

COUNCIL ASSESSMENT REPORT

SYDNEY EASTERN CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSEC-393 [DA/591/2025]
PROPOSAL	Integrated development for the demolition of existing structures to enable the construction of a mixed-use development comprising two towers above a common podium (9-14 storeys), ground floor commercial uses (retail), community facility, a place of worship, loading dock, one level of basement parking (23 car spaces), roof terraces, plant facilities, landscaping, public domain augmentation, and co-living student accommodation development (530 rooms).
ADDRESS	399-405 Anzac Parade, 2-4 Sturt Street & 19-21 Bunnerong Road, Kingsford NSW 2032 Lot A DP 314174 [399 Anzac Parade and 19 Bunnerong Road] Lot B DP 314174 being Lots 1-8 in SP 16502 [399A Anzac Parade] Lots 1-3 DP 437124 being Lots 1-18 in SP 61481 [401-405 Anzac Parade] Lot 4 DP 310758 [2 Sturt Street] Lot 5 DP 437124 [4 Sturt Street] Lot C DP 314174 being Lots 1-6 in SP 21936 [21 Bunnerong Road]
APPLICANT	Avenor 22 Pty Ltd
OWNER	Trustees Church of Christ The Owners - Strata Plan No. 16502 The Owners - Strata Plan No. 61481 The Owners - Strata Plan No. 21936 Nagova Pty Ltd - Hurstville
DA LODGEMENT DATE	27 June 2025
APPLICATION TYPE	Development Application (Integrated)
REGIONALLY SIGNIFICANT CRITERIA	Clause 2 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021: General Development over \$30million.
CIV	\$160,370,100.00 (including GST)
CLAUSE 4.6 REQUESTS	• Clause 4.3 and 6.17 of RLEP 2012 (Building Height) • Clause 4.4 and 6.17 of RLEP 2012; Section 68(2)(a) of the Housing SEPP 2021 (FSR)

	• Clause 6.19 of RLEP 2012 (Non-Residential FSR)
KEY SEPP/LEP	• State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Housing) 2021 • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021; and • Randwick Local Environmental Plan 2012.
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	Seven (7), of which only one (1) submission is in objection that raised the issue of overshadowing.
DOCUMENTS SUBMITTED FOR CONSIDERATION	• Architectural Plans (Combined DA Set - Updated Revision 3); • Civil Engineering Plans (Combined Set - Revision 3) • Landscape Plans (Combined Set - Revision A-I); • Statement of Environmental Effects and two response letters to Council's additional information requests; • Development Control Plan Compliance Table; • Amended Clause 4.6 Variation (Building Height); • Amended Clause 4.6 Variation (Floor Space Ratio); • Amended Clause 4.6 Variation (Non-Residential Floor Space Ratio); • Design Excellence Report; • Landscape Design Report; • Amended Public Art Strategy; • Noise and Vibration Impact Assessment; • Ventilation Summary Report; • Detailed Site Contamination Assessment; • Ventilation Summary Report; • Solar Light Reflectivity Study; • Aeronautical Impact Assessment; • Wind Impact Assessment; • Ecologically Sustainable Development Report; • Traffic Impact Assessment; • Stormwater Management Report; • Infrastructure Assessment; • Flood Assessment Report; • Geotechnical Report; • Structural Report; • Preliminary Construction Management Plan; • BCA Capability Statement; • DDA Capability Statement; • Fire Engineering Statement; • Amended Operational Waste Management Plan ; • Amended Plan of Management; • Revised VPA Letter of Offer.

SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	N/A
RECOMMENDATION	Approval - Deferred Commencement
DRAFT CONDITIONS TO APPLICANT	YES
SCHEDULED MEETING DATE	16 December 2025
PLAN VERSION	19 November 2025, Revision 3
PREPARED BY	William Joannides
DATE OF REPORT	1 December 2025

EXECUTIVE SUMMARY

The Development Application (DA/591/2025) seeks consent for the integrated development for demolition of existing structures to enable the construction of a mixed-use development comprising two towers above a common podium (9-14 storeys), ground floor commercial uses (retail), community facility, a place of worship, loading dock, one level of basement parking (23 car spaces), roof terraces, plant facilities, landscaping, public domain augmentation, and co-living student accommodation development (530 rooms) ('the proposal') at the subject site.

The site is located on the south-western side of Anzac Parade. The site comprises of six (6) separate lots and is collectively known as 399-405 Anzac Parade, 2-4 Sturt Street & 19-21 Bunnerong Road, Kingsford with a total consolidated site area of 3,778.2m². The consolidated site is occupied by a range of buildings, including the Kingsford Church of Christ place of public worship, historic dwelling houses and more modern residential flat buildings.

The site is an irregular trapezoidal allotment with three street frontages, including the primary Anzac Parade frontage to the north-east, the secondary Bunnerong Road frontage to the south-west, and the tertiary Sturt Street frontage to the south-east, with multiple vehicular access driveways to all sides of the site.

The site is located within the Zone E2 Commercial Centre. The proposed development is permissible with consent, being defined as a mixed use development comprising of ground floor retail, place of public worship and community facilities, with co-living housing accommodation comprising ground floor common areas and occupying all levels 1-14 above. The site is located in an area of transition from the high density and multi use buildings of the Kingsford Town Centre as identified in Part E6 of the Randwick DCP 2013 (Kensington and Kingsford Town Centres). As a result of this context, the site is adjoined to the north-west by Scape Kingsford, a 17 storey student boarding house development with two levels of commercial to the ground and first floors, and a laneway link along the common boundary, and to the south-east by an approved part 9 storey co-living development with ground floor retail tenancies to Anzac Paade with a pedestrian through site link provided along the common boundary.

The principal planning controls relevant to the proposal include State Environmental Planning Policy (Housing) 2021 ('Housing SEPP 2021'), Randwick Local Environmental Plan 2012 ('RLEP 2012'), and the Randwick Comprehensive Development Control Plan 2013 ('RDCP'), including Part E6 'Kensington and Kingsford Town Centres'.

The application was referred to the following agencies for concurrence pursuant to Section 4.13 of the EP&A Act:

- An integrated referral to WaterNSW was sent and no concerns were raised subject to the implementation of recommended general terms of approval (GTAs).
- A referral to Ausgrid pursuant to section 2.48 of the SEPP Transport and Infrastructure 2021, and no objections were raised subject to recommended conditions.
- A referral to Transport for NSW pursuant to section 2.97(3), 2.98 and 2.122 of the (Transport and Infrastructure) 2021, was sent and no objections raised subject to recommended conditions.
- A referral to Sydney Water Corporation pursuant to section 78 of the *Sydney Water Act 1994*, was sent and no objections raised subject to recommended conditions.
- A referral to Sydney Airport Corporation pursuant to clause 6.8 of RLEP 2012 was sent and no objections were raised by the authority.
- A referral to the Randwick Design Excellence Advisory Panel (DEAP) pursuant to clauses 6.11 and 6.21 of the RLEP and the advice provided by the Panel has been satisfied through plan amendments and recommended consent conditions.

The application was placed on public exhibition for a period of 28 days from 10 July 2025 until 7 August 2025, with a total of 7 unique submissions, comprising 1 objection and 6 submissions in favour of the proposal. The submissions received raised issues relating to overshadowing impacts. This issue is considered further in this report and has been addressed as satisfactory noting the relevant planning framework and established desired future character of the site.

The Sydney Eastern City Planning Panel (SECPP) is the consent authority for the Development Application pursuant to Section 4.7, of the Environmental Planning and Assessment Act 1979 and Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021), as the development has a capital investment value over \$30 million and is defined as Regionally Significant Development.

The key issues associated with the proposal included:

- *Design Excellence* – The proposal was referred to Council's Design Excellence Advisory Panel who provided feedback with regards to the configuration of the retail space, waste collection provisions, activation/connectivity to through site links and CPTED considerations, communal living areas and respective solar access, room amenity, Anzac Parade tower elevation presentation, privacy, and façade materiality and articulation. The applicant has provided amended plans to adequately address the areas of concern raised by the Panel, with remaining matters satisfied via consent conditions. It is considered that the proposed development is an appropriate response to the site and is consistent with the provisions of clause 6.11 and 6.21 of RLEP 2012 in relation to design excellence.
- *Tower A Form and Massing* – RLEP 2012 prescribes a maximum building height ranging from 31m (Part B) to 51m (Part A) for the subject site pursuant to clause 4.3 and 6.17. In addition, the RLEP and Housing SEPP prescribe a maximum FSR ranging from 4.4:1 (Part B) and 5.5:1 (Part A). The proposal seeks to provide two towers that shift the permitted massing on the site to provide a built form transition between towers from 14 storey to 9 storeys. The variations to the development standards account for an orderly transition of the massing across the site to provide improved amenity and scale of development on the site with respect to adjoining developments. The proposed development was supported by the DEAP and is consistent with the relevant objectives

of the RLEP and RDCP. A series of Clause 4.6 variation requests are provided with the application, and the variations are considered supportable.

- *Building Envelope and Block Controls* – The proposed development is generally consistent with the building envelope and block controls specified in Site 2 ‘Kingsford Triangle Block’ plan in Part E6 of the RDCP 2013. In terms of through site links, the development extends the provided links to the adjoining development to improve the activation and amenity of such spaces. In terms of street setbacks, the development maintains a largely consistent 4 storey street wall podium with a 14 storey tower (Tower A) and 9 storey tower (Tower B) to site, with recesses to the street walls, generally consistent with the objectives and controls of the RDCP 2013. The development also provides sufficient setbacks to the through link sites in creating a human scale of development that promotes the functionality of the through link links. Finally, the development provides adequate separation between the adjoining buildings and internally to the proposed site towers, in providing a built form that is compatible with the scale of development envisioned in the Kingsford Town Centre, whilst maintaining adequate privacy and solar access to the proposed student accommodation rooms and neighbouring sites, subject to conditions relating to privacy screening.
- *Solar Access and Overshadowing* – The proposal is generally consistent with the anticipated level of development under the Kensington and Kingsford RDCP 2020, noting the area is under transition, and the relevant amenity provisions within the DCP and it is anticipated that similar levels of solar access will be afforded to surrounding properties.
- *Integrated Acoustic Privacy, Ventilation and Air Quality Strategy* – Subject to further information and details, the amended proposal and design adequately provides an integrated acoustic privacy, ventilation and air quality strategy that enables natural ventilation to all rooms, supported by mechanical ventilation including air conditioning and trickle-vents, that affords adequate acoustic privacy to student accommodation rooms, subject to the imposition of conditions of consent.

Other issues include the proliferation of co-living housing and boarding house development in the K2K precinct, which was identified as a concern by Council elected representatives at the 18 November 2025 Ordinary Council Meeting. However, it is noted that such development is permitted in the Zone E2 in accordance with the Housing SEPP 2021. Amended documentation has been submitted over the course of assessment, which has been supported by Council’s Development Engineer, Landscape Officer, Environmental Health Officer and Building Surveyor, subject to consent conditions.

Following consideration of the matters under Section 4.15(1) of the EP&A Act, the provisions of the relevant State environmental planning policies, RLEP 2012 and RDCP 2013 and K2K DCP 2020, the proposal as amended is considered suitable for the subject site.

A detailed assessment of the proposal, pursuant to Section 4.16(1)(b) of the EP&A Act has been undertaken, and DA/591/2025 is recommended for approval subject to the draft conditions attached to the report.

1. THE SITE AND LOCALITY

1.1 The Site

The site is known as 399-405 Anzac Parade, 2-4 Sturt Street and 19-21 Bunnerong Road, Kingsford and is occupied by several historic dwelling houses and residential flat buildings, and the Kingsford Church of Christ church building typical of the surrounding Kingsford town centre context.

The site is comprised of the following six (6) allotments:

- Lot A DP 314174 (399 Anzac Parade and 19 Bunnerong Road);
- Lot B DP 314174 being Lots 1-8 in SP 16502 (399A Anzac Parade);
- Lots 1-3 DP 437124 being Lots 1-18 in SP 61481 (401-405 Anzac Parade);
- Lot 4 DP 310758 (2 Sturt Street);
- Lot 5 DP 437124 (4 Sturt Street); and
- Lot C DP 314174 being Lots 1-6 in SP 21936 (21 Bunnerong Road).

The site is an irregular shaped consolidation of allotments with a combined primary frontage of approximately 60.9m to Anzac Parade to the east, a secondary frontage to the proposed church of approximately 28.2m to Bunnerong Road to the south-west, and a further frontage of approximately 43.3m to the proposed rear vehicular access along Sturt Street to the south. The subject site has a total area of 3778.2m².

The site includes falls from north-east to south-west ranges between approximately 1-2m from the Anzac Parade frontage to the Bunnerong Road frontage. In addition, a significant crossfall is exhibited from Boronia Street to Anzac Parade, which ranges from 1.5m up to 6m at the northern edge of the development site.

The site is subject to some minor flooding impacts within the south-western side of the site fronting Bunnerong Road.

Currently occupying the Anzac Parade frontage are the Kingsford Church of Christ place of public worship building and two (2) storey and three (3) storey strata subdivided residential flat buildings. The Bunnerong Road frontage consists of a dwelling house to the church at the rear of the allotment and a two storey strata subdivided residential flat building. The Sturt Street frontage consists of two (2) single storey dwelling houses.

The subject site currently contains some planting including two canopy trees and one palm tree, and other minor planting and shrubbery that are all proposed for removal as a part of the redevelopment. The Council verges contain canopy trees including the Anzac Parade frontage, which consists of a row of three (3) Spotted Gum Trees and the Sturt Street frontage that consists of two (2) trees, all of which are subject to removal as a result of the proposed development.

The site has been referred to in this report in two parts: Part A (north-western section) and Part B (south-eastern section) to distinguish between the different development standards of building height and FSR applicable on each portion of the development. See **Figure 1** below, which illustrates this distinction.

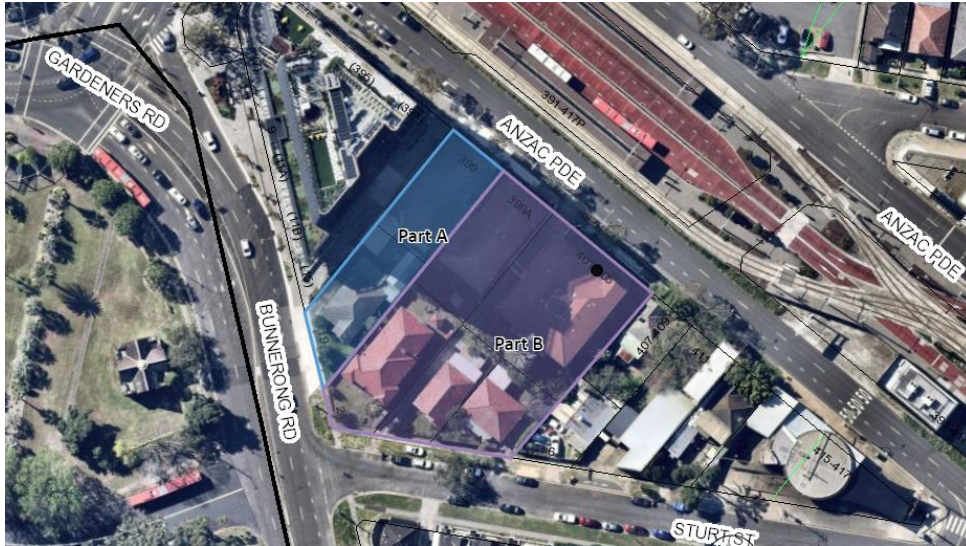


Figure 1 – Subject site comprising Part A and Part B (Source: Nearmap)



Figure 2 – Photo of the existing site buildings fronting Anzac Parade (Source: Randwick City Council)



Figure 3 – Photo of the existing site buildings fronting Bunnerong Road (Source: Randwick City Council)

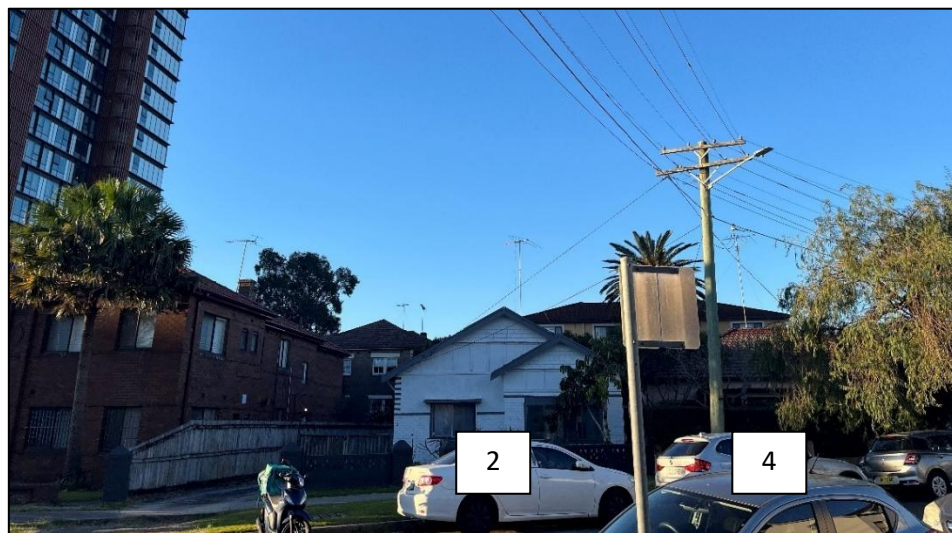


Figure 4 – Photo of the existing site buildings fronting Sturt Street (Source: Randwick City Council)

1.2 The Locality

The subject site and block form part of the Kingsford Town Centre within the E2 Commercial Centre zone. The scale of development of the locality is characterised by a mix of low to high density development, reflective of an area under transition from a low-medium density to a higher density with the town centre and R3 Medium Density Residential zoning to the periphery of the centre. Within this wider context, the surrounding development context is varied, consisting of a mixture of predominantly residential development forms.

Adjoining the north-western site boundary is a 17-storey mixed use development consisting of 2 storeys of commercial uses and student accommodation above, operated by Scape ('Scape Building'). This recent development has delivered a 6m wide through site laneway link wholly within its site boundary along the south-eastern side of the subject site.

Adjoining the south-eastern site boundary is a single storey dwelling house (407-409 Anzac Parade) and a single storey commercial premises that is currently operating as a vehicle smash repairer (No. 6 Sturt Street). These sites are subject to a development consent (DA/407/2021 as modified) for a 9-storey mixed-use development consisting of ground floor commercial and a boarding house above ('407-411 Anzac Parade'). The consent includes the delivery of a 6m wide through site link wholly within its site boundary along the north-western side of the site.

The subject site is located within the Kingsford Town Centre (as per the RLEP and DCP respectively), that forms part of an urban renewal corridor for greater uplift and densities to the centre as a result of the delivery of the L2 Randwick Line of the CBD and South East Light Rail. The subject site is located opposite the 'Juniors Kingsford' Light Rail stop, which is the final stop on the line.

The southern side of Sturt Street consists of part 2/3 storey townhouse development (1-5 Sturt Street) and single and two storey dwelling houses further to the east (7-21 Sturt Street), which forms part of the Kingsford South Housing Investigation Area that envisions redevelopment of up to 5-storey buildings in the eastern portion of this block. The western side of Bunnerong Road, includes the Dacey Gardens and Daceyville suburb within the local government area of Bayside Council.



Figure 5 – Subject site identified in green and surrounding locality (*Source: Nearmap*)

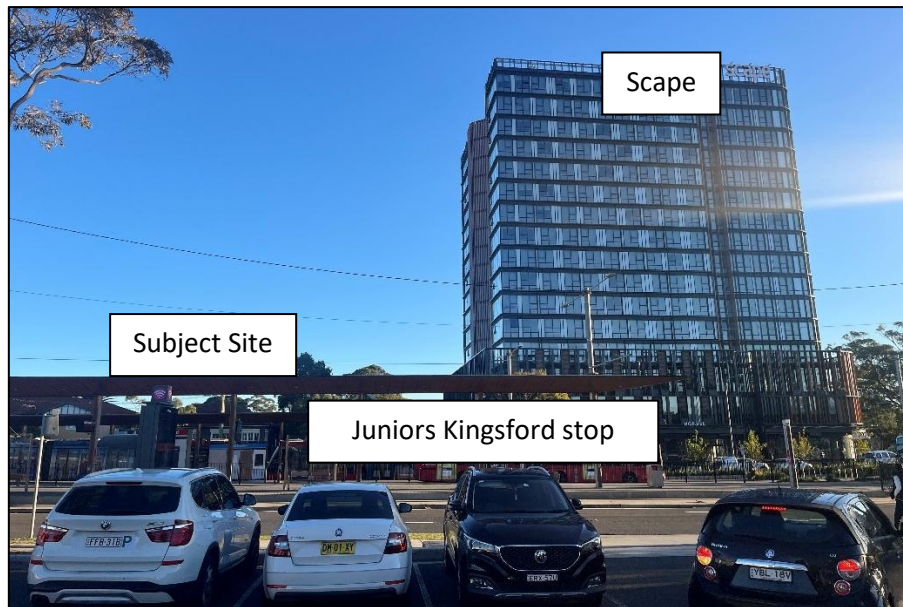


Figure 6 – Photo of the ‘Juniors Kingsford’ light rail stop in the foreground and the Scape student accommodation building in the background adjoining the subject site (Source: Randwick City Council)



Figure 7 – Photo of the delivered site through link on the Scape site looking towards Anzac Parade (Source: Randwick City Council)



Figure 8 – Photo of the delivered site through link on the Scape site looking towards Bunnerong Road (Source: Randwick City Council)

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

Council is in receipt of a proposal seeking consent to an integrated development application for demolition of existing structures to enable the construction of a mixed-use development comprising two towers with a 14 storey and 9 storey form to Anzac Parade and a 9 storey form to Bunnerong Road and Sturt Street respectively, with ground floor commercial retail uses, a community facility, a place of worship, and a loading dock with access from Sturt Street with the provision of one level of basement parking with 23 vehicle parking spaces. The proposal comprises a total of 530 co-living rooms specifically for student accommodation, podium and roof terrace communal open spaces, ground floor and level one communal living areas, amalgamation of existing lots, associated site and landscape works.

Specifically, the proposal involves:

- Demolition of all existing buildings and removal of onsite vegetation;
- Site preparation works, bulk excavation and remediation;
- Construction and use of a Part 14 and 9 storey mixed use development, including:
 - 530 co-living rooms (404 single occupancy rooms and 126 double occupancy rooms) specifically for student accommodation across two towers,
 - Tower A: Part 9-14 storeys fronting Anzac Parade and Bunnerong Road adjoining the 17 storey Scape development to the north-west; and
 - Tower B: 9 storeys fronting the Anzac Parade and Sturt Street frontage adjoining the approved 9 storey development at No. 407-411 Anzac Parade.
 - Ground level comprising of two separate retail premises fronting Anzac Parade with an outdoor retail seating area, co-living lobby and health and wellbeing zone, a public of worship fronting Bunnerong Road (390sqm), an adjoining and associated split level community facility (760sqm), outdoor terrace with storage for 70 bicycles, extension of the through site link being delivered to the

developed site of No.407-411 Anzac Parade, loading dock and waste collection areas, and plant/services, including two electricity substations;

- Level 1 communal living areas for co-living development residents, including open-plan communal kitchen/dining/laundry areas, separate study rooms, gaming and theatre rooms, all within the middle of the building floor plate and an open communal area with rooms to the perimeter;
 - Three separate communal open space areas on top of each respective tower with planters and seating areas;
 - A single vehicular entrance from Sturt Street to a shared commercial and residential basement access for 23 car parking spaces, 15 motorbike parking spaces, general storage, waste storage, plant and service areas; and
 - Rooftop access overruns and plant facilities.
- Associated landscape, community infrastructure, and public domain works; and
 - Extension and augmentation of physical infrastructure and utilities as required.

It is noted that whilst signage zones are identified on the architectural plans, no detailed signage emplacements forms part of this proposed development application and will be subject to a separate and future development application (as applicable).

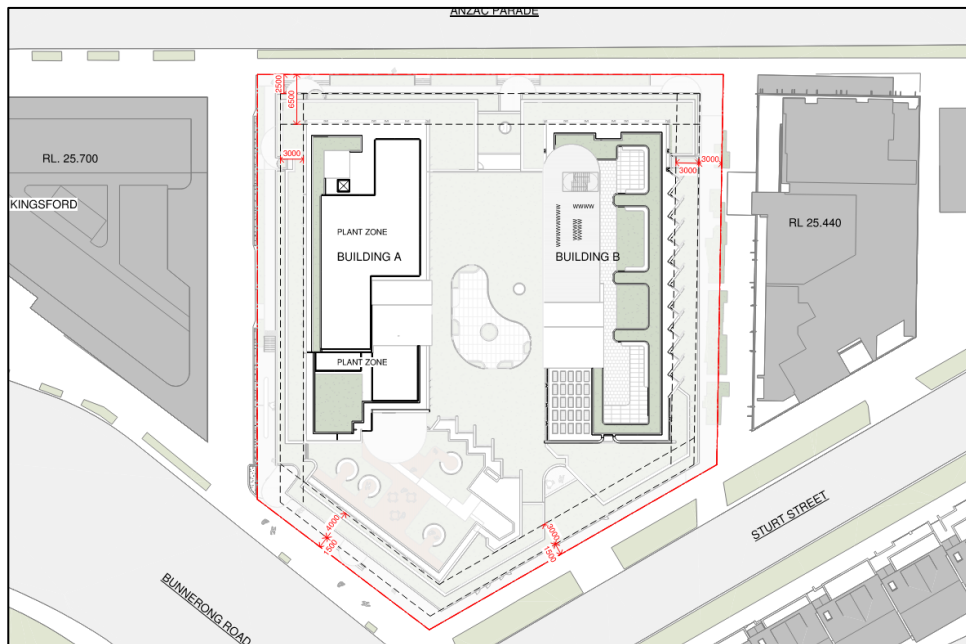


Figure 9 – Site Plan (Source: SJB Architects)

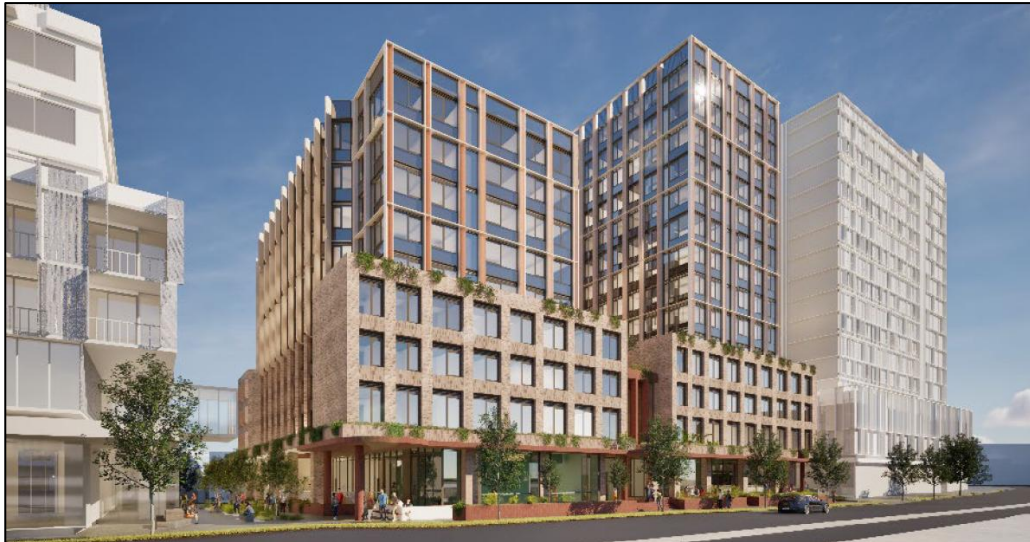


Figure 10 – Perspective from Anzac Parade (Source: SJB Architects)



Figure 11 – Perspective from Bunnerong Road (Source: SJB Architects)



Figure 12 – Perspective from Bunnerong Road facing Sturt Street frontage (Source: SJB Architects)

Table 1: Development Data

Control	Proposal
Site area	3778.2m ²
GFA	Total: 17,649m ² Residential: 16,225m ² Community Facility: 760m ² Place of Public Worship: 390m ² Retail: 274m ²
FSR (retail/residential)	<u>Total FSR:</u> Clause 6.17 (Alternative FSR): • 5.5:1 to Part A • 4.4:1 to Part B Includes +10% bonus under Housing SEPP for co-living development and the provision of community infrastructure. Proposed: 4.67:1 (aggregated across site): • Part A - 6.4:1 • Part B - 4.1:1 <u>Non-Residential FSR:</u> Clause 6.19: • 1:1 to Part A Proposed: 0.6:1
Clause 4.6 Requests	Yes – Clause 4.3, 4.4, 6.17 (Building Height and FSR), 6.19 (Non-Residential FSR).

No of Rooms	530 Rooms • (404x) Single Rooms • (126x) Double Rooms
Max Height	51m to Part A 31m to Part B <u>Tower A (North-west)</u> • Maximum part 31m/51m • Proposed 47.58m parapet (53.5% variation) and 48.98m roof service screening (58%). Substantial variation to part height resulting from transitional massing across the site to respond to adjoining Scape development. <u>Tower B (South-east)</u> • Maximum 31m • Proposed 31.67m parapet (2.2% variation) and 35.12m rooftop overrun structures (13.3% variation).
Landscaped area	100% required under DCP. 92.4% proposed (3490.64m ²). Planting areas and adjacent to site boundaries and on-structure within the through site link, façade slots, communal open space, rooftop terraces, and green walls.
Car Parking spaces	Total of 23 Carparking spaces provided including: • 20 Place of Public Worship spaces • 3 Retail spaces • 0 Student Accommodation spaces An additional x2 loading spaces are also provided.
Setbacks	<u>Podium</u> Anzac Parade: 3.25m Bunnerong Road: 4.67m Sturt Street: 2.75m North-Western Boundary: 3m-6m South-Eastern Boundary: 3.6m-6.8m <u>Tower</u> Anzac Parade: 6.17m Bunnerong Road: 5.5m Sturt Street: 4.5-5.1m North-Western Boundary: 6m South-Eastern Boundary: 5m-7.2m <u>Internal Separation</u> Central courtyard: 15.6m

2.2 Background

A pre-lodgement development application PL/2/2025 was lodged in February 2025. The pre-DA proposed the demolition of existing buildings and construction of a part 9-storey and part 13-storey mixed-use development, comprising ground floor commercial uses, a place of worship, and co-living housing.

Meetings and a Design Excellence Advisory Panel (DEAP) were held that resulted in the deletion of ground floor rooms, an additional retail premise fronting Anzac Parade, increases in through site link widths, addition of a podium cut out to Anzac Parade, an additional 14th storey to the largest tower building, and the reconfiguration of the co-living communal open space areas. Deliberations were also held in relation to the building separation and the dedication of the community facility for the potential offset of relevant contributions and GFA exemptions.

The development application was lodged on **27 June 2025**. A chronology of the development application since lodgement is outlined in the below table, including the Panel's involvement with the application.

Table 2: Chronology of the DA

Date	Event
27 June 2025	DA lodged
2 July 2025	DA referred to external agencies
7 July 2025	Exhibition of the application
25 August 2025	Design Excellence Panel Meeting held. Panel supportive of building envelope, concerns raised in terms of the configuration of the retail space, frontages to through site links and CPTED considerations, communal living areas and respective solar access, room amenity, Anzac Parade tower elevations, privacy screening, and façade materiality and articulation.
26 September 2025	First Request for Information from Council to applicant to address the matters raised at the DEAP and concerns regarding VPA works-in-kind, communal area and room amenity, integrated acoustic/ventilation/air quality considerations, and contamination.
24 October 2025	Applicant lodged amended plans and documentation to address assessment issues as per the 26 September RFI outlined above, under CI 38(1) of the <i>Environmental Planning and Assessment Regulation 2021</i> ('2021 EP&A Regulation').
7 November 2025	Second Request for Information from Council to applicant to address the FSR jurisdictional matters, room amenity, solar access to communal living areas, and tower facades.

18 November 2025	Letter of Offer to enter into a Voluntary Planning Agreement endorsed at November Council Meeting.
20 November 2025	Applicant lodged amended plans and documentation to address the 7 November RFI outlined above, under CI 38(1) of the <i>Environmental Planning and Assessment Regulation 2021</i> ('2021 EP&A Regulation').

2.3 Application History

Over the course of the DA assessment, Council has issued the applicant with two RFI letters, which have resulted in the following plan amendments:

- Minor reduction and reconfiguration of basement including revised residential waste collection arrangement and rationalisation of parking spaces.
- Increased retail space to north-eastern corner and introduction of an outdoor bicycle terrace to the south-eastern through site link.
- Increased penetration and connection to adjoining through site links.
- Improved expression and solar penetration of podium cut-through to Anzac Parade.
- Consolidation of communal living room to Level 1 with improved amenity and functionality.
- Improved natural solar and ventilation to room Type 2A, deletion of room Type 3A, increased width to room Type 4A/4B.
- Reorientation of rooms to face Anzac Parade and introduction of room Type 1D.
- Increased trafficable areas to Level 9 communal open area to Tower A.
- Façade improvement to south-eastern side to create a visual distinction between lower and upper levels.
- Amendments to privacy screening to allow for increased amenity and solar penetration to student rooms.
- Introduction of curtain wall glazing to tower facades fronting Bunnerong Road and Sturt Street.

In addition, the following addendum documentation was submitted for Council assessment:

- Amended Architectural plans.
- Updated landscape plan package.
- Planning agreement offer letter.
- Clause 4.6 FSR and Non-Residential FSR request.
- Revised Clause 4.6 building height request.
- Addendum fire engineering, geotechnical and hydro-geotechnical assessments, structural report, public art strategy, flood assessment report, BCA and DDA capability statements, stormwater management plan, solar light reflectivity memorandum, operational waste management plan, noise and vibration impact assessment, detailed site investigation (contamination), and traffic impact assessment.

2.4 Site History

The subject site is located in a block known as the Site 2 'Kingsford Triangle Block' within the Kingsford Junction Precinct, as identified under Part E6 'Kensington to Kingsford Town Centre' DCP. **Figure 13** below illustrates the block plans for the Kingsford Triangle Block in accordance with the RDCP.

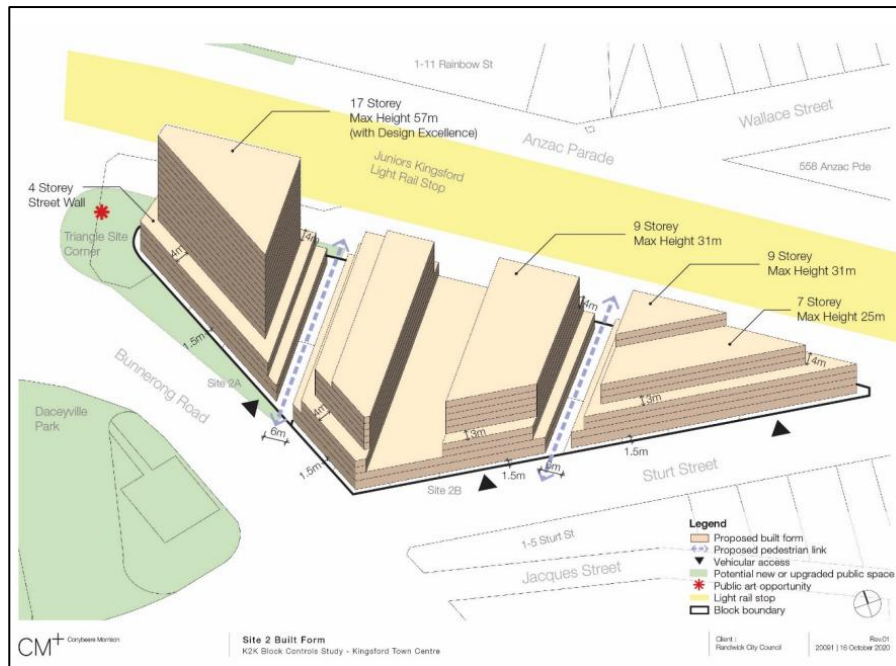


Figure 13 – Site 2 'Kingsford Triangle Block' of the RDCP (Source: Randwick City Council)

The block can be divided into four (4) separate sections, in accordance with the development history in the block. These sections are:

- 1) The Part 17 Storey Scape Boarding House Development,
- 2) The Subject Site,
- 3) The Part 9 Storey Boarding House Development at 407-411 Anzac Parade and 6 Sturt Street; and
- 4) The undeveloped south-eastern side of the site at No's 413-417 Anzac Parade.

Figure 14 below shows this breakdown of the sites within the subject block.



Figure 14 – Aerial showing the development history of the 'Kingsford Triangle Block' (Source: Randwick City Council)

A brief history and status of each the designated sites in the block have been detailed below:

1) Part 17 Storey Scape Boarding House

- Address:
9 Bunnerong Road, Kingsford
- Development History:
Development Consent for Development Application No. DA/311/2020 for construction of a sixteen (16) storey mixed-use development comprising ground/first/second floor commercial spaces and a boarding house comprising 360 boarding rooms and a manager's room, basement parking, public plaza, pedestrian through-site link, signage, earthworks, landscaping and associated works was issued and approved with a Deferred Commencement condition by the Land and Environment Court through a Section 34 Agreement on 07 June 2021.

Modification Application No. DA/311/2020/A to delete conditions 50 and 51 and amend condition 52 to remove the requirement for an automated waste collection system with withdrawn by the applicant on 9/06/2022.

Modification Application No. DA/311/2020/B for reducing the number of boarding rooms from 360 to 355, reduced building height and FSR, internal reconfiguration, changes to basement, changes to plant and equipment, addition of automated waste collection system on Bunnerong Rd, additional outdoor communal open space, changes to fenestration and materials, changes to landscaping and associated modifications was approved by the SECPP on 5 October 2022.

- Current Status:
The development had been under construction since May 2023. The Occupation Certificate No. 200416.SP04/08 was approved and issued by the Principal Certifying Authority McKenzie Group on 16 July 2025. The residential component of the development is now occupied.

3) Part 9 Storey Boarding House

- Address:
407-411 Anzac Parade & 6 Sturt Street, Kingsford
- Development History:
Development Consent for Development Application No. DA/407/2021 for demolition of existing structures & construction of a 9 storey mixed-use development comprising ground floor commercial premises & boarding house above comprising 96 boarding rooms, Manager's room, 2 level basement parking with access from Stuart St, landscaping, site through-link and associated works was issued and approved with a Deferred Commencement condition by the Randwick Local Planning Panel on 9 November 2023.

Modification Application No. DA/407/2021/A for internal and external modifications including consolidation of two basement levels into one, refinement of automated waste collection system and modification for BCA, access and services co-ordination was approved under Council delegation on 18 December 2024.

Modification Application No. DA/407/2021/B for removal of the Localised Automated Waste Collection System (LAWC) from the consent and to review relevant waste conditions. The modification application consists of works related to the waste collection and will have no impact on the subject development, including the through site link and is still under assessment by Council.

- **Current Status:**

The draft Voluntary Planning Agreement (VPA) was placed on public exhibition for a 28-day period between 16 October to 13 November 2025. The VPA is currently being considered and will be prepared for a Council Meeting for endorsement prior to it being executed with the Developer and placed on the Title of the land. Subject to this, the deferred commencement condition will be satisfied, and the development consent will be made operational.



Figure 15 – 3D perspective of approved development at 407-411 Anzac Parade
(Source: Turner)

4) The Undeveloped Site

- **Address:**

413-417 Anzac Parade, Kingsford

- **Current Status:**

No development consent has been sought for the final parcels of land within the south-eastern side of the subject block at No's 413 Anzac Parade (Lot 2, DP 944100) and 415-417 Anzac Parade (Lots A & B, DP 376108). The sites currently comprise of a dwelling house and Crystal Carwash respectively.

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (i) *any environmental planning instrument, and*
 - (ii) *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), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
that apply to the land to which the development application relates,
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is considered Integrated Development (s4.46) and development requiring concurrence/referral (s4.13).

3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Randwick Local Environmental Plan 2012*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

Table 3: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Biodiversity & Conservation) 2021	Chapter 2: Vegetation in non-rural areas Requires a permit to be granted by the Council for the clearing of vegetation in non-rural areas (such as City of Randwick). Consent for the removal of vegetation within the site is being sought under this DA.	Y
State Environmental Planning Policy (Housing) 2021	Chapter 3: Diverse Housing • Part 3: Co-living housing – the development satisfies each of the applicable non-discretionary development standards and is generally consistent with the other matters of consideration	Y
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development • Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 2 of Schedule 6 as it comprises general development over \$30million.	Y
State Environmental Planning Policy (Resilience & Hazards)	Chapter 4: Remediation of Land • Section 4.6 - Contamination and remediation Contamination and remediation have been considered in the Detailed Preliminary Investigation Report and the proposal is satisfactory, subject to conditions for site remediation.	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2: Infrastructure • Section 2.48 - Development near electrical infrastructure Application reviewed by Ausgrid and subsequently supported subject to consent conditions. • Section 2.98 – Development adjacent to rail corridors • Section 2.99 – Excavation in, above, below or adjacent to rail corridors • Section 2.122 – Traffic-generating development Application reviewed by TfNSW and subsequently supported subject to consent conditions.	Y

Randwick Local Environmental Plan 2012	• Clause 2.2 & 2.3 – Permissibility and zone objectives • Clause 4.3 – Height of buildings • Clause 4.4 – Floor space ratio • Clause 5.10 – Heritage conservation • Clause 5.21 – Flood planning • Clause 6.2 – Earthworks • Clause 6.4 – Stormwater management • Clause 6.8 – Airspace operations • Clause 6.10 – Essential services • Clause 6.11 – Design excellence • Clause 6.17 – Community infrastructure height of buildings and floor space at Kensington and Kingsford town centres • Clause 6.18 – Affordable housing at Kensington and Kingsford town centres • Clause 6.19 – Non-residential floor space ratios at Kensington and Kingsford town centres • Clause 6.20 – Active street frontages at Kensington and Kingsford town centres • Clause 6.21 – Design excellence at Kensington and Kingsford town centres • Clause 6.26 - Affordable housing contributions for Kensington and Kingsford town centres	N – Clause 4.6 (Height, FSR and non-Residential FSR). Variations supported with suitable justification and environmental planning grounds provided.
DCP	Randwick Development Control Plan Kensington and Kingsford Town Centres 2020 • Part A – Design, Built form and Heritage • Part B - Block Controls • Part C – Internal and External Amenity • Part D – Public Domain	Y (Merit assessment)

Consideration of the relevant SEPPs is outlined below.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 of the Biodiversity SEPP is applicable to the proposed development. The proposed development requires the removal of two (2) canopy trees, one (1) palm tree and other small shrubs/trees within the perimeter of the site to facilitate the development.

In addition to the five (5) Council street trees to Anzac Parade and Sturt Streets respectively, as a result of the requirement for a B-Class Hoarding to be erected over public property finishing 600mm from the kerb, which is in direct conflict with all trees.

The loss of these tree emplacements will be suitably offset through the replanting of new street trees in a much higher quantity to all street frontages (including to Anzac Parade in accordance with the VPA CIC works-in-kind landscaping), in addition to the approximate 93% landscaped area provision across the development which will reliver over 47 new canopy trees.

Council's Landscape Officer raised no objection to the proposed tree removal subject to recommended conditions of consent. A detailed assessment of the proposed tree removal can be found in the referral comments section below.

As such, it is considered that the proposed development would remain consistent with the provisions of the Biodiversity and Conservation SEPP, noting the comments and justification above.

State Environmental Planning Policy (Housing) 2021

Chapter 3: Diverse Housing

Chapter 3, Part 3 of the Housing SEPP relates to development for the purpose of co-living housing.

Section 67 of the Housing SEPP permits the land use of a 'co-living housing' development with consent on land in a zone in which development for 'residential flat buildings' or 'shop top housing' is permitted under another environmental planning instrument. 'Residential flat buildings' are permissible with consent under the Zone E2 of the RLEP 2012. Therefore, co-living housing is permissible with consent.

Council is satisfied that the 'co-living housing' component of the development satisfies the respective non-discretionary development standards and standards in section 68 and 69(1) of the Housing SEPP, as follows:

- The proposed FSR is supported, in that the aggregate GFA for the site is complaint, subject to a Clause 4.6 Statement to justify the integrated and consolidated nature of the development.
- The communal living areas (CLA) and communal open space (COS) is consistent with the minimum requirements.
- The parking rate is complaint with section 21 In Part E6 of Council's DCP for the Kingsford Town Centre for student accommodation, which allows for 0 parking spaces as a part of this development in support of the residential. As such, no Clause 4.6 request is not required in relation to car parking.
- Each room and typology is consistent with the minimum and maximum room sizes and occupancy rates.
- The lot size exceeds the minimum lot size requirement.
- An appropriate workspace for the manager has been provided to the ground floor lobby area.
- No part of any of the street frontages comprise of the co-living housing development.
- Adequate bathroom, laundry and kitchen facilities will be available within the co-living housing development.
- Adequate bicycle and motorcycle parking spaces have been provided in accordance with Part E6 RDCP, as confirmed by Council's Development Engineer.

In addition, Council is satisfied that the proposed development provides adequate separation between buildings on the subject site and to the adjoining sites, sufficient direct solar access is provided to a communal living area at mid-winter for 3 hours between 9am-3pm, and that the design of the building is compatible with the desired future character of the precinct, in accordance with section 69(2) of the Housing SEPP.

With regard to the design of the building, the development was referred to Council's Design Excellence Advisory Panel ("DEAP") who assessed the proposal against the design quality principles of Chapter 5 of the Housing SEPP and compatibility with the desired future character of the precinct. The DEAP advice was considered and amended plans provided to reflect the revised design outcome of the development. A response and justification were also provided in relation to concerns raised by the Panel in relation to the deviations from the building envelope, potential amenity impacts upon neighbouring properties, and the residential amenity

of the proposed development. The amended proposal and justification are considered to have satisfactorily addressed the DEAP comments, subject to conditions, and therefore re-referral to the Panel was not considered necessary in this instance.

Therefore, the proposed development is recommended for approval, subject to conditions that protect the amenity of both future student occupants and neighbouring residents.

State Environmental Planning Policy (Planning Systems) 2021

Chapter 2: State and Regional Development

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clause 5 of Schedule 6 of the Planning Systems SEPP as the proposal is for general development over \$30 million. Accordingly, the Sydney Eastern City Planning Panel (SECPP) is the consent authority for the application. The proposal is consistent with this Policy.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4: Remediation of Land

The provisions of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* ('the Resilience and Hazards SEPP') have been considered in the assessment of the development application. Section 4.6 of Resilience and Hazards SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out. In order to consider this, a Preliminary Site Investigation and Detailed site Investigation have been prepared for the site.

Council's Environmental Health Officer has reviewed the development application, and it is considered that subject to the implementation of the recommendations of the submitted detailed site contamination report, the site can be made suitable for its intended purpose. Relevant conditions of consent shall be imposed should the application be approved, including the need for a Site Auditor.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The development is located within close proximity to exposed overhead electricity power lines and as such the proposed development requires an assessment and concurrence under Section 2.48 of the Transport and Infrastructure SEPP 2021. A response was received from Ausgrid, who granted their concurrence to the proposed works, subject to a series of conditions.

In addition, the subject site is located adjacent to the light rail corridor and as such the proposed development requires an assessment and concurrence under Section 2.98 and 2.99 of the Transport and Infrastructure SEPP 2021. Furthermore, the proposal results in traffic-generating development and as such the proposed development requires an assessment and concurrence under Section 2.122 of the Transport and Infrastructure SEPP 2021. A response was received from TfNSW who granted their concurrence to the proposed works, subject to a series of conditions.

The proposal is considered to comply with the provisions of the Transport and Infrastructure SEPP 2021.

Randwick Local Environmental Plan 2012

The relevant local environmental plan applying to the site is the *Randwick Local Environmental Plan 2012* ('RLEP 2012'). The aims of the RLEP 2012 include:

- (a) *to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) *to foster a liveable city that is accessible, safe and healthy with quality public spaces and attractive neighbourhoods and centres,*
- (b) *to support a diverse local economy and business and employment opportunities for the community,*
- (c) *to support efficient use of land, vibrant centres, integration of land use and transport, and an appropriate mix of uses,*
- (d) *to achieve a high standard of design in the private and public domain that enhances the quality of life of the community,*
- (e) *to promote sustainable transport, public transport use, walking and cycling,*
- (f) *to facilitate sustainable population and housing growth,*
- (g) *to encourage the provision of housing mix and tenure choice, including affordable and adaptable housing, that meets the needs of people of different ages and abilities in Randwick,*
- (h) *to promote the importance of ecological sustainability in the planning and development process,*
- (i) *to protect, enhance and promote the environmental qualities of Randwick,*
- (j) *to ensure the conservation of the environmental heritage, aesthetic and coastal character of Randwick,*
- (k) *to acknowledge and recognise the connection of Aboriginal people to the area and to protect, promote and facilitate the Aboriginal culture and heritage of Randwick,*
- (l) *to promote an equitable and inclusive social environment,*
- (m) *to promote opportunities for social, cultural and community activities.*

The proposal as amended and subject to recommended conditions is considered consistent with the aims of RLEP 2012 for the following reasons:

- The mixed-use nature of the development will continue to support the commercial centre through the provision of new retail tenancies, while providing additional residential accommodation for students with different typologies supporting sufficient associated amenity through indoor and outdoor communal spaces.
- The development will promote cultural activities in retaining the place of public worship land use and providing an associated community facility space.
- The development shall provide a building and development that is of a high design quality that will contribute to quality public spaces and an attractive commercial centre.

- The development shall provide for affordable housing and community infrastructure to meet the needs of the community via Council's contributions framework and augmentation works in the immediate locality.
- The location of the site near public transport, including the light rail, shall promote sustainable transport, public transport use, walking and cycling.
- The proposal is considered compatible with the desired future character of the Kingsford Town Centre.

Zoning and Permissibility (Part 2)

The site is located within the E2 Commercial Centre Zone pursuant to Clause 2.2 of RLEP 2012.

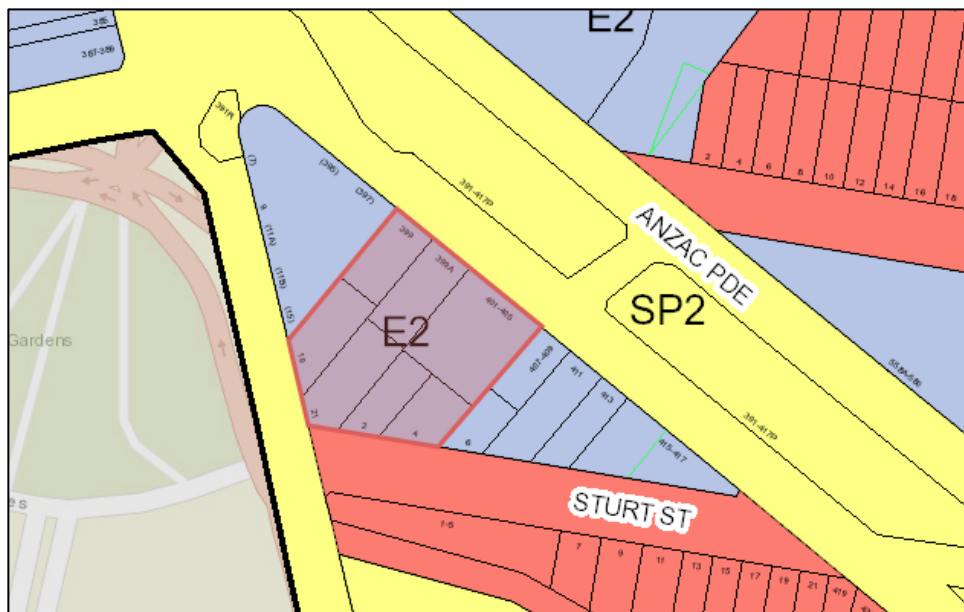


Figure 16: Zoning map of the subject site and surrounds

The proposed development comprises a mixed-use development, incorporating ground floor retail, place of public worship, and community facilities, and co-living housing with common living areas to the ground and first floors, with 530 rooms to levels 1-14 above.

According to the definitions in Clause 4 (contained in the Dictionary), the proposal constitutes a mixed-use development of 'retail premises', 'place of public worship', and 'community facilities', of which each land use is considered permissible with development consent in the Land Use Table in Clause 2.3.

It is noted that 'co-living housing' is not permitted in the Zone E2 under the RLEP 2012. Section 67 of the Housing SEPP permits the land use of a 'co-living housing' development with consent on land in a zone in which development for 'residential flat buildings' or 'shop top housing', of which are both permitted land uses in Zone E2.

The zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- *To facilitate a safe public domain.*
- *To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.*

- To encourage investment in commercial development that generates employment opportunities and economic growth.
- To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.
- To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- 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.
- To facilitate a safe public domain.
- To support a diverse, safe and inclusive day and night-time economy.

The proposal is considered to be consistent with these zone objectives for the following reasons:

- The mixed-use nature of the development shall ensure a range of commercial and community uses in the form of retail, church and an associated community facility, providing for employment opportunities.
- The proposed use also provides residential accommodation that is well-integrated with and compliments the business function of the zone.
- The upgrading of the public domain along all frontages and provision for the extension of the adjoining through site links to each side of the development provides an improved urban design outcome and pedestrian amenity.
- While it is acknowledged that the proposed development shall result in some adverse amenity impacts upon the adjoining properties, the area is undergoing transition, and the proposal is not inconsistent with a level of built form anticipated for the site. As such, the proposal is not considered to result in any unreasonable impacts upon neighbouring residential properties.
- The development is of a high design quality and finish, noting the support of the Randwick Design Excellence Advisory Panel subject to design refinements incorporated as a part of the scheme.
- The development includes over \$15 million in contributions for Council to invest in affordable housing within the commercial centre.

General Controls and Development Standards (Part 2, 4, 5 and 6)

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4** below. The proposal does not comply with the development standards in Part 4 and Part 6 of RLEP 2012, being Clauses 4.3, 4.4, 6.17, and 6.19. Accordingly, a Clause 4.6 request has been provided with the application for the exceedance of the maximum height development standards. Refer to Key issues section for assessment.

Table 4: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Height of buildings (Cl 4.3(2))	51m – Part A 31m – Part B	Part A – 48.98m to the roof service screening overrun,	No – Clause 4.6 submitted.

	Includes bonus from the provision of community infrastructure pursuant to clause 6.17	47.58m to Anzac Parade parapet. Part B Tower A: 48.98m to the roof service screening overrun Tower B: 35.12m lift core and rooftop shading devices, 31.67m Sturt Street parapet	
FSR (Cl 4.4(2))	5.5:1 – Part A (399 Anzac Parade) 4.4:1 – Part B (399A, 401 – 405 Anzac Parade, 2 – 4 Sturt Street, and 21 Bunnerong Road) Includes +10% bonus under Housing SEPP for co-living development and the provision of community infrastructure pursuant to clause 6.17 Results in a total maximum GFA of 17,650m ²	6.4:1 or 5,963m ² within the Part A portion of the site 4.1:1 or 11,686m ² within the Part A portion of the site Total FSR: 4.67:1 or 17,649m ²	No – Clause 4.6 submitted.
Heritage Conservation (Cl. 5.10)	Consider the effect of the proposed development on the heritage significance of the item or area concerned.	The proposal will not impact the heritage significant of any items or areas within the applicable boundaries of the Randwick LEP. It is noted that the development is located within the vicinity of the Daceyville Garden Suburb HCA (opposite side of Bunnerong Road), located within the boundaries of Bayside Council. Whilst this HCA it is not an applicable matter of consideration under this DA, the form is consistent with the DCP envelope to Bunnerong	N/A

		Road and will not adversely impact the significance of the HCA.	
Flood Planning (Cl. 5.21)	Localised flooding impacts to Sturt Side street frontage in accordance with submitted Flood Report.	Proposed pedestrian entrances, driveways and floor levels have been reviewed and supported by Council's Development Engineer.	Yes
Earthworks (Cl 6.2)	Consideration of the impacts to drainage patterns, soil stability, future use and redevelopment, the quality of onsite fill, amenity to adjoining properties, disturbance of relics and any measures proposed to avoid, minimise or mitigate the impacts of the development.	The applicant has submitted a geotechnical report, a preliminary and detailed site investigation and an addendum structural design statement with details of the proposed excavation methodology in support of the single-level basement excavation footprint. The proposal was reviewed by WaterNSW, who issued general terms of approval and did not raise concerns in relation to the proposal. Further, concerns were not raised by Council's Development Engineer regarding drainage patterns, the proposed basement carpark is ancillary to the orderly development of the site in line with Council's controls. In addition, the submitted contamination assessment has noted that the site can be made suitable for the proposed use with protection measures for the removal of fill included in the consent. It is also noted the site is not mapped within a conservation area or archaeological zone and as such standard conditions for the implementation of an unexpected finds protocol have been included as a part of the consent.	Yes, subject to conditions

		Subject to recommended construction management conditions and protections measures no concern is raised in relation to the proposed bulk excavation works.	
Stormwater Management (CI 6.4)	Development designed to manage stormwater and avoid adverse impacts of stormwater run off.	Council's Development Engineer has reviewed the stormwater concept and supported the proposed configuration subject to conditions, should the application be approved.	Yes, subject to conditions
Airspace Operations (CI 6.8)	Development that will penetrate the Limitation or Operations Surface requires the consultation of Sydney Airport Corporation for concurrence.	Sydney Airport Corporation has provided approval of the development, subject to a maximum building height of 73m AHD and the imposition of relevant conditions.	Yes, subject to conditions
Essential Services (CI 6.10)	Development is to ensure that essential service is available and adequate arrangements have been made for the supply of water, the supply of electricity, the disposal and management of sewage, stormwater drainage or on-site conservation, and suitable vehicular access.	Council's Development Engineer is satisfied that provisions for electricity supply, sewage management, stormwater drainage and on-site conservation, and vehicular access have been provided, subject to the imposition of relevant conditions. With regard to the supply of water, Council sought concurrence from Sydney Water Corporation to ensure adequate water supply is available for the development, in accordance with Section 78 of the <i>Sydney Water Act 1994</i>. Concurrence was provided, subject to the imposition of relevant conditions.	Yes, subject to conditions
Design Excellence (CI 6.11)	For buildings at least 15m in height, design excellence must be exhibited.	The development exhibits design excellence, subject to the advice of Council's Design Excellence Advisory Panel, which has been	Yes

		largely incorporated into the amended development. See Key Issues for further comment and Attachment C for summary of the Panel's comments.	
Community infrastructure height of buildings and floor space at Kensington and Kingsford town centres (CI 6.17)	Alternative building height and FSR where the development includes community infrastructure on the site.	A letter of offer has been provided to enter into a VPA for the provision of CIC by way of works-in-kind. The offer was endorsed at the 18 November 2025 Council Meeting.	Yes, subject to conditions
Affordable housing at Kensington and Kingsford town centres (CI 6.18 & 6.26)	A contribution for affordable housing equating to 5% of the total floor area of the development intended for residential purpose.	A letter of offer has been provided to enter into a VPA for the provision of affordable housing via an equivalent monetary contribution.	Yes, subject to conditions
Non-residential floor space ratios at Kensington and Kingsford town centres (CI 6.19)	1:1 – Part A Equivalent to 933m ² of GFA.	0.6:1 to Part A of the site (544m ²). However, 1,418m ² of non-residential floor area provided across the entire site.	No – Clause 4.6 submitted.
Active street frontages at Kensington and Kingsford town centres (CI 6.20)	All premises on the ground floor of the building facing Anzac Parade are to be used for the purposes of commercial premises after the erection of the building.	Retail provided to the full length of the ground floor of the building facing Anzac Parade.	Yes
Design excellence at Kensington and Kingsford town centres (CI 6.21)	Part A - Development is required to exhibit design excellence. In addition, a competitive design process is required to be held that allows for an additional 6m in height, unless Council certifies that a competitive design process is not required, and the advice of the	Council has confirmed that a competitive design process is not required for the development. The development exhibits design excellence, subject to the advice of Council's Design Excellence Advisory Panel, which has been largely incorporated into the amended development. See Key Issues for further	Yes

	design review panel is taken into account.	comment and Attachment C for summary of Panel comments.	
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The proposal is considered to be generally consistent with the LEP.

Clause 4.6 Request

The Development Standard to be varied and extent of the variation

The proposal seeks to vary the following development standards contained within the Randwick Local Environmental Plan 2012 (RLEP 2012):

Clause	Development Standard	Proposal	Proposed variation	Proposed variation (%)
Cl 4.3 and 6.17: Building Height (max)	31m (Part B)	<u>Tower A:</u> 48.98m (roof service screening)	17.98m	58%
		47.58m (Anzac Parade parapet)	16.58m	53.5%
		<u>Tower B:</u> 35.12m (to lift core and rooftop shading devices)	4.12m	13.3%
		31.67m (Sturt Street parapet)	0.67m	2.2%
Cl 4.4 and 6.17: FSR (max)	5.5:1 (Part A)	6.4:1	0.9:1	15.5%
Cl 6.19: Non-residential FSR (max)	1:1 (Part A)	0.6:1	0.4:1	42%

1) Building Height

The maximum height of the proposed development shall be 48.98m above the existing ground level to Tower A and 35.12m above the existing ground level to Tower B. The following structures are also situated above the relevant height limit:

- Tower A:
 - Roof services screening (to a maximum height of 48.9m)
 - Anzac Parade building parapet (to a maximum height of 47.58m)

- Tower B:
 - Roof lift core and rooftop shading devices (to a maximum height of 35.12m)
 - Sturt Street building parapet (to a maximum height of 31.67m)

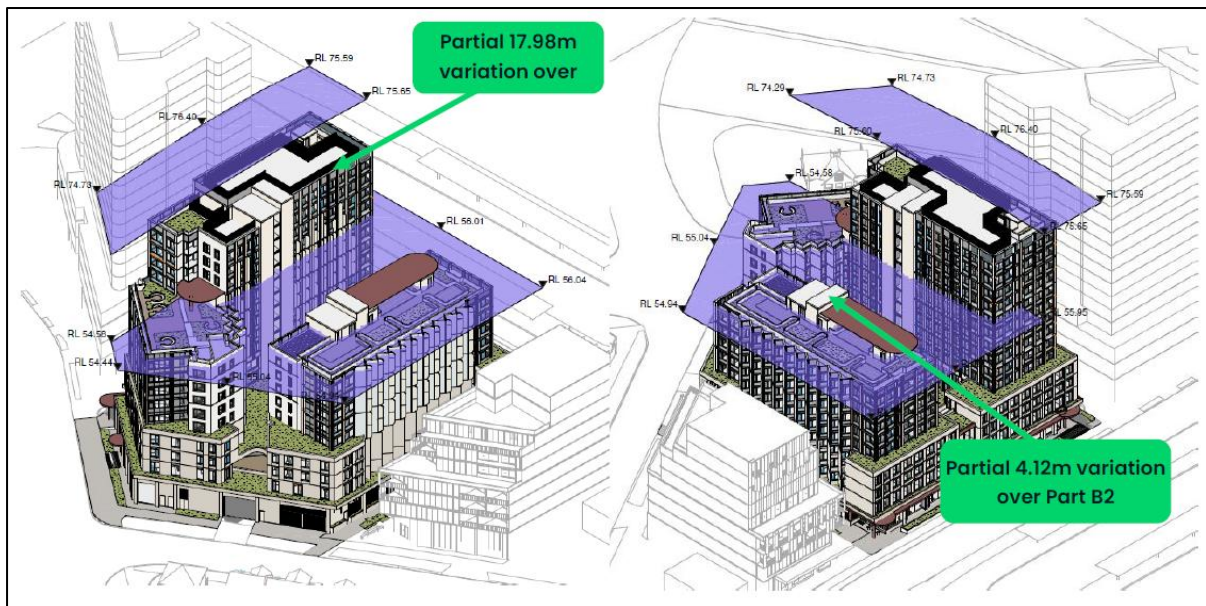


Figure 17 – Height plane diagram showing the extent of building height variation (Source: SJB Architecture)

2) Floor Space Ratio

The proposed FSR of the development is aggregated to be 4.67:1 or 17,649m² of GFA. This is based on Part A of the site having a maximum FSR of 5.5:1 (or 5,131.5m² of GFA) and Part B of the site have a maximum FSR of 4.4:1 (or 12,518m² of GFA).

The distribution of the FSR across the consolidated site results in Part A of the site accommodating an FSR of 6.4:1 (or 5,963m² of GFA). Figure 18 below depicts this variation in FSR across the site and resultant GFA/FSR.

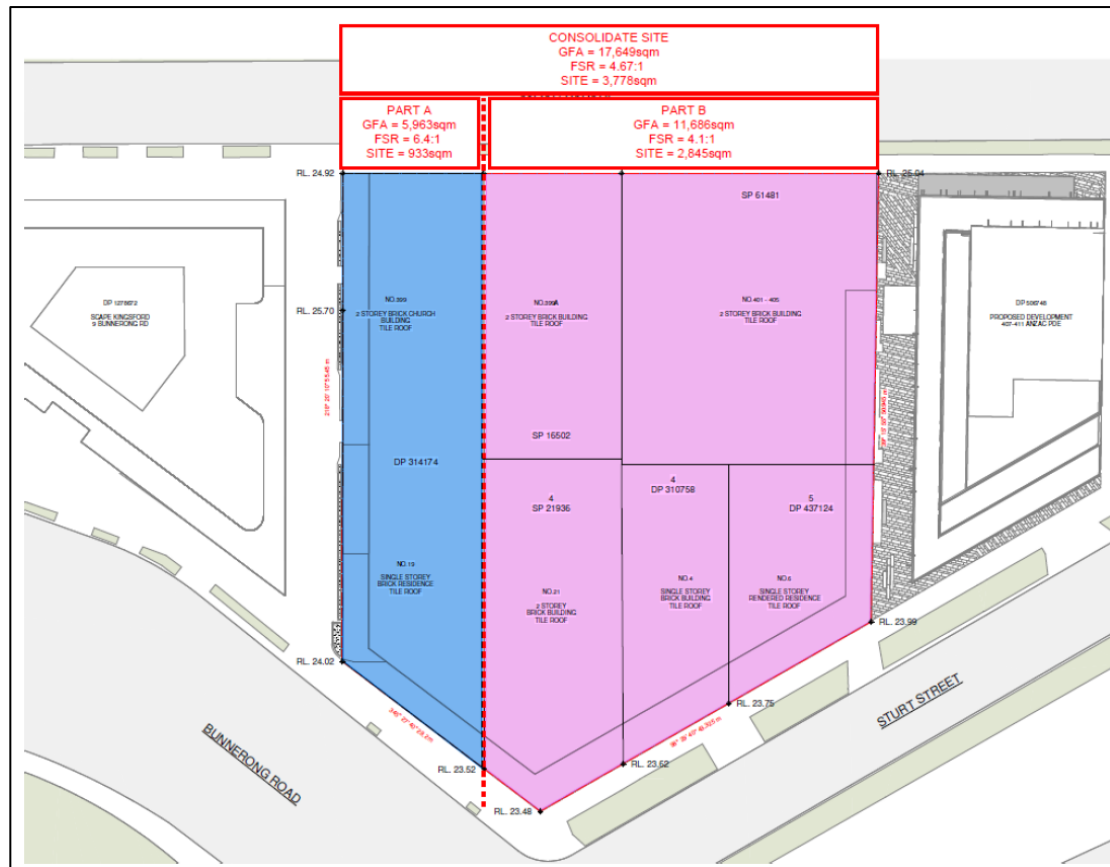


Figure 18 – Plan showing the FSR variation to Part A of the site (Source: SJB Architecture)

3) Non-Residential FSR

The proposed non-residential FSR to the Part A portion of the site (of which this development standard is only applicable to) requires 1:1 (or 933m² of GFA), however the Part A portion of the site only results in an FSR of 0.6:1 (or 544m² of GFA).

Across the entire site, the proposed development provides 1,418m² of non-residential GFA across the aggregate of the consolidated site at ground level when including Part B. Figure 19 below depicts this variation in non-residential FSR across the site and the resultant GFA/FSR.

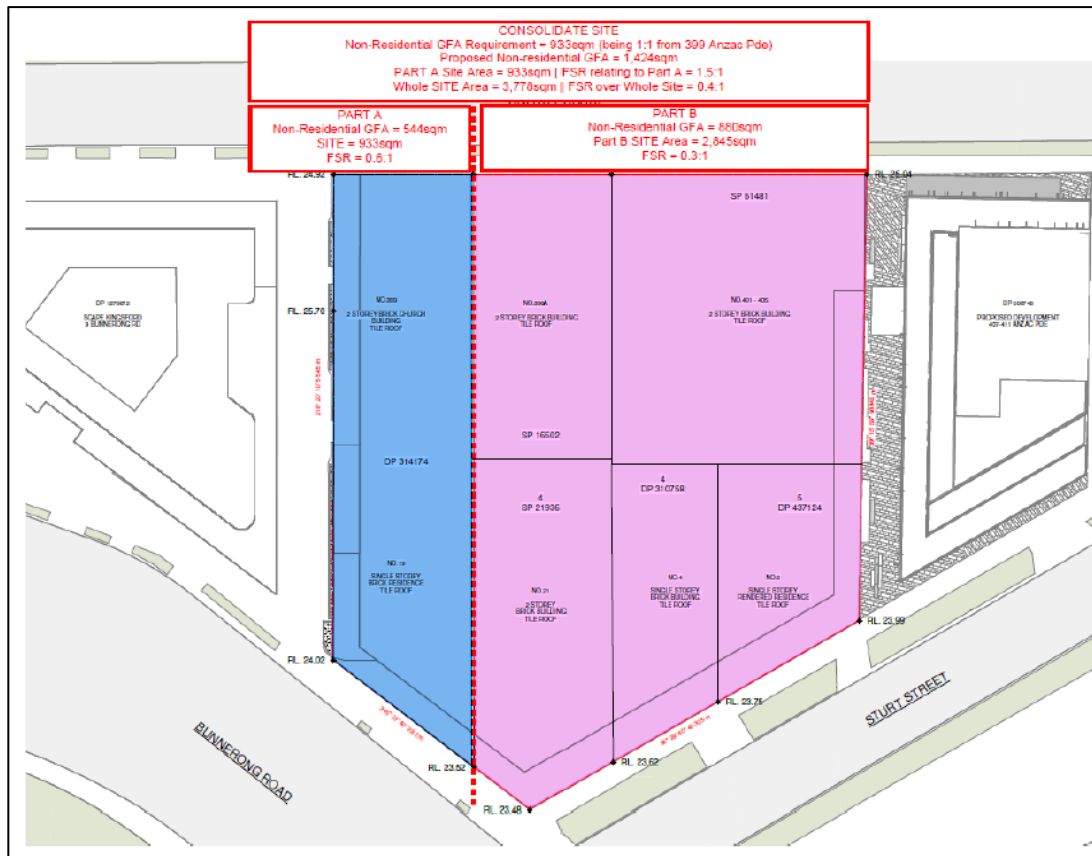


Figure 19 – Plan showing the Non-Residential FSR variation to Part A of the site (Source: SJB Architecture)

Preconditions to be satisfied

Clause 4.6(3) of the LEP establishes preconditions that must be satisfied before a consent authority can exercise the power to grant development consent for development that contravenes a development standard. Clause 4.6(2) provides this permissive power to grant development consent for a development that contravenes the development standard is subject to conditions.

The two preconditions include that:

- *compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
- *there are sufficient environmental planning grounds to justify the contravention of the development standard.*

These matters are considered below for the proposed development having regard to the applicant's Clause 4.6 requests, as required for each variation to development standards as set out below.

1) Building Height

Has the applicant's written request adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case?

The applicant's written request seeks to justify the contravention of the height of buildings development standard by demonstrating that compliance is unreasonable or unnecessary in the circumstances of the case and there are sufficient environmental planning grounds to justify the request because the relevant objectives of the standard are still achieved.

The objectives of the height of buildings standard are set out in Clause 4.3(1) of RLEP 2012 with the objectives of the alternative building height set out in Clause 6.17.

The objectives of clause 4.3 are as follows:

- (a) to ensure that the size and scale of development is compatible with the desired future character of the locality*
- (b) to ensure that development is compatible with the scale and character of contributory buildings in a conservation area or near a heritage item,*
- (c) 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 objectives of clause 6.17 are as follows:

- (a) to allow greater building heights and densities at Kensington and Kingsford town centres where community infrastructure is also provided,*
- (b) to ensure that those greater building heights and densities reflect the desired character of the localities in which they are allowed and minimise adverse impacts on the amenity of those localities,*
- (c) to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure.*

The Applicant argues that the provisions of the K2K DCP and RLEP 2012 identify the desired future character to consist of a consolidated, high-quality mixed-use development utilising the floor space efficiently across the entire site, in alignment with Council's strategic vision for the Kingsford Town Centre.

Sufficient separation is provided between site towers and adjoining buildings that enables adequate amenity for residents. The development delivers sufficient sustainability measures in accordance with the required 4-star Green Star rating, as well as providing natural light and ventilation to all rooms. It is noted that the following feedback was provided regarding the star rating system: *"All new Green Star registrations must now use Green Star Buildings rating. K2K DCP for Design Excellence requires Green Star 5 star By Design & As Built which is equivalent to a 4 Star Building rating with new minimum inclusions which are mandatory (see list below)".* Adequate provisions have been made for solar reflectivity and heat load matters to the building.

The development does not adversely impact upon any heritage items or heritage conservation areas within the immediate vicinity.

The development site is adjacent to the Juniors Kingsford Light Rail Station and major bus interchange. Infrastructure and servicing assessments confirm existing infrastructure has the capacity to support the development. The development delivers on-site waste, loading and bicycle facilities consistent with the K2K DCP and Housing SEPP provisions.

Finally, the development contributes community infrastructure through a VPA, which delivers public domain landscaping and public art works, as well as a monetary contribution. This provides a public benefit from the uplift provisions.

Assessing officer's comment (Tower A):

The proposed development compliments the adjoining development within the Kingsford Triangle, including the 17-storey Scape Kingsford to the north and approved 9-storey boarding house at 407-411 Anzac Parade to the south. The development balances the built form of the site and transitions between the adjoining built form to all street frontages. This ensures a harmonious scale shift, creating a sculpted form that contributes positively to the emerging built form pattern.

In terms of amenity impacts, an assessment is carried out as follows:

- Visual amenity:
The massing of the non-compliance provides an adequate form to the Tower A building that has proportionate scale to the development on the site, as well as the adjoining Scape Kingsford building.
- Privacy:
The proportion of Tower A that results in the non-compliance is the internal facing frontage, which will not result in adverse privacy impacts as the Tower B form steps down to 9 storeys. Direct overlooking will not be appreciable, and the privacy of these rooms is adequate.
- Solar access:
The distribution of the massing from the maximum 17 storey building to the proposed 14 storey development results in reduced solar impacts to the southern neighbouring townhouses at 1-5 Sturt Street and the Dacey Gardens park. See Key Issues for a detailed assessment.
- View sharing:
The portion of the Tower A will not result in any further view impacts to upper level rooms to the south-eastern side of Scape Kingsford upper levels. Upper level rooms will retain views as the development does not seek to reach the maximum 51m height afforded under the applicable controls.

Assessing officer's comment (Tower B to 407-411 Anzac Parade and lower Tower A portion to Bunnerong Road):

The proposed step-down in form to 9-storeys ensures consistency with the development scale along Sturt Street and provides a visual buffer and contextual bridge between the disparate height zones. The 9 storey form is consistent with the approved boarding house at 407-411 Anzac Parade.

The 31m LEP standard was to enable the delivery of the 9 storey DCP built form, which would then align with the height of the adjacent building, which also has minor rooftop non-compliances consistent with the subject application.

The level 9 floor provides only a small protruding built form of the service core that provides access to the communal open space for this building. The massing and extent of the non-compliance will not be readily visible or perceivable within the streetscape, which maintains the predominant 9 storey presentation. The variation provides for a

communal open space that enables equitable access to residents of the development within each tower element.

The height variation will not result in any adverse visual amenity, privacy, solar or view impacts on neighbouring development.

Conclusion

In conclusion, the applicant's written request has adequately demonstrated that compliance with the height of buildings development standard is unreasonable or unnecessary in the circumstances of the case.

Has the applicant's written request adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard?

The applicant's written request seeks to demonstrate that there are sufficient environmental planning grounds to justify contravening the height development standard as follows:

- The primary height breach relates to the deliberate strategy to redistribute massing to achieve a superior urban design outcome for the Kingsford Precinct and achieve the overall vision and objectives of the LEP controls, K2K Strategy, and the K2K DCP. It represents a considered transition from the adjoining development of Scape Kingsford to 407 Anzac Parade.
- The height breach is a result of the interface between the two alternative building height development standards on the site and constraints imposed by the lot ownership and amalgamation patterns of neighbouring properties.
- The extent of non-compliance is generally positioned within the balance of the site. The non-compliance will not be visually inconsistent with the surrounding development.
- The only floor area above the 31m standard on the eastern elevation relates to co-living and the height variation is otherwise the result of lift overrun and shade structures. The differentiation between the top of parapet line and the 31m standard will not be apparent and therefore the extent of variation will not be obtrusive as viewed from the public domain.
- The proposal is compliant with the 31m and 51m height limit as viewed from Anzac Parade, with the exception of the massing distribution of Tower A from Part A to Part B. The extent of non-compliance is setback 6.5m to Anzac Parade and is appropriately separated to the adjacent internal tower by 15.6m. It is also appropriately setback 9.2m from Bunnerong Road above the podium line of the building. These considerable setbacks, ensures that the elements above the height limit do not adversely impact the amenity of the site and surrounds.
- Solar impacts to southern neighbours are generally an improvement in accordance with the RLEP maximum building height development standards permitted, being 17 storeys to the Part A portion of the site. No other adverse amenity impacts are resultant from the height variations.
- The non-compliant FSR has demonstrated consistency with the objectives of the development standard and the Zone E2 and respective objectives.

Assessing officer's comment:

The overall part 14 to 9 storey form and envelope is supported in responding to the adjoining development, being consistent with the desired future character of the

Kingsford Triangle site and achieves adequate separation and articulation of form on the site and to adjoining development. The Tower A height variation is resultant of this form, of which has demonstrated to be an acceptable and moderated outcome.

The Tower A height variation will not result in adverse amenity impacts in terms of visual amenity, solar or view impacts. The proportion of Tower A that results in the non-compliance is the internal facing frontage, which will not result in adverse privacy impacts as the Tower B form steps down to 9 storeys.

The height breaches above the 9 storey built form portion of the development will be largely imperceivable from the streetscape, of which will maintain consistency with the character and scale of the adjoining development (i.e. 4 storey street wall and 5 storey tower podium above). The height breach is to service core and awnings that support the required communal open space areas of the development that enable the amenity requirements for co-living development and the student population.

As such, it is considered that there are sufficient environmental planning grounds to justify contravening the development standard.

Conclusion

Based on the above assessment, it is considered that the requirements of Clause 4.6(3) have been satisfied, and that development consent may be granted for development that contravenes the height of buildings development standard.

2) Floor Space Ratio

Has the applicant's written request adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case?

The applicant's written request seeks to justify the contravention of the floor space ratio development standard by demonstrating that compliance is unreasonable or unnecessary in the circumstances of the case and there are sufficient environmental planning grounds to justify the request because the relevant objectives of the standard are still achieved.

The objectives of the floor space ratio standard are set out in Clause 4.4(1) of RLEP 2012 with the objectives of the alternative floor space ratio set out in Clause 6.17.

The objectives of clause 4.4 are as follows:

- (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 objectives of clause 6.17 are as follows:

- (a) to allow greater building heights and densities at Kensington and Kingsford town centres where community infrastructure is also provided,*
- (b) to ensure that those greater building heights and densities reflect the desired character of the localities in which they are allowed and minimise adverse impacts on the amenity of those localities,*
- (c) to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure.*

The development also seeks to vary the FSR development standard in section 68(2)(a) of the Housing SEPP. It is noted that no objectives of the floor space ratio standard are set out in the SEPP, however section 3 details the principles of the SEPP.

The principles of the Housing SEPP are as follows:

- (a) enabling the development of diverse housing types, including purpose-built rental housing,*
- (b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,*
- (c) ensuring new housing development provides residents with a reasonable level of amenity,*
- (d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,*
- (e) minimising adverse climate and environmental impacts of new housing development,*
- (f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,*
- (g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,*
- (h) mitigating the loss of existing affordable rental housing.*

Assessing officer's comment:

The Applicant argues that the provisions of the K2K DCP and RLEP 2012 identify the desired future character to consist of a consolidated, high-quality mixed-use development utilising the floor space efficiently across the entire site, in alignment with Council's strategic vision for the Kingsford Town Centre.

The proposed development compliments the adjoining development within the Kingsford Triangle, including Scape Kingsford to the north and approved boarding house at 407-411 Anzac Parade to the south. The development balances the built form of the site and transitions between the adjoining built form to all street frontages.

The distribution of GFA was endorsed by the K2K DCP and DEAP, based on prevailing urban design principles that focusses the higher block densities adjacent to Scape Kingsford.

The development accommodates a 4 storey podium and tower form above that provides for a building that is well articulated. Sufficient separation is provided between site towers and adjoining buildings that offers adequate amenity for residents. The development delivers sufficient sustainability measures in accordance with the required 4-star Green Star rating, as well as providing natural light and ventilation to all rooms. Adequate provisions have been made for solar reflectivity and heat load matters to the building.

The development does not adversely impact upon any heritage items or heritage conservation areas within the immediate vicinity.

The exceedance does not result in any perceivable bulk or overshadowing, nor detract from the adjoining property amenity. The distribution of the massing from the maximum 17 storey building to the proposed 14 storey development results in reduced solar impacts to the southern neighbouring townhouses at 1-5 Sturt Street as well as retaining views to upper level rooms to the south-eastern side of Scape Kingsford.

The development site is adjacent to the Juniors Kingsford Light Rail Station and major bus interchange. Infrastructure and servicing assessments confirm existing infrastructure has the capacity to support the development. The development delivers on-site waste, loading and bicycle facilities consistent with the K2K DCP and Housing SEPP provisions.

Finally, the development contributes community infrastructure through a VPA which delivers public domain landscaping and public art works, as well as a monetary contribution. This provides a public benefit from the uplift provisions.

In conclusion, the applicant's written request has adequately demonstrated that compliance with the floor space ratio development standard is unreasonable or unnecessary in the circumstances of the case.

Has the applicant's written request adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard?

The applicant's written request seeks to demonstrate that there are sufficient environmental planning grounds to justify contravening the floor space ratio development standard as follows:

- The FSR variation allows for co-living housing for the private residential market that provides for housing choice, affordability and options for demographics of the locality.
- The overall FSR for the consolidated site remains compliant with the maximum total GFA permitted.
- The distribution of GFA across the site optimises space and functionality of the development.
- The massing, building separation and articulation result in a site development that is supported by Council's DEAP.
- The proposed demonstrates a high level of amenity whilst avoiding unreasonable impacts such as overshadowing and view loss.
- The K2K DCP encourages amalgamation of site, and the resultant form is generally consistent with the pattern contemplated and encouraged.
- The development is consistent with a set of prevailing urban design principles to be focussed towards the northern point on the block.
- Significant amounts of landscaped and communal open spaces are provided to enhance the amenity of the residents.
- The roof top terrace and associated structures provides for an additional communal open space area for occupants, responds adequately to site topography and the environmental context.
- The proposed non-compliance does not result in any adverse environmental planning impacts.

- The development forms a consistent character with adjoining buildings within the Kingsford Triangle and Kingsford precinct.
- Any potential impacts upon the amenity of the surrounding area will be minor or can be mitigated to an acceptable level.
- The non-compliant FSR has demonstrated consistency with the objectives of the development standard and the Zone E2 and respective objectives.
- Consistent with the relevant principles of the Housing SEPP in that the development will:
 - Enable the delivery of diverse housing within Kingsford.
 - Provide purpose-built student co-living accommodation, which directly supports a cohort that is often considered vulnerable due to low to moderate incomes and limited access to secure housing options.
 - Provide generous communal living areas and well-designed communal open spaces that enhance overall amenity.
 - Within close proximity to major educational facilities, including the University of NSW Kensington campus.
 - Designed in accordance with ESD principles and is supported by specialist technical studies.
 - Completes the emerging precinct by delivering a third co-living building that is consistent with the established built form, ensuring a cohesive and contextually appropriate outcome.

Assessing officer's comment:

The overall part 14 to 9 storey form and envelope is supported in responding to adjoining development, being consistent with the desired future character of the Kingsford Triangle site and achieves adequate separation and articulation of form on the site and to the adjoining development context. The aggregate GFA across the site complies with maximum total GFA, demonstrating that the scale of the development is acceptable.

The resultant FSR is a distribution of form that whilst results in a variation to the Part A portion of the site, does not have a form that will result in adverse visual amenity, solar or view impacts. The buildings provide adequate separation between adjoining development and where required, privacy screens have been installed that provide for sufficient internal amenity.

Whilst there is a proliferation of co-living student accommodation development (over 4000 additional dwellings) being delivered in the K2K precinct that are not accessible to broader demographic of the community, this typology is permitted in accordance with the Housing SEPP. The development provides sufficient areas of communal living areas and open space that support the student residents of the development. The student rooms are of an adequate size and amenity.

As such, it is considered that there are sufficient environmental planning grounds to justify contravening the development standard.

Conclusion

Based on the above assessment, it is considered that the requirements of Clause 4.6(3) have been satisfied, and that development consent may be granted for development that contravenes the floor space ratio development standard.

3) Non-Residential FSR

Has the applicant's written request adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case?

The applicant's written request seeks to justify the contravention of the non-residential floor space ratio development standard by demonstrating that compliance is unreasonable or unnecessary in the circumstances of the case and there are sufficient environmental planning grounds to justify the request because the relevant objectives of the standard are still achieved.

The objective of the non-residential FSR standard is set out in Clause 6.19(1) of RLEP 2012 with the objectives of the alternative floor space ratio set out in Clause 6.17.

The objectives of clause 6.19 is as follows:

- (1) *The objective of this clause is to ensure that a suitable level of non-residential floor space is provided to promote commercial and retail activity within the Kensington and Kingsford town centres.*

Assessing officer's comment:

The Applicant argues that the development delivers a substantial quantum of 1418sqm of non-residential floor space across the consolidated site, including a public place of worship, a community facility and two retail tenancies. This provides a diverse mix of uses that contribute to the economic and social vitality of the area, as well as pedestrian safety, natural surveillance and street-level vibrancy.

The total proportion of non-residential floor area exceeds the overall distribution of uses across the site to ensure the provision of active frontages, supports commercial and retail activity and aligns directly with the strategic vision for the town centre.

Whilst active street frontages are required to the entire Anzac Parade frontage, no such requirement for this is to be delivered to Bunnerong Road. The development delivers a church with a distinct character in the streetscape that improves the activation of this frontage in exceedance of the K2K provisions. In addition, the activation of the through site links also improves the overall amenity for the public.

The concentration of non-residential uses solely on the Part A site to which the 1:1 non-residential control applies, would result in a less active frontage, less orderly use of the land and diminished public benefit.

In conclusion, the applicant's written request has adequately demonstrated that compliance with the height of buildings development standard is unreasonable or unnecessary in the circumstances of the case.

Has the applicant's written request adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard?

The applicant's written request seeks to demonstrate that there are sufficient environmental planning grounds to justify contravening the non-residential FSR standard as follows:

- The proposal distributes non-residential floorspace across the whole ground floor of the building that results in the best outcome for amenity and activation.

- The distribution avoids unnecessary adverse outcomes for the amenity, serviceability and activation of the ground and podium levels by consolidating the non-residential floorspace onto Part A of the site only.
- The proposed design enables appropriate setbacks to be achieved on the ground level that might otherwise need to be encroached upon to locate all non-residential floorspace onto Part A of the site only.
- The development delivers a consistent character of street activation with adjoining buildings within the Kingsford Triangle and Kingsford precinct.
- The design has been supported by Council's DEAP to ensure that proposed land uses as well as the massing, building separation and articulation are appropriate within the site envelope.
- The proposal demonstrates a high level of amenity while avoiding unreasonable impacts such as overshadowing and view loss.
- The non-compliant non-residential FSR has demonstrated consistency with the objectives of the development standard and the Zone E2 and respective objectives.

Assessing officer's comment:

The development delivers a sufficient amount of non-residential floor area that was sought under the provisions of the RLEP.

Whilst the entire development site is required to deliver commercial premises for an active street frontage to Anzac Parade in accordance with clause 6.20 of the RLEP, the delivery of 1,418m² of non-residential GFA provides an amount of floor area that achieves the 933m² on the Part A portion of the site as well as the required commercial floor area to the Anzac Parade frontage.

The delivery of all 1418m² of non-residential GFA on the ground floor plate of the development provides activation to the main street frontages of Anzac Parade and Bunnerong Road, as well as improving the activation of the through site links to each side of the development, especially to the Scape Kingsford side that will far improve the activation of this laneway connection.

The restriction to deliver the non-residential FSR to the Part A portion of the site only would likely result in an unorderly use of the site and would not deliver a benefit to the community in restricting the floor area to this portion of the site.

As such, it is considered that there are sufficient environmental planning grounds to justify contravening the development standard.

Conclusion

Based on the above assessment, it is considered that the requirements of Clause 4.6(3) have been satisfied, and that development consent may be granted for development that contravenes the non-residential FSR development standard.

(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

The proposal is not inconsistent with any proposed instruments.

(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

- *Randwick Development Control Plan 2013* ('the RDCP')
- *Randwick Kensington and Kingsford Town Centres DCP 2020* ("K2K RDCP 2020")

The DCP provides guidance for Development Applications to supplement the provisions of the RLEP 2012. The K2K RDCP 2020 has specific controls applicable to the proposed development at the subject site, including a building envelope for the site.

The areas of non-compliance with the RDCPs are considered in further detail under the Key Issues section of the report and the Attachment B compliance table. The assessment concludes that the variations are supported on merit in this instance.

Contributions

Housing and Productivity Contribution

The proposed development is subject to the NSW Housing and Productivity Contribution, in accordance with the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.

The proposed development comprises of 'commercial development' only (n.b. co-living development is applicable at the commercial development rate, not the residential development rates).

The indexed base component amounts for 'commercial development' as of 1 October 2025 is \$32.33 square metre of new GFA.

Appropriate conditions of consent are recommended for imposing of a condition requiring such payment.

S7.12 Contributions

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

- *S7.12 Development Contributions Plan: Kensington and Kingsford Town Centres 2019*

This Contributions Plan has been considered and applied accordingly.

Affordable Housing Contributions and Community Infrastructure Contributions

As detailed below, additional contributions are applicable in relation to affordable housing and community infrastructure in accordance with clause 6.17 of RLEP 2012, the Community Infrastructure Plan for the Kensington and Kingsford town centres, and the Kensington and Kingsford Town Centres affordable housing plan. Appropriate conditions of consent are recommended for the delivery of community infrastructure and affordable housing.

(d) Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act

Community Infrastructure

The letter of offer is required to be made to Council to satisfy the provisions of Council's Community Infrastructure Contributions Plan which provides for the delivery of infrastructure through the means of a Voluntary Planning Agreement. The proposed development seeks to benefit from the alternative height and floor space ratio provisions applicable by providing community infrastructure contributions in accordance with the provisions of clause 6.17 of RLEP 2012.

The letter of offer confirms the Applicant's offer to Council to enter into a VPA to provide the community infrastructure. Should the application be approved, the letter of offer would form the basis of a deferred commencement condition requiring a formal Voluntary Planning Agreement to be publicly exhibited and subsequently agreed to by Council. Further, the infrastructure items in the letters of offer would be subject of further detail in terms of scope, design and specification. Should it become apparent that the works are not feasible or cannot be conducted at a reasonable cost to the applicant, or if Council requires a superior standard of works than proposed by the Applicant, then an equivalent monetary payment is to be made. The CIC for this development would be approximately \$2,560,725.00.

Affordable Housing

The Kensington and Kingsford Town Centres affordable housing plan aims to ensure that lower income households continue to live and work locally within Randwick LGA, to facilitate a socially diverse and inclusive community; and to support the economic functions of the Randwick Education and Health Strategic Centre. The letter of offer contains the affordable housing contributions which will also be subject to applicable conditions in the consent.

The affordable housing contribution is calculated at a rate of 5% of the proposed total residential floor area, equating to approximately 20,752m², with a corresponding payment of \$15,174,900.00, based on a rate of \$731.25 per sqm (as applicable until 31 December 2025). This contribution is to be paid to Council prior to the issue of the first construction certificate.

(e) Section 4.15(1)(a)(iv) - Provisions of Regulations

Section 26 requires that applications that propose development for the purpose of boarding houses or co-living housing must be accompanied by a copy of the plan of management. A revised plan of management has been submitted with the amended DA, of which is sufficient in detailing the operational requirements for a co-living development, subject to implementation as a condition of consent.

Section 85 requires that the operation of co-living housing development is to be (a) managed in accordance with a plan of management by a managing agent who is contactable 24 hours a day, (b) notice of a change to the plan of management must be given to the consent authority no later than 3 months after the change, and (c) private rooms and communal living areas in the co-living housing must contain appropriate furniture and fittings, maintained in a reasonable state of repair, for the use of residents. Such conditions of consent have been included to implement these requirements.

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application. The relevant provisions have been addressed through conditions of consent, including considerations related to the demolition of existing structures and the Section 62 consideration of fire safety.

These provisions of the 2021 EP&A Regulation have been considered and are addressed in the recommended draft conditions (where necessary).

3.2 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, RLEP 2012 and RDCP controls outlined above and the Key Issues section below.

The environmental impacts of the proposed development on the natural and built environment have been addressed in this report. It is noted that the proposal will also deliver public domain improvements and augmentation of infrastructure adjacent to the site. In addition, no concerns were raised by service providers as a part of their review. The anticipated impacts to the road network are consistent with the parking rates recommended in the RDCP for residential and commercial uses, along with housing targets for the Kingsford town centre in the vicinity of sustainable transport options in accordance with the submitted green travel plan initiatives. In addition, measures will be secured to manage traffic, noise and vibration impacts during the construction phase as a part of the development consent. Concerns for contamination related to the previous history of the site have been addressed via consent conditions recommended by Council's Environmental Health team to secure the implementation of safety protocols and removal of contamination during the construction phase of the development.

The proposed development is consistent with the dominant mixed use character in the locality and the desired future character for development anticipated by the K2K RDCP 2020. The scheme includes a provision of a church and associated community facilities and retail spaces to the ground floor within the Kingsford Town Centre.

The proposed scale, massing, internal site links, and form is generally consistent with the block and building envelope controls of the RDCP. The resultant amenity impacts in terms of comparative visual bulk, solar access and privacy are considered consistent with the incentive height and FSR controls under 6.17 of the Randwick LEP 2012.

The proposal is not considered to result in detrimental social or economic impacts on the locality.

Accordingly, it is not anticipated that the proposal will not result in any significant adverse impacts in the locality as outlined above.

3.3 Section 4.15(1)(c) - Suitability of the site

The site is in proximity to local services and public transport, with the Kingsford Juniors Light Rail Station, recreational parklands and services located within walking distance. The site has sufficient area to accommodate the proposed land use and associated structures and is in keeping with the high density residential and commercial nature of the immediate Kingsford locality. Therefore, the site is considered suitable for the proposed development.

3.4 Section 4.15(1)(d) - Public Submissions

These submissions are considered in **Section 5** of this report.

3.5 Section 4.15(1)(e) - Public interest

The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social, or economic impacts on the locality. The scheme is consistent with the

controls identified for increased density and height under the K2K RDCP 2020. The proposal includes the implementation of ESD measures and compliance with relevant provisions under Section J of the NCC and the 4-Star Green Star rating system. The development extends the through site links of the adjoining development and provides adequate activation and safety to such publicly accessible areas.

Through the letter of offer to enter into a VPA, the development will provide \$2,560,725.00 in community infrastructure contributions and \$15,174,900.00 in affordable housing contributions.

On balance, the proposal is considered in the public interest.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in Table 5.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

Table 5: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
Transport for NSW	Section 2.97(3) - <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Excavation in, above, below or adjacent to rail corridors	The proposal involves the excavation of ground to a depth of at least 2m below ground level (existing) on land within, below or above a rail corridor. Concurrence has been granted by TfNSW, subject to conditions.	Y
Sydney Airport Corporation	Clause 6.8 of the Randwick Local Environmental Plan, s186 of the Airports Act 1996 and Regulation 8 of the Airports (Protection of Airspace) Regulations 1996	Proposal includes a height, which penetrates the prescribed airspace of Sydney Airport. Controlled activity approval issued by Syd Airport Corp, subject to conditions.	Y
Sydney Water Corporation	Section 78 of the Sydney Water Act 1994	The proposal involves development that will increase water demand.	Y

		Concurrence has been granted by Sydney Water, subject to conditions.	
Referral/Consultation Agencies			
Ausgrid	Section 2.48 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development near electrical infrastructure	The proposal involves development that will impact Ausgrid electrical infrastructure assets. Concurrence has been granted by Ausgrid, subject to conditions.	Y
Transport for NSW	Section 2.98 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development land that is in or adjacent to a rail corridor.	The proposal involves development adjacent to the Light Rail Corridor. Concurrence has been granted by TfNSW, subject to conditions.	Y
Transport for NSW	Section 2.122 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development that is deemed to be traffic generating development in Schedule 3.	The proposal involves development that provides >300 dwellings of residential accommodation. Concurrence has been granted by TfNSW, subject to conditions.	Y
Design Review Panel	CI 21(6)– RLEP 2012 Advice of the Design Review Panel ('DRP')	The proposal involves development required to exhibit design excellence. The advice of the DRP (Council's DEAP) has been considered in the proposal and is further discussed in the Key Issues section of this report.	Y
Integrated Development (S 4.46 of the EP&A Act)			
WaterNSW	Section 90 of the Water Management Act 2000	The proposal involves development that will disturb the water table and require dewatering. Concurrence has been granted by WaterNSW, subject to general terms of approval.	Y

4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 6**.

Table 6: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	Council's Engineering Officer reviewed the revised stormwater concept plan, flooding reports, carparking provision, waste management plan and considered that there were no objections, subject to consent conditions.	Y (Conditions)
Building	Council's Building Surveyor reviewed the revised BCA assessment report and Fire Engineering Statement and concurred with the recommended design specifications. Conditions were also recommended for inclusion within the consent.	Y (Conditions)
Health	Revised information sought in relation to contamination and acoustic/ventilation compliance as a part of Council's RFI. The addendum documentation was reviewed and supported by Council's Health Officer, subject to consent conditions.	Y (Conditions)
Strategic Planning	Additional information sought in relation to communal areas, through site link design and interfaces, refinement of tower elevations, room amenity in terms of privacy, acoustics and ventilation, privacy fin detailing, landscaped areas, solar loadings, public art and community infrastructure provisions. The amended scheme has resolved each issue raised.	Y
Landscaping	Council's Landscaping Officer has reviewed the proposal and considered that there were no objections, subject to conditions requiring new street tree emplacements, and endorsement of the landscaping plans.	Y (Conditions)

4.3 Community Consultation

The proposal was notified in accordance with Council's Community Participation Plan for a period of 28 days from 10 July 2025 until 7 August 2025. The notification included the following:

- Two signs placed on the site to Anzac Parade and Sturt Street frontages;
- Notification on Council's website; and
- Notification letters sent to owners and occupiers of adjoining and adjacent properties.

The Council received a total of 7 unique submissions, comprising 1 objection and 6 submissions in favour of the proposal. The issues raised in these submissions are considered in **Table 7** below.

Table 7: Community Submissions

Issue	No of submissions	Council Comments
Support	6	The proposal is consistent with Council's planning framework including the relevant K2K provisions in

Submissions highlighted rental ease and additional housing, community benefits of church and associated facilities, well located to public transport, designed with sustainability and accessibility, economic and social benefits to the precinct.		the RLEP 2012 and the site-specific K2K DCP for the precinct and block. This includes bulk and scale, design excellence, delivery of active frontages and non-residential floor space, integration with adjoining through site links and further activation, and the operational requirements associated with the differing land uses. The proposal is also consistent with the relevant co-living housing provisions of the Housing SEPP 2021. As such, the proposal is recommended for approval, subject to relevant condition of consent.
Overshadowing Submission raised concerns of overshadowing rooftop solar at mid-winter.	1	The proposal will result in overshadowing the properties at 1-5 Sturt Street to the south. See Key Issues for a detailed consideration of solar impacts, of which are considered acceptable on merit. Outcome: This issue has been satisfactorily addressed and justified and the proposal is therefore recommended for approval.

5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

5.1 Design Excellence

- Clause 6.11 (Design Excellence) of RLEP 2012
- Clause 6.21 (Design excellence at Kensington and Kingsford town centres) of RLEP 2012

Clause 6.11 of RLEP 2012 requires development to exhibit design excellence where the building will be at least 15m in height. In addition, Clause 6.21 of RLEP 2012 requires additional design excellence requirements for development where the building is located on land identified as “Y1” or “Y2” on the *Alternative Building Heights Map*.

Part A of the subject site is located within the “Y1” designation and the Part B of the site is >15m in height, with a proposed maximum height of with a proposed maximum height of 48.98m. As such, the provisions of Clauses 6.11 and 6.21 are applicable to the development.

In view of the above, the subject application was referred to Council's Design Excellence Advisory Panel ("DEAP") who considered the design and architectural merits of the proposal in relation to design excellence during the assessment of the development application. See **Appendix C** for detailed comments from the DEAP.

Notwithstanding the Panel's support regarding the overall built form and massing (in terms of the part 14/9 storey development, setbacks and street walls), the DEAP raised concerns including the configuration of the retail space, waste collection provisions, activation/connectivity to through site links and CPTED considerations, communal living areas and respective solar access, room amenity, Anzac Parade tower elevations, privacy, and façade materiality and articulation.

Such concerns have been addressed via plan amendments, which included reconfiguration of the retail space, improved penetration/connection and activation to the adjoining through site links, improved solar amenity to the communal living area, changes to room typologies room amendments including deletion of room Type 3A, increased width of 4A/4B and natural light and ventilation improvements to Type 2A and 6A, and improvements to tower façade presentation.

A response to each of the remaining matters of the DEAP is outlined below.

- *The Panel recommends that the ramp be extended to accommodate Council's waste truck and all waste collection occur in the basement.*

Council's Development Engineer has confirmed that the waste collection should be facilitated from the ground level loading dock and not the basement, which could present operational impacts for potential Council collection.

- *The proposed ground level interface with the Scape through site link is disjointed and does not offer a coherent pathway from Bunnerong Road to Anzac Parade.*
- *A consistent setback, and clear sight lines, from the side boundary and alignment of ground floor windows and doors, from Anzac Parade to Bunnerong Road, would create a more distinctive character to the pedestrian link. The provision of landscape, if considered desirable, should be in intermittent pockets that do not separate one side of the link from the other.*

The amended development had provided (2x) access openings to the Scape through site laneway link opposite the community facility to the north, increasing permeability to the site. The provision of the staircase on the site is required and the applicant has confirmed that the introduction of a ramp/progressive stepping would impact upon the amenity of the Church facilities. The landscaping improves the amenity of the through site link laneway on Scape Kingsford, which lacks much planting and activation along the neighbouring development interface. Conditions will be imposed to require planting selection to be conscious of maintaining adequate sight lines in the pedestrian links.

It is noted that the requirement to deliver the through site links at 6m in width has been fulfilled solely within the Scape Kingsford site. The connection of the development site to this link is considered acceptable in this context.

- *The entry foyer of the Church is too close to the external planting to allow for and encourage through site pedestrian use.*

The proposed split-out area of the Church to Bunnerong Road and the through site link to the Scape Building provides adequate external areas for patrons to gather and socialise, in addition to the wide public footpath area.

- *The Panel is concerned with heat load on the building and the accompanying high energy consumption to cool it.*

The applicant has provided additional thermal performance and heat load assessment from Northrop, which concludes that the proposal is satisfactory, subject to the use of standard fan coil units, architectural shading elements and internal blinds.

- *Generally, much of the planting at ground level is shown in very narrow areas which are unlikely to be effective and will have little impact*

Council's Landscape Officer is supportive of the proposed landscaping scheme, subject to the implementation and detailed condition refinements at subsequent stages of the redevelopment. The overall nexus of landscaping has also delivered a generally compliant outcome distributed throughout the development site and that has been improved via plan revision in accordance with the direction of the Panel.

- *The plans state that openable windows are not provided as they cannot be relied upon for fresh air.*

All private co-living rooms are provided with operable windows. Council's Health Officer is satisfied that the proposal provides a sufficient outcome in terms of acoustic privacy and natural ventilation requirements, subject to imposed conditions of consent to ensure appropriate testing and performance requirements are met.

- *The separation distance of 18 metres to the north, and 15.6m to the south do not comply with the ADG separation for towers of these heights where habitable rooms interface with each other.*

Overall, Council is satisfied that whilst ADG compliant separation is not achieved between the subject building towers, the provision of privacy screening is more appropriate than a saw-tooth window solution (as recommended by the DEAP) in that the form and elevations maintain overall consistency within the development. Revised privacy screening with circular openings improves the room amenity of the south-facing rooms by enabling further daylight access and a sense of space in terms of visual outlook. This design element is supported, subject to the imposition of a condition requiring the exact details and finish specifications to be provided to Council, prior to the issue of a Construction Certificate.

- *A Crime Prevention Through Environmental Design study is recommended as part of the development application.*

The proposal has adequately incorporated CPTED principles into the design of the development, including refinement of the ground floor plane and improvements to the areas adjoining the through site links to each respective side. This includes penetrations to the Scape Kingsford laneway link, rationalisation to the north-western

upper section community facility façade wall, and the introduction of the bicycle terrace to 407-411 Anzac Parade side of the proposal.

- *A diverse range of apartment types is recommended.*

The proposal includes a mix of co-living room typologies including single, double and cluster rooms.

- *Common areas for students are to be well designed and sufficient in area to meet the students' recreational and social needs.*

The proposal provides well designed communal areas to the ground and first floor to support the student accommodation rooms of the development, including a mix of different living and study areas.

Conclusion

In consideration of the DEAP comments, and the plan amendments made to address the concerns raised, it is considered that the proposed development is an appropriate design response to the site. The DEAP were generally supportive of the application apart from amendments noted above, which shall be satisfied through the implementation of consent conditions for minor plan revisions. As such, it is considered that the SECPP can be satisfied that the proposed development exhibits design excellence in accordance with the provisions of clause 6.11 and 6.21 of RLEP 2012.

5.2 Tower A Form and Massing

- Clause 4.3 (Height of Buildings) of RLEP 2012
- Clause 4.4 (Floor Space Ratio) of RLEP 2012
- Clause 6.17 (Community infrastructure height of buildings and floor space at Kensington and Kingsford town centres) of RLEP 2012
- Section 68(2)(a) of Housing SEPP 2021
- Section 10 (Block Controls) of K2K DCP 2020

The subject site is distinguished between Part A (399 Anzac Parade) and Part B (399A-405 Anzac Parade, 19-21 Bunnerong Road and 2-4 Sturt Street).

Pursuant to the relevant provisions of the RLEP 2012 and Housing SEPP for co-living housing development, the respective parts of the site are subject to the following development standards:

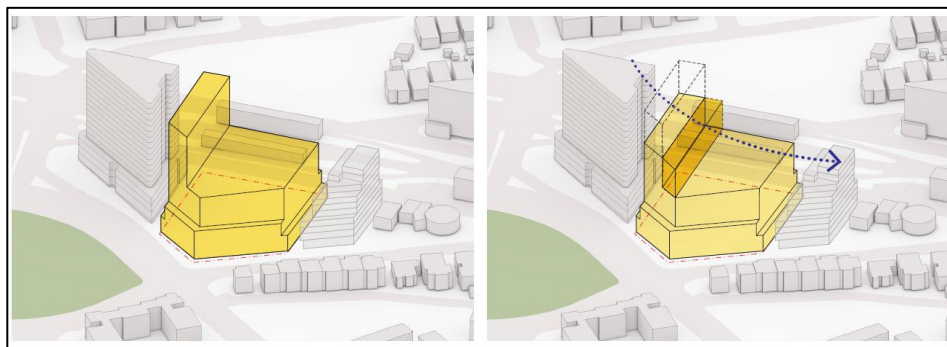
Clause	Part A	Part B
Clause 4.3 in RELP 2012: Height of Building	24m	24m
Clause 4.4 in RELP 2012: Floor Space Ratio	3:1	3:1
Clause 6.17 in RELP 2012: Community infrastructure height of buildings and floor space	<u>HoB:</u> 51m <u>FSR:</u> 5:1	<u>HoB:</u> 31m <u>FSR:</u> 4:1

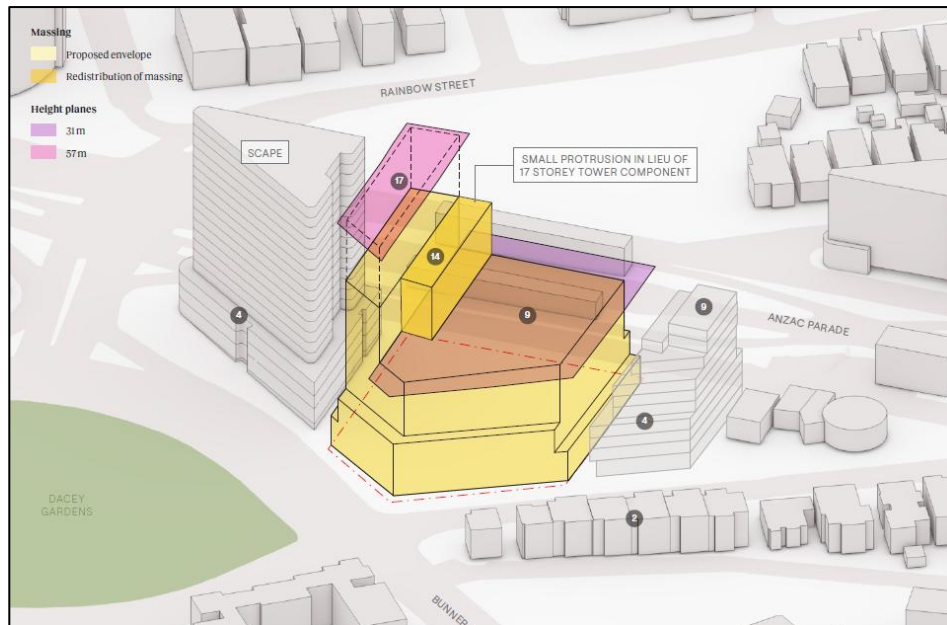
at Kensington and Kingsford town centres	(where community infrastructure contribution provided)	(where community infrastructure contribution provided)
Section 68 in Housing SEPP 2021: Non-discretionary development standards	<u>HoB:</u> No bonus provisions. <u>FSR:</u> 5.5:1 (10% bonus)	<u>HoB:</u> No bonus provisions. <u>FSR:</u> 4.4:1 (10% bonus)

The proposed development consists of two towers: Tower A (north-western tower) and Tower B (south-eastern tower). Tower A is located partially over Part A and Part B of the site, which results in variations to the maximum FSR of Part A (6.4:1) of the site and maximum building height to Part B of the site (35.12m). As such, the proposed development is numerically non-compliant with the development standards under clause 4.3, clause 4.4 and clause 6.17 of RLEP 2012, and section 68(2)(a) of the Housing SEPP 2021.

Quantitatively, the Applicant seeks to vary the development standard and a Clause 4.6 exception to vary the development standard is required. See assessment of Clause 4.6 in relation to the contravention of the maximum height and FSR in the above section.

The proposal seeks to justify the form in that is more appropriate urban design outcome with improved amenity that achieves a transition in height across sites, improves overall shadow impact to neighbours, improves visual amenity in conjunction with bulk and scale, and provides generous side setbacks. See **Figures 20 & 21** demonstrating the massing redistribution on the site.





Figures 20 & 21– Diagram showing the massing distribution between Parts A & B of the site (Source: SJB Architecture)

The proposal achieves a scale transition that maintains the tall landmark buildings at the Kingsford Triangle Block, being the Scape Kingsford building, as envisioned in the Desired Future Character statement of the K2K DCP. The proposal maintains an adequate transition to surrounding residential neighbourhoods in maintaining a 9 storey form to the Tower B and the part of Tower A that fronts Bunnerong Road. The development provides a distinct gateway to the Kingsford Town Centre and the proposed scale is suitable to the site's location.

A detailed assessment of the contravention of the height and FSR resultant from the Tower A form has been undertaken in accordance with the provisions of clause 4.6 and the proposed height and FSR is supported in this instance.

5.3 Building Envelope and Block Controls

Block by Block Controls – Block K6 (Clause 10.3 of Part B of K2K DCP 2020)

Part B of the K2K DCP 2020 provides detailed building envelopes for development along the Kensington and Kingsford Centres. The block by block controls are broken up into individual blocks that are anticipated to be amalgamated or developed in conjunction with each other. The subject site is identified as being within Site 2 'Kingsford Triangle Block' of the block by block controls. The building envelope stipulated by Site 2 can be seen in **Figure 22** below:

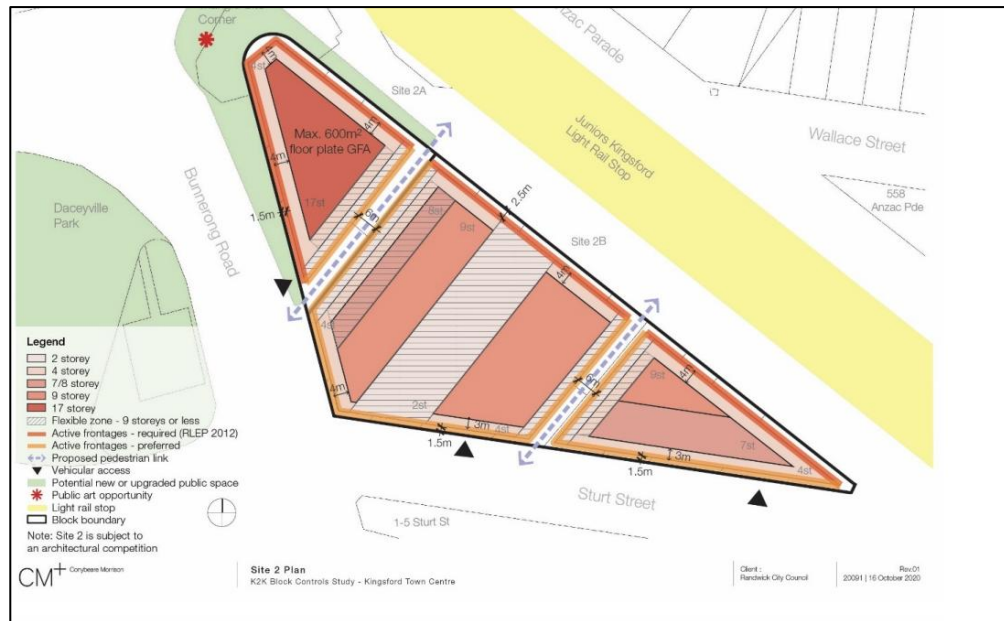


Figure 22 – Site 2 Building Envelope controls

Clause 10.3 requires development to be consistent with the relevant block envelopes including heights, setbacks, street walls, mid-block links and laneways.

The proposed development is largely consistent with the building envelope specified under Site 2, as detailed below:

Through Site Links

Site 2 specifies the provision of separate north-south through site links between Anzac Parade and Bunnerong Road, and Anzac Parade and Sturt Street, respectively. The delivery of each of these through site links has been achieved on each adjoining development site to a width of 6m, in accordance with the block control requirements. It is noted that the Scape Kingsford link functions as a laneway for service and parking access.

To the ground floor plane, the proposed development is setback from the edge of the link (which could have not been provided and have been compliant with the block plan), allowing for an extension of these through site links onto the subject site with activation along each side. The delivery of such access is in addition to the requirements of the block plan and provides further areas for public amenity and activation.

The proposed configuration of both access links is supported, given these links will facilitate improved amenity for future occupants and will continue to satisfy the intent of the through site connections. It is considered that the proposal has provided an appropriate response to site permeability in the amended design and will integrate well with neighbouring development in accordance with the block plan.

Street Setbacks

The block plan for Site 2 requires the following street setbacks, that create the base for the 4-storey street wall podium and tower form above:

Frontage	4 Storey Podium	Upper Tower
Anzac Parade	2.5m	6.5m
Bunnerong Road	1.5m	5.5m
Sturt Street	1.5m	4.5m

The proposed development provides a compliant minimum setback on the 4 storey podium levels and with the upper tower form setbacks to the Bunnerong Road/Sturt Street frontages. The only minor breach is the Anzac Parade upper tower forms, which propose a setback of 6.17m to both buildings. This minor variation is supported as it is consistent with the setbacks of the upper levels to the Scape Kingsford building.

Between the respective tower buildings to the development, the block plan does require a 2 storey street wall to both Sturt Street and Anzac Parade. To Sturt Street, such a cut-out is provided in the required form. However, to Anzac Parade, a cut-out is provided in the consistent 4 storey street wall, which is double height in size, setback from the front alignment and only 3 storeys in height. This cutout achieves the intent of the DCP 2 storey street wall in providing a visual break in the massing and relief with the streetscape. The DEAP was generally supportive of this outcome, subject to changes, of which the applicant has achieved through amended plans. See **Figure 23** below.



Figures 23 – Diagram showing the Anzac Parade façade with the podium cut-out
(Source: SJB Architecture)

Through Site Link Setbacks

The block plan for Site 2 seeks to provide a tiered ziggurat form to the through site links, that provide an appropriate scale of development to the links to create a human scale to the development that allows for planting areas that enhances passive recreation and socialisation. The DCP recognises that these areas are also 'Flexible Zones – 9 storeys or less', that allow for the flexibility of the ziggurat form where the relevant objectives of the scale of the development are achieved.

The DCP allows for a nil setback to the links for 2 storeys. To the Scape Kingsford side, the form then tiers up a further 2 storeys, then 4 storeys, then a final 9th storey. To the 407-411 Anzac Parade side, the controls envision a 6 storey wall above the lower 2 storey setback.

1) *Scape Kingsford Link*

The Scape Kingsford site provides a 3 storey wall to the link (which has the height and scale of a 4 storey street wall as a result of the parapet above the 3 storey wall section) and then a 14 storey upper tower form with a consistent setback.

The proposed development provides the following setbacks to the link:

- Ground Floor: 3.5-7m.
- 1F-3F: 3m-3.6m.
- 4F-13F: 6.3m.

The form is comparable to that of the Scape Kingsford building in that a 4 storey street wall scale is provided and then a consistent 10 storey wall section above. This provides the human scale to the laneway link that achieves the intent of the form of the DCP. In addition, the generous ground floor setbacks from the laneway link provides areas for social interaction in exceedance of that envisioned in the DCP. See **Figure 24** below. Furthermore, the provision of a ziggurat form that tiers the upper tower floors would achieve minimal amenity improvements to the development in terms of solar or privacy (see comments regarding separation below). As such, the form is considered acceptable.

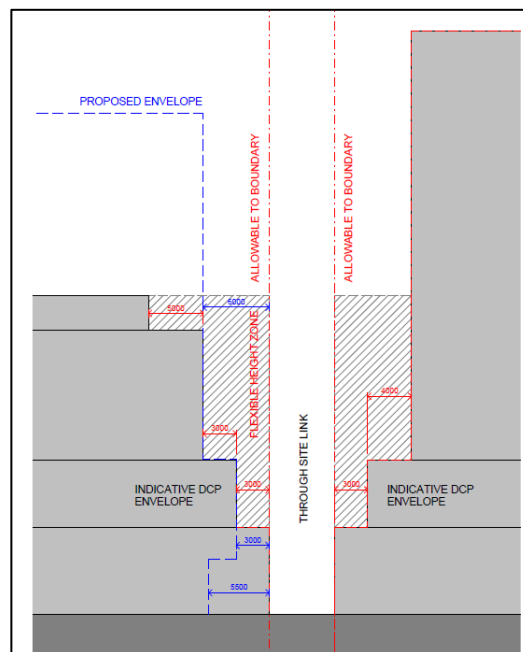


Figure 24 – Section showing the DCP envelope and the proposed building envelope
(Source: SJB Architects)

2) *407-411 Anzac Parade Link*

The 407-411 Anzac Parade site has an approved development that provides a largely 4 storey wall to the link, that then tiers up in a set of 3 storeys and then 2 storey above to provide the ziggurat form.

The proposed development provides the following setbacks to the link:

- Ground Floor: 3.2-9.9m.
- 1F-8F: 5-7m.

The form provides a defined 4 storey street wall to both ends of the link (at Anzac Parade and Sturt Street) and in-between provides a consistent 8-storey saw-tooth form fronting the link. To Anzac Parade and Sturt Street, the 4 storey street wall and upper 5 storey tower form is well defined and consistent across the development and supportable.

The saw-tooth form provides an articulated wall section that achieves a 4 storey street wall to the link through a consistent 'BRK-101' Brick Soldier Sand finish to the street wall sections and then a break in materials to the 5 storeys above with 'CLD-202' Metal Anodised Charcoal finish with the privacy fins consistent with those to the Scape Kingsford side.

Whilst the 2 storey street wall and 7 storey tower form has not been demonstrated as per the DCP, the 4 storey street wall and 5 storey tower form is acceptable in providing a comparative scale of form to the 407-411 Anzac Parade building that achieves the human scale to the link intended in the DCP.

In addition, similarly to the Scape Kingsford laneway link, the generous ground floor setbacks from the laneway link provides areas for social interaction in exceedance of that envisioned in the DCP. Furthermore, whilst the provision of a saw-tooth form that does not comply with the upper level setback form in the DCP, further separation to 407-411 Anzac Parade would achieve minimal amenity improvements to the development in terms of solar or privacy (see comments regarding separation below). See **Figure 25** below. As such, the form is considered acceptable on balance.

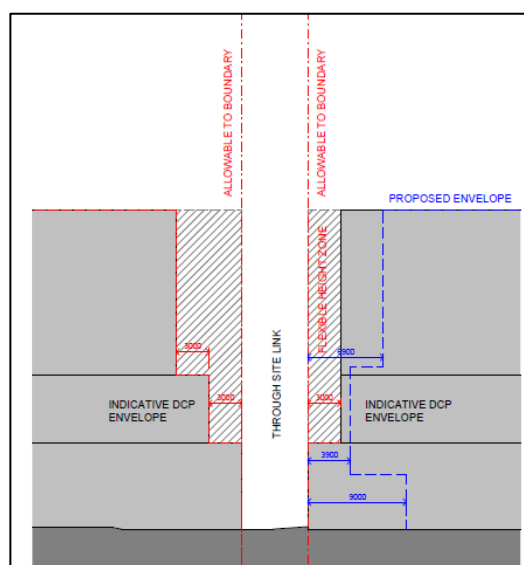


Figure 25 – Section showing the DCP envelope and the proposed building envelope to Anzac Parade (Source: SJB Architects)

Separation

The block plan for Site 2 allows for 'flexible zones' between the adjoining development sites and the internal building separation of this subject site, in order to provide a development that responds to the scale of development envisioned in the DCP, as well as allow a merit consideration of the amenity impacts on adjoining development.

The above assessment has considered and established that generally the scale and massing of the development is supported in terms of its place within the approved adjoining development, vision in the Kingsford Town Centre and to the adjoining links. The following assessment is a consideration of the building separation in terms of providing adequate amenity of the adjoining development and subject student rooms.

Section 69(2)(b) of the Housing SEPP 2021 requires the consent authority to consider the co-living building will comply with the minimum building separation distances specified in the Apartment Design Guide.

For reference, Clause 3F of the ADG requires the following separation between buildings:

Building Height	Between habitable rooms/balconies	Between habitable and non-habitable rooms	Between non-habitable rooms
Up to 4 Storeys	12m	9m	6m
5-8 Storeys	18m	12m	9m
9 or more Storeys	24m	18m	12m

The applicant has provided a detailed analysis of the separation assessment in their Design Excellence Report, of which forms part of the assessment below.

It is noted that there are no design criteria or development standards relating to providing direct solar access to co-living rooms. Control 13(b)(i) of the K2K DCP states that "the design is to ensure that at least 60% of rooms achieve solar access during mid-winter for sites that have a north-south orientation". It is noted that site has a north-east to south-west orientation, as such the control is not exactly applicable in this instance. However, the 60% control is a guide to ensure sufficient solar access to rooms is achieved. The applicant has confirmed that 90% of rooms will receive some direct solar access at mid-winter.

1) Scape Kingsford Separation

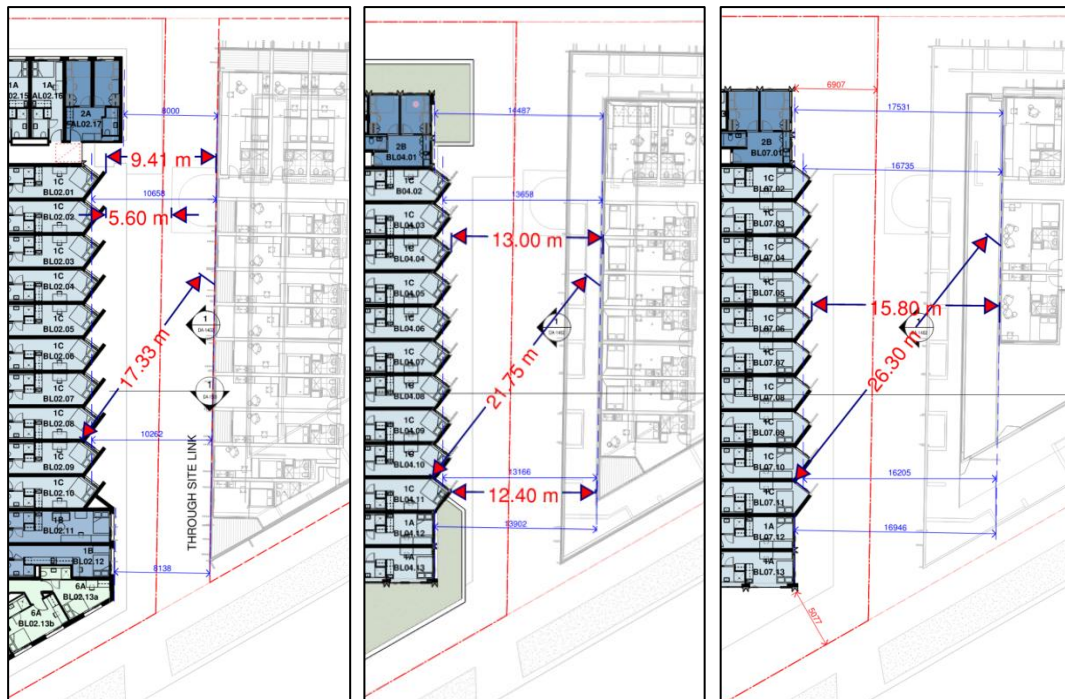
The separation between the proposed development and Scape Kingsford building is detailed in the below table and in **Figures 26-28**, as follows:

- **Privacy:** The Scape Kingsford building has 3 private rooms to each floor that are single aspect that overlook the subject site, being 18m separated from the proposed development. Other rooms along this elevation have their primary orientation to the street frontages with secondary windows being 15m setback to the boundary of the subject site. In order to alleviate overlooking privacy impacts, the proposal strategically includes privacy fins to part of the upper 5-13 levels on the elevation. The fins have circular cut-outs that allow for additional sunlight/daylight to penetrate into the rooms, improving their amenity. In this instance, the use of the privacy screens is acceptable in providing adequate privacy between adjoining rooms and will still enable adequate amenity.
- **Solar access:** The applicant has demonstrated that all rooms and beds that have a single aspect to the north-western boundary will receive between 1-2 hours of direct sunlight at mid-winter between 9am-3pm. As the adjoining Scape Kingsford building is 3 storeys higher than the subject building, any additional setback of levels will have a negligible impact on the improvement of solar penetration into these rooms. It is noted that 26 of the 29 single aspect beds on levels 11-13 will receive at least 2 hours of direct sunlight. As such, the solar access is considered acceptable.

2) 407-411 Anzac Parade Separation

The separation between the proposed development and 407-411 Anzac Parade building is detailed in the below table and in **Figures 29-31**, as follows:

Building Height	Between habitable rooms	Between habitable and non-habitable rooms	Compliance
Levels 1-3 (Storeys 2-4)	5.6m-17.3m	5.6m (Level 1 only)	N
Level 4-6 (Storeys 5-7)	12.4m-21.75m	-	N
Level 7-8 (Storeys 8-9)	15.8m-26.3m	-	N



(levels 1-3) are acceptable in achieving adequate amenity and separation as when measuring the separation from window-to-window, it complies with the 12m ADG criteria to these lower levels. In this instance, the use of the saw-tooth form and blade walls/ privacy fins are acceptable in providing adequate privacy between adjoining rooms that will still receive adequate amenity.

- Solar access: The applicant has demonstrated that 97% of the saw-tooth beds will receive some direct sunlight, as a result of orientating rooms to the eastern aspect. This design choice is a positive improvement to the amenity of these rooms, rather than simply orientating rooms directly to the common boundary with the 407-411 Anzac Parade building.

In terms of solar access to the rooms at 407-411 Anzac Parade, it is noted that the Anzac Parade tower portion of the form is largely consistent with the DCP block control provisions. The areas where the saw tooth windows protrude out of the envelope do have some impacts to direct solar to rooms on level 4 (at 12pm) and level 5-6 (at 1pm), as shown below:

- To level 4, this will reduce direct solar access to 3 rooms, however such rooms will continue to receive some direct sunlight between 10-11am. See **Figure 32** below showing the additional solar impact from the saw-tooth form at 12pm.

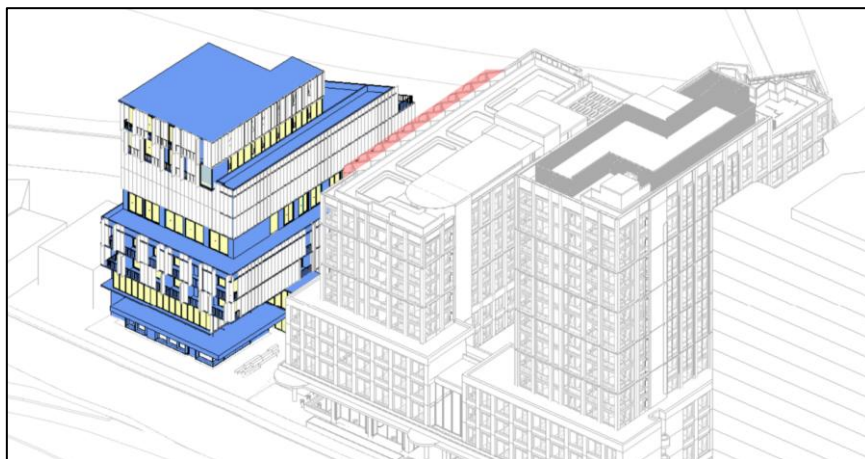


Figure 32 – Sun-eye diagram at 12pm at mid-winter of the proposed development impacts on 407-411 Anzac Parade (*Source: SJB Architects*)

- To level 5-6, the impact is negligible as direct solar access to level 5 is already compromised and direct solar access to level 6 will be retained at this time and will enjoy at least 2 hours of direct solar access. See **Figure 33** below showing the additional solar impact from the saw-tooth form at 1pm.

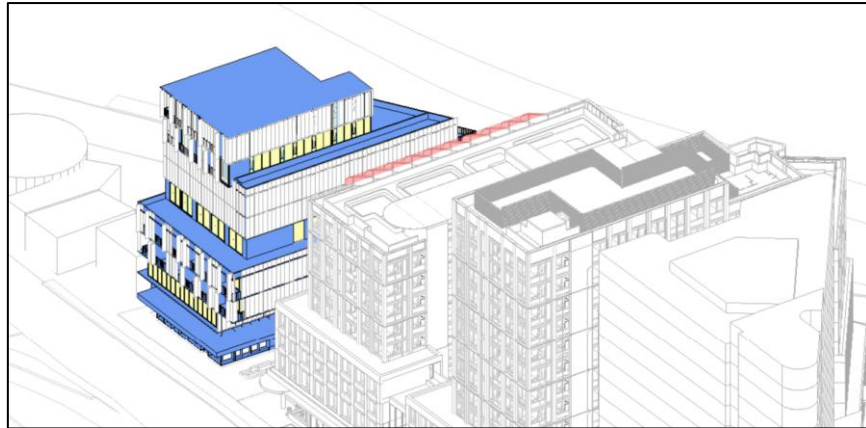


Figure 33 – Sun-eye diagram at 1pm at mid-winter of the proposed development impacts on 407-411 Anzac Parade (*Source: SJB Architects*)

As such, the solar access is considered acceptable in the context of the site and the development anticipated in the precinct undergoing transition.

3) Tower A and B Internal Separation

The separation between the proposed buildings to the development site is detailed in the below table and in **Figures 34-35**, as follows:

Building Height	Between habitable rooms	Between habitable and non-habitable rooms	Compliance
Levels 2-3 (Storeys 3-4)	4m-15.6m	4.2m-15.6m	N
Level 4-8 (Storeys 5-9)	4m-15.6m	4.2m-15.6m	N



Figure 34-35 – Separation of the proposed development and 407-411 Anzac Parade at Levels 2-3 and 4-8 respectively (*Source: SJB Architects*)

The proposed development does not achieve the required separation required of at least 12m from habitable-to-habitable room at any of the floors required under the ADG. This includes separation as little as 3.98m between glazing of opposite private

rooms, as well as the separation between the outer edge of the saw-tooth wall sections to Tower A and the internal façade wall of Tower B. Consideration of the glazing-to-glazing separation is detailed as below.

The following amenity considerations have been considered in order to determine whether the non-compliant separation is acceptable or not:

- Built form: The proposed development is consistent with the DCP block plan in that the development consists of a two tower form, separated by a break in the massing between to 2 storeys only, which is occupied by a large green roof podium section. The development provides a 4 storey wall and respective 9 storey tower form (Tower A) an 5 storey tower form (Tower B) above with adequate cut-outs. As such, the form is generally acceptable in terms of the scale of development in the block and largely consistent with the DCP objectives and controls.
- Privacy: The proposed internal separation between the internal facing rooms between tower sections is 15.6m, which to levels 2-3 complies with ADG minimum separation (it is noted that planting to the internal planter roof podium will provide some supplementary privacy between these internal rooms). The only rooms of concern are AL02.44 and AL03.42, which are only separated from AL02.42 and AL03.40 (respectively) by 4m from glazing to glazing. Privacy screens will be required to AL02.44 and AL03.42, implemented through a recommended condition of consent.

To levels 4-8, compliance is not achieved with the 18m requirement. Privacy screens have been provided to south-eastern facing windows to Tower A to prevent direct overlooking, which is considered acceptable in this instance (as a zigurat form is not desirable under the DCP or ADG to achieve further separation).

The proposed separation between glazing to the Sturt Street lower street wall cut out and upper tower forms is within the minimum separation distance requirements, however, is considered acceptable as the internal facing walls are largely blank walls. Where windows are provided, they are staggered and do not direct overlook one another. No such privacy treatments are required to manage this part of the building.

- Solar access: The applicant has demonstrated that 54 of 56 private beds that have a single aspect to the north-western side of Tower B will receive some direct solar access. Of these 54, 52 will receive at least 1 hour of direct sunlight at mid-winter between 9am-3pm. In addition, the proposed separation will provide north-facing rooms to the 9 storey component to Tower A with direct sunlight to all rooms, with 26 of 30 beds receiving at least 2 hours of direct sunlight.

As Tower A is 14 storeys and on the north-western side of the site and Tower B has 9 storeys on the south-eastern side of the site, an increased separation between the towers would make a negligible impact in providing further direct solar access to rooms. Tower A will always overshadow Tower B from midday onwards. It is considered the sufficient internal facing rooms receive adequate solar access at mid-winter as a part of the development.

5.4 Solar Access

Concerns have been raised in a submission regarding overshadowing from the proposed development to the adjoining properties, with regards to the properties to the south of the site at 1-5 Sturt Street, which comprises a row of (7x) two storey townhouse dwellings.

The applicant has submitted solar analysis that demonstrates that the built form overall improves the solar amenity of the southern adjoining properties in not taking full advantage of the maximum 17 storey form permitted on the Part A portion of the site. The transition of the form to a wider 14 storey envelope reduces the amount of solar impact on these townhouse dwellings. This includes the non-compliant section of the Tower A form on the Part B portion of the site, that is subject to the most significant height variation. The solar impact on such properties is similar to that anticipated as part of the uplift of the Kensington Triangle Site, and as such is supported. See **Figures 36-37** below for analysis:

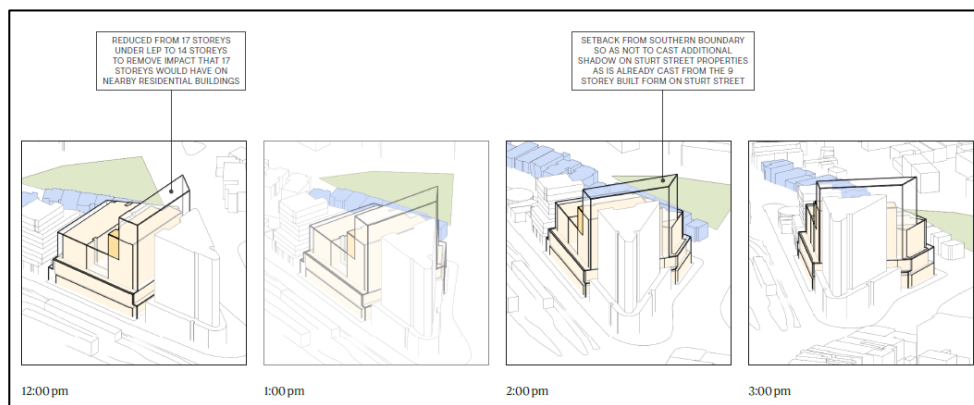
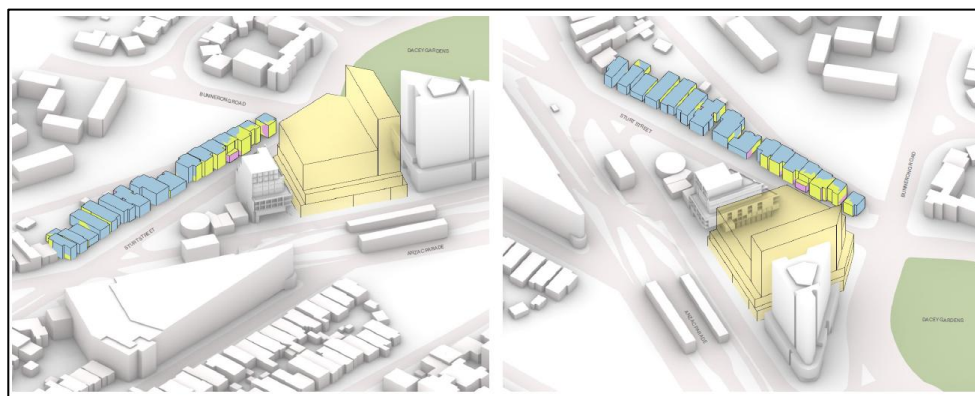


Figure 36 – Solar analysis showing the LEP envelope in comparison to the proposed development envelope (Source: SJB Architects)



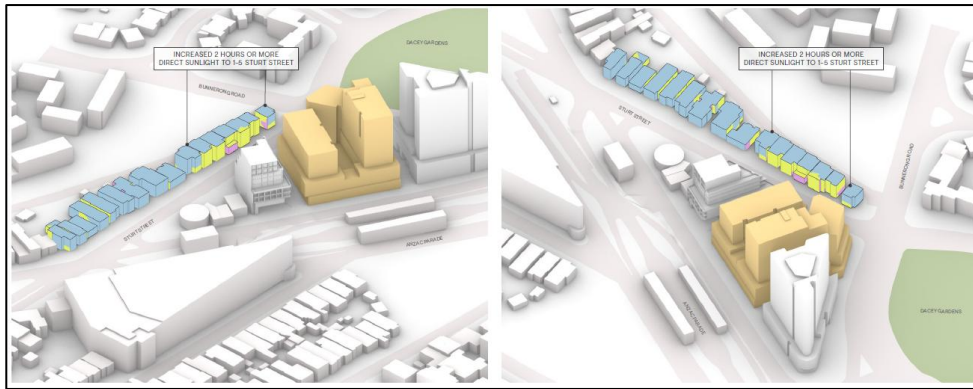


Figure 37 – Solar analysis showing the different between the solar impact of the LEP envelope in comparison to the proposed development envelope on 1-5 Sturt Street
(Source: SJB Architects)

While the proposed development also breaches the maximum height at the lower Tower B, the non-complaint communal open space, service core access and plant facility structures are well setback from the edge of the building floorplate and shall not contribute to any discernible overshadowing impacts and is comparable with a compliant 9 storey proposal. It is considered that the resultant overshadowing is a result of the high density nature of the development, in which any redevelopment of this site would result in some degree of overshadowing impact.

The concerns raised in submissions have been considered in the context of the anticipated level of development under the Kensington and Kingsford RDCP 2020, noting the area is under transition, and the relevant amenity provisions within the DCP. As such, the proposed development is not considered to result in any unreasonable impacts upon the adjoining properties with regards to solar access.

5.5 Integrated Acoustic Privacy, Ventilation and Air Quality Strategy

Concerns were raised by Council's Environmental Health Officer that the proposal did not adequately provide for an integrated acoustic privacy, ventilation and air quality strategy for the building, in accordance with K2K DCP provisions and the site adjoining two classified roads (Anzac Parade and Bunnerong Road) and the Light Rail.

In response, the applicant has provided further details and amended their acoustic advice to confirm that such a strategy could be implemented in the development that allows for natural ventilation to all private rooms, supported by mechanical ventilation including air conditioning and trickle-vents, as well as meeting the required acoustic privacy and air quality levels, subject to further refinement and testing as part of the construction certificate detailing. Accordingly, the design of the final system/strategy will be secured via a consent condition to ensure compliance with the relevant DCP sections.

5.6 Proliferation of Co-Living Housing and Boarding House Development in the K2K Precinct

Council staff note the following resolution from Councillors at the 18 November 2025 Ordinary Council Meeting regarding the proposed development:

- *Notes that planned capacity for over 4000 additional dwellings in the Kingsford and Kensington Town Centres has been taken up almost exclusively by commercial student accommodation and boarding house developments;*
- *Notes that the micro studios will not be affordable to students and people on low or very low incomes, are not accessible to people with disability, are not suitable for families, and are not meeting the stated objective of providing a housing option for households excluded from standard rental tenancies;*
- *Notes further that these developments are in effect locking out capacity for diverse private dwellings in accessible locations in the Randwick LGA; and*
- *Writes to the NSW Planning Minister the Hon Paul Scully MP calling for a moratorium on this and other commercial student and boarding house accommodation in the Kingsford and Kensington Town Centres, and request that urgent measures are taken to build more public housing and ensure that private developments and student accommodation are affordable, accessible, and meet the needs of our diverse and growing community.*

It is noted that Council has received a substantial number of development applications seeking consent for co-living housing within the Kingsford and Kensington Town Centres. In accordance with the Housing SEPP, this type of co-living development is permitted within the town centres. Whilst the proposed development will contribute a further 530 student accommodation rooms, such a land use is permitted and there is currently no moratorium in place to prevent such residential development.

6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

The proposed development provides a high density mixed-use development ranging from nine (9) to fourteen (14) storeys in height. Whilst the proposed development results in a variation to the maximum building height to Part B of the site and the floor space ratio to Part A as a result of the 14 storey transition to Tower A. It is considered that the development provides an appropriate and well-considered transitional form on the site to respond to adjoining development. This is consistent with that anticipated scale of development under Part E6 of the Randwick DCP 2013 and relevant standards contained within the RLEP 2012.

The extent of the other Tower B height breach is predominantly in relation to roof top structures not contributing to any additional residential floor space or appreciable amenity impacts.

Further, the proposal provides improved connectivity to the adjoining through site link/laneway links to either side and maintains a largely consistent 4 storey street wall to all sides of the development, with adequate breaks to Anzac Parade and Sturt Street, to provide an appropriate human scale to the development in publicly accessible areas around the site. In addition, the development provides sufficient separation between student accommodation rooms both on adjoining sites and internally between Towers A and B to provide sufficient amenity to rooms and adjoining development. As a result, the proposed scheme will continue to provide a design outcome that is generally in keeping with the visual bulk and environmental impacts anticipated under Part E6 of the Randwick DCP 2013 and the future desired character for the Kingsford Town Centre.

The overall architectural design of the development has addressed the matters raised by Council's Design Excellence Advisory Panel through plan amendments and recommended consent conditions. As discussed in detail within the report, the proposal is not considered to result in any unreasonable impacts upon the residential amenity of surrounding and neighbouring properties and as such the development is supported in this instance. The proposal satisfies the relevant objectives contained within RLEP 2012 and the relevant requirements of RDCP 2013 and under Part E6 of the Randwick DCP 2013 and is consistent with the development standards required by the Housing SEPP for co-living housing development.

It is considered that the key issues as outlined in Section 6 have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions at **Attachment A**.

7. RECOMMENDATION

That the Development Application DA/591/2025 for the integrated development for demolition of existing structures to enable the construction of a mixed-use development comprising two towers above a common podium (9-14 storeys), ground floor commercial uses (retail), community facility, a place of worship, loading dock, one level of basement parking (23 car spaces), roof terraces, plant facilities, landscaping, public domain augmentation, and co-living student accommodation development (530 rooms) at 399-405 Anzac Parade, 2-4 Sturt Street & 19-21 Bunnerong Road, Kingsford be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at Attachment A.

The following attachments are provided:

- **Attachment A:** Draft Conditions of Consent
- **Attachment B:** Tables of Compliance
- **Attachment C:** External Referral Comments
- **Attachment D:** Internal Referral Comments
- **Attachment E:** Architectural Plans
- **Attachment F:** Clause 4.6 Requests