

## Clause 4.6 – Variation Request – Height of Buildings

### Key Points

The proposed development has been subject to significant design development throughout the preparation phase with Randwick City Council's Design Excellence Advisory Panel and is now subject to the Development Application process.

The proposed **variation to the height standards** demonstrates that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient planning grounds to justify this variation. In summary, these circumstances can be summarised as follows:

- **The proposed development is aligned with the K2K Strategy to deliver additional height and FSR within a mixed-use development outcome in the Kingsford Junction Precinct.** The proposed development aims to deliver a genuine mixed-use development within an in-fill site completing the vision for the Kingsford Junction Precinct. Such an outcome necessitates flexibility in the application of the built form standards to ensure an appropriate transition in height can be delivered.
- **The proposed development underpins the amalgamation of 6 land parcels that sit between recently built/approved projects either side and enables the completion of the precinct.** The proposed development strikes the right density, height and building form balance to deliver a feasible and appropriate development outcome that ensures this important mid-block amalgamation proceeds and avoids leaving any or all of the 6 parcels isolated.
- **The proposed variations do not give rise to any inconsistency with the objectives of the height standard.** Specifically, the variations relate to resolving the two alternative building height development standards on the site and constraints imposed by the lot ownership and amalgamation patterns of neighbouring properties. Other minor variations relate principally to plant/service/exhaust spaces which do not compromise the established character, amenity and landform of the area. Further, the areas of the height standard where variation occurs continues to minimise overshadowing, visual impacts and the streetscape, visual amenity of the area.
- **There are sufficient environmental planning grounds to justify the proposed variation to the height of buildings development standard.** The additional height will not result in any detrimental amenity impacts (overshadowing, views or privacy) to surrounding development when compared to a complying design. Nor will the extent of the non-compliance result in any adverse visual impact on the locality.
- **There is misalignment between RLEP 2012 and the K2K DCP site specific provisions in relation to the maximum building height (LEP) and height in storeys (DCP).** The K2K DCP identifies a height in storeys control of 9 storeys, despite the LEP allowing up to 17 storeys on 25% of the site. The misalignment arises from the lot amalgamation and ownership derived from development of the Scape Kingsford building. The proposed development proposes a transitional massing outcome to reduce the overall 51m – 57m (17 storeys) building height limit afforded to Site A to be a 48.98m (14 storey) limit by redistributing the GFA to a lower position adjacent to Part A within the Site B zone which otherwise has a 31m height limit. The protrusion above 31m is limited to approximately 5.48% of the total site area.
- **The built form has been developed in response to site constraints and the design development for the built form and massing across the site.** The proposal envisages a development scheme which achieves design excellence through built form and place making. This has been achieved through

use of building scale and building arrangement that will positively contribute to public realm interfaces whilst remaining compliant with the FSR control for the site.

- **The proposed variation does not result in any unreasonable impacts to surrounding properties.** The additional building height will not result in unreasonable impacts to public spaces adjacent residential developments.

## Introduction

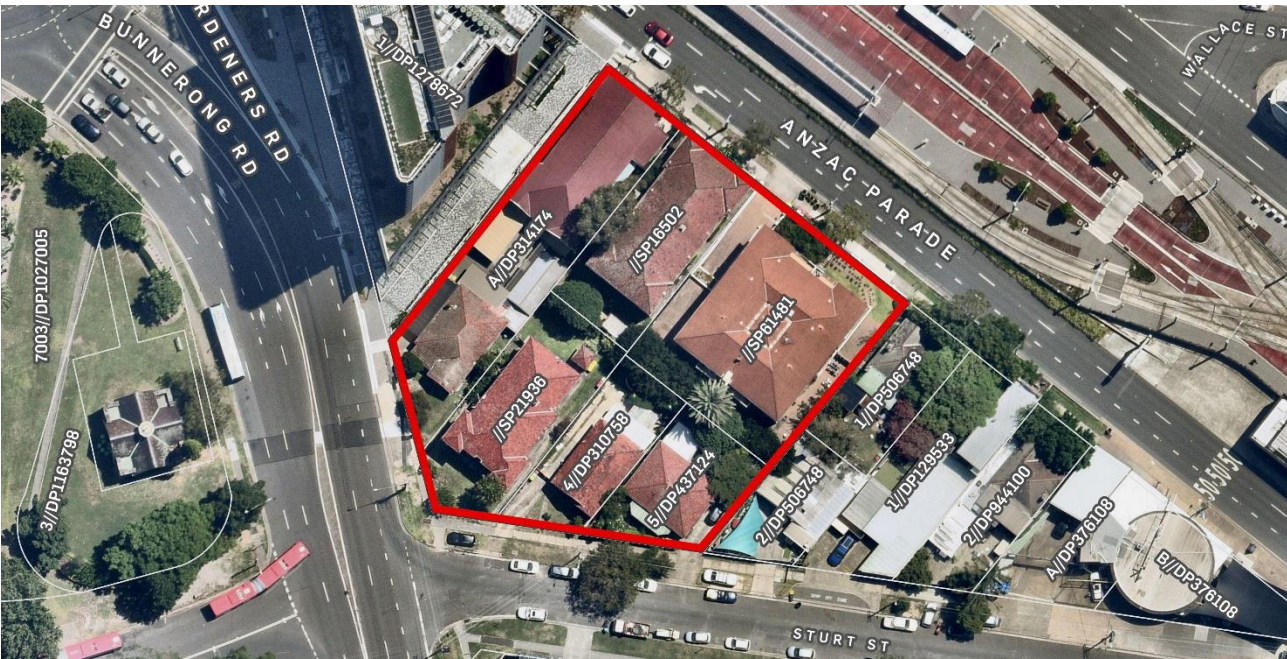
This clause 4.6 Variation Request (**Request**) has been prepared by Urbis Ltd (**Urbis**) and accompanies the Development Application (**DA**) for a mixed-use development at 399-405 Anzac Parade, Kingsford (**The Site**).

This request seeks to vary the Height of Buildings development standard prescribed for the site under clause 4.3 and 6.17 of the *Randwick Local Environmental Plan 2012 (RLEP 2012)*. This request is made pursuant to the mechanisms in clause 4.6 of RLEP 2012.

## Site and Proposed Development

### Site Context

The subject site is located at 399-405 Anzac Parade, Kingsford and comprises six (6) lots as described in **Figure 1: Aerial Photograph**



Source: Nearmap 2024 (annotated by Urbis)

Table 1: Site Particulars

| Reference | Site Address                    | Legal Description | Site Area |
|-----------|---------------------------------|-------------------|-----------|
| Part A    | 399 Anzac Parade, Kingsford     | Lot A DP 314174   | 933sqm    |
| Part B    | 399A Anzac Parade, Kingsford    | SP 16502          | 2,845sqm  |
|           | 401-405 Anzac Parade, Kingsford | SP 61481          |           |
|           | 2 Sturt Street, Kingsford       | Lot 4 DP 310758   |           |

4 Sturt Street, Kingsford

Lot 5 DP 437124

21 Bunnerong Road, Kingsford

SP21936

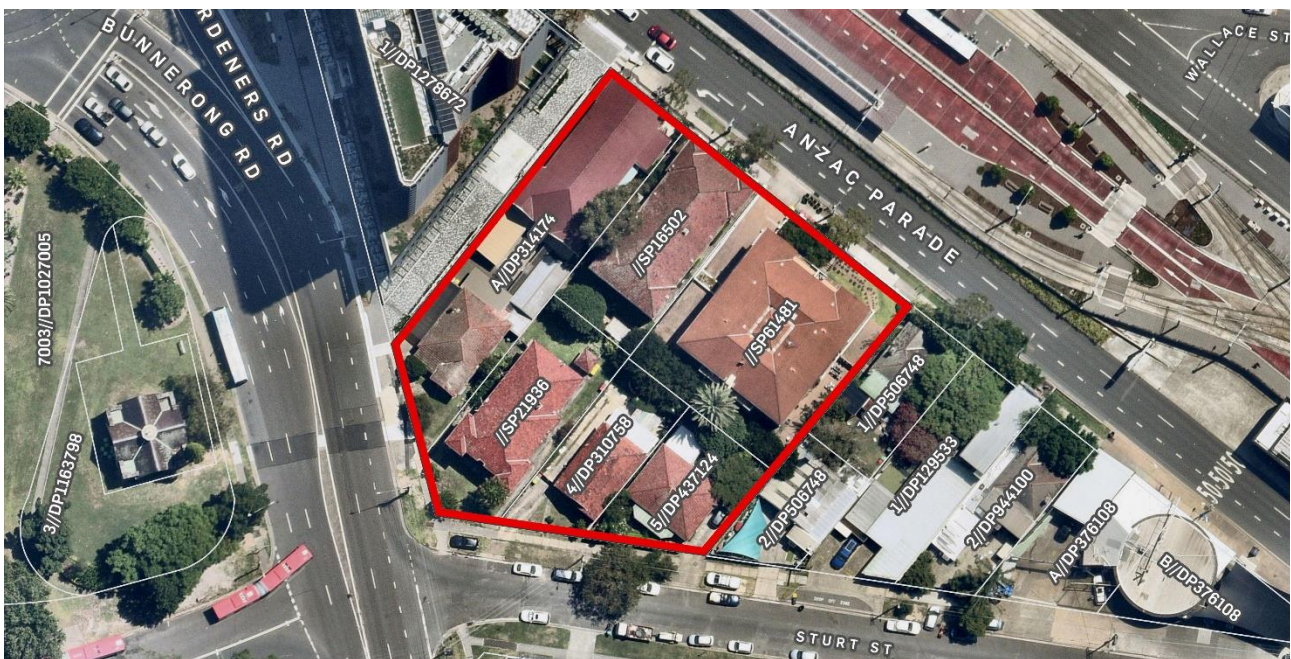
below.

The site is within the Randwick City Council local government area. It is largely rectangular with an area of 3,788sqm. An aerial image of the site is detailed in **Error! Reference source not found.** below.

The site is a dual aspect allotment and has three frontages to Anzac Parade, Sturt Street and Bunnerong Road. The site has minimal existing vegetation with scattered trees on multiple lots.

The site contains various 2 to 3 storey residential flat buildings, 1 to 2 storey detached residential dwellings and the Kingsford Church of Christ place of public worship. The site has access from Anzac Parade, Sturt Street and Bunnerong Road via direct crossovers. The site is well located adjacent to the Juniors Kingsford light rail and bus interchange and Dacey Gardens reserve with the Kingsford town centre.

Figure 1: Aerial Photograph



Source: Nearmap 2024 (annotated by Urbis)

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|-----------|---------------------------------|-------------------|-----------|
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|           | 4 Sturt Street, Kingsford       | Lot 5 DP 437124   |           |
|           | 21 Bunnerong Road, Kingsford    | SP21936           |           |

The surrounding context includes a mix of student accommodation, medium density residential and commercial land uses. These have varying building heights and architectural character. As aforementioned, site benefits from its prominent position along Anzac Parade, a key arterial road within the locality which comprises the L3 light rail and acts as a major transport route to the Sydney CBD.

The site is immediately adjacent to the completed 17 storey, 55-57m tall Scape Kingsford co-living development (northern boundary) and the approved 9 storey, 33m tall 407-411 Anzac Parade co-living development (southern boundary). The proposal seeks to provide an appropriate transition between the 17 storeys to the north and the 9 storeys to the south. A mid-rise townhouse residential development is to the southwest of the site.

Figure 2: Site Orientation



Source: Nearmap 2025 (annotated by Urbis)

## Proposed Development

The proposed development seeks to deliver co-living housing for the purposes of student accommodation consistent with Council's vision for the Kensington and Kingsford area strengthening the corridors position as an educational hub and activation through retention of the existing church and delivery of community facilities.

Specifically, development consent is sought for:

- Demolition of the existing structures on-site.
- Construction of a part 14-storey, part 9-storey mixed-use development comprising the following elements:
  - Ground floor incorporating a co-living reception and communal areas, community facility, commercial spaces, place of worship, loading dock, waste storage, and services.
  - Levels two to 9 and 14 comprising co-living student accommodation including 530 rooms with 656 beds and communal areas.

- Rooftop communal open space.
- Single level basement parking
- Landscaped building setback areas that help to activate the ground level at the street edge and reinforce the role of the adjoining through site links.
- Public domain improvements along Anzac Parade, Bunnerong Road and Sturt Street.
- Vehicular access via Sturt Street.
- Utilities and service provisions, including plant on the ground floor and rooftop.
- Architectural plans prepared by SJB detailing the proposal are attached under a separate cover.

The project has undergone a rigorous design process including a prelodgement meeting and two DEAP meetings to ensure that the proposed development achieves a high-quality outcome within the Kingsford Triangle precinct under the Kensington to Kingsford Strategy (K2K).

Over the course of this engagement, the proposed built form and massing falling across the six allotments have been endorsed by key assessing authorities, in particular the proposed floor space over the site.

Figure 3: Visualisation of the Proposed Development



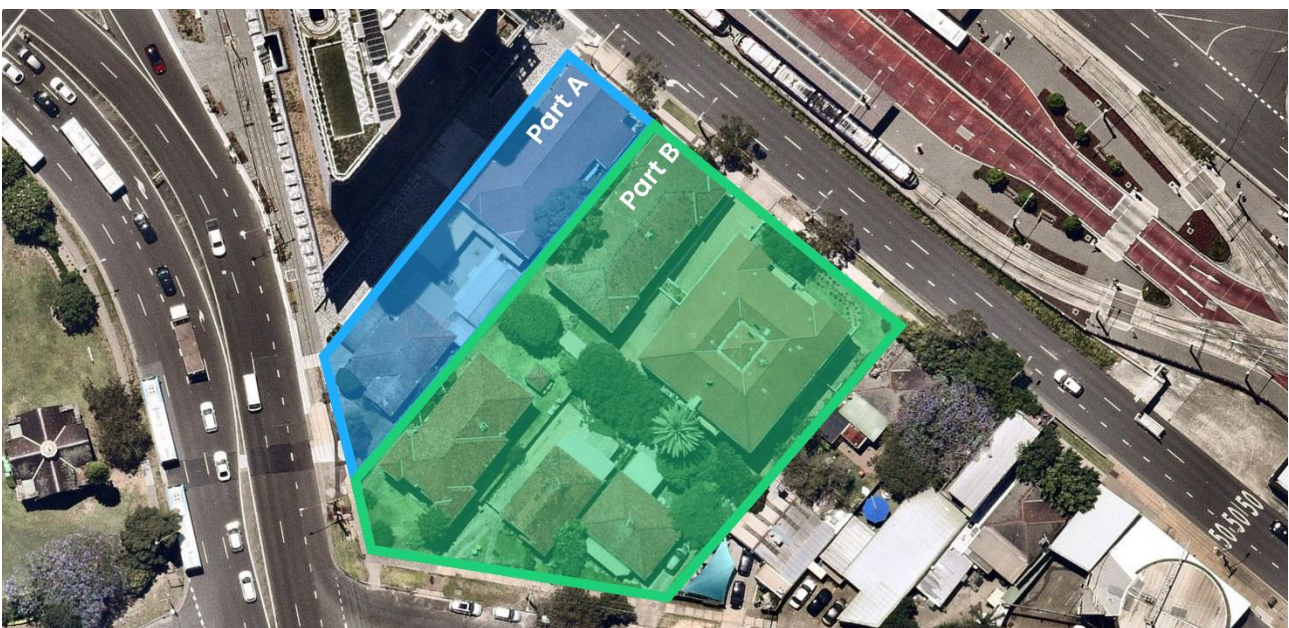
Source: SJB Architects

## Planning Context and Kensington and Kingsford Planning Strategy

The site is zoned E2 Commercial Centre under the RLEP 2012. Co-living development is permissible with consent in this zone. The site does not contain any heritage items and is not within a heritage conservation area.

The site has split planning controls. For the purposes of this DA and with reference to the planning controls that apply to the site, 399 Anzac Parade which comprises the existing Kingsford Church of Christ is referred to as 'Part A' and the remainder of the site is referred to as 'Part B', as shown in **Figure 4**.

Figure 4: Part A and Part B Context Map



Source: Nearmap, 2024 (annotated by Urbis)

The Kensington and Kingsford Planning Strategy (**K2K**) sets out the long-term vision and aims to transform the Kensington and Kingsford town centres and corridor along Anzac Parade into vibrant and sustainable urban hubs.

K2K promotes urban renewal through increases in building height and density along the corridor, with tall buildings concentrated at key nodes being Todman Square, Kingsford Midtown, and Kingsford Junction. It focuses on enhancing public spaces, expanding community infrastructure, affordable housing and ensuring design excellence is met for future redevelopment.

Under Part 6, Division 1 of the Randwick Local Environmental Plan 2012 (**RLEP 2012**), specific controls apply to sites identified within the K2K. These controls primarily address increased building heights and densities within the town centre, affordable housing requirements, minimum non-residential floor space provisions, the inclusion of commercial uses on ground floors to activate street frontages, and design excellence requirements.

The site is located within Site 2B of the Kingsford Junction Strategic Node Site which envisages a consolidated development with the neighbouring properties to the east and west. The subsequent development of Scape Kingsford at 9 Bunnerong Road (Site 2A) and adjoining development approval at 407 Anzac Parade (DA/407/2021) has resulted in a revised land ownership arrangement and development opportunity for the site the subject of this proposed development.

The site has a base height of buildings control of 24m and a base floor space ratio (**FSR**) of 3:1. Notwithstanding, the resultant development of Scape Kingsford and future development of 407 Anzac Parade has resulted in multiple principal development standards applying to the site under RLEP 2012 for alternative building heights and FSR.

The following split of planning controls apply to the site under RLEP 2012:

- An increased building height of 51 metres for Part A and 31 metres for Part B.
- An alternative floor space ratio of 4:1 for Part A and 5:1 for Part B.
- A non-residential floor space ratio of 1:1 for Part A.
- Ability for Part A building height to be increased to 57 metres through a design excellence competition process.

The proposed development aligns with the prevailing development pattern of higher density mixed-use buildings and aims to utilise the incentive building height and FSR provisions under RLEP 2012 for sites within K2K. Additionally, the site is located immediately adjacent to the Juniors Kingsford light rail stop, providing access to high-frequency public transport.

The key location of the site provides the opportunity to present a strategically important development adjacent light rail infrastructure to present a landmark site and create a hub of activity.

The proposed development is broadly consistent with the strategic objectives of K2K and the Kingsford Junction Precinct as:

- Higher density residential, commercial and community floor space is anticipated adjacent light rail stations.
- The RLEP 2012 anticipates greater densities and land uses within strategic node sites.

The proposed development is consistent with the E2 Commercial Centre zone objectives including establishing a mixed-use development that will contribute to the vibrancy and activity of the area.

The proposed development is aligned with the strategic planning for the precinct as it will deliver significant co-living floor space and will fit within the character of the area, making the site suitable for the proposed development.

# Key Moves of the Proposed Development

Key moves which form part of the scheme as a response to the site context and feedback from the Design Excellence Advisory Panel (DEAP) and Council in relation to the building massing and height are outlined below:

## Through-Site Links and Connection

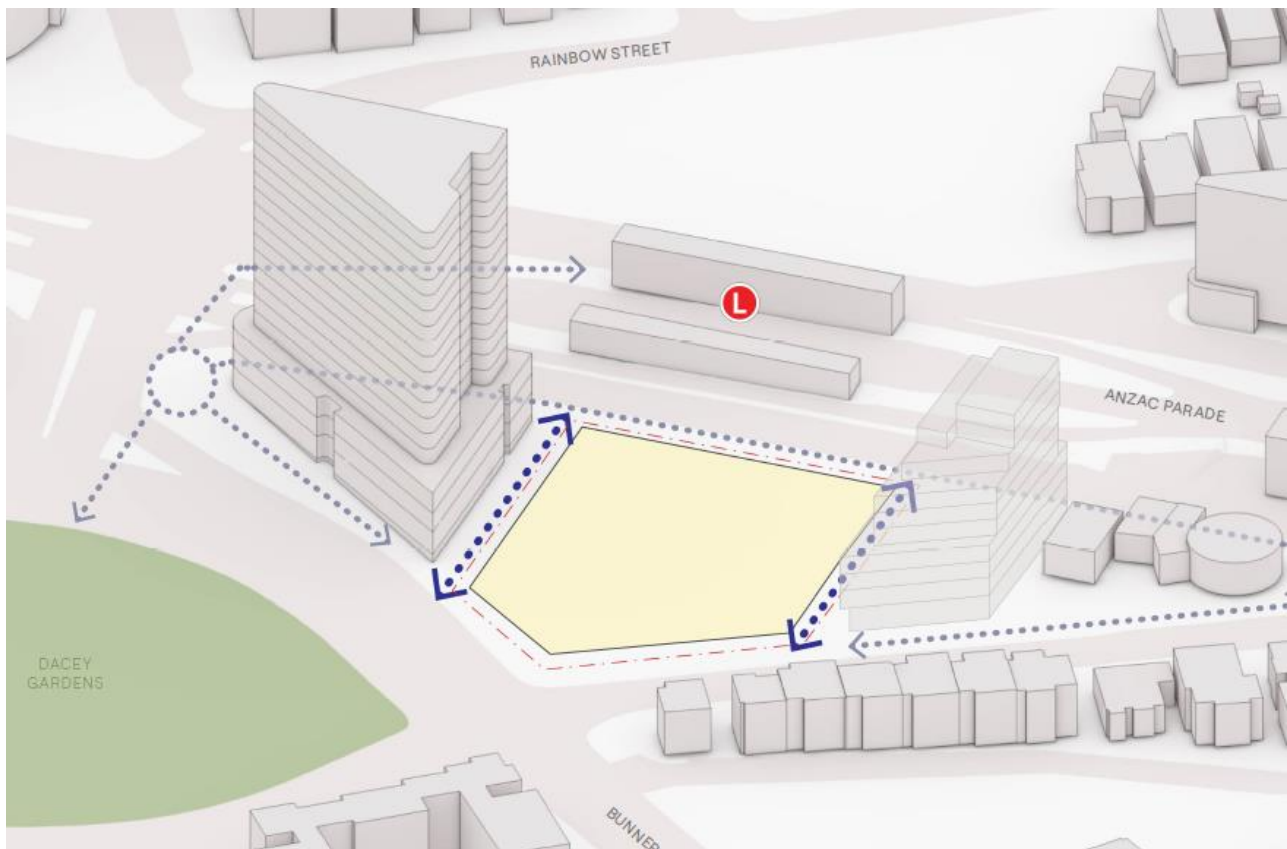
The scheme has been setback from north and south edges to enhance the amenity of the adjacent through-site links that improve pedestrian connectivity and accessibility to the light rail, responding to active frontages on Anzac Parade. These neighbouring through-site links frame the site and the increased setbacks from that contemplated in the DCP enhances the pedestrian experience for locals and visitors alike. The proposed interface with the through-site links has been designed to respond to DEAP feedback. For context, key DEAP comments are extracted below.

### DEAP Comment:

*“Ensure that the final plans are developed to align with the activation masterplan and create active and vibrant edges and a series of conditions that are appropriate to edge conditions.*

*Ensure laneways are developed with regard to adjacent entries, separation and other uses. And to promote passive surveillance alongside activation.”*

Figure 5: Through-Site Links and Connection



## Streetwall Height and Podium

A four storey streetwall height has been established to maintain a consistent datum along the streetscape. This improves pedestrian amenity, sight lines and interpretation of the bulk and scale of the building at the ground plane. In response to DEAP feedback, the development as proposed provides a central cut out of the podium to create greater articulation and to improve light to the inner courtyard, amenity, street rhythm and scale. DEAP comments in relation to this item are extracted below.

**DEAP Comment:**

*"Noting that the presentation has shown a method of articulation it would be good to study if this could be further developed to create increased light to the inner courtyard, better connection to adjacent developments if appropriate, more street rhythm and scale and potentially address any liveability issues of lower-level dwellings near noise from roads or laneways."*

Figure 6: Streetwall Height and Podium

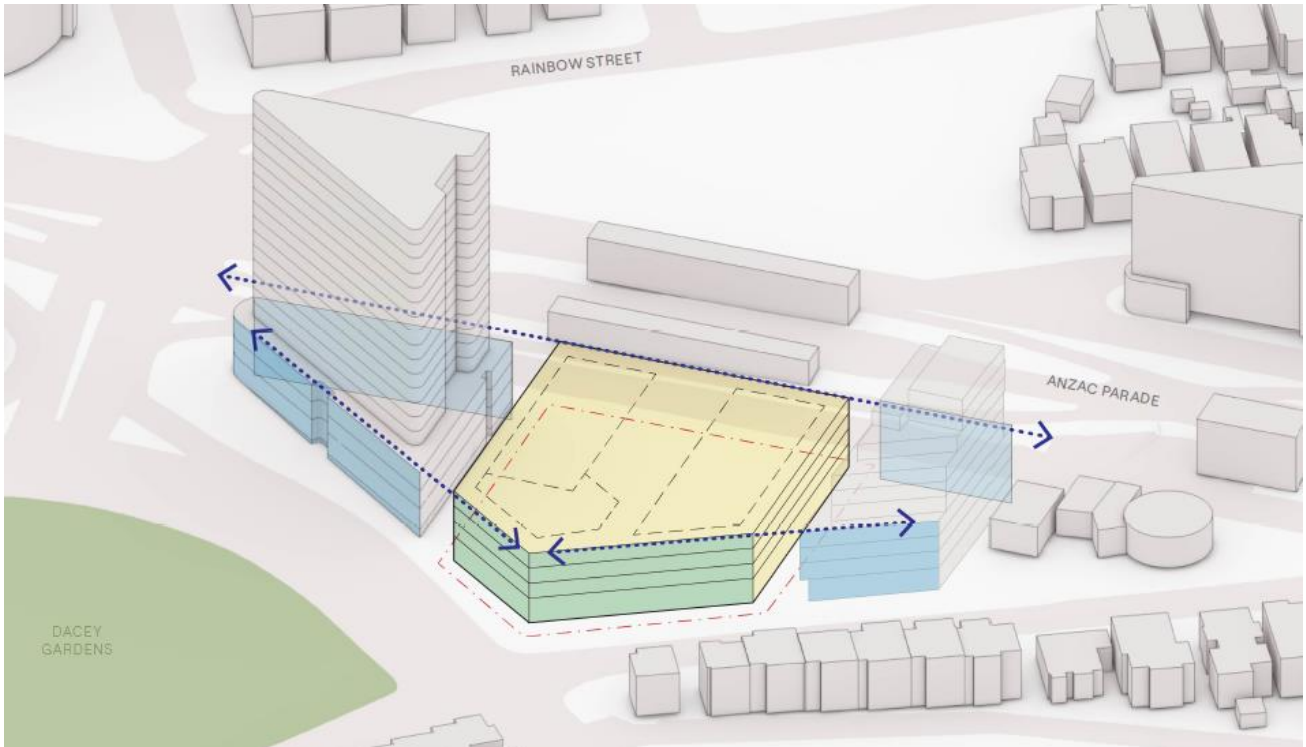
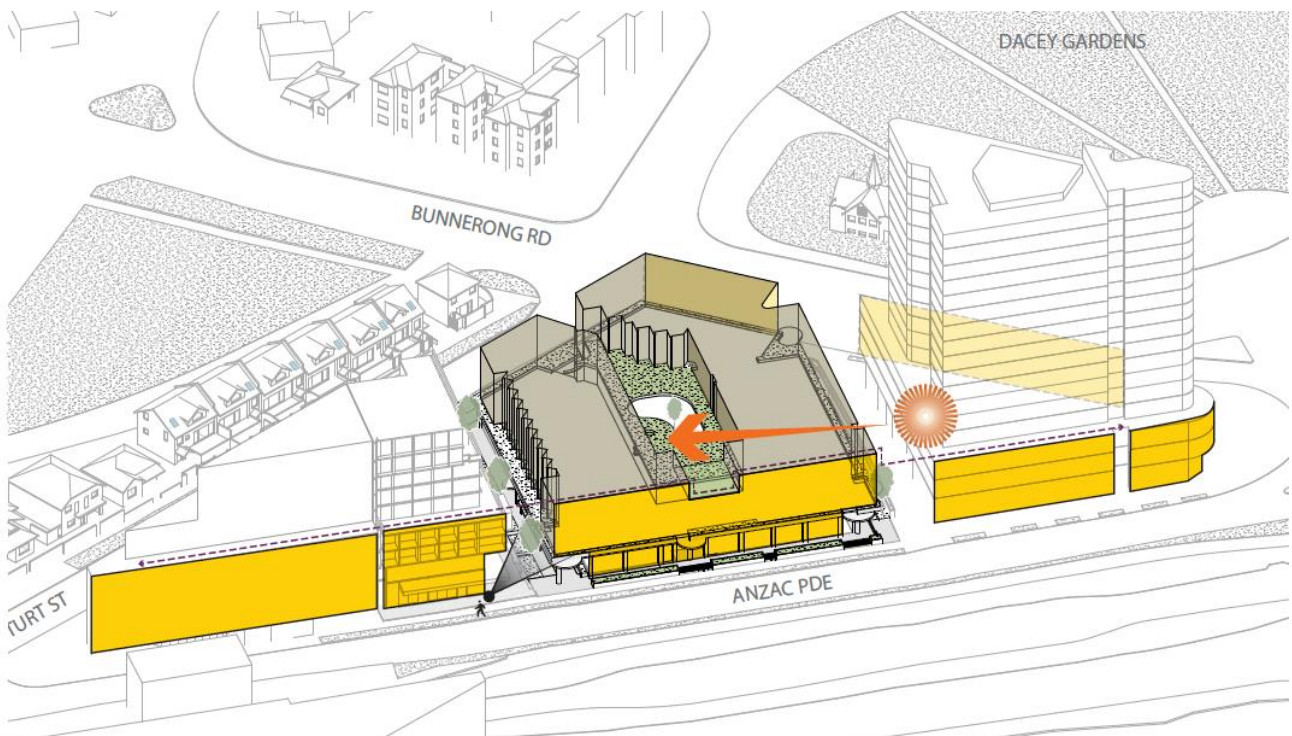


Figure 7: Consistent Podiums within the Triangle Block



## Height Transition

This built form and massing shift has been developed in response to the LEP controls, principles of the K2K, site context, building height of Scape Kingsford and DEAP feedback. The design has been refined to respond to these design parameters and has resulted in the following:

- A reasonable transition from the 17-storey Scape Kingsford development down to part 14-storeys and 9-storeys to 407 Anzac Parade, as demonstrated in **Figure 8** below.
- A reduction of up to 112% less overshadowing impact to Dacey Gardens and residential properties to the south of the site at 4pm compared to LEP and DCP controls, with a significant portion of the massing being self-shadowing, as demonstrated in **Figure 10** overleaf.
- Improved visual amenity for both residents of the proposed development and of the adjoining properties, assisted with a strong podium level and responsive bulk and scale to upper levels, as demonstrated in

- **Figure 11.**
- Generous side setbacks which add additional amenity to through-site links and improve the outlook and solar outcome to adjoining development, as demonstrated in **Figure 5** and **Figure 7** above.

Commentary from the DEAP on this matter is quoted below.

**DEAP Comment:**

*“Based on the information provided the stepped massing seems to create a positive transition between the adjacent sites and when compared to the compliant envelope produces little adverse impact. Subject to no impacts on view loss, overshadowing, etc this would be supported.”*

Figure 8: Height Transition of the Kingsford Triangle Block

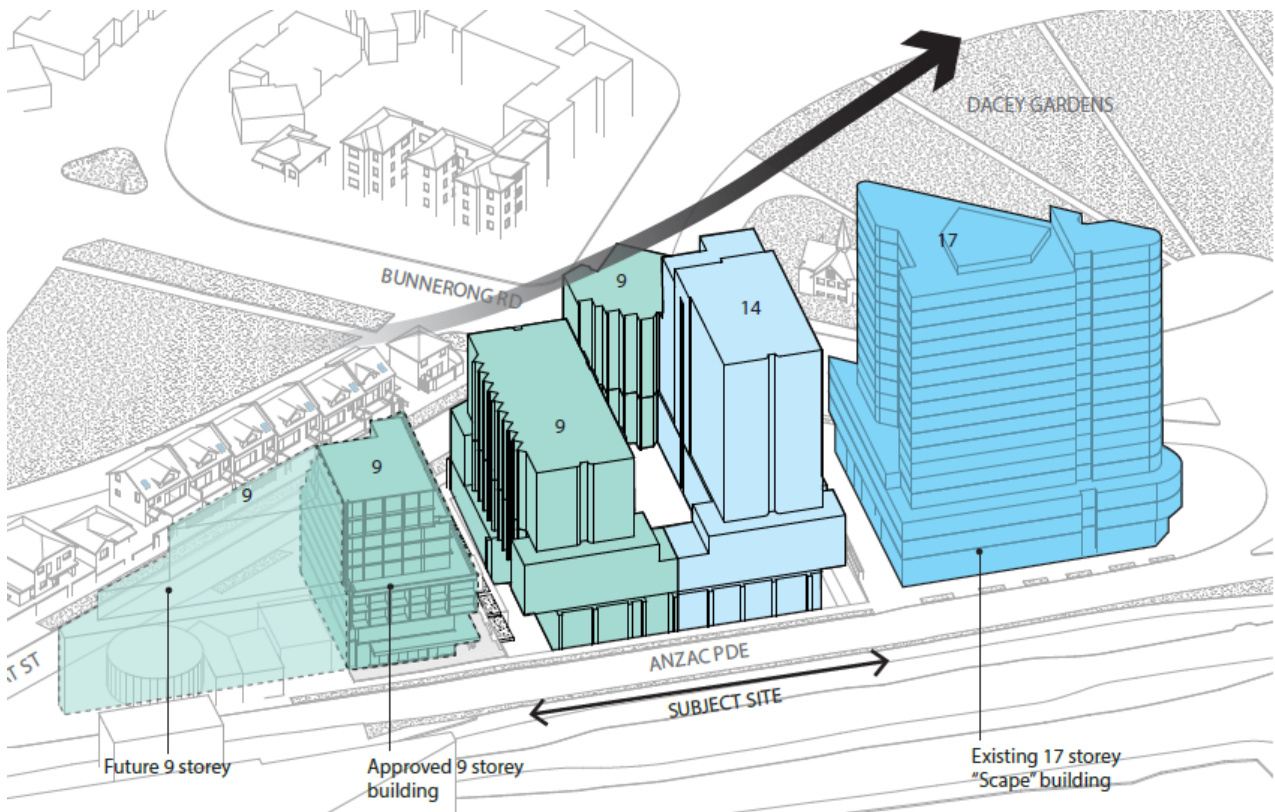


Figure 9: Scale Transition and Interface with Dacey Gardens

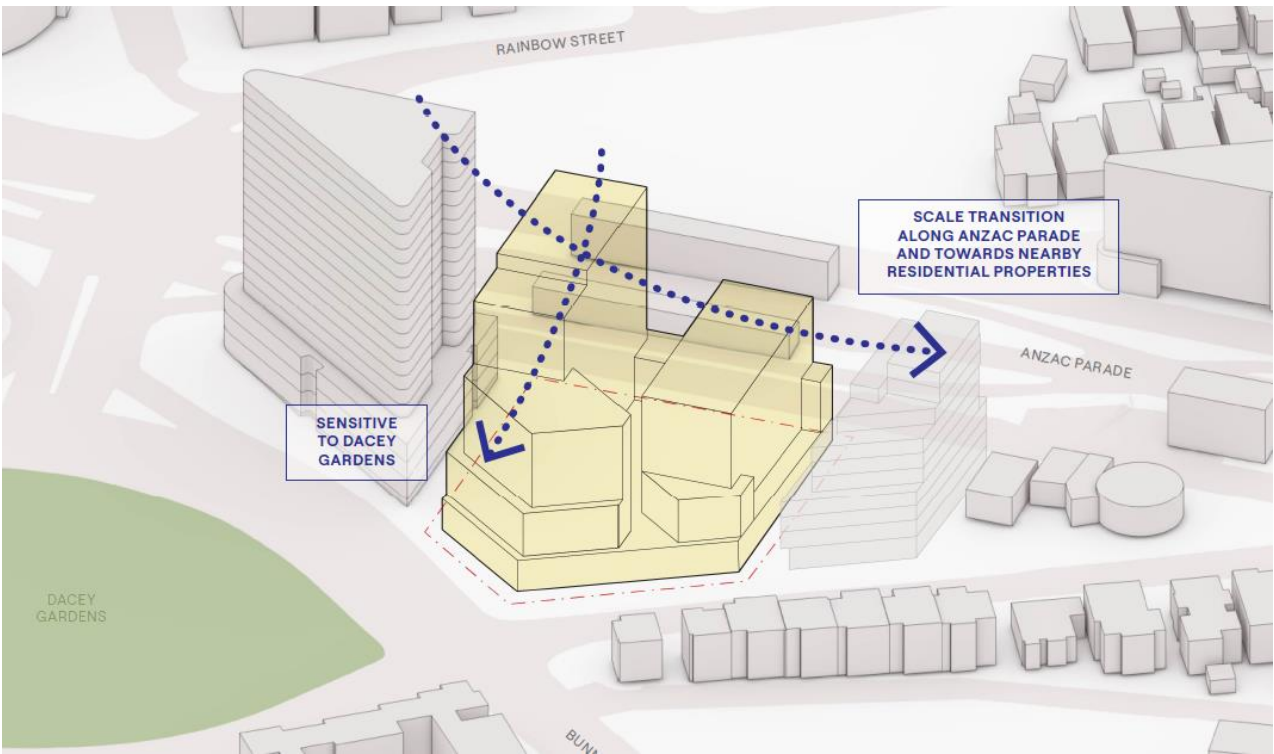


Figure 10: 4pm Shadow Analysis

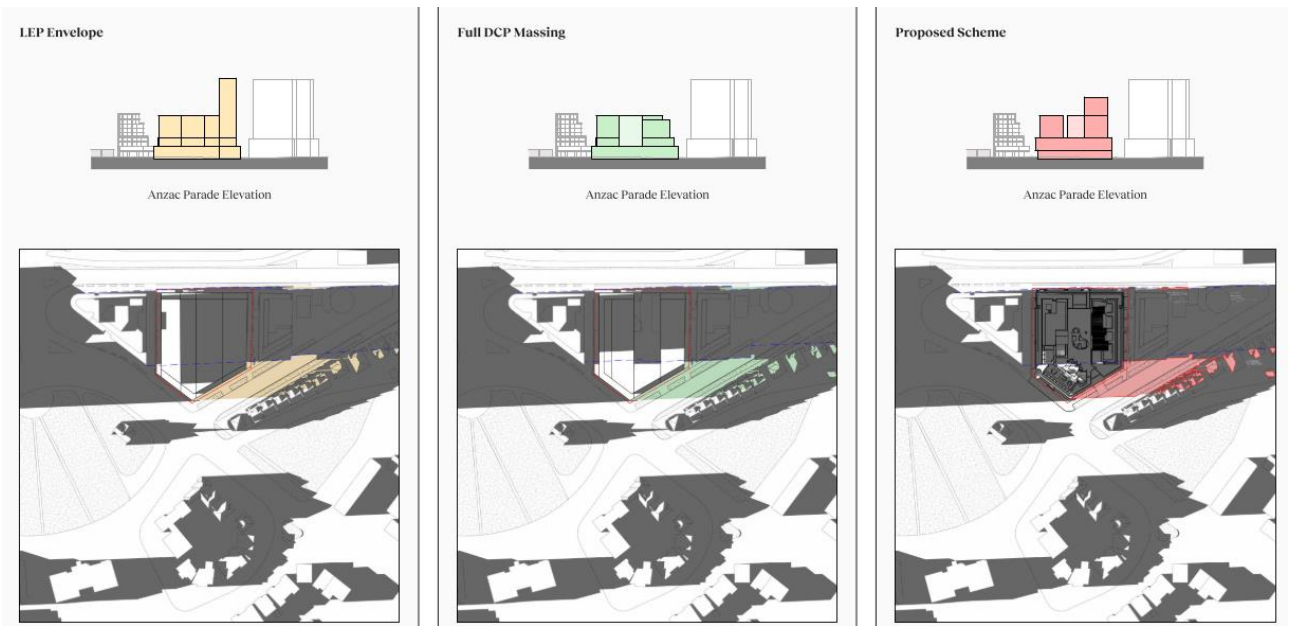
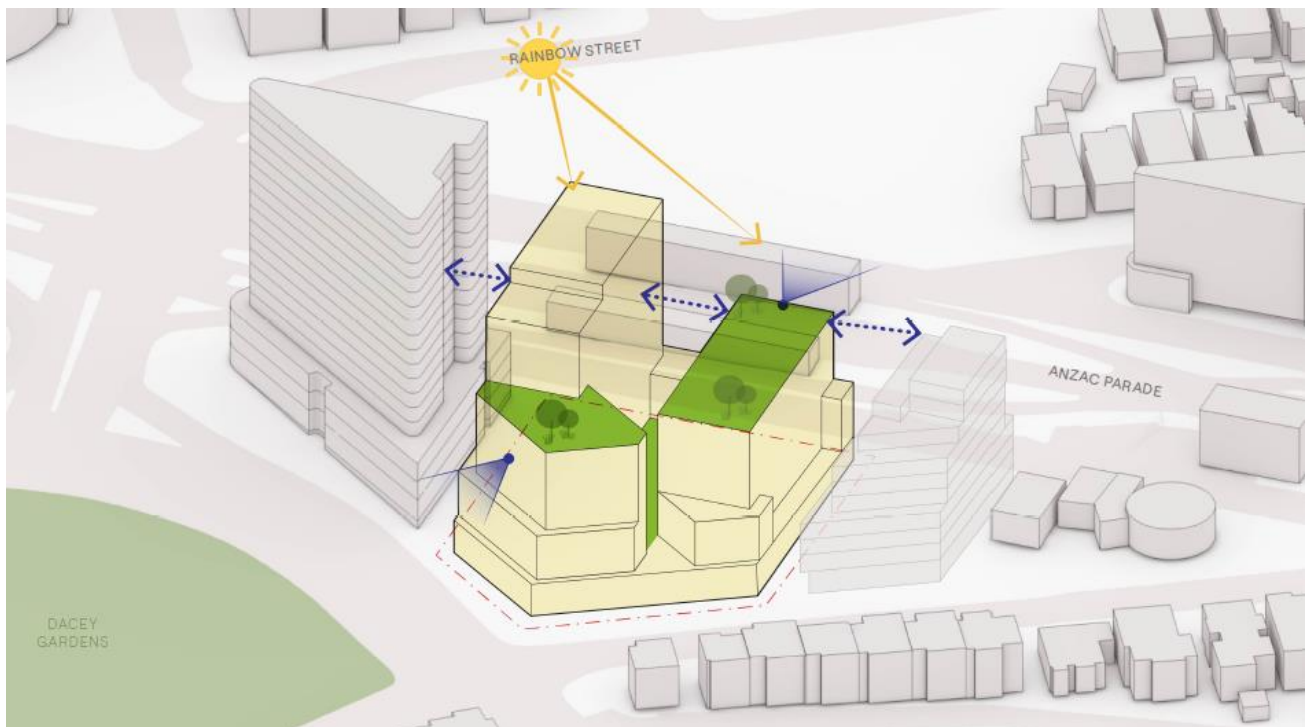


Figure 11: Visual and Solar Amenity



The proposed development envelope and shift in massing is a deliberate strategy to deliver a superior urban design outcome for the Kingsford Junction Precinct. Whilst the proposal does seek to vary the height standard over a very small area of the Part B portion of the site, for the reasons outlined above the proposal represents an appropriate design response whereby the floor space and height has been redistributed to ensure a more responsible planning outcome, delivering a positive public benefit. In this way it has been shown that the environmental planning controls are unnecessary and unreasonable.

## Planning Instrument, Development Standard and Proposed Variation

### 1. What is the planning instrument you are seeking to vary?

*Randwick Local Environmental Plan 2012.*

### 2. What is the site's zoning?

The site is zoned E2 Commercial Centre under the *Randwick Local Environmental Plan 2012* (RLEP 2012).

### 3. What is the development standard to be varied?

The development standard being varied is the Height of Buildings development standard under clause 4.3 and the Alternative Building Heights under Clause 6.17.

### 4. Type of development standard?

Both Clause 4.3 and Clause 6.17 are numerical controls.

### 5. What is the numeric value of the development standard in the environmental planning instrument?

The relevant base control building height under RLEP 2012 is 24m. As the proposed development delivers Community Infrastructure consistent with the objectives of clause 6.17, the alternative height of buildings control applies, and the maximum building height is part 51m (Site A) and part 31m (Site B).

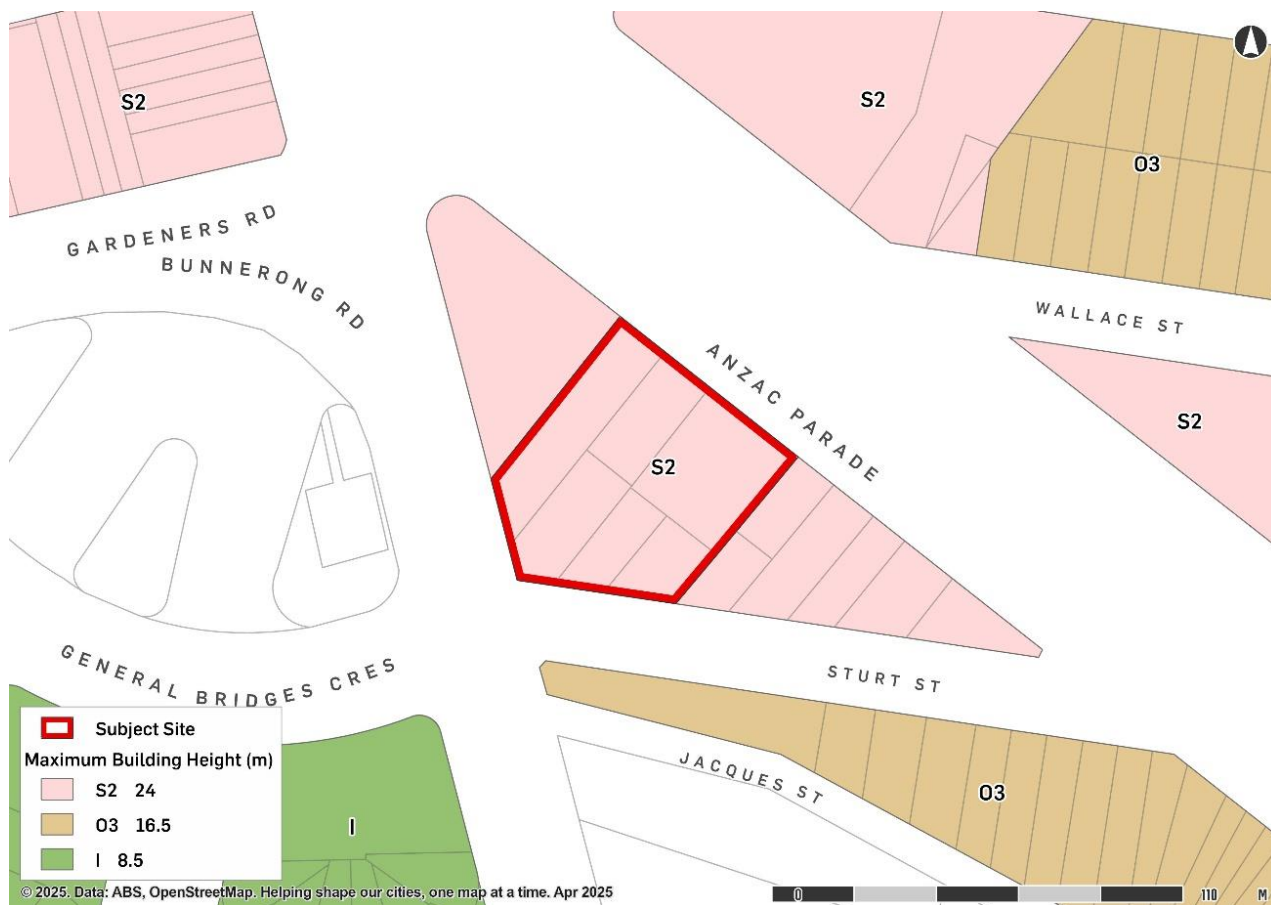
The objectives of the Height of Buildings development standard as per subclause 4.3(1) of the RLEP 2012 are as follows:

- 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 the community infrastructure height of buildings and floor space at Kensington and Kingsford town centres development standard as per subclause 6.17(1) of the RLEP 2012 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.*

Figure 12: RLEP 2012 Height of Buildings Map



Source: Urbis 2025

Figure 13: RLEP 2012 Alternative Height of Buildings Map



Source: Urbis 2025

## 6. What is the difference between the existing and proposed numeric values? What is the percentage variation (between the proposal and the environmental planning instrument)?

The proposal exceeds the maximum 31m height of building development standard by a maximum of 17.98m in a small section of the site, which equates to a percentage variation of 58% of the site.

The variation is restricted to a limited portion of Part B of the development (Part B1 per the below), and minor breaches over the Part B massing for the purposes of services and lift overruns (Part B2 per the below).

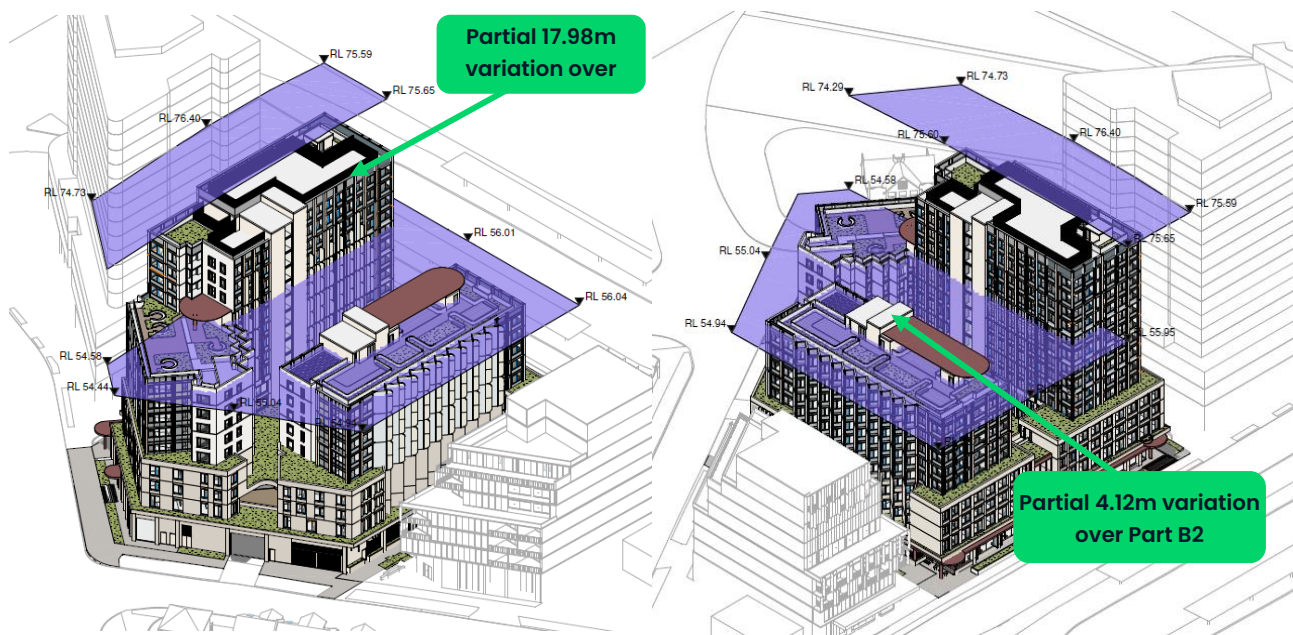
**Table 2** details the proposed numeric differences and the percentage variation to the development standards.

Table 2: Variation to Height of Building control

| Variation       | Permitted (LEP) | Proposed in RL | Proposed in Metres | # Variation | % Variation |
|-----------------|-----------------|----------------|--------------------|-------------|-------------|
| Part A massing  | 51m-57m         | RL72.57        | 48.98m             | N/A         | N/A         |
| Part B1 massing | 31m             | RL72.57        | 48.98m             | 17.98       | 58.00%      |
| Part B2 massing | 31m             | RL59.07        | 35.12m             | 4.12m       | 13.3%       |

## 7. Visual representation of the proposed variation

Figure 14: Proposed DA Height Variation



**Table 3** illustrates the numeric value of the development standard and the variation proposed based on a breakdown of the built form into a number of logical built form elements.

Table 3: Detailed numerical variation summary per building element and frontage

| Building Reference                                                                                                    | LEP Permitted Height         | Proposed Height (lift overrun)                          | Comments                                                                                                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------|------------------------------|---------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Part A and B – North Elevation<br> | Part A – 51m<br>Part B – 31m | Part A – 48.98m<br>Part B1 – 48.98m<br>Part B2 – 35.12m | Non-compliance arising from massing transitioned from Part A to portion of Part B.<br><br>Massing is setback from Bunnerong Road and Sturt Street mitigating any impact from additional height.                     |
| Part B – East Elevation<br>        | Part B – 31m                 | Part B – 35.12m                                         | Minor non-compliance arising from slope of the site from north-to-south.<br><br>Elements include lift core, shading devices as an architectural roof feature, and minor parapet exceedance on the Sturt Street end. |
| Part A – West Elevation                                                                                               | Part A – 51m                 | Part A – 48.98m                                         | Part A remains 2.02m below the maximum building height of 51m.                                                                                                                                                      |



Part A and B – South Elevation



Part A – 51m

Part A –  
48.98m

Part B – 31m

Part B –  
31.67m

Non-compliance arising from massing transitioned from Part A to portion of Part B.

The built form extends from Anzac Parade to Bunnerong Road/Sturt Street. Given the slope of the site, this results in an exceedance of the maximum building height of Part B of 0.67m.

Tower component of Part A is setback from the street. This move helps maintain the street character and provide visual relief to the built form, whilst minimising overshadowing.

## Justification For the Proposed Variation

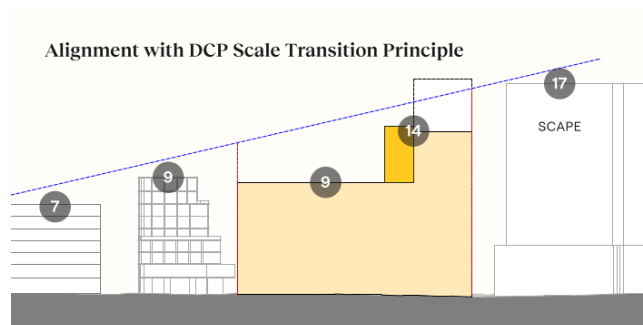
### 8. How is compliance with the development standard unreasonable or unnecessary in the circumstances of the particular case?

| Key Questions                                                                                  | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a) Are the objectives of the development standard achieved notwithstanding the non-compliance? | <p>The proposed development achieves the objectives of the height of building development standard (clause 4.3) as outlined below:</p> <p>(a) <i>to ensure the size and scale of development is compatible with the desired future character of the locality,</i></p> <p>The proposed development aligns with the K2K Strategy's vision for Kingsford, in particular the Kingsford Junction Precinct, in delivering increased urban density around key transport corridors (i.e. Anzac Parade and the light rail corridor) with a defined urban form and integrated public domain.</p> <p>The adjacent sites have been developed or are subject to approved development which represents a 17-storey to 9-storey built form for the purposes of co-living student accommodation. As evidenced by these developments, the future character and size and scale of this is emerging or otherwise established, reflecting Council's vision and desired character and density for the precinct.</p> <p>The 14-storey element reflects the desired future character for this precinct on balance with the 17-storeys established by Scape Kingsford. The transition to 9-storeys at the interface with the lower-scale development</p> |

of 407 Anzac Parade ensures a harmonious scale shift, creating a sculpted form that contributes positively to the emerging built form pattern.

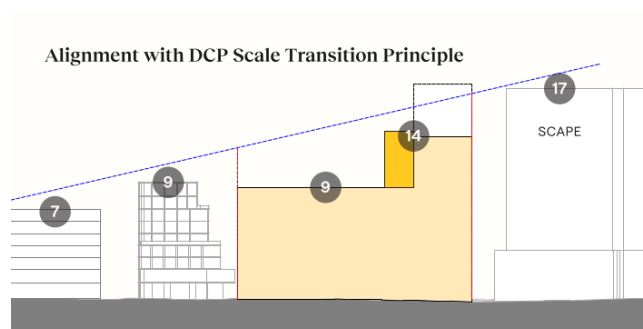
Refer to

Figure 15: Alignment with DCP Scale Transition Principle



below demonstrating the principle of transition, and the redistribution of GFA to a lower more appropriate position in a way that improves the amenity for the public realm and neighbouring public spaces and residences.

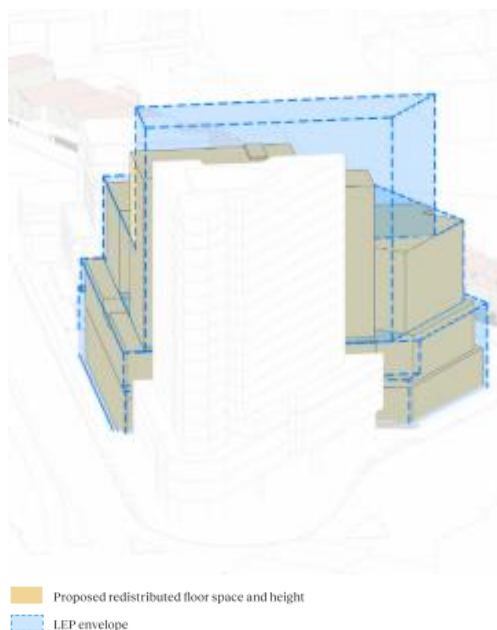
Figure 15: Alignment with DCP Scale Transition Principle



Importantly, the proposed development is setback appropriately from adjoining development to enable solar access, amenity, and views to the sky for through-site links and ensure privacy, views, and a positive pedestrian environment. The upper levels are setback to allow for rooftop communal open space and provide a lower scale interface to the southern streetscape on Bunnerong Road and Sturt Street, presenting a street wall height sensitively to the lower scale residential to the southwest.

Refer to **Figure 16** demonstrating that there are no impacts on view loss. The redistribution of GFA down from a 17 storey elevation to a 14 storey elevation improves views from the Scape tower compared to if that GFA were not redistributed to the Part B section of the site.

Figure 16: Redistributed Envelope Improves View Amenity



In accordance with the above, the proposed height variation does not result in a building which is incompatible with the emerging character of the locality and is representative of the adjoining development on the site and anticipated under the K2K Strategy.

- (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 site is nearby a local heritage item I240 'Dacey Garden Reserve and Substation' as well as the Daceyville Heritage Conservation Area. It is noted the site does not contain a heritage item or sit within the heritage conservation area.

The proposed development results in a zero (0) increase of overshadowing to Dacey Gardens between the hours of 12:00PM and 3:00PM. This level of overshadowing well within the anticipated overshadowing as described under the K2K DCP.

Further, the recessed upper levels, glazed treatments, and vertical articulation limit dominance and reinforce compatibility with the adjoining heritage area. The design represents a respectful relationship with Dacey Gardens, positioning communal open space on the Bunnerong Road rooftop to create a line of site connection.

- (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 proposed development envelope and shift in massing is a deliberate strategy to deliver a superior urban design outcome for the Kingsford Junction Precinct. Whilst the proposal does seek to vary the height standard over a small portion of Part B of the site for the reasons outlined above the proposal represents an appropriate design response whereby the floor space and height has been redistributed to ensure a more responsible planning outcome, delivering a positive public benefit. In this

way it has been shown that the environmental planning controls are unnecessary and unreasonable.

This approach has directly addressed potential amenity impacts, as follows:

- Overall visual bulk is managed through upper-level setbacks and articulation to both Bunnerong Road/Sturt Street and Anzac Parade frontages. It results in a reasonable transition from the 17-storey Scape Kingsford development down to part 14-storeys and 9-storeys to 407 Anzac Parade.
- An increase in side setbacks, whilst resulting in a performance outcome in some areas of the façade under the ADG, are a net improvement than that contemplated under the K2K DCP. Privacy is maintained at these areas through orientation of rooms and utilising blank facades, positive window placements, additional screening and appropriate separation to separate interfaces. Importantly, communal open spaces do not result in adverse privacy outcomes and no balconies are proposed to rooms of the proposal mitigation any risk of overlooking.
- Overshadowing impacts have been minimised through massing orientation and by stepping down in the built form to 9-storeys where overshadowing potential is greatest. Dacey Gardens and residential properties to the southwest of the site result in an improved overshadowing outcome that would not otherwise be achieved under the existing LEP controls, as the redistributed massing is largely self-shadowing.
- Visual amenity is improved through a strong podium form and responsive bulk and scale at the upper levels. This is driven through upper-level setbacks, additional articulation and orientation of the 14-storey element to minimise views from adjoining buildings.

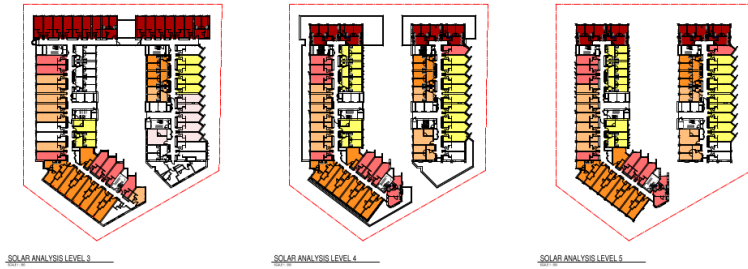
Refer to the Design Excellence Report and Architectural Plans for diagrams demonstrating that there is no additional overshadowing as a result of the redistribution of GFA from 17 storeys down to 14 storeys. There is also no additional overshadowing when comparing the 14 storeys to the 9 storeys contemplated in the DCP because the 14 storey element does not cast additional shadow, but rather it casts a shadow only within the subject site itself.

Also refer to the Design Excellence Report and **Error! Reference source not found.** for diagrams showing that no additional overshadowing occurs on the adjacent approved 407 building or the solar access to their rooms at mid-winter. The diagrams also demonstrate that no part of the proposed development would prevent the 407 development from achieving solar access to 60% of its rooms at mid-winter.

Refer to the Design Excellence Report and **Figure 17** for diagrams showing that solar access is maintained at mid-winter to the adjacent rooms in Tower B, and that therefore, the 14 storey element does not have any impact on the solar amenity of rooms within the site.

*Figure 17: Mid-Winter Solar Access Levels 3-5*

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The proposed development achieves the Height and Floor Space at Kensington and Kingsford Town Centres development standard (Clause 6.17) as outlined below:

- (a) *to allow greater building heights and densities at Kensington and Kingsford town centres where community infrastructure is also provided,*

The proposed height aligns with the strategic intent to concentrate height and density within well-positioned locations, such as adjacent to the light rail. The proposed development contributes a significant community benefit by enabling ground-floor activation through retail uses along Anzac Parade, improved access and embellishment to the through-site links, and contributions to community infrastructure and affordable housing through a Planning Agreement.

- (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,*

As detailed under objectives (a) and (c) of clause 4.3, the design strategy closely mirrors the adjoining development, where the 14-storey element of the building address the high density spine along Anzac Parade, while the step-down to 9-storeys ensures consistency with the development scale along Sturt Street and provides a visual buffer and contextual bridge between disparate height zones.

- (c) *to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure.*

The extent of non-compliance will not result in any unreasonable increase to intensity beyond what was contemplated over the site under RLEP 2012 and the K2K DCP.

Furthermore, the additional DEAP Comments are noted:

*"Based on the information provided the stepped massing seems to create a positive transition between the adjacent sites and when compared to the compliant envelope produces little adverse impact. Subject to no impacts on view loss, overshadowing, etc this would be supported."*

Pre-DA Comments:

*"the transition argument in the SEE is generally supported."*

b) Are the underlying objectives or purpose of the development standard not relevant to the development? (Give details if applicable)

Not relied upon.

c) Would the underlying objective or purpose be defeated or thwarted if compliance was required? (Give details if applicable)

Not relied upon.

To avoid the minor non-compliances on Tower B due to plant, servicing and lift overrun, Tower B would need to be reduced to 8 storeys. The objective 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.

The Design Excellent Advisory Panel stated that:

*“Based on the information provided the stepped massing seems to create a positive transition between the adjacent sites and when compared to the compliant envelope produces little adverse impact. Subject to no impacts on view loss, overshadowing, etc this would be supported.”*

---

(d) Has the development standard been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard? Not relied upon.

---

e) Is the zoning of the land unreasonable or inappropriate so that the development standard is also unreasonable or unnecessary? Not relied upon.

---

## 9. Are there sufficient environmental planning grounds to justify contravening the development standard?

Yes.

Overall, the proposal achieves the objectives of the development standard as provided in clause 4.3 of the LEP as the proposal does not result in unreasonable impacts on adjacent land in terms of view loss, overshadowing, building bulk impacts, and loss of privacy. These key matters are explored in further detail below.

### Environmental Planning Ground 1 – Enhanced Urban Design Outcomes

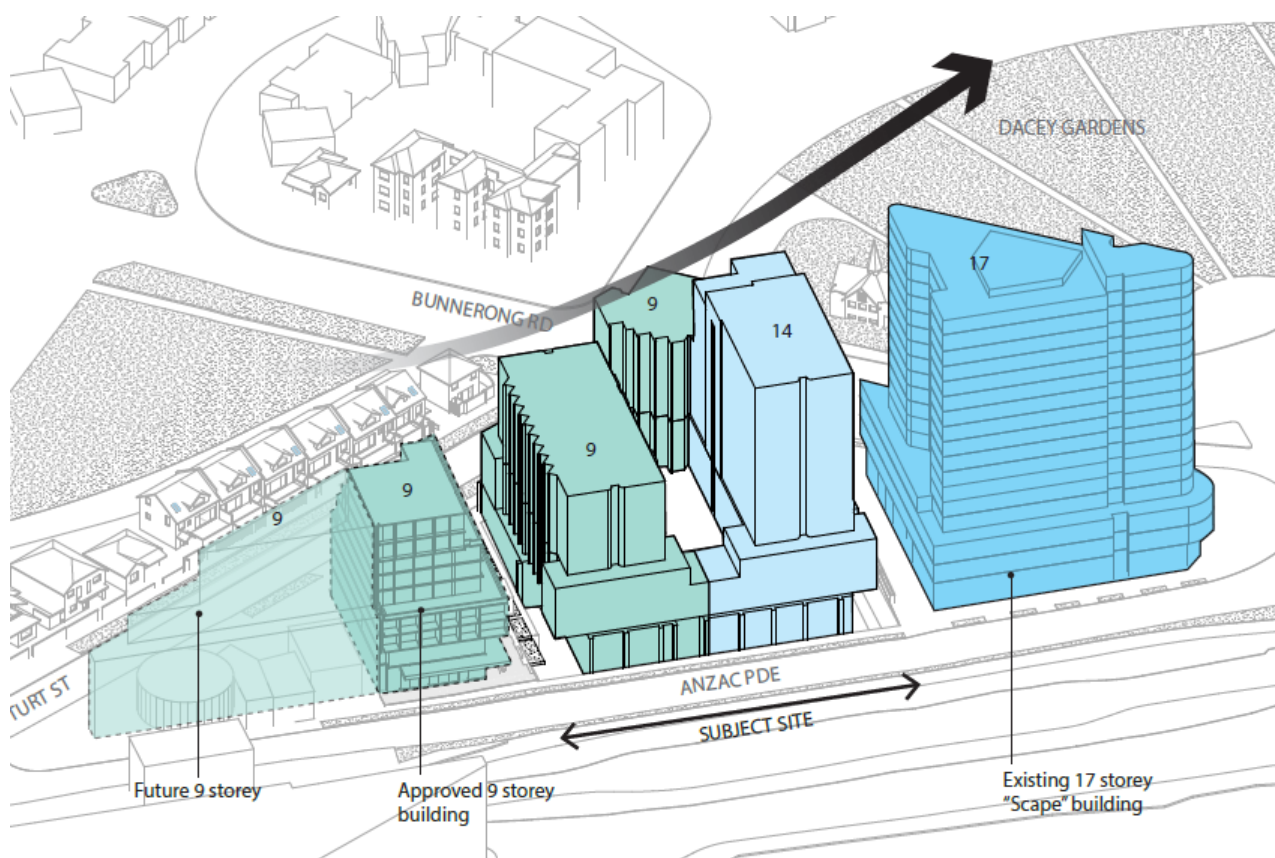
The proposal generally complies with the prescribed maximum height of building controls applicable to the site, with the exception of a portion of massing over Site B which has sought to be redistributed to deliver on the vision for the proposal in achieving adequate building separation, protection of through-site links, built form massing, and appropriate response to the surrounding residential interface.

The following is considered as planning grounds to justify contravening the maximum building height:

- The primary height breach (of 17.98m) relates to the deliberate strategy to redistribute massing to achieve a superior urban design outcome for the Kingsford Junction 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.
- This 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 FSR of the proposed development is compliant with the controls for the site and the proposal does not represent an overdevelopment of the site.
- 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 (utilising the architectural roof features clause 5.6 of RLEP 2012). This variation occurs due to the natural slope of the site from Anzac Parade to Sturt Street to the south. 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.

- As discussed, the proposal is compliant with the 31m and 51m height limit as viewed from Anzac Parade, with the exception of the massing distribution from Part A to Part B. The extent of non-compliance is setback 6.2m to Anzac Parade and is appropriately separated to the adjacent internal tower by 15.6m. It is also appropriately setback 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.
- Adjacent to Sturt Street, the Medium Density Residential zone permits a maximum building height of 9.5m. The elements that exceed the height standard on the subject site are well set back from the public domain and are visually integrated with compliant built form and the architectural roof feature. Due to the distinct differences in building typologies and planning controls across the street, the perceived extent of height variation is minimised and is unlikely to appear visually intrusive within the streetscape context.

Figure 18: Height Context



## Environmental Planning Ground 2 – No Unreasonable Environmental Impacts

A detailed shadow impact assessment has been undertaken by SJB and which is included in the architectural design pack forming part of the development application.

### Shadows to the south

This analysis has assessed the solar impacts on the properties to the south of the site at winter solstice arising from the development, taking into account the following:

- The shadows cast by the LEP building height plane.
- The shadows cast by the K2K DCP building height plane.
- The shadows cast by the proposed new development.
- Hourly intervals taken between 8:00AM and 4:00PM at the winter solstice.

As part of the analysis, SJB has calculated the cumulative shadow impact on a comparative development as a whole as well as how it impacts the adjacent properties to the south. The analysis indicates that the majority of overshadowing caused by the proposed development will fall across the Bunnerong Road and Sturt Street road reserves. While there may be some additional overshadowing affecting residential properties to the south and southwest of the site, this overshadowing has been considered in setting the LEP and DCP controls and the proposed development does not cause an unreasonable amount of additional overshadowing. By comparison to the LEP and DCP the proposed development will result in a net decrease in overshadowing.

Refer to

**Figure 19** below for an excerpt of the shadow analysis prepared by SJB. Refer to **Figure 20** and **Figure 21** below for further comparison between the LEP envelope and the proposed scheme. Refer to the Design Excellence Report for comprehensive diagrammatic analysis between the hours of 8:00AM and 4:00PM on the winter solstice.

Figure 19: 2pm Shadow Analysis



Figure 20: Solar Insolation LEP Envelope

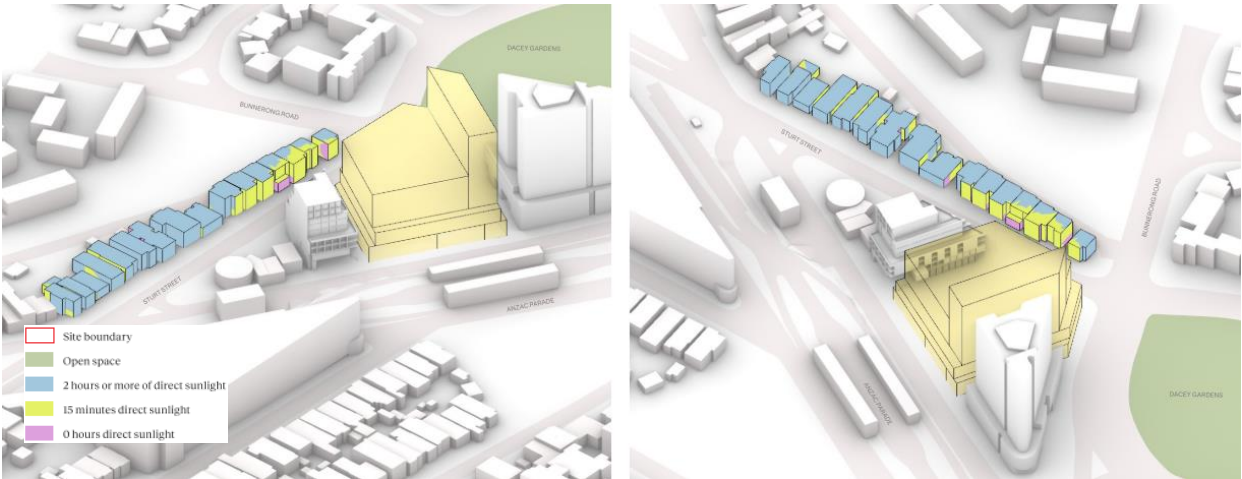
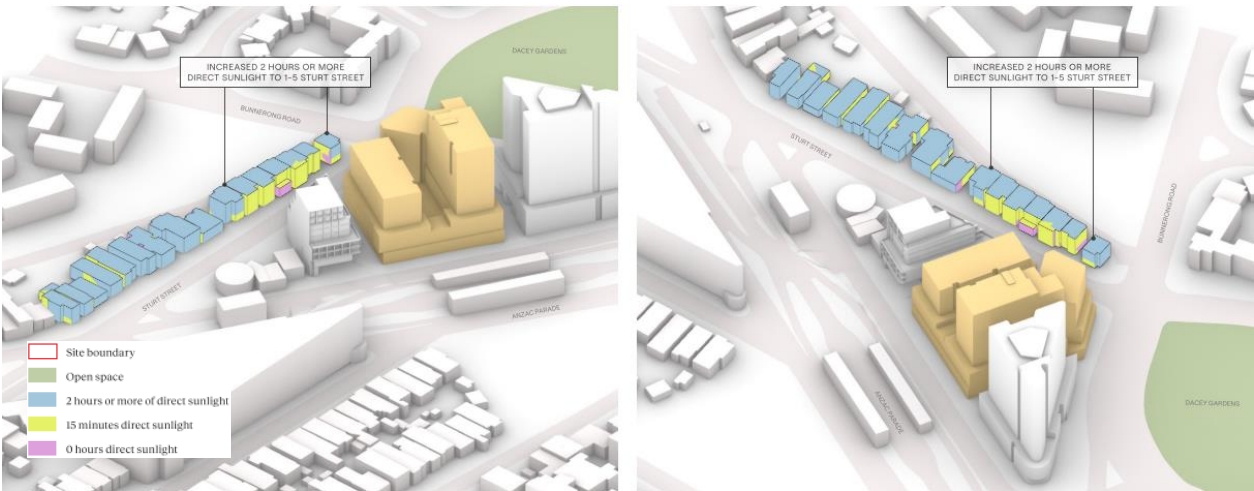


Figure 21: Solar Insolation Proposed Scheme



This net improvement on a comparative basis largely stems from:

- Overall reduced building height over Site A from a potential 51m to 48.98m, which is largely self shadowing.
- Reorientation of Bunnerong Road and Sturt Street built form and increased setbacks to improve solar access and impact to residential properties to the south and southwest.

#### **Shadows to Dacey Gardens**

The proposed development will cast nil (zero) shadow over Dacey Gardens in mid-winter between the hours of 12noon and 2pm and only result in a minor encroachment of shadow at 9am.

#### **Overshadowing Impacts to Neighbouring Properties**

The building elements that are the subject of the height variation result in no overshadowing or amenity impacts to neighbouring properties. The component that is a minor expansion of Building A is unseen from Scape and has no impact or relationship with Scape. Similarly, it has no impact on 407 Anzac Parade.

The minor encroachments by Building B for lift overrun and architectural shade structure have no overshadowing or amenity impacts to 407 or any other neighbouring properties.

### **10. Is there any other relevant information relating to justifying a variation of the development standard?**

#### **Alignment with Zone Objectives**

The site is zoned E2 Commercial Centre under RLEP 2012 and the objectives are:

- *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 consistent with the land use objectives of the E2 Commercial Centre zone and the proposed variation to the maximum building height development standard does not hinder the proposal's ability to satisfy the objectives as:

- The proposed redistribution of building mass and variance to building height has been carefully considered to minimise the impact of development and protect the amenity of residents in the immediate, adjoining and nearby areas, with particular consideration given to the residential properties to the south of the site and the adjacent co-living developments.

- The proposal incorporates co-living, community and commercial land uses integrated across the site, to provide vibrancy and activity within the site while allowing for the successful operation of each. The proposal will serve the residents, churchgoers, workers and visitors of the wider community.
- The proposal contributes to the ongoing employment opportunities and economic growth of the area through its various integrated uses, notably through its ground floor commercial and community uses.
- The proposal provides co-living housing for student accommodation in a well-serviced and accessible area in a format consistent with the vision for the Kingsford Junction Precinct outlined in the K2K Strategy by Council.
- The proposal contributes to housing affordability by delivering co-living housing for student accommodation, which plays a crucial role in alleviating demand-side pressure on existing housing stock by helping to free up residential properties that would otherwise be occupied by students. This fit-for-purpose approach to housing not only meets the specific needs of the student population but also contributes to a more balanced and accessible housing market.
- The proposal clearly delineates public and private domain and encourages a high amenity outcome for future residents, whilst not impacting on the current amenity enjoyed by neighbouring residents.

### **Public Benefit**

The proposed development achieves the objectives of the Height of Building development standard and the land use zoning objectives despite the non-compliance, and the contravention has been demonstrated to be appropriate and supportable in the circumstances of the case. There would be no public benefit in maintaining the development standard in this case.

### **Extensive Engagement with Assessing Authority**

Throughout 2024–2025, the applicant and design team have actively engaged with Council and the DEAP to progress the development and refine the built form. These discussions have played an important role in shaping a high-quality design that responds to the site's unique location within the K2K triangle, while aligning with key strategic planning objectives.

Multiple discussions with Council have been held to explore how the proposal can maximise the site's potential in a way that is consistent with planning controls and considers the surrounding environment.

A formal presentation to the DEAP was held on 17 February 2025. The panel provided detailed feedback on several key design elements, including building separation, site coverage, ground floor activation, landscaping, podium articulation and overshadowing.

In response, the proposal has undergone substantial design development. Key refinements include improved building separation and privacy through screening and orientation, a stronger interface with adjoining development, and enhanced considerations with the ADG. The design has also been modified to introduce more appropriate building height transitions and to improve outcomes relating to ventilation and acoustic amenity.

Overall, the proposed variation to building height is underpinned by a rigorous design process, informed by meaningful engagement with Council and the DEAP. The resulting outcome is a contextually responsive and well considered development that supports the planning vision for the site.

### **Alignment with the Intent of the K2K Strategy**

The proposed development is well aligned with the strategic intent of the K2K Strategy and the vision for the Kingsford town centre. The site's location adjacent to light rail infrastructure presents a key opportunity to deliver a landmark mixed-use development that supports the activation and evolution of the precinct.

The proposal reflects the strategy's aim to concentrate higher density residential, commercial and community uses around key transport nodes and delivers a diverse mix of land uses that exceed the minimum non-residential floor space requirements. The development supports the intended gateway character of the Kingsford Junction and triangle block by incorporating a civic-scaled built form, active street frontages along Anzac Parade, and a strong public domain interface.

The design responds appropriately to the surrounding context and contributes positively to the character and function of the Kingsford town centre. Further, and as mentioned above, the proposal supports the objectives of the E2 Commercial Centre zone by delivering a well-integrated mixed-use outcome that encourages local activity and enhances the vibrancy of the area.

## Clause 4.6 Variation Request – Floor Space Ratio

### Introduction

This clause 4.6 Variation Request (**Request**) has been prepared by Urbis Ltd (**Urbis**) and accompanies the Development Application (**DA**) for a co-living development at 399–405 Anzac Parade, Kingsford (**The Site**).

This request seeks to vary the Floor Space Ratio (**FSR**) development standard prescribed for the site under clause 6.17(4)(b) of the *Randwick Local Environmental Plan 2012 (RLEP 2012)* and Clause 68(2)(a)(ii) of the *State Environmental Planning Policy (Housing) 2021 (Housing SEPP)*. This Request is made pursuant to the mechanisms in clause 4.6 of the RLEP 2012 and is submitted as a precautionary measure in case the interpretation of the legislation would otherwise require it.

The proposal involves the amalgamation of six (6) lots to deliver a coordinated and cohesive development outcome. Across these lots, split FSR controls of 5.5:1 and 4.4:1 apply to portions referred to as 'Part A' and 'Part B' respectively. Given the integrated and consolidated nature of the development, the total FSR has been calculated across the combined site area. On this basis, the proposal achieves compliance with the overall FSR applicable to the consolidated site.

This Clause 4.6 Request is submitted for an abundance of caution and as a technical formality, acknowledging the split FSR controls across the site. When assessed strictly against the mapped controls, a minor exceedance occurs on Part A, the portion subject to the 5.5:1 FSR. However, when the site is viewed holistically, the proposal delivers a compliant and well-resolved built form outcome.

Despite the technical non-compliance within this portion of the site, the proposed density remains consistent with the total permissible GFA and can be appropriately supported by the surrounding road network and infrastructure. The proposed massing, GFA and FSR distribution has been endorsed by Council and the Design Excellence Advisory Panel (**DEAP**) through the pre-lodgement and post-lodgement consultation as achieving an appropriate architectural and urban design response.

Accordingly, the proposal represents a well-considered and balanced planning outcome, delivering diverse housing while maintaining neighbouring amenity and local character. In these circumstances, the variation is well founded, consistent with planning principles, and warrants flexibility in the application of the FSR standard.

### Site and Proposed Development

The site is located at 399–405 Anzac Parade, Kingsford, within the Randwick City Council local government area. It comprises six lots (refer to **Table 1**) and has a total area of 3,778sqm. The site is generally rectangular and is shown in **Figure 1** overleaf.

The site is a dual-aspect allotment with three street frontages to Anzac Parade, Sturt Street and Bunnerong Road. Existing vegetation is limited to a few scattered trees across multiple lots.

The site contains various 2 to 3 storey residential flat buildings, 1 to 2 storey detached residential dwellings and the Kingsford Church of Christ place of public worship. The site has access from Anzac Parade, Sturt Street and Bunnerong Road via direct crossovers. The site is well located adjacent to the Juniors Kingsford light rail and bus interchange and Dacey Gardens reserve with the Kingsford town centre.

Table 1: Site Particulars

| Reference            | Site Address                    | Legal Description | Site Area |
|----------------------|---------------------------------|-------------------|-----------|
| Part A               | 399 Anzac Parade, Kingsford     | Lot A DP 314174   | 933sqm    |
| Part B               | 399A Anzac Parade, Kingsford    | SP 16502          | 2,845sqm  |
|                      | 401-405 Anzac Parade, Kingsford | SP 61481          |           |
|                      | 2 Sturt Street, Kingsford       | Lot 4 DP 310758   |           |
|                      | 4 Sturt Street, Kingsford       | Lot 5 DP 437124   |           |
|                      | 21 Bunnerong Road, Kingsford    | SP21936           |           |
| Total Area = 3778sqm |                                 |                   |           |

Importantly, and as aforementioned the site is referred to as 'Part A' and 'Part B' as a result of split FSR controls. **Table 1** above demonstrates that Part A pertains to the lot known as 399 Anzac Parade, and Part B for the remaining lots.

Figure 1: Aerial Photograph



Source: Nearmap 2024 (annotated by Urbis)

## Proposed Development

The proposed development seeks to deliver co-living housing for the purposes of student accommodation consistent with Council's vision for the Kensington and Kingsford area strengthening the corridors position as an educational hub and activation through retention of the existing church and delivery of community facilities.

Specifically, development consent is sought for:

- Demolition of the existing structures on-site.
- Construction of a part 14-storey, part 9-storey mixed-use development comprising the following elements:
  - Ground floor incorporating a co-living reception and communal areas, community facility, commercial spaces, place of worship, loading dock, waste storage, and services.
  - Levels two to 9 and 14 comprising co-living student accommodation including 530 rooms with 656 beds and communal areas.
  - Rooftop communal open space.
  - Single level basement parking
- Landscaped building setback areas that help to activate the ground level at the street edge and reinforce the role of the adjoining through site links.
- Public domain improvements along Anzac Parade, Bunnerong Road and Sturt Street.
- Vehicular access via Sturt Street.
- Utilities and service provisions, including plant on the ground floor and rooftop.
- Architectural plans prepared by SJB detailing the proposal are attached under a separate cover.

The project has undergone a rigorous design process including a prelodgement meeting and two DEAP meetings to ensure that the proposed development achieves a high-quality outcome within the Kingsford Triangle precinct under the Kensington to Kingsford Strategy (**K2K**).

Over the course of this engagement, the proposed built form and massing falling across the six allotments have been endorsed by key assessing authorities, in particular the proposed floor space over the site.

Figure 2: Visualisation of the Proposed Development



Source: SJB Architects

## Planning Instrument, Development Standard and Proposed Variation

### 1. What is the planning instrument you are seeking to vary?

*Randwick Local Environmental Plan 2012; and State Environmental Planning Policy (Housing) 2021.*

### 2. What is the site's zoning?

The site is zoned E2 Commercial Centre under the RLEP 2012.

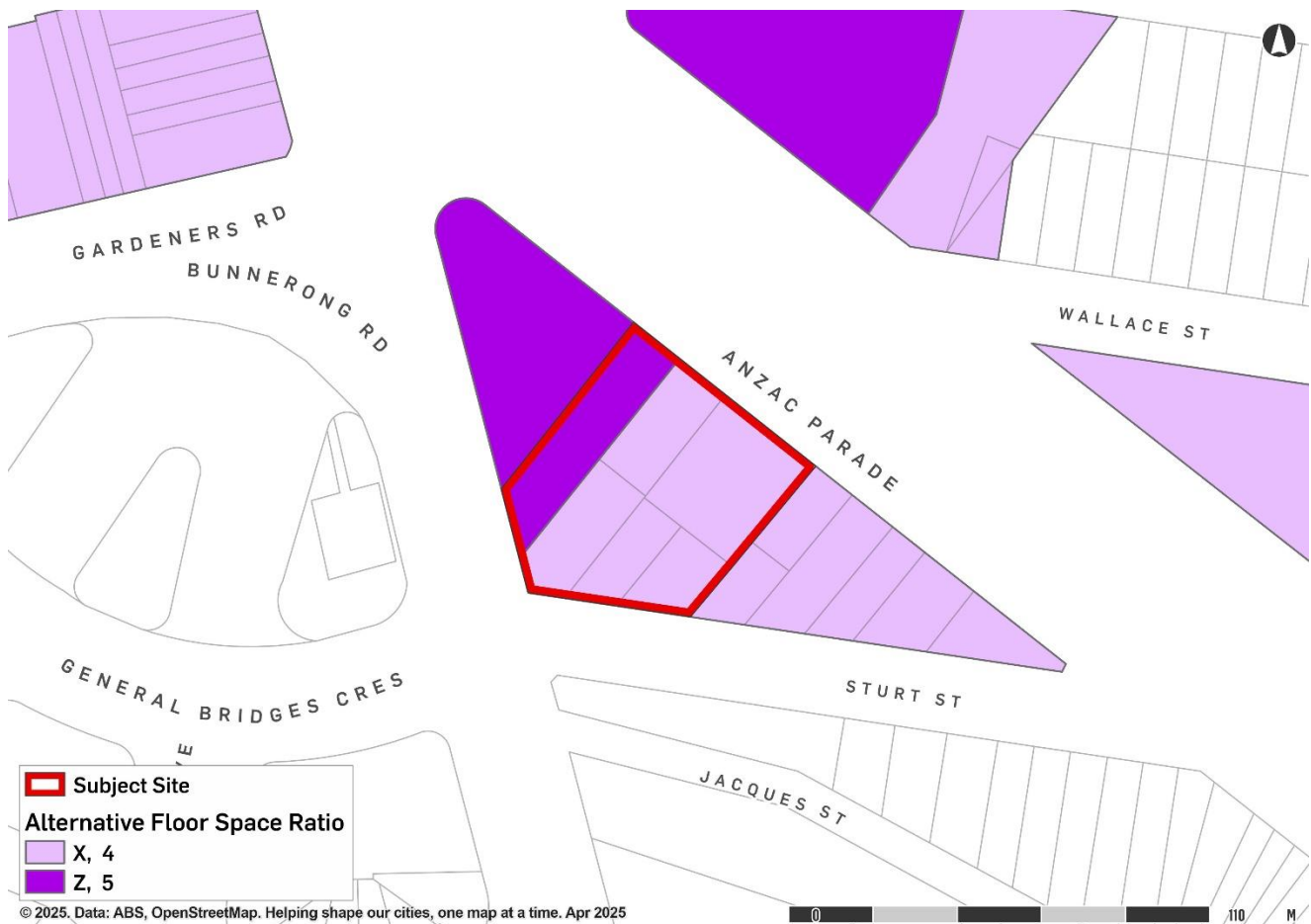
### 3. What is the development standard to be varied?

Under Clause 4.4 of the RLEP 2012, all six allotments are subject to an FSR control of 3:1. However importantly, Clause 6.17(4)(b) identifies the site within the 'Alternative Floor Space Ratio Map'. The Alternative Floor Space Ratio Map provides split FSR controls over the allotments as follows:

- **Part A (399 Anzac Parade, Kingsford):** FSR = 5.1
- **Part B (399A, 401 – 405 Anzac Parade, 2 – 4 Sturt Street, and 21 Bunnerong Road, Kingsford):** FSR = 4.1

These controls are visually depicted in **Figure 3** below.

Figure 3: FSR Control



Source: Urbis Ltd

In addition to the above, it is noted that there is a bonus floor space ratio available of 10% of the maximum permissible floor space ratio provided for co-living housing within clause 68(2)(a)(ii) of the Housing SEPP, equating to additional FSR across the two controls. **This results in a split allowable FSR over the site of 5.5:1 (Part A) and 4.4:1 (Part B).**

Further to the above, the increased uplift available under the Housing SEPP results in permitted FSR of 4.67:1 across the entirety of the site.

The FSR development standard is not excluded from the operation of Clause 6.17 of the LEP.

The objectives of the FSR development standard as per Clause 6.17 of the RLEP 2012 are as follows:

- to allow greater building heights and densities at Kensington and Kingsford town centres where community infrastructure is also provided,
- 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,
- to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure.

The Principles of Policy under Section 3 of the Housing SEPP are:

- 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.*

#### 4. Type of development standard?

The request is seeking to vary the numeric FSR development standard of the proposed building pursuant to Clause 6.17(4)(b) of the RLEP and Clause 68(2)(a)(ii) of the Housing SEPP.

#### 5. What is the numeric value of the development standard in the environmental planning instrument?

Table 2: Bonus Floor Space Ratio

| RLEP Control                                                                                                        | Part   | Site                       | RLEP Base Control  | 10% Housing SEPP uplift | Overall Permitted Control | Proposed             |
|---------------------------------------------------------------------------------------------------------------------|--------|----------------------------|--------------------|-------------------------|---------------------------|----------------------|
| Clause 6.17 – Community infrastructure height of buildings and floor space at Kensington and Kingsford town centres | Part A | 399 Anzac Parade           | 5:1<br>(4,665 sqm) | 5.5:1<br>(5,131.5sqm)   | 5.5:1                     | 6.4:1<br>(5,963sqm)  |
|                                                                                                                     | Part B | 399A, 401-405 Anzac Parade | 4:1<br>(11,380sqm) | 4.4:1<br>(12,518sqm)    | 4.4:1                     | 4.1:1<br>(11,686sqm) |
|                                                                                                                     |        | 2 – 4 Sturt Street         |                    |                         |                           |                      |
|                                                                                                                     |        | 21 Bunnerong Road          |                    |                         |                           |                      |
| Combined FSR                                                                                                        |        |                            | 4.24:1             | 4.67:1                  | 4.67:1                    | 4.67:1               |

It is important to note that the combined site area and combined proposed GFA for the proposed development does not exceed the maximum FSR development standard.

The six lots have a combined site area of 3778sqm.

The overall proposed development has a total GFA of 17,649sqm.

This is equal to a proposed FSR of 4.67:1 (17,649sqm ÷ 3778sqm).

## 6. What is the difference between the existing and proposed numeric values? What is the percentage variation (between the proposal and the environmental planning instrument)?

The following outlines how the proposed FSR exceeds the maximum FSR control for the site.

### 399 Anzac Parade (Part A):

- This lot has an FSR of 6.4:1 and therefore exceeds the maximum FSR development standard of 5.5:1 (exceedance of 16%).

### 399A, 401-405 Anzac Parade, 2 – 4 Sturt Street and 21 Bunnerong Road (Part B):

- This lot has an FSR of 4.1:1, which is 6.65% below permitted the maximum FSR of 4.4:1 for the lot.

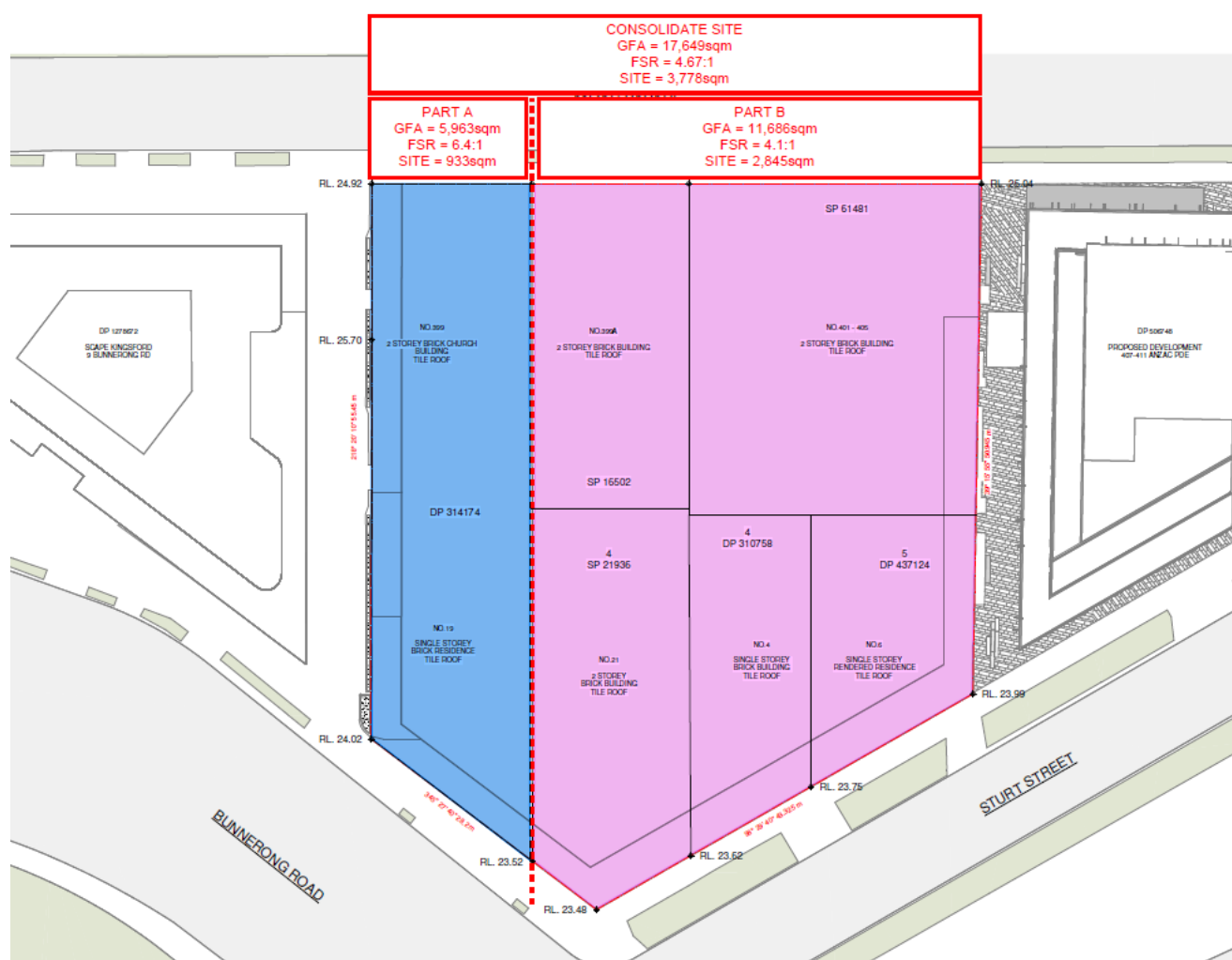
The FSR is measured in accordance with the definition in the RLEP. GFA diagrams are included in the architectural drawings that are appended at Appendix B. The diagram in **Figure 4** identifies the separated proposed GFA and site area of Part A and Part B.

Table 3: Controls vs Proposed

| Site                                                                  | FSR (inc. 10% uplift)                | Proposed FSR                                                         | Proposed Variation                                                                                            |
|-----------------------------------------------------------------------|--------------------------------------|----------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| 399 Anzac Parade                                                      | 5.5:1<br>Permissible FSR: 5,131.5sqm | Proposed GFA: 5,963sqm<br>Lot Area: 933sqm<br>Proposed FSR: 6.4:1    | <b>16% variation.</b><br>GFA variation of 831.5sqm.                                                           |
| 399A, 401-405 Anzac Parade<br>2 – 4 Sturt Street<br>21 Bunnerong Road | 4.4:1<br>Permissible FSR: 12,518sqm  | Proposed GFA: 11,686sqm<br>Lot Area: 2,845sqm<br>Proposed FSR: 4.1:1 | No variation. This portion of the site is below the FSR standard by 6.65%, which is equivalent to 832sqm GFA. |

## 7. Visual representation of the proposed variation

Figure 4: Visual Representation of Proposed Variation



Source: SJB Architecture

### Justification for the proposed variation

**1. How is compliance with the development standard unreasonable or unnecessary in the circumstances of the particular case?**

| Key Questions                                                                                  | Response                                                                                                                                                                                                                                                           |
|------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a) Are the objectives of the development standard achieved notwithstanding the non-compliance? | <p>The proposed development achieves the objectives of the development standard as outlined below:</p> <p>(a) <i>to allow greater building heights and densities at Kensington and Kingsford town centres where community infrastructure is also provided,</i></p> |

| Key Questions | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|               | <p>The proposal applies the alternate FSR provisions under Clause 6.17 of the RLEP 2012 to deliver a consolidated, high-quality mixed use co-living development consistent with the intent of the K2K Strategy.</p> <p>While minor exceedances arise when the FSR is calculated on an individual lot basis due to split mapping controls, the development achieves a compliant total FSR across the amalgamated site, utilising floor space efficiently and in direct alignment with Council's strategic vision for increased density in the Kingsford town centre.</p> <p>The proposal contributes to community infrastructure through a Voluntary Planning Agreement which delivers public domain upgrades including landscaping and public art works as well as a monetary contribution. The provision of this community benefit satisfies the intent of the uplift provisions and ensures the additional floor space contributes positively to the public realm.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|               | <p>(b) <i>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,</i></p> <p>The proposed FSR outcome reflects the desired future character envisaged under the K2K Planning Strategy and complements adjoining developments within the Kingsford Triangle, including Scape Kingsford to the north and the approved co-living building at 407–411 Anzac Parade.</p> <p>The redistribution of floor space across the six lots achieves a cohesive and balanced built form that steps appropriately in height and massing, maintaining visual consistency along Anzac Parade, Bunnerong Road and Sturt Street. The minor exceedances in FSR do not result in any perceivable increase in bulk or overshadowing, nor do they detract from the amenity of adjoining properties.</p> <p>As a consolidated site, the general distribution of GFA was encouraged by both the K2K DCP, the DEAP and generally by prevailing urban design principles to be focussed towards the northern point on the Site, being the Part A part of the Site, because this results in minimised overshadowing and achieves the principle of height transition from the corner site through the block to the South.</p> <p>The built form has been carefully refined through engagement with Council and the DEAP process to deliver a cohesive design of high architectural quality across all six lots. The proposal demonstrates a well-resolved built form that achieves appropriate scale, articulation, tower separation, landscape integration, and residential amenity consistent with the desired urban character of Kingsford Junction. Importantly, the design has been consistently supported and endorsed throughout these review processes.</p> |

| Key Questions | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|               | <p>(c) <i>to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure.</i></p> <p>The intensity of development is appropriate with the capacity of existing and planned infrastructure. The proposal is directly adjacent to the Juniors Kingsford Light Rail Station and major bus interchanges, providing excellent access to public transport and active-transport networks.</p> <p>Infrastructure and servicing assessments confirm that existing utility networks, stormwater systems and road infrastructure can readily accommodate the proposed development. Furthermore, the proposal provides on-site waste, loading, and bicycle facilities consistent with Council and Housing SEPP requirements, ensuring the density achieved will operate efficiently without imposing additional burden on local infrastructure.</p> <p>Similarly, the proposed variation provides an outcome which continues to align with the Principals of Policy under Section 3 of the Housing SEPP. This is demonstrated as follows.</p> <p>a. <i>enabling the development of diverse housing types, including purpose-built rental housing,</i></p> <p>The proposed development involves the delivery of co-living housing including purpose-built student accommodation which is considered a diverse housing typology under the Housing SEPP. Therefore, the proposal directly aligns with this objective, in that it enables the delivery of diverse housing within Kingsford.</p> <p>b. <i>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,</i></p> <p>As noted above, the proposed development provides 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. The co-living model offers smaller, more affordable units and shared facilities, ensuring that students can access suitable accommodation in close proximity to major educational institutions. Delivering this product in a well-connected location promotes equitable access to education and meets the needs of those who may otherwise face financial or housing barriers.</p> <p>c. <i>ensuring new housing development provides residents with a reasonable level of amenity,</i></p> <p>The proposed development delivers a high-quality environment for future student residents, as well as for visitors to the retail, place of worship and community uses within the precinct. The residential component provides generous communal living areas and well-designed communal open spaces that enhance overall amenity. These include landscaped outdoor areas with quality embellishments and indoor communal spaces that support social interaction outside individual units. In addition, the design</p> |

| Key Questions | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|               | <p>achieves high levels of solar access, natural ventilation and privacy, ensuring residents experience a reasonable and comfortable standard of amenity.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|               | <p>d. <i>promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,</i></p> <p>The site is located within a key precinct suitable for co-living housing and is well supported by existing infrastructure and services. It is in close proximity to major educational facilities, including the University of NSW Kensington campus, making it an appropriate location for purpose-built student accommodation. The site also benefits from immediate access to high-frequency public transport, including the light rail, as well as key road networks that connect to the Sydney CBD and surrounding centres. This ensures that future residents can make efficient use of existing and planned infrastructure, supporting sustainable patterns of development.</p> |
|               | <p>e. <i>minimising adverse climate and environmental impacts of new housing development,</i></p> <p>The development has been designed in accordance with ESD principles and is supported by specialist technical studies. It incorporates a combination of natural and mechanical ventilation, achieves appropriate solar access, and applies privacy and building separation strategies to optimise environmental performance. Potential impacts relating to reflectivity, overshadowing, wind and acoustics have been thoroughly assessed and mitigated through the design. The project is also targeting a 4-star Green Star rating, demonstrating its commitment to minimising climate and environmental impacts.</p>                                                                                                                             |
|               | <p>f. <i>reinforcing the importance of designing housing in a way that reflects and enhances its locality,</i></p> <p>The proposed development is situated within the 'Kingsford Triangle' as identified in the DCP, an area characterised by existing and approved co-living developments of a similar height and scale. The proposal completes this emerging precinct by delivering a third co-living building that is consistent with the established built form, ensuring a cohesive and contextually appropriate outcome. Beyond the immediate site, the development responds to its broader locality by addressing the surrounding key road corridor, public transport infrastructure, and nearby commercial-zoned land, reinforcing its alignment with the evolving character of the area.</p>                                                  |
|               | <p>g. <i>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.</i></p> <p>This item is not applicable to the proposal, as the development provides purpose-built student co-living accommodation rather than short-term rental housing. The proposal therefore does not generate the social or environmental impacts typically associated with short-term rental accommodation.</p>                                                                                                                                                                                                                                                                                                                                             |
|               | <p>h. <i>mitigating the loss of existing affordable rental housing.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

| Key Questions                                                                                                                                         | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                       | The proposal does not result in the loss of existing affordable rental housing. The six lots to be amalgamated currently contain small-scale residential dwellings that are not identified as, nor operating as, affordable rental housing under any statutory or policy definition. The proposed development will instead deliver a significantly greater number of dwellings in a diverse co-living format, introducing a housing product and price point in the area. As such, the development increases overall housing supply and diversity in Kingsford without displacing existing affordable rental stock. |
| b) Are the underlying objectives or purpose of the development standard not relevant to the development? (Give details if applicable)                 | Not replied upon.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| c) Would the underlying objective or purpose be defeated or thwarted if compliance was required? (Give details if applicable)                         | Not replied upon.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| (d) Has the development standard been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard? | Not replied upon.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| e) Is the zoning of the land unreasonable or inappropriate so that the development standard is also unreasonable or unnecessary?                      | Not replied upon.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

## 2. Are there sufficient environmental planning grounds to justify contravening the development standard?

There are sufficient environmental planning grounds to justify the proposed variation to the FSR control. The variation arises due to the application of split FSR controls across six existing allotments that have now been consolidated to deliver one integrated development outcome. When considered as a whole, the total floor space proposed is consistent with the FSR permitted under Clause 6.17 of the RLEP 2012. The variation is therefore a technical result of the site configuration rather than an increase in overall building density.

The following grounds support the variation:

- By allowing the inclusion of the FSR variation for co-living housing, development on the site can provide alternative options to the private residential market and can therefore provide a diversity of housing choice, affordability, and opportunities catering to the demographics of the locality. This aligns with the aims of the Housing SEPP to facilitate the effective delivery of new well-located housing.
- Despite the non-compliance on Part A, the overall FSR for the site remains below the maximum permissible FSR. The density has been strategically arranged across the two lots to optimise space and functionality, ensuring the development aligns with the capacity of existing and planned infrastructure

- The proposal consolidates six individual lots and redistributes floor space across two tower forms. The design has been refined and supported through DEAP process to ensure that the massing, building separation and articulation are appropriate within the site envelope. Through the DEAP process and subsequent refinements in response to Council feedback, the proposal continues to demonstrate a high level of amenity while avoiding unreasonable impacts such as overshadowing and view loss.
- Council's policy encourages the amalgamation of sites, and this consolidation generally aligns with Council's amalgamation pattern contemplated and encouraged.
- As a consolidated site, the general distribution of GFA was encouraged by both the K2K DCP, the DEAP and generally by prevailing urban design principles to be focussed towards the northern point on the Site, being the Part A part of the Site, because this results in minimised overshadowing and achieves the principle of height transition from the corner site through the block to the South.
- Significant amounts of landscaped and communal open spaces are provided to enhance the amenity for residents of the site.
- The development forms a consistent character with adjoining buildings within the Kingsford Triangle and Kensington and Kingsford precinct. The development therefore forms part of a broader character area and is suitable in context of which it is located.
- Any potential impacts upon the amenity of the surrounding area will be minor or can be mitigated to an acceptable level.

In conclusion, there are sufficient environmental planning grounds to justify contravening the development standard.

### **3. Is there any other relevant information relating to justifying a variation of the development standard? (If required)**

The site is zoned E2 Commercial Centre under the RLEP 2012, and the objectives are:

- *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.*

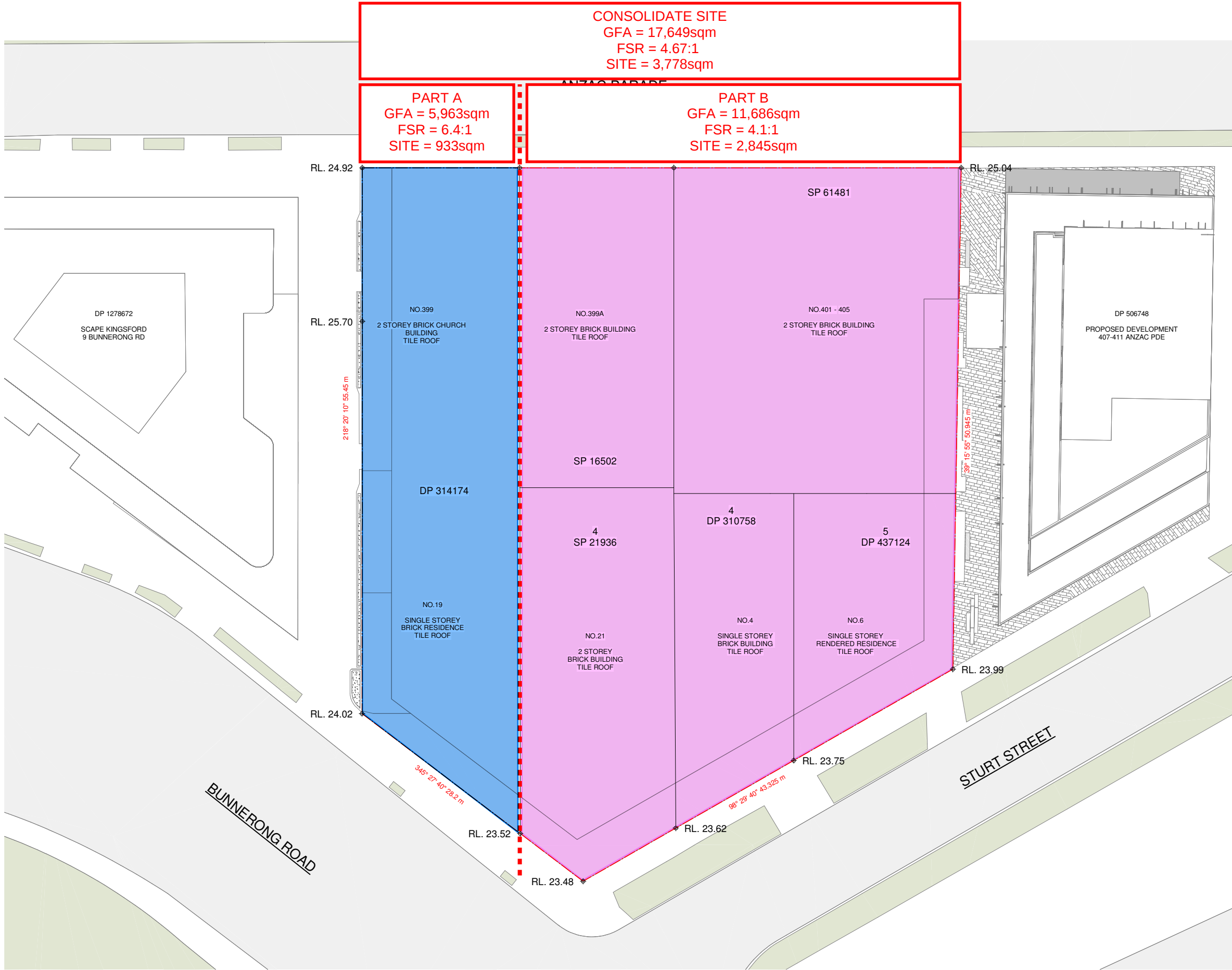
- *To facilitate a safe public domain.*
- *To support a diverse, safe and inclusive day and night-time economy.*

The proposal is consistent with the land use objectives of the E2 Commercial Centre zone and the proposed variation to the maximum FSR control on Part A does not hinder the proposal's ability to achieve the objectives as:

- The proposal incorporates several non-residential land uses at ground level fronting Anzac Parade and Bunnerong Road, including retail tenancies, a communal facility and a place of worship. These uses contribute to the ongoing activation of the town centre.
- The development will contribute to the local economy by delivering a mix of uses that generate direct and ongoing employment opportunities. This includes roles associated with the operation of the retail and community uses, building management, and ongoing maintenance and landscaping works.
- The site adjoins two through-site links that form part of a key pedestrian network within the Kingsford precinct. The design has been carefully considered to integrate sensitively with these links and strategically position active uses to enhance safety, permeability and activation throughout the day and evening.
- The proposal primarily involves the delivery of co-living accommodation consistent with the Kensington and Kingsford Town Centre DCP and the vision for this precinct. The site forms part of the Kingsford Triangle, an identified area that supports higher density mixed use and residential accommodation in proximity to the Juniors Light Rail stop and major educational institutions.
- The ground floor incorporates continuous active frontages to both Anzac Parade and Bunnerong Road, with entrances, glazing and activated tenancies designed to contribute to a vibrant, pedestrian oriented streetscape.
- The proposal has been subject to several DEAP reviews to ensure the project delivers a high-quality urban design outcome that enhances pedestrian amenity and contributes positively to the public domain. The development integrates seamlessly with the two through-site links and provides landscaping, public domain improvements and a public art strategy that will create a visually engaging and welcoming environment.
- The design has been informed by careful consideration of surrounding developments to ensure that potential amenity impacts, such as overshadowing and visual privacy are appropriately managed. The proposal achieves a balanced built form outcome that respects adjoining land uses.
- The combination of residential, community, retail and place of worship uses distributed across the site supports activation and passive surveillance throughout the day and evening, contributing to a diverse, safe and inclusive space.

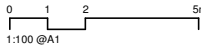
### **Public Benefit**

The proposed development achieves the objectives of the FSR development standard and the land use zoning objectives despite the non-compliance, and the contravention has been demonstrated to be appropriate and supportable in the circumstances of the case and supportable by Council. There would be no public benefit in maintaining the development standard in this case



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PRELIMINARY



Nominated Architects: Adam Haddow-7188 | John Pradel-7004

| Rev | Date       | Revision        | By | Chk. |
|-----|------------|-----------------|----|------|
| 1   | 19.06.2025 | FOR DA APPROVAL | CC | ASB  |
| 2   | 23.10.2025 | FOR DA APPROVAL | CC | ASB  |
| 3   | 19.11.2025 | FOR DA APPROVAL | CC | ASB  |
|     |            |                 |    |      |
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|     |            |                 |    |      |
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Client

Avenor.

Project

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ANZAC PDE KINGSFORD  
NSW 2032

Drawing Name

FSR DISTRIBUTION

Date

23.10.2025

Scale

1 : 200

Sheet Size

A1

Drawn

CC

Chk.

ASB

Job No.

6922

Drawing No.

DA-6111

Revision

/ 3

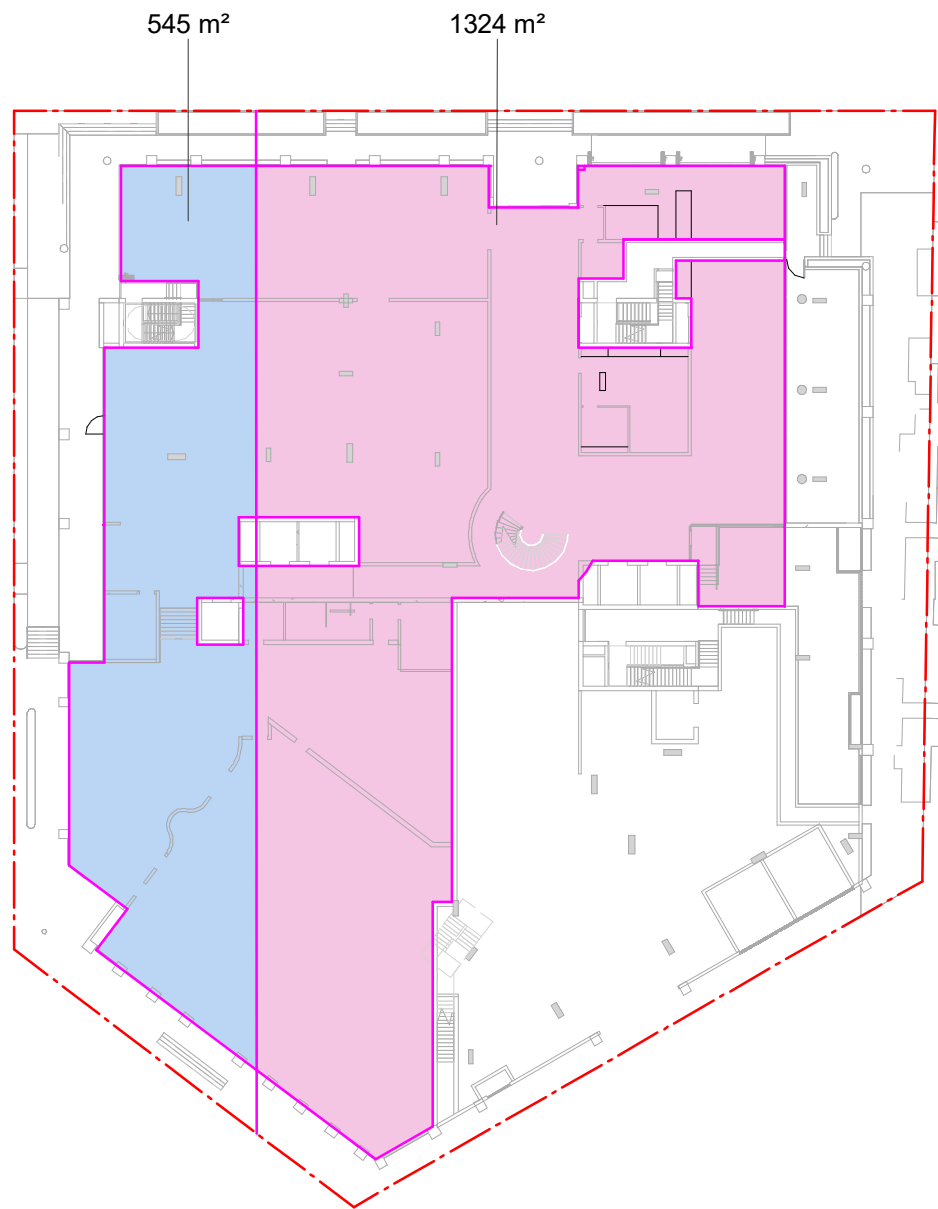
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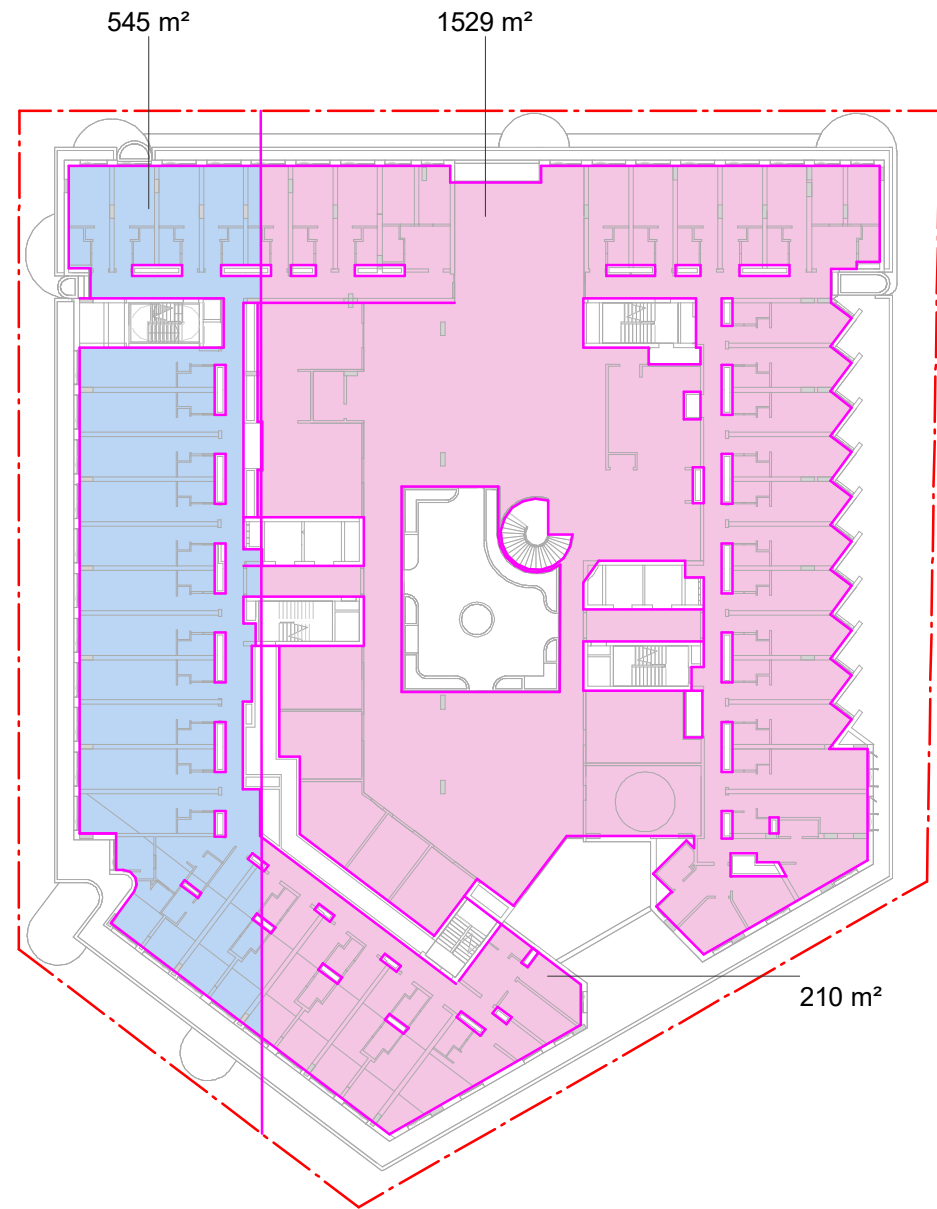
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GROUND (Anzac Pde)  
SCALE 1: 500



L01  
SCALE 1: 500



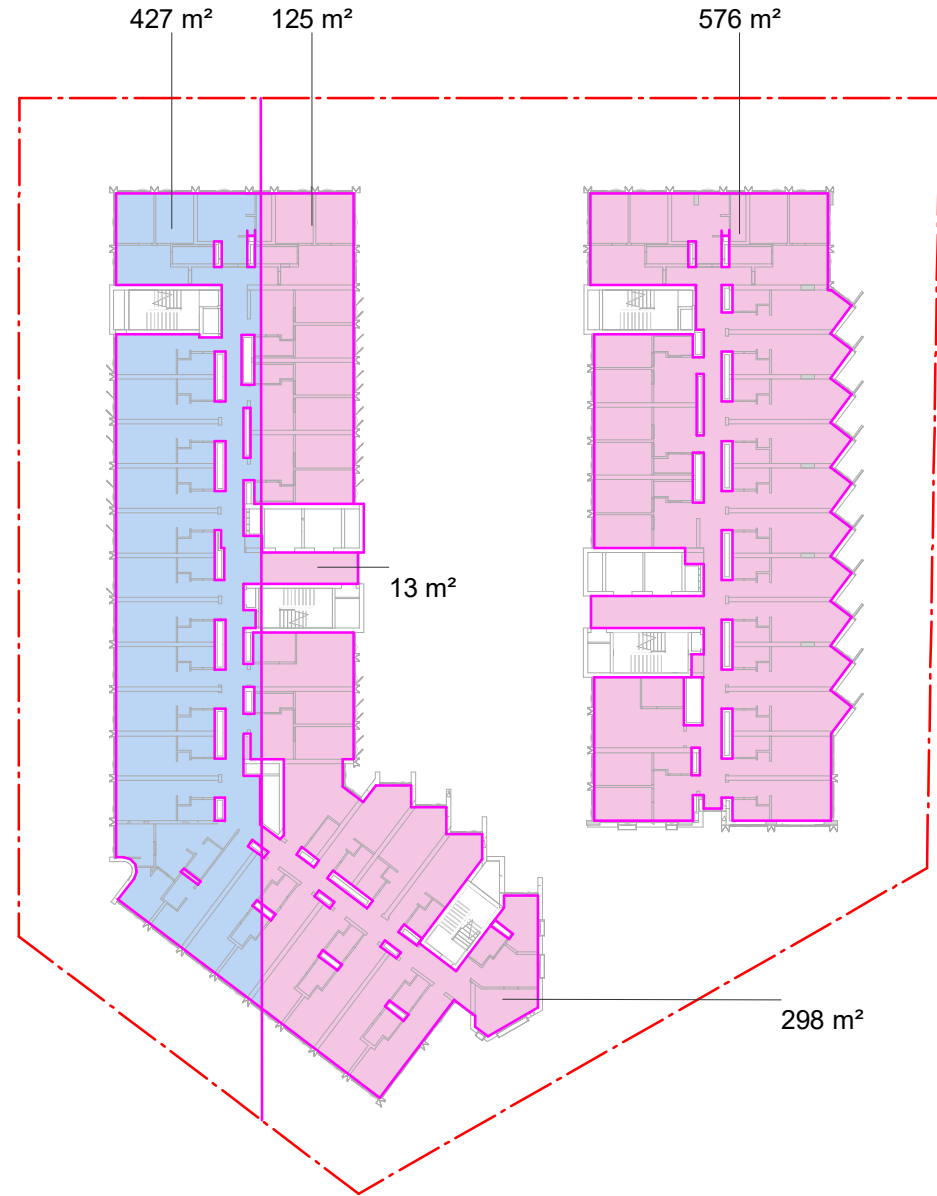
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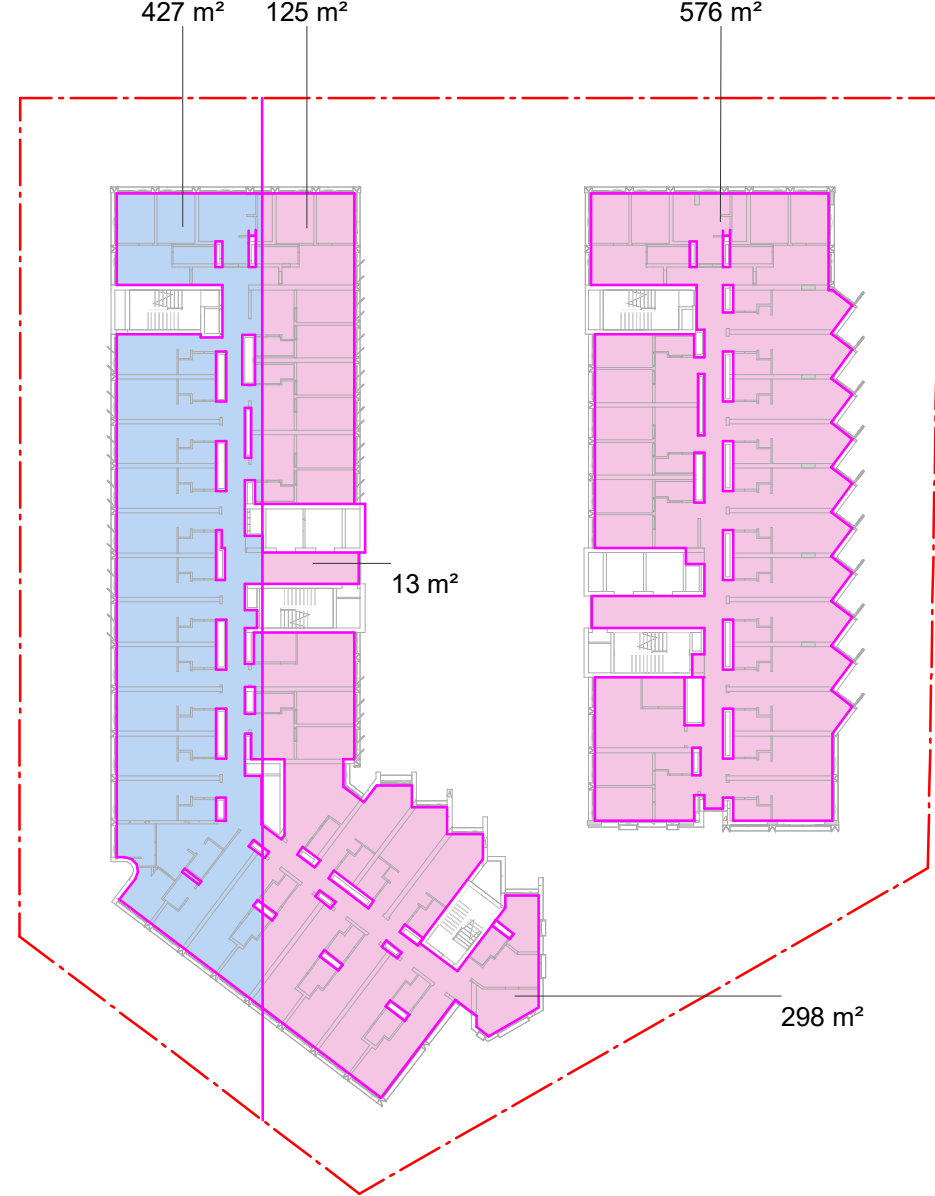
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SCALE 1: 500



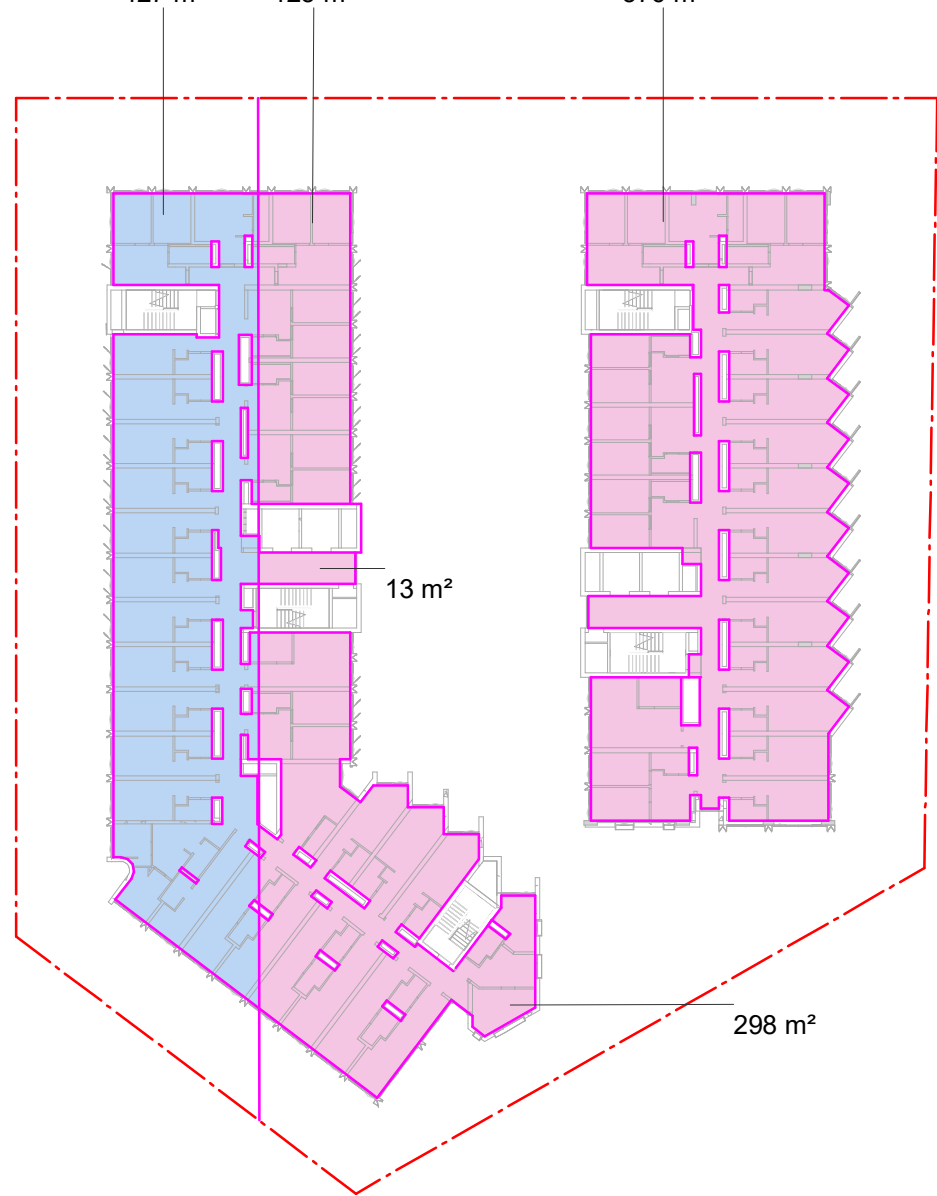
L04  
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L05  
SCALE 1: 500



L06  
SCALE 1: 500



L07  
SCALE 1: 500

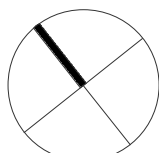
| Area Schedule (GFA DISTRIBUTION) Part A |        |         |
|-----------------------------------------|--------|---------|
| Level                                   | Name   | Area    |
| GROUND (Anzac Pde)                      | Site A | 545 m²  |
| L01                                     | Site A | 548 m²  |
| L02                                     | Site A | 562 m²  |
| L03                                     | Site A | 562 m²  |
| L04                                     | Site A | 427 m²  |
| L05                                     | Site A | 427 m²  |
| L06                                     | Site A | 427 m²  |
| L07                                     | Site A | 427 m²  |
| L08                                     | Site A | 427 m²  |
| L09                                     | Site A | 343 m²  |
| L10                                     | Site A | 342 m²  |
| L11                                     | Site A | 342 m²  |
| L12                                     | Site A | 342 m²  |
| L13                                     | Site A | 242 m²  |
|                                         |        | 5963 m² |

| Area Schedule (GFA DISTRIBUTION) Part B |        |          |
|-----------------------------------------|--------|----------|
| Level                                   | Name   | Area     |
| GROUND (Anzac Pde)                      | Site B | 1324 m²  |
| L01                                     | Site B | 1739 m²  |
| L02                                     | Site B | 1314 m²  |
| L03                                     | Site B | 1314 m²  |
| L04                                     | Site B | 1012 m²  |
| L05                                     | Site B | 1012 m²  |
| L06                                     | Site B | 1012 m²  |
| L07                                     | Site B | 1012 m²  |
| L08                                     | Site B | 1012 m²  |
| L09                                     | Site B | 230 m²   |
| L10                                     | Site B | 189 m²   |
| L11                                     | Site B | 189 m²   |
| L12                                     | Site B | 189 m²   |
| L13                                     | Site B | 138 m²   |
|                                         |        | 11686 m² |

Part A  
Part B

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PRELIMINARY



Nominated Architects: Adam Haddow-7188 | John Pradel-7004

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|-----|------------|-----------------|----|------|
| 1   | 19.06.2025 | FOR DA APPROVAL | CC | ASB  |
| 2   | 23.10.2025 | FOR DA APPROVAL | CC | ASB  |
| 3   | 19.11.2025 | FOR DA APPROVAL | CC | ASB  |
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|     |            |                 |    |      |

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Client

Avenor.

Project

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ANZAC PDE KINGSFORD  
NSW 2032

Drawing Name

GFA DISTRIBUTION - SITE A + SITE B

Date

19.11.2025

Scale

As indicated

Sheet Size

A1

Drawn

CC

Chk.

ASB

Job No.

6922

Drawing No.

DA-6114

Revision

/ 3

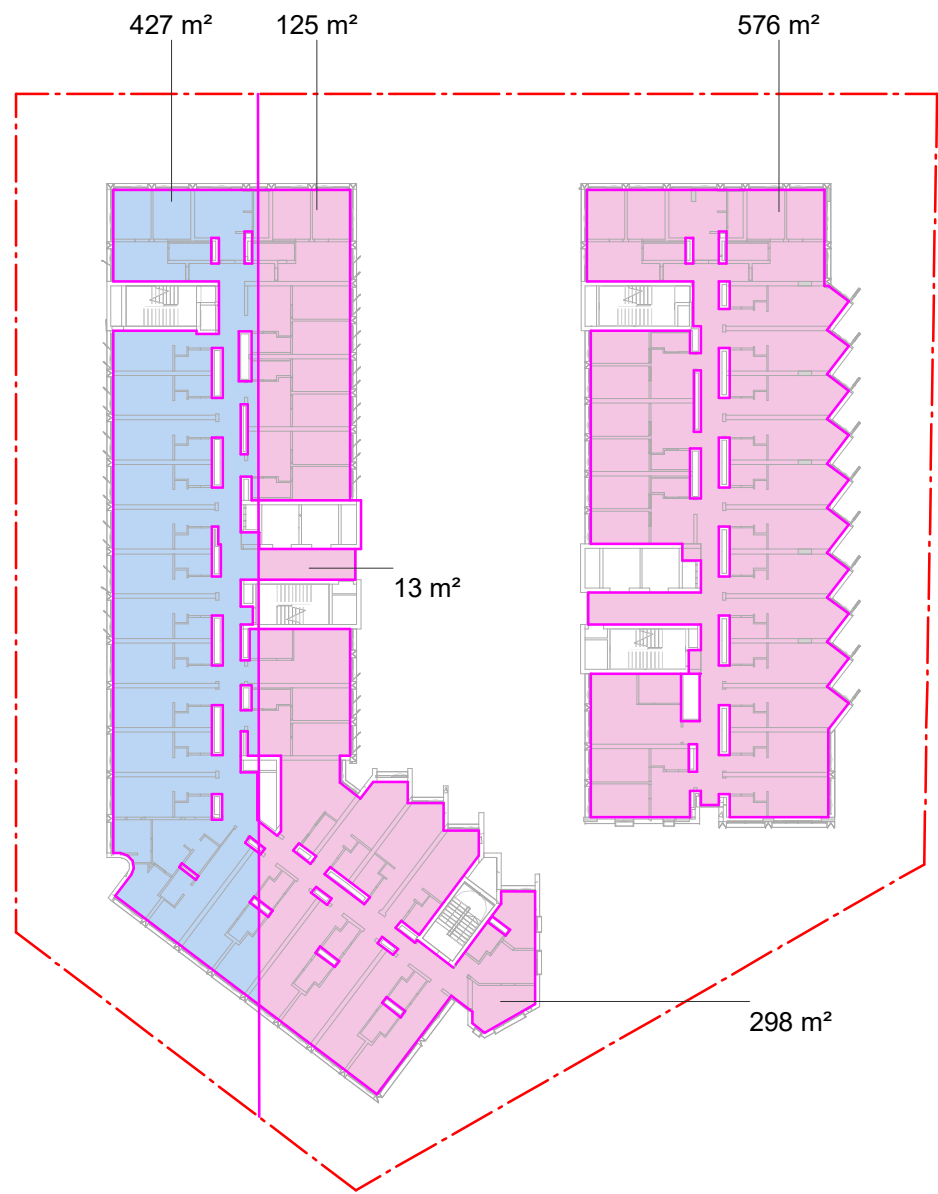
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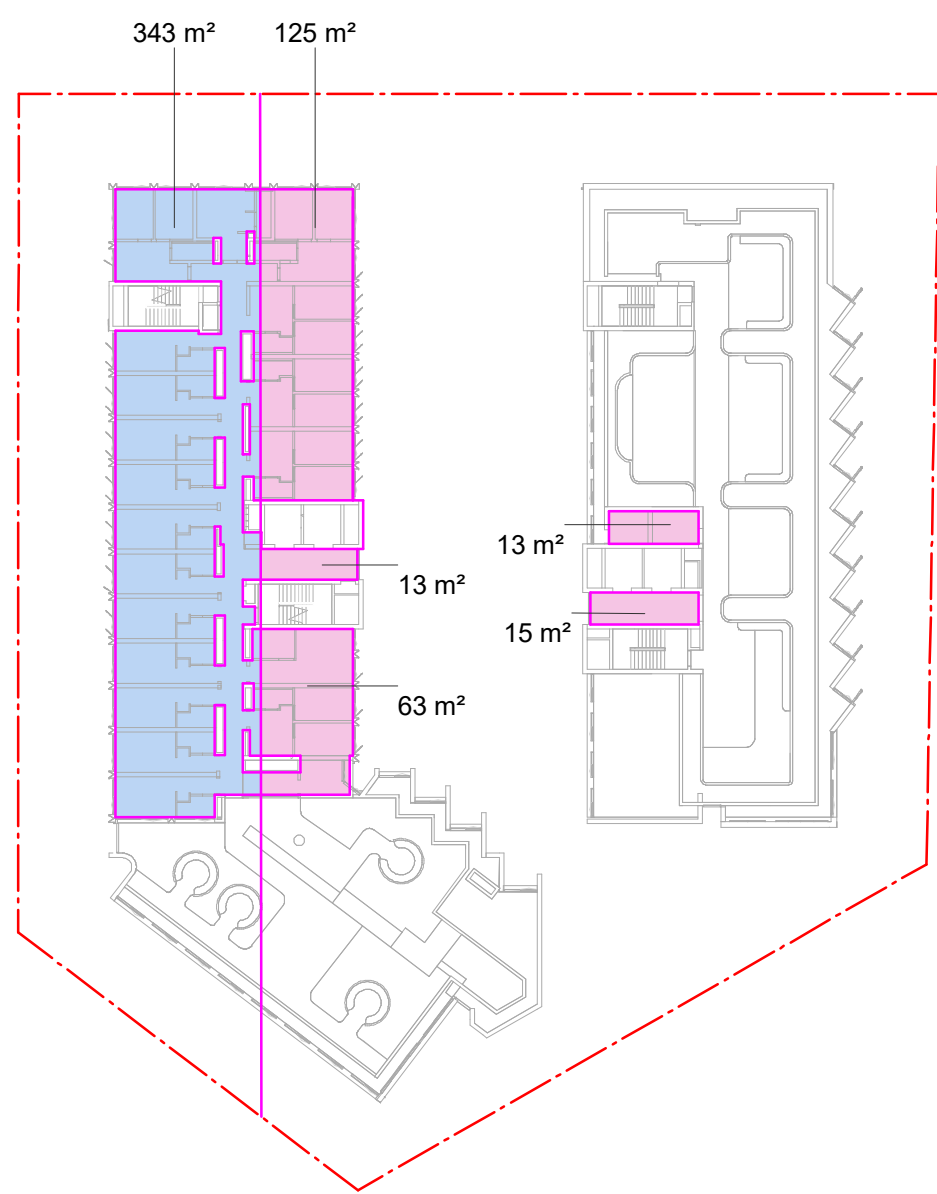
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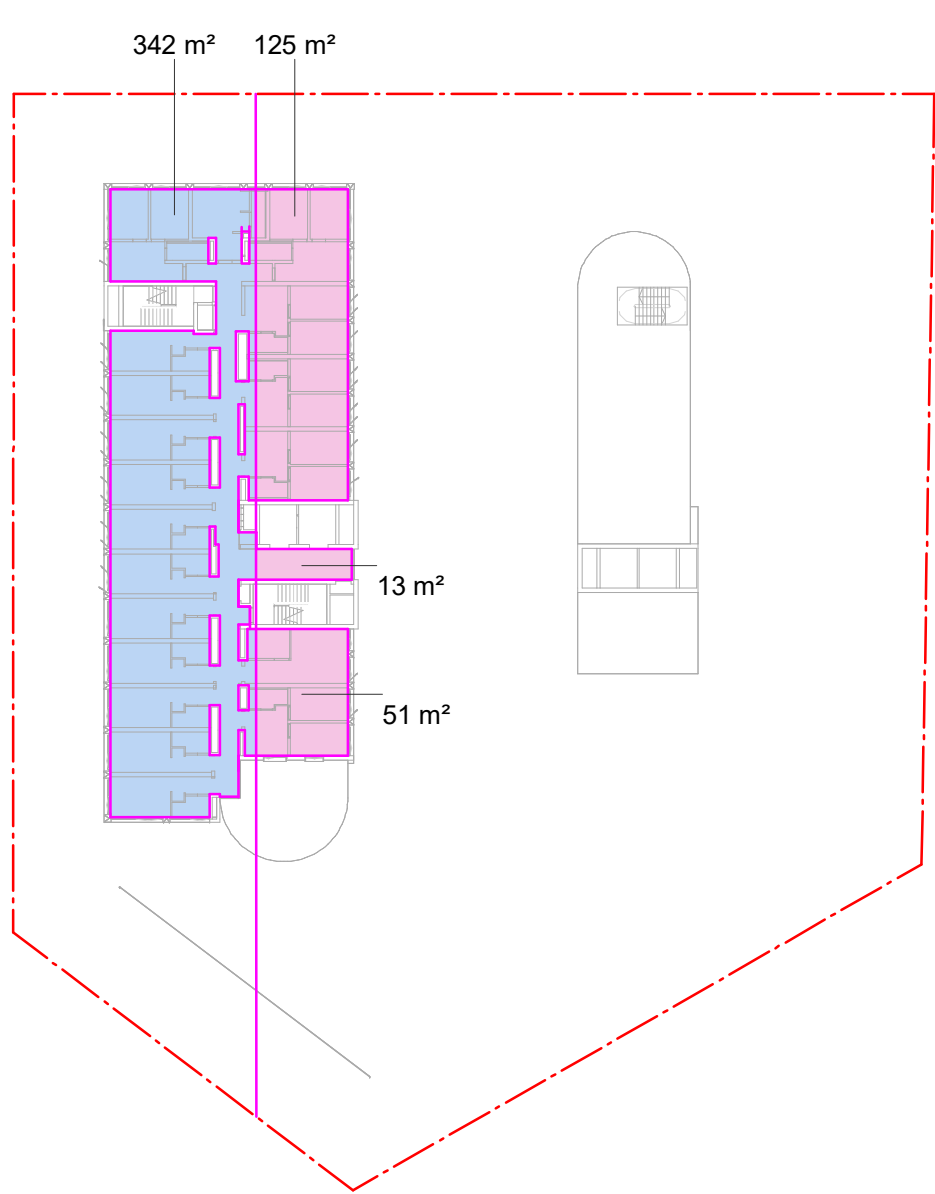
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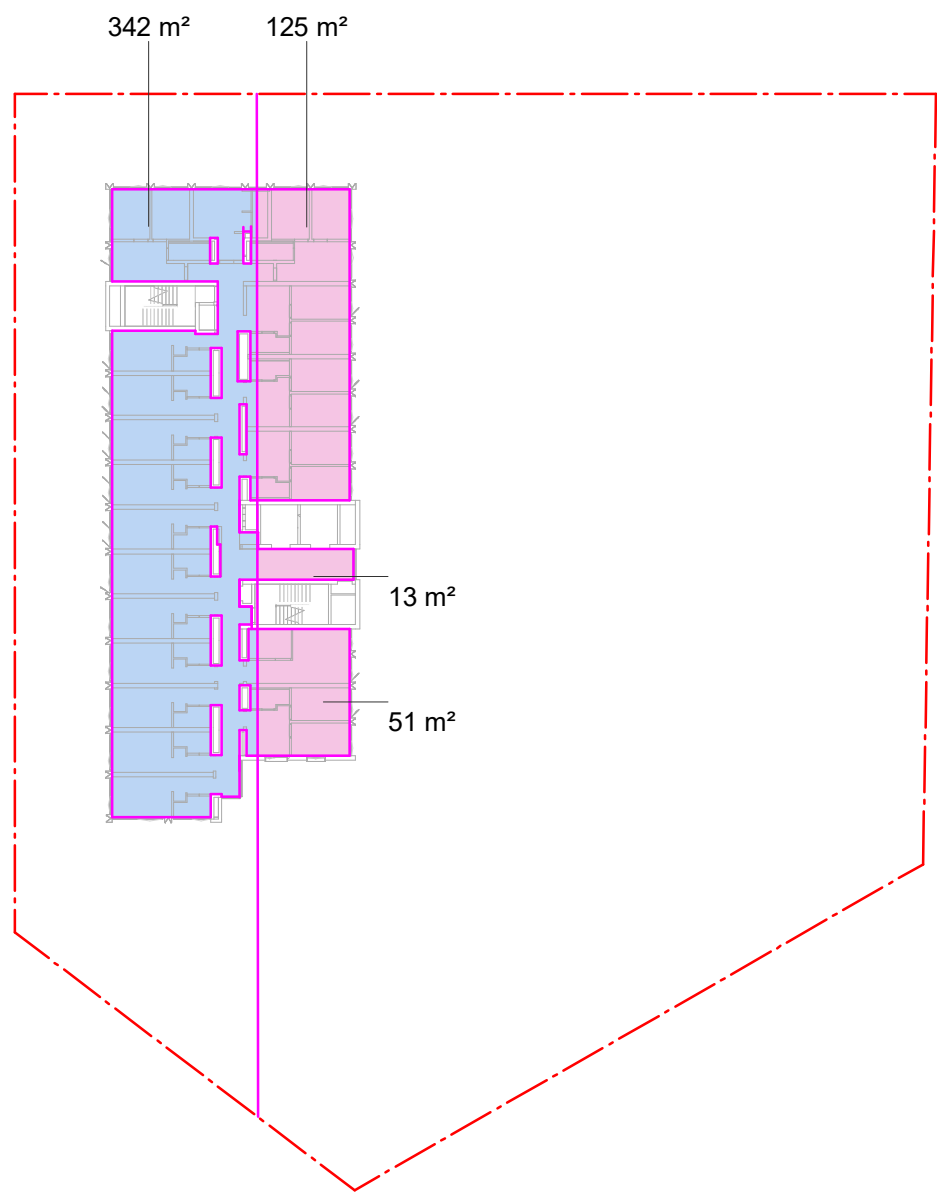
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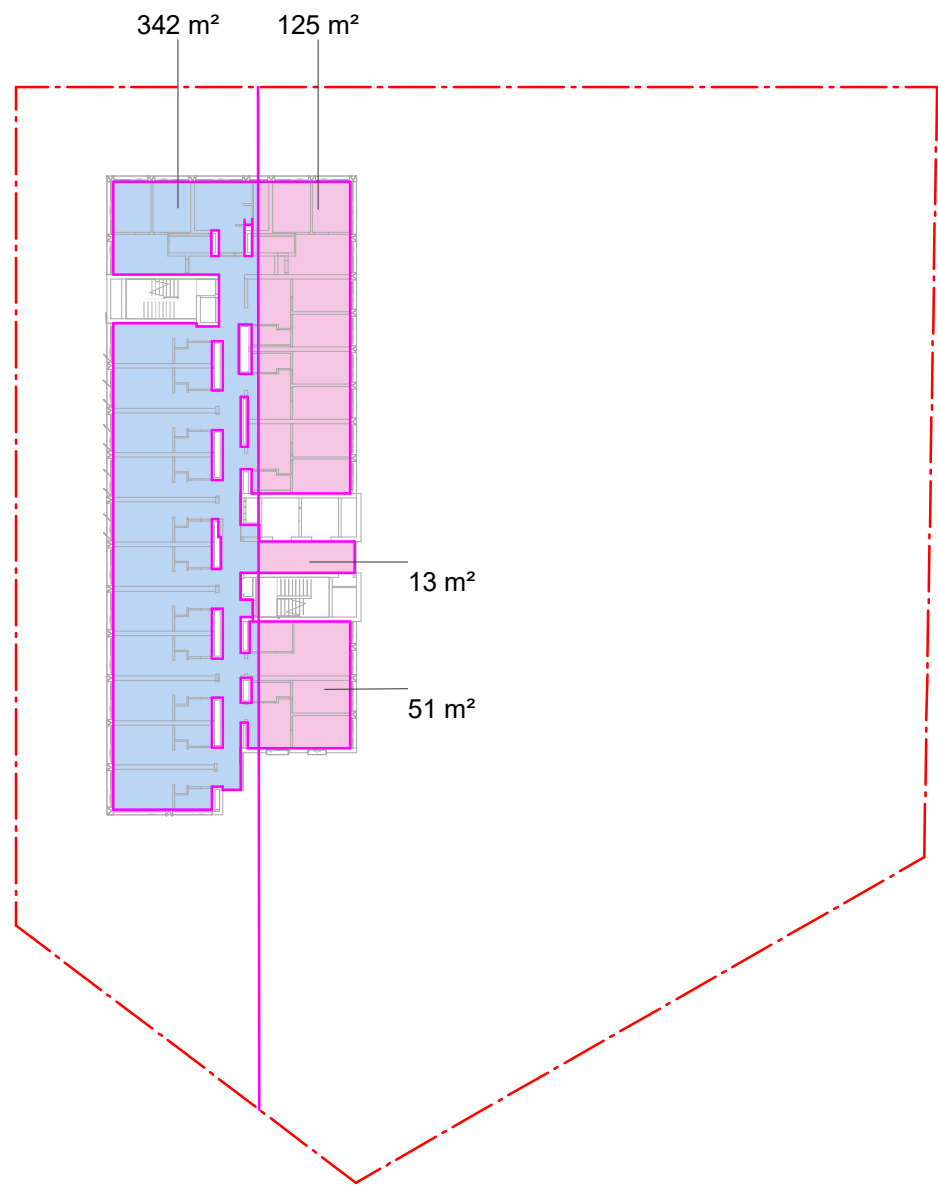
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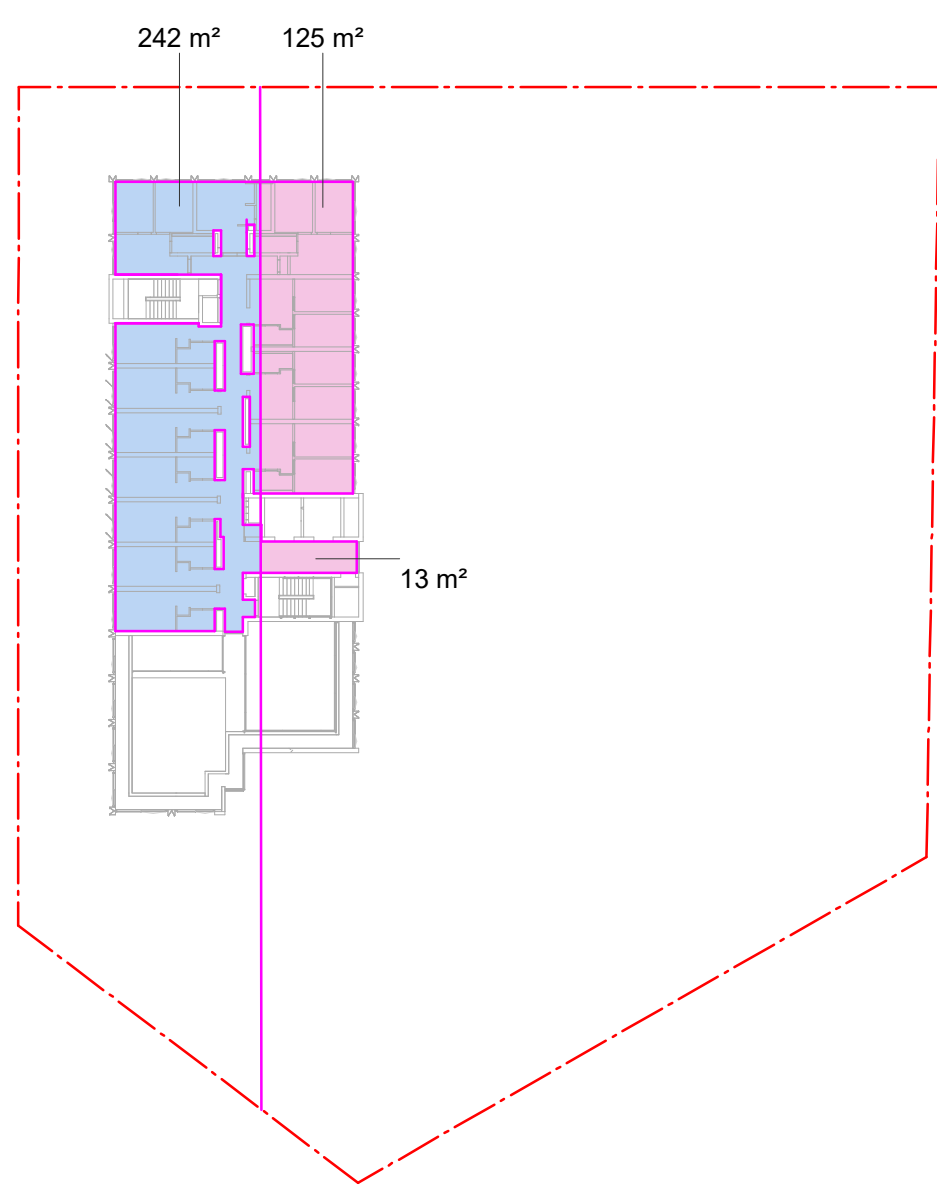
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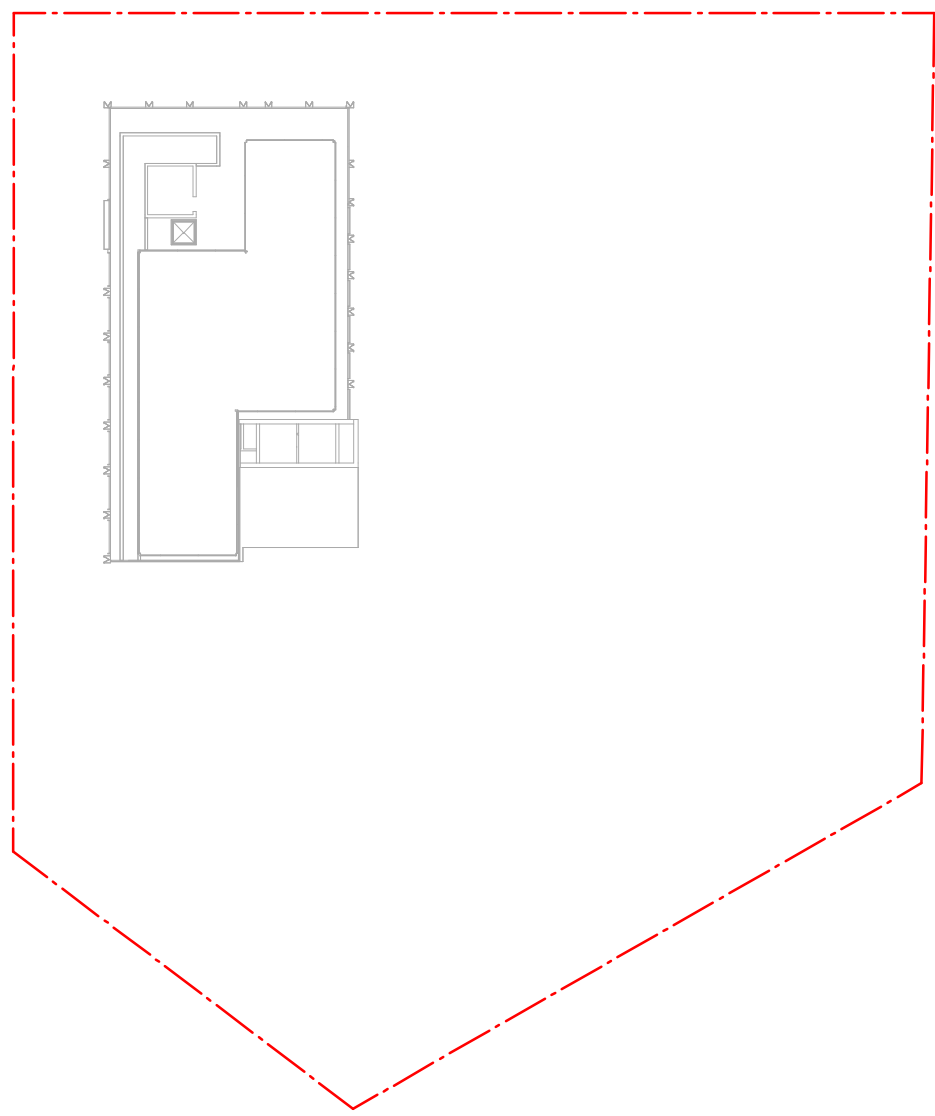
L12

SCALE 1 : 500



L13

SCALE 1 : 500



L14

SCALE 1 : 500

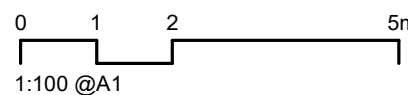
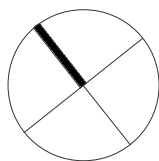
| Area Schedule (GFA DISTRIBUTION) Part A |        |         |
|-----------------------------------------|--------|---------|
| Level                                   | Name   | Area    |
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|                                         |        | 5963 m² |

| Area Schedule (GFA DISTRIBUTION) Part B |        |          |
|-----------------------------------------|--------|----------|
| Level                                   | Name   | Area     |
| GROUND (Anzac Pde)                      | Site B | 1324 m²  |
| L01                                     | Site B | 1739 m²  |
| L02                                     | Site B | 1314 m²  |
| L03                                     | Site B | 1314 m²  |
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|                                         |        | 11686 m² |

Part A  
Part B

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PRELIMINARY



Nominated Architects: Adam Haddow-7188 | John Pradel-7004

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|-----|------------|-----------------|----|------|
| 1   | 19.06.2025 | FOR DA APPROVAL | CC | ASB  |
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| 3   | 19.11.2025 | FOR DA APPROVAL | CC | ASB  |
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Drawing Name

GFA DISTRIBUTION - SITE A + SITE B

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DA-6115

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## Clause 4.6 Variation Request – Non-residential Floor Space Ratio

### Introduction

This clause 4.6 Variation Request (**Request**) has been prepared by Urbis Ltd (**Urbis**) and accompanies the Development Application (**DA**) for a co-living development at 399–405 Anzac Parade, Kingsford (**the site**).

This Request seeks to vary the non-residential floor space ratio (**FSR**) development standard prescribed for the site under clause 6.19 of the *Randwick Local Environmental Plan 2012* (**RLEP 2012**). This Request is made pursuant to the mechanisms in clause 4.6 of the RLEP 2012 and is submitted as a precautionary measure in case the interpretation of the legislation would otherwise require it.

The proposal involves the amalgamation of six (6) lots to deliver a coordinated and cohesive development outcome. Across these lots, a non-residential FSR control of 1:1 applies to the portion of land referred to as 'Part A, equating to a Non-residential GFA requirement of 933sqm. Given the integrated and consolidated nature of the development, the total non-residential FSR has been calculated across the combined site area. On this basis, the total Non-Residential GFA for the whole project is 1,424sqm which is well in excess of the 933sqm requirement (equating to an FSR of 1.5:1) and therefore the proposal achieves compliance with the overall non-residential FSR applicable to the consolidated site.

This Clause 4.6 Request is submitted for an abundance of caution and as a technical formality, acknowledging the split non-residential FSR control applicable to the site. When assessed strictly against the mapped controls, the proposed development has a minor shortfall in non-residential GFA on Part A, the portion subject to the 1:1 no-residential FSR control. However, when the site is viewed holistically, the proposal delivers a compliant and well-resolved built form outcome that delivers an array of non-residential land uses.

Despite the technical non-compliance within this portion of the site, the proposed land use split remains consistent with the total permissible non-residential GFA across the site and can appropriately support the local economy as envisioned within the Kensington to Kingsford Strategy (**K2K**) and the E2 Commercial Centre Zone. The proposed massing, GFA and FSR distribution has been endorsed by Council and the Design Excellence Advisory Panel (**DEAP**) through the pre-lodgement and post-lodgement consultation as achieving an appropriate architectural and urban design response.

Accordingly, the proposal represents a well-considered and balanced planning outcome, delivering an array of non-residential land uses and diverse housing while maintaining neighbouring amenity and local character. In these circumstances, the variation is well founded, consistent with planning principles, and warrants flexibility in the application of the FSR standard.

### Site and Proposed Development

The site is located at 399–405 Anzac Parade, Kingsford, within the Randwick City Council local government area. It comprises six lots (refer to **Table 1**) and has a total area of 3,778sqm. The site is generally rectangular and is shown in **Figure 1** overleaf.

The site is a dual-aspect allotment with three street frontages to Anzac Parade, Sturt Street and Bunnerong Road. Existing vegetation is limited to a few scattered trees across multiple lots.

The site contains various 2 to 3 storey residential flat buildings, 1 to 2 storey detached residential dwellings and the Kingsford Church of Christ place of public worship. The site has access from Anzac Parade, Sturt Street and Bunnerong Road via direct crossovers. The site is well located adjacent to the Juniors Kingsford light rail and bus interchange and Dacey Gardens reserve with the Kingsford town centre.

Table 1: Site Particulars

| Reference            | Site Address                    | Legal Description | Site Area |
|----------------------|---------------------------------|-------------------|-----------|
| Part A               | 399 Anzac Parade, Kingsford     | Lot A DP 314174   | 933sqm    |
| Part B               | 399A Anzac Parade, Kingsford    | SP 16502          | 2,845sqm  |
|                      | 401-405 Anzac Parade, Kingsford | SP 61481          |           |
|                      | 2 Sturt Street, Kingsford       | Lot 4 DP 310758   |           |
|                      | 4 Sturt Street, Kingsford       | Lot 5 DP 437124   |           |
|                      | 21 Bunnerong Road, Kingsford    | SP21936           |           |
| Total Area = 3778sqm |                                 |                   |           |

Importantly, and as aforementioned the site is referred to as 'Part A' and 'Part B' as a result of split FSR controls. **Table 1** above demonstrates that Part A pertains to the lot known as 399 Anzac Parade, and Part B for the remaining lots.

Figure 1: Aerial Photograph



Source: Nearmap 2024 (annotated by Urbis)

## Proposed Development

The proposed development seeks to deliver co-living housing for the purposes of student accommodation consistent with Council's vision for the Kensington and Kingsford area strengthening the corridors position as an educational hub and activation through retention of the existing church and delivery of community facilities.

Specifically, development consent is sought for:

- Demolition of the existing structures on-site.
- Construction of a part 14-storey, part 9-storey mixed-use development comprising the following elements:
  - Ground floor incorporating a co-living reception and communal areas, community facility, commercial spaces, place of worship, loading dock, waste storage, and services.
  - Levels two to 9 and 14 comprising co-living student accommodation including 530 rooms with 656 beds and communal areas.

- Rooftop communal open space.
- Single level basement parking
- Landscaped building setback areas that help to activate the ground level at the street edge and reinforce the role of the adjoining through site links.
- Public domain improvements along Anzac Parade, Bunnerong Road and Sturt Street.
- Vehicular access via Sturt Street.
- Utilities and service provisions, including plant on the ground floor and rooftop.
- Architectural plans prepared by SJB detailing the proposal are attached under a separate cover.

The project has undergone a rigorous design process including a prelodgement meeting and two DEAP meetings to ensure that the proposed development achieves a high-quality outcome within the Kingsford Triangle precinct under the K2K.

Over the course of this engagement, the proposed built form and massing falling across the six allotments have been endorsed by key assessing authorities, in particular the proposed floor space over the site.

*Figure 2: Visualisation of the Proposed Development*



Source: SJB Architects

## Planning Instrument, Development Standard and Proposed Variation

### 1. What is the planning instrument you are seeking to vary?

Randwick Local Environmental Plan 2012 (RLEP 2012)

### 2. What is the site's zoning?

The site is zoned E2 Commercial Centre under the RLEP 2012.

### 3. What is the development standard to be varied?

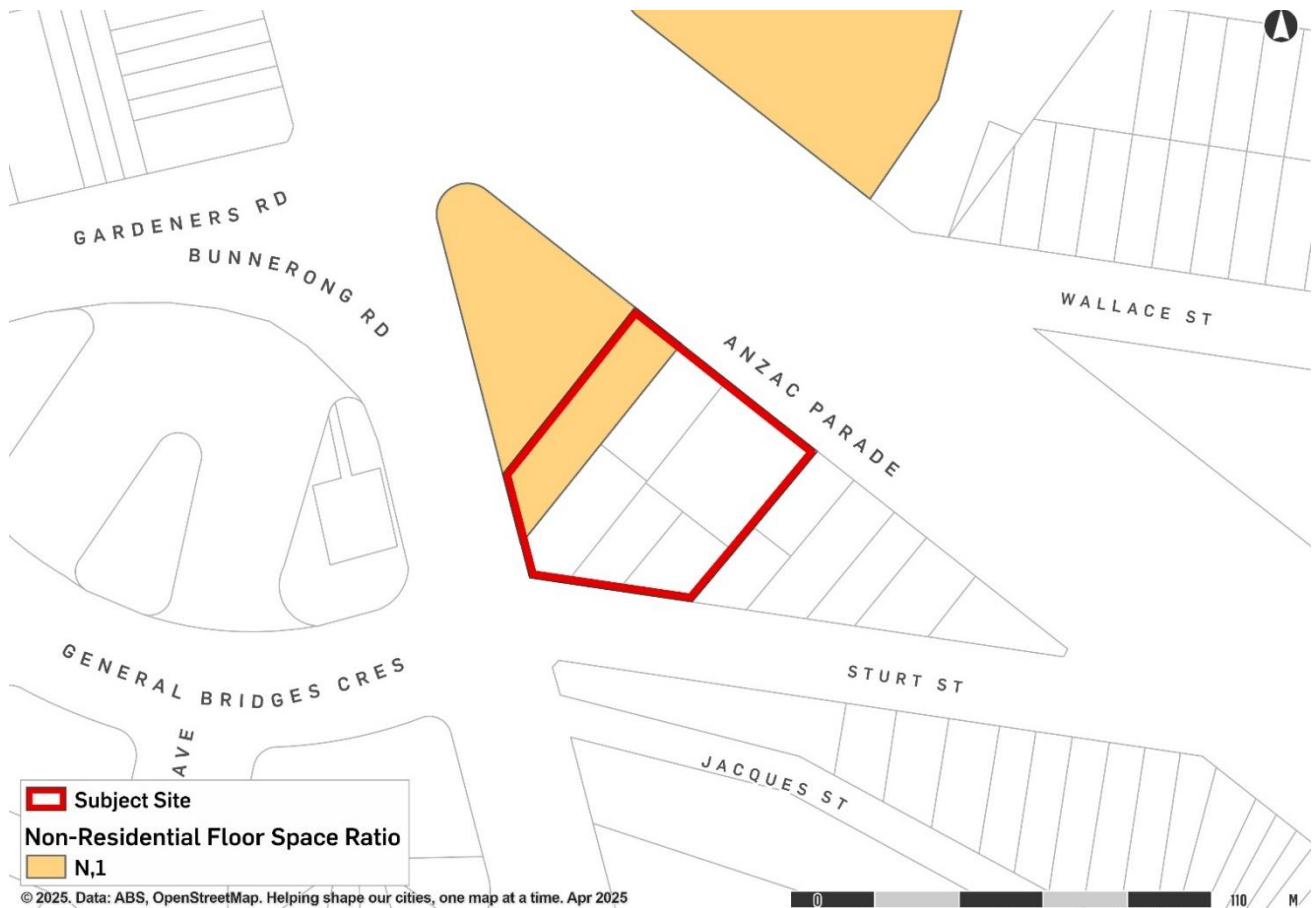
The standard proposed to be varied is the minimum FSR standard prescribed under Clause 6.19 of the RLEP 2012.

Clause 6.19 of the RLEP states:

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.*
2. *Despite clause 4.4, development consent must not be granted for development on land in any area identified on the Non-Residential Floor Space Ratio Map unless the non-residential floor space ratio is at least the non-residential floor space ratio shown on the map in relation to that area.*
3. *In this clause, non-residential floor space ratio means the ratio of the gross floor area of that part of a building used or proposed to be used for any purpose other than a residential purpose in a building on the site to the site area.*

Under this provision the permissible **non-residential FSR control for the development site 1:1**. This is identified in **Figure 3** below.

Figure 3: Non-Residential FSR Control



Source: Urbis Ltd

#### 4. Type of development standard?

The request is seeking to vary the numeric non-residential FSR development standard of the proposed building pursuant to clause 6.19 of the RLEP 2012.

## 5. What is the numeric value of the development standard in the environmental planning instrument?

Table 2: FSR Controls and Proposed Variation

| RLEP Control                                                                     | Site                                 | Site Area       | RLEP Base Control      | Proposed        |
|----------------------------------------------------------------------------------|--------------------------------------|-----------------|------------------------|-----------------|
| 6.19 Non-residential floor space ratios at Kensington and Kingsford town centres | 399 Anzac Parade, Kingsford (Part A) | 933sqm          | 1:1 (933sqm)           | 0.6:1 (544sqm)  |
|                                                                                  | 399A, 401-405 Anzac Parade           | 2,845sqm        | Not applicable (0 sqm) | 0.3:1 (880sqm)  |
|                                                                                  | 2 – 4 Sturt Street                   |                 |                        |                 |
|                                                                                  | 21 Bunnerong Road                    |                 |                        |                 |
|                                                                                  | <b>Total</b>                         | <b>3,778sqm</b> | <b>933sqm</b>          | <b>1,424sqm</b> |

It is important to note that the combined site area and combined proposed non-residential GFA for the development provides a compliant outcome with the non-residential FSR development standard.

Part A has a total area of 933sqm, which results in a 1:1 non-residential FSR requirement. As the site is an amalgamated arrangement, this 933sqm requirement has been applied across the entirety of the site.

The overall proposed development has a total non-residential GFA of 1,424sqm, which is equivalent to 49:1 above the requirement.

## 6. What is the difference between the existing and proposed numeric values? What is the percentage variation (between the proposal and the environmental planning instrument)?

The following outlines how the proposed non-residential FSR distributes the maximum FSR control for the site.

### 399 Anzac Parade (Part A):

- This lot has a non-residential FSR control of 1:1 requiring 933sqm. On this portion of the site, 544sqm is proposed resulting in a 41.7% shortfall if viewing the non-residential floor space over the one lot.

### 399A, 401-405 Anzac Parade, 2 – 4 Sturt Street and 21 Bunnerong Road (Part B):

- The non-residential FSR control does not apply to this portion of the site. However, due to the consolidated nature of the development, the non-residential uses fall over these allotments. As a result, 880sqm of non-residential space falls over Part B.

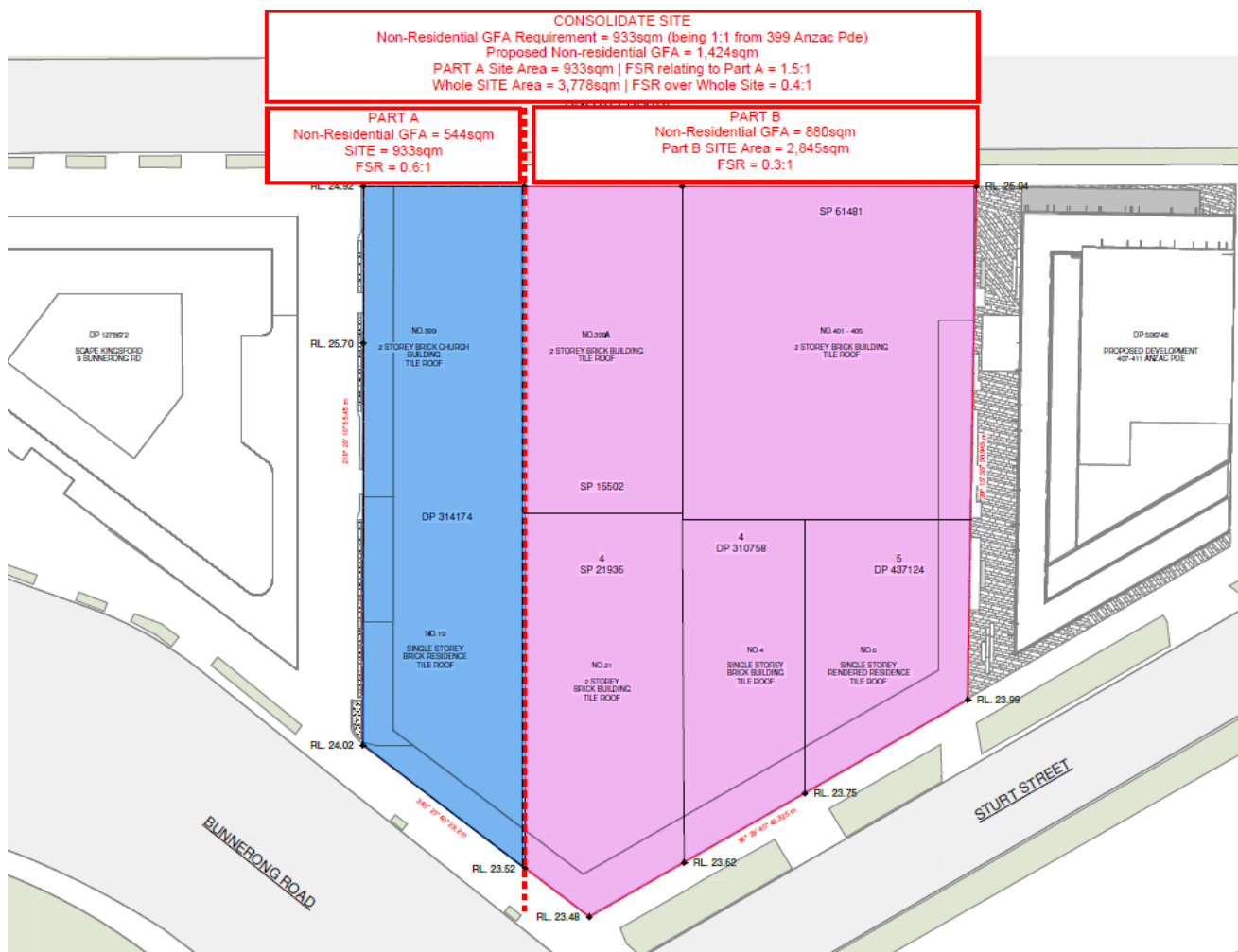
Table 3: Proposed Variation

| Site             | Non-Residential FSR Control    | Proposed FSR                                                                    | Proposed Variation                                |
|------------------|--------------------------------|---------------------------------------------------------------------------------|---------------------------------------------------|
| 399 Anzac Parade | 1:1<br>Permissible FSR: 933sqm | Proposed non-residential GFA: 544sqm<br>Lot Area: 933sqm<br>Proposed FSR: 0.6:1 | 41.7% (389 sqm) below the permitted site control. |

|                            |                |                                                               |                                               |
|----------------------------|----------------|---------------------------------------------------------------|-----------------------------------------------|
| 399A, 401-405 Anzac Parade | Not Applicable | Proposed non-residential GFA: 880sqm                          | Not Applicable                                |
| 2 – 4 Sturt Street         |                | Lot Area: 2845sqm                                             |                                               |
| 21 Bunnerong Road          |                | Proposed FSR: 0.3:1                                           |                                               |
| <b>Total</b>               | 933sqm         | Proposed non-residential GFA: 1,424sqm<br>Proposed FSR: 1.5:1 | 52.6% overall increase in non-residential GFA |

## 7. Visual representation of the proposed variation

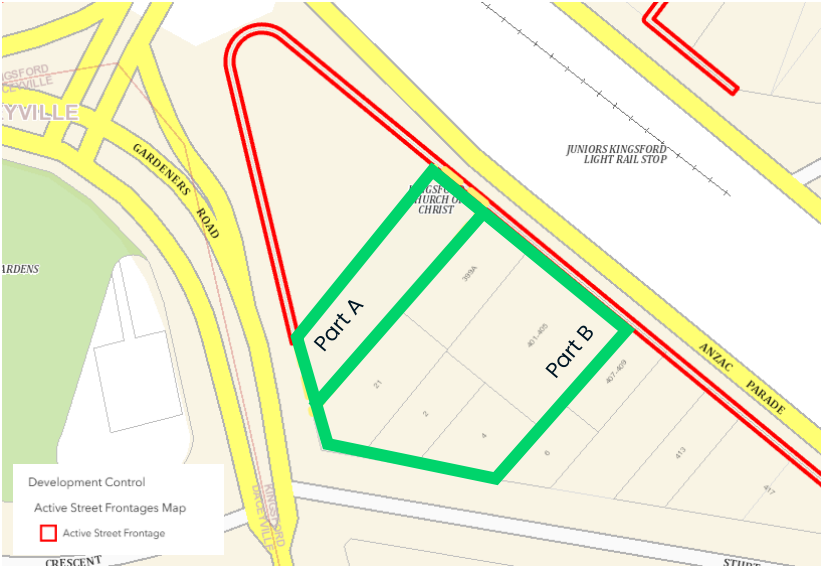
Figure 4: Visual Representation of Variation



Source: SJB Architecture, 2025

## Justification for the proposed variation

### 1. How is compliance with the development standard unreasonable or unnecessary in the circumstances of the particular case?

| Key Questions                                                                                  | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a) Are the objectives of the development standard achieved notwithstanding the non-compliance? | <p>The objective of the clause is to ensure an adequate provision of non-residential floor space to support commercial and retail activity within the Kensington and Kingsford town centres.</p> <p>The proposed development delivers a substantial quantum of non-residential floor space across all six allotments, including a public place of worship, a community facility and two retail tenancies. This exceeds the intent of the control by providing a diverse mix of uses that contribute to the economic and social vitality of the area.</p> <p>Under the DCP, the Anzac Parade frontage is identified on the 'Active Frontages Map', which seeks to deliver street facing land uses are accessible and engaging for the public. The proposal strategically locates non-residential uses along the ground floor frontages to Anzac Parade and the two through-site links, creating continuous activation and pedestrian interest. Concentrating 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 and diminished public benefit.</p> <p><i>Figure 5: Active Frontage Map</i></p>  <p>The design incorporates glazed facades to maximise visual connection between internal spaces and the public realm, consistent with the K2K DCP requirement for retail and commercial uses to enhance pedestrian safety, natural surveillance and street-level vibrancy.</p> <p>While the Part A site does not meet the minimum non-residential FSR in isolation, the amalgamated development delivers 1424qm of non-residential floor space across the ground floor. This exceeds the overall requirement and achieves the intended outcome of the standard. The distribution of uses</p> |

| Key Questions                                                                                                                                         | Response                                                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                       | across the site ensures active frontages, supports commercial and retail activity and aligns directly with the strategic vision for the town centre. |
| b) Are the underlying objectives or purpose of the development standard not relevant to the development? (Give details if applicable)                 | Not relied upon.                                                                                                                                     |
| c) Would the underlying objective or purpose be defeated or thwarted if compliance was required? (Give details if applicable)                         | Not relied upon.                                                                                                                                     |
| (d) Has the development standard been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard? | <i>Not relied upon.</i>                                                                                                                              |
| e) Is the zoning of the land unreasonable or inappropriate so that the development standard is also unreasonable or unnecessary?                      | Not relied upon.                                                                                                                                     |

## 2. Are there sufficient environmental planning grounds to justify contravening the development standard?

There are sufficient environmental planning grounds to justify the proposed variation to the FSR control. The variation arises due to application of a minimum non-residential FSR control across only part of the site, of which has now been consolidated to deliver one integrated development outcome. When considered as a whole, the combined non-residential floorspace proposed exceeds the minimum FSR required under clause 6.19 of the RLEP 2012. The variation is therefore a technical result of the site configuration rather than a failure to provide the minimum non-residential floorspace required under the control.

The following grounds support the variation:

- The proposal consolidates six individual lots and redistributes non-residential floorspace across the whole ground floor of the building. The proposed redistributed floorspace design results in the best outcome for amenity and activation, avoiding 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 also 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 proposed development forms a consistent character of street activation with adjoining buildings within the Kingsford Triangle and Kensington and Kingsford precinct. The development therefore forms part of a broader character area and is suitable in the context of which it is located.

- The proposal consolidates six individual lots and redistributes non-residential floor space across two tower forms. The design has been refined and supported through DEAP process to ensure that proposed land uses as well as the massing, building separation and articulation are appropriate within the site envelope. Through the DEAP process and subsequent refinements in response to Council feedback, the proposal continues to demonstrate a high level of amenity while avoiding unreasonable impacts such as overshadowing and view loss.

In conclusion, there are sufficient environmental planning grounds to justify contravening the development standard.

### **3. Is there any other relevant information relating to justifying a variation of the development standard? (If required)**

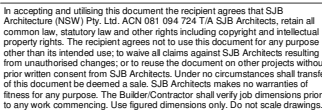
The site is zoned E2 Commercial Centre under the RLEP 2012. The objectives of the E2 zone are:

- *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 consistent with the land use objectives of the E2 zone and the proposed variation to the minimum non-residential FSR control over Part A of the site only does not hinder the proposal's ability to achieve the objectives as:

- The proposal incorporates several non-residential land uses at ground level fronting Anzac Parade and Bunnerong Rong, including retail tenancies, a community facility and a place of worship. These uses contribute to the ongoing activation of the town centre and reinforce Kingsford's role as a key focus for business, community and cultural activity in line with Council's vision for the precinct outlined in the K2K Strategy and DCP.
- The development will contribute to the local economy by delivering a mix of uses that generate direct and ongoing employment opportunities. This includes roles associated with the operation of the retail and community uses, building management and ongoing maintenance and landscaping works.

- The site adjoins two through-site links that form part of a key pedestrian network within the Kingsford precinct. The design has been carefully considered to integrate sensitively with these links and strategically position activate non-residential uses to enhance safety, permeability and activation throughout the day and evening.
- The ground floor incorporates continuous active frontages to both Anzac Parade and Bunnerong Road with entrances, glazing and commercial retail tenancies designed to contribute to a vibrant, pedestrian-oriented streetscape aligned with the objectives of clause 6.19 of the RLEP 2012.
- The project has been subject to several DEAP reviews to guide the urban design to ensure the project achieves a high quality outcome that provides an enjoyable user and pedestrian experience. The project seamlessly integrates with the two through-site links, forming a key pedestrian route deemed appropriate from a CPTED perspective. Moreover, the design includes significant landscaping and public domain improvements to soften the space. Further, a public art strategy is proposed to deliver a visually interesting space that sets the development apart from the rest.
- The design has been informed by careful consideration of surrounding developments to ensure that potential amenity impacts, such as overshadowing and visual privacy, are appropriately managed. The proposal achieves a balanced built form outcome that respects adjoining land uses.
- The combination of residential, community, retail and place of worship uses distributed across the site supports activation and passive surveillance throughout the day and evening, contributing to a diverse, safe and inclusive space.
- The proposed development achieves the objectives of the non-residential FSR development standard and the land use zone objectives despite the strict non-compliance, and the contravention has been demonstrated to be appropriate and supportable in the circumstances of the case. There would be no public benefit in maintaining the development standard in this instance.



**Nominated Architects:** Adam Haddow-7188 | John Pradel-7004

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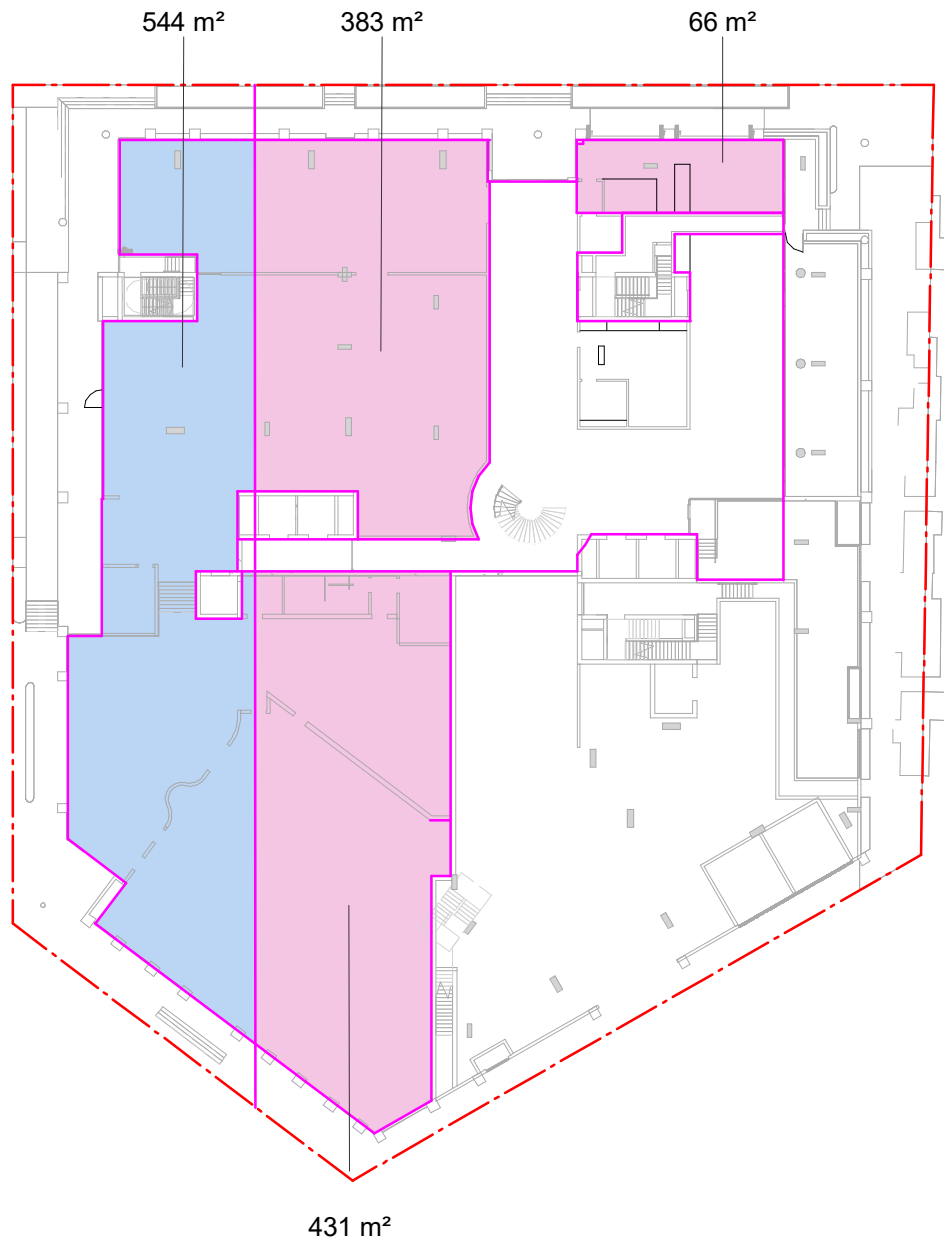
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GROUND (Anzac Pde)

SCALE 1:500

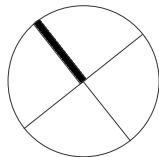
| Area Schedule (GFA DISTRIBUTION RETAIL) Part A |        |        |
|------------------------------------------------|--------|--------|
| Level                                          | Name   | Area   |
| GROUND (Anzac Pde)                             | Site A | 544 m² |

| Area Schedule (GFA DISTRIBUTION RETAIL) Part B |        |        |
|------------------------------------------------|--------|--------|
| Level                                          | Name   | Area   |
| GROUND (Anzac Pde)                             | Site B | 880 m² |

Part A  
Part B

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