p> <p>The Department is not satisfied the proposal is consistent with this direction.</p>



Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
5.3 Development Near Regulated Airports and Defence Airfields	Consistent	<p>The direction aims to ensure the effective and safe operation of regulated airports and defence airfields and to ensure surrounding development incorporates appropriate measures to mitigate aircraft noise.</p> <p>The proposal does not seek to materially increase the permissible height on the site. The proposal is consistent with this Direction as the proposed heights controls are below Sydney Airports prescribed Obstacle Limitation Surfaces controls.</p>

### 3.6 State environmental planning policies (SEPPs)

The planning proposal includes an assessment of consistency with the relevant SEPPs. The planning proposal will not hinder the application of any relevant SEPPs.

## 4 Site-specific assessment

### 4.1 Environmental

The site is located within an established urban area that is not known to contain any critical habitat or threatened species, populations or ecological communities.

The proposal is unlikely to result in any adverse environmental impacts as it seeks to extend the application of existing perimeter height controls across the site and reduce permissible heights within certain areas to secure open space outcomes.

### 4.2 Social and economic

The proposal seeks to extend the application of existing perimeter height controls across the site and reduce permissible heights within certain areas to secure open space outcomes. The existing heights for the site were developed in 2004/2005 and significant change has occurred since this time.

The planning proposal is supported by an urban design study which considers opportunities and constraints on the site and provides an analysis of the impacts of a conceptual built form achievable under the proposed development standards. The study also compares the proposal with DA/168/2023. However, it does not test the potential for greater maximum heights across the site or make the case for why taller buildings are not achievable.

The Department is of the view that the proposal does not enable opportunities for growth and development of the university, including the potential for increased student accommodation, jobs and economic activity on an underutilised site in a highly accessible location.

As previously discussed, student accommodation is the Australian Universities Accord (25 February 2024) sets out the Australian Government's commitment to ensuring students have access to affordable accommodation by requiring universities to provide appropriate levels of new student housing to support future growth. It states also that purpose-built student accommodation (PBSA) plays a key role in providing dedicated housing for domestic and international students, reducing pressure on the private rental market.

The proposal seeks to maintain existing development standards and does not identify a vision for growth greater than that envisaged by the 2020 masterplan. In this regard, the proposal has not

given adequate consideration to matters including, student demand and growth of the UNSW Kensington campus to support its ongoing operation.

The Department is not satisfied that the proposal will provide improved social and economic outcomes for the site.

## 4.3 Infrastructure

The site is currently serviced by infrastructure and utilities. The planning proposal will not create additional demand on infrastructure and services.

## 5 Consultation

The planning proposal is not recommended to proceed to consultation.

## 6 Timeframe

The planning proposal is not recommended to proceed.

## 7 Local plan-making authority

The planning proposal is not recommended to proceed.

## 8 Assessment summary

The planning proposal is recommended not to proceed as it does not demonstrate adequate strategic and site-specific merit.

- The proposal has not adequately demonstrated the need for amendments as it does not seek to materially change the existing planning controls applicable to the site under the Randwick LEP 2012 and Randwick DCP 2013.
- The proposal has not demonstrated sufficient strategic merit as it does not give effect to the Eastern City District Plan, particularly its priorities to provide housing supply and choice in well located areas; create and renew great places, grow and invest in health and education precincts, and deliver a 30-minute city.
- The proposal is inconsistent with Section 9.1 Ministerial Directions 1.4 Site specific provisions and 5.1 Integrating land use and transport.
- The proposal does not adequately respond to the changes in circumstances and policy, including the opening of the light rail, the National Housing Crisis, and Australian Government commitments to support growth in the tertiary education system whilst ensuring students have access to high quality facilities and affordable student housing.
- The proposed new local provision has not been adequately justified and is inconsistent with the SILEP and duplicates matters for consideration under the EP&A Act.
- The proposal has not given sufficient consideration to social and economic impacts.

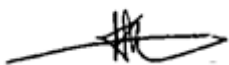
The assessment has highlighted a need for further strategic planning and analysis of the site by Council, in consultation with relevant stakeholders, to determine the desired future character and site outcomes that adequately give effect to the priorities of the Randwick Local Strategic Planning Statement and Local Housing Strategy, including those which seek to provide for the supply and diversity of housing, the growth of the Randwick Health and Education Precinct, and deliver a 30-minute city.

In light of the above, the Department is not satisfied that the planning proposal responds to the current circumstances. The proposal has not demonstrated sufficient strategic merit or need to amend the LEP in order to proceed.

## 9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should not proceed for the following reasons:

- The proposal has not adequately demonstrated the need for amendments to the Height of Buildings Map or need for a new site-specific additional local provision.
- The proposed new local provision has not been adequately justified and is inconsistent with the Standard Instrument LEP and duplicates requirements for consideration of matters under section 4.15 (a)(ii) of the *Environmental Planning and Assessment Act 1979*.
- The proposal has not demonstrated sufficient strategic merit as it does not give effect to the Eastern City District Plan, and has not provided sufficient justification to demonstrate consistency with the planning priorities:
  - E1 Planning for a city supported by infrastructure
  - E5 Providing housing supply, choice and affordability with access to jobs, services and public transport
  - E8 Growing and investing in health and education precincts and the Innovation Corridor
  - E10 Delivering integrated land use and transport planning and a 30-minute city
- The proposal has not demonstrated sufficient strategic merit as it does not adequately respond to the changes in circumstances, including infrastructure investment, key Government priorities and changes in student numbers.
- The inconsistency with Section 9.1 Ministerial Directions 1.4 Site specific provisions and 5.1 Integrating land use and transport has not been adequately justified.
- The proposal has not adequately demonstrated that the proposal would result in improved social and economic outcomes.



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11 October 2024

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