

COUNCIL ASSESSMENT REPORT

SYDNEY EASTERN CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSEC-281 – [DA/168/2023]
PROPOSAL	Construction and use of five (5) buildings for mixed uses including student accommodation, UNSW university space, retail premises, communal and publicly accessible open space (West Mall), and basement car parking.
ADDRESS	Lot 2 DP 1173179 215B Anzac Parade, Kensington
APPLICANT	University of New South Wales (UNSW) - Clare Hall
OWNER	University of New South Wales
DA LODGEMENT DATE	11 May 2023
APPLICATION TYPE (DA, Concept DA, CROWN DA, INTEGRATED, DESIGNATED)	CROWN DA / INTEGRATED DEVELOPMENT
REGIONALLY SIGNIFICANT CRITERIA	Section 2.19(1) and Clause 4 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 declares the proposal regionally significant development as the development has a cost of works greater than \$5m.
CIV	\$227,656,927 (excluding GST)
CLAUSE 4.6 REQUESTS	Randwick LEP 2012 - Clause 4.3 Height of Buildings to be varied and SP2 Special Infrastructure
KEY SEPP/LEP	SEPP (Planning Systems) SEPP (Transport and Infrastructure), , LEP. DCP Part E2.
TOTAL & UNIQUE SUBMISSIONS ISSUES IN SUBMISSIONS	584 Submissions received – refer to consultation section below for summary of concerns raised regarding height, bulk and scale, overshadowing, acoustic impacts, visual privacy and building separation, loss of parking and secondary parking impacts and service vehicle conflicts.
DOCUMENTS SUBMITTED FOR CONSIDERATION	<ul style="list-style-type: none"> • <i>Full set Architectural drawings – Amended uploaded to portal afternoon of 6 March 2024 Revision C dated 4/03/2024.</i> • <i>Architectural design report – amended and uploaded as above.</i>

	<ul style="list-style-type: none"> • <i>Shadow Studies – Additional information provided in Amended Planning report and Architectural design report.</i> • <i>Landscape Report – Amended dated March 2024</i> • <i>Full set Survey Plans</i> • <i>Statement of Environmental Effects – Amended Planning report dated 6 March 2024 and responses to the RFI, and DEAP</i> • <i>Amended Clause 4.6 variation request.</i> • <i>Social impact assessment</i> • <i>Noise impact Assessment</i> • <i>Operational Plan of Management</i> • <i>Geotechnical report – no change</i> • <i>Aeronautical impact assessment – amended with Supplementary report dated 05/03/2024 to be referred to Sydney Airports.</i> • <i>BCA statement</i> • <i>ESD report</i> • <i>Green Star Appraisal</i> • <i>Traffic impact assessment – additional HRV cross over letters</i> • <i>Green travel plan.</i> • <i>Detailed site investigation report</i> • <i>Pedestrian wind environment report</i> • <i>Crime Prevention through environmental design report</i> • <i>Appendix C response to Pre lodgement and Design Excellence Advisory Panel feedback for Pre DA</i>
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	Contributions recommended
RECOMMENDATION	Refusal
DRAFT CONDITIONS TO APPLICANT	Should a decision be made to approve the Crown Development, draft conditions have been provided.
SCHEDULED MEETING DATE	6 August 2024
PLAN VERSION	5 July 2024 Version No: D, E & F
PREPARED BY	Louis Coorey
DATE OF REPORT	30 July 2024

EXECUTIVE SUMMARY

The proposal seeks consent for an Integrated Development comprising the demolition of existing structures, removal of five trees on-site, excavation and remediation. This will facilitate the construction and use of five (5) buildings (Buildings A to E – see figure 13 layout and figure 14 illustrating 3D massing) for mixed use including student accommodation, UNSW university space, and ancillary ground level retail premises, new communal and publicly accessible open space, and basement car parking.

The site is located at 215B Anzac Avenue, Kensington and is legally described as Lot 2 in DP 1173179. The western (rear) boundary has a length of approximately 74m and contains a row of established trees (required to be retained) that provides a landscape buffer for the adjoining residential properties facing Doncaster Avenue. The site is located in the SP2 infrastructure zone identified as an educational establishment and forms part of the western campus of the wider UNSW Kensington campus.

The site is situated in between the Kensington and Kingsford Town Centres to the north and south, which were the subject of the planning reform for height and density uplift. The site is located within the Randwick Health and Education Precinct identified as a strategic centre in the Greater Sydney Commission report. The site is in close proximity to the “University” light-rail stop (within the south-east light rail network) that connects the Randwick Health and Education Precinct to the Harbour CBD.

The application was lodged on 11 May 2023 and amended on two occasions via information request responses in April and July 2024. Both the original and final iteration of the application were notified on two occasions over the course of assessment. A large number of submissions were received by way of objection in respect to the original notification and re-notification periods from neighbour residents and property owners. In addition, submissions were also received by way of support following the re-notification of the amended application and reduced built form outcome.

The submissions received raised issues relating to solar access and overshadowing, height, built form, traffic congestion and access points, parking, noise, and construction impacts. These issues are considered further in this report and have been addressed where relevant through plan amendments and conditioning. There are certain elements of the proposal that are unable to be appropriately resolved such as provision for semi-trailer access and egress in a forward direction along the northern boundary shared with NIDA.

The key issues identified with the proposal as amended relate to inconsistency with the applicable DCP applying to the site in regard to excessive height for Buildings A and B and inadequate separation of buildings within the site, nearby buildings and adjacent low density residential zone. The proposal is inconsistent with the existing and desired future character of the locality, it results in significant adverse visual bulk and overshadowing, which forms the key reasons for refusal of the application. The proposal is also inconsistent with the planning proposal currently lodged with the Department of Planning, Housing and Infrastructure for gateway determination in relation to building heights (consistent with existing height limitation around site curtilage), alignment of buildings and built form separation controls. In regard to separation, the key aim is to enable the northern boundary to contain a shared pedestrian vehicle area which activates this area and resolves access arrangements for all service vehicles to the neighbouring NIDA site that currently utilises the existing western carpark during off-peak periods to enable accessibility for set production.

The principal planning controls relevant to the proposal include:

- State Environmental Planning Policy (Industry and Employment) 2021,

- State Environmental Planning Policy (Planning Systems) 2021,
- State Environmental Planning Policy (Resilience & Hazards) 2021,
- State Environmental Planning Policy (Transport and Infrastructure) 2021,
- Randwick Local Environmental Plan (RLEP) 2012,
- Randwick Comprehensive Development Control Plan (RDCP) 2013 notably the Part E2 Specialised Health and Education Precinct - DCP applicable to the site.

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

- A referral to Transport for NSW pursuant to s138 of the Roads Act 1993, and Section 2.98 of the (Transport and Infrastructure) 2021, was sent and no objections were raised subject to conditions.
- A referral to Sydney Airport Corporation pursuant to clause 6.8 of RLEP 2012 was sent and Council is awaiting referral comments by the authority.
- A referral to WaterNSW pursuant to Section 89 and 90(2) of Water Management Act – Conditions are recommended to ensure consultation with the agency occurs prior to the release of the construction certificate.
- A referral was sent to the Randwick Design Excellence Advisory Panel (DEAP) pursuant to clause 6.11 of the RLEP and the advice provided by the Panel noting that there are certain elements of design namely in relation to height that are not considered to have been resolved in the current scheme.

The Sydney Eastern City Planning Panel (SECPP) is the consent authority for the Development Application pursuant to Section 4.7, of the Environmental Planning and Assessment Act 1979 and Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021, as the development has a capital investment value over \$5 million for Crown development and is defined as Regionally Significant Development.

Multiple briefings have been held with the Panel where key issues were discussed, including the non-compliance with the building height, separation, design excellence and façade design, adverse visual impacts, and impacts on NIDA as a key stakeholder.

The key issues associated with the proposal include:

- Design Excellence – The proposal was referred to Council’s Design Excellence Advisory Panel (DEAP) who provided feedback with regards to the inappropriate height, podium design, adequacy of the civic space in terms of size and flexibility of uses and aesthetics. Whilst it is acknowledged that the applicant has provided amended plans to address the concerns such as civic space size and uses, façade differentiation between buildings A and B, the amendments have not adequately resolved the excessive heights of the development namely those of Buildings A and B and the associated adverse amenity impacts identified by the DEAP. The proposal is an inappropriate response to the environmental and built characteristics of the site in terms of height and building separation and does not achieve an acceptable relationship with other buildings on the neighbouring sites such as NIDA and the low-density residential zone to the west. Therefore it is considered that the proposal does not satisfy the provisions of Clause 6.11 of the RLEP.
- Building Height – RLEP prescribes a maximum building height of 12 and 24m for the perimeters of the subject site pursuant to Clause 4.3. The proposal is seeking a maximum height that varies across the site and most notably includes the receding edges of Buildings A and B tower parapets. The variations to Buildings C, D and E are considered supportable. The variations of Buildings A and B are not supported noting

the significant departure to the surrounding control framework within the immediate locality and not considered to satisfy the objectives of the standard and the applicable zone. Moreover, the height variations to Buildings A and B will result in adverse impacts dominating and detracting from the existing and desired streetscape character of the area, and results in adverse visual bulk and overshadowing relationship with neighbouring properties. A Clause 4.6 variation request is provided with the application, and the variation is considered unsupportable in the circumstances of the case and the subject site context.

- **Built Form** – The proposed development is inconsistent with the building envelope and wall height controls specified in the Specialised Health and Education Precinct in RDCP. The building heights of 14 to 16 storeys do not accord with the building height controls, which anticipate 7 storey-built forms. The proposed Buildings C, D and E are generally consistent with the maximum heights envisaged and where variation occurs with regard to Building C, it is aligned with the adjoining NIDA buildings envelope such that it does not dominate its form or architecture. The applicant seeks to demonstrate that this DCP is outdated, and the site characteristics of the site are similar to the node sites within the Kensington and Kingsford Town centres, which permit development up to between 54m and 60m in height. Whilst it is acknowledged that certain characteristics are shared with these node sites, it is not considered that the proposed built forms for this site are appropriate noting a key difference between the context of the subject site vs the town centre node sites is that the subject site is located alongside a low-density zone rather than medium density zones adjacent to the town centres and the proposed built forms do not represent an appropriate transition down to the adjacent low density residential zone and would set of poor precedent for overdevelopment of other sites.
- **Solar Access and Overshadowing** – The proposal is inconsistent with the anticipated level of development under the DCP, and the relevant amenity provisions within the DCP. The built forms of Building A and B will cast shadows well beyond those anticipated by the existing controls and the levels of solar access that are anticipated to be afforded to lower density residential properties further to west as well as south.

Other issues include visual clutter of signage proposed, absence of motorcycle parking, EV charging infrastructure, provision of car share vehicles, visual privacy, and waste management system.

Following consideration of the matters under Section 4.15(1) of the EP&A Act, the provisions of the relevant State environmental planning policies, RLEP and RDCP, the proposal as amended is considered unsuitable for the subject site and is therefore recommended for refusal.

1. THE SITE AND LOCALITY

1.1 The Site

- The site is located at 215B Anzac Avenue, legally described as Lot 2 in DP 1173179. The trapezoidal shaped site has an area of 9,280 sqm with a skewed frontage to Anzac Parade of around 95m, northern side depth (alongside NIDA) is around 97m and southern side depth is around 126m (accessible off Day Avenue). The rear western boundary has a depth of around 74m and contains a row of established trees (required to be retained) within the site that provides a

buffer to the adjoining rear of properties along Doncaster Avenue and low density residential zoned sites to the west.

- The site is bounded by Anzac Parade to the east, New College Village student accommodation to the south-east at the corner of Anzac Parade and Day Avenue. The UNSW Regiment buildings occupy the south-western portion of the western campus directly adjacent to an easement separating it from New College post graduate residences provides driveway and pedestrian access to all sites off Day Avenue. The NIDA Parade Theatres are located immediately north of the site along Anzac Parade siting on the other side of a 6.875m wide easement that provides access for NIDA off Anzac Parade noting that informal access is provided off Day Avenue easement particularly for larger truck deliveries.
- The site is situated between the two K2K Town Centres to the north and south which were the subject of planning reform for height and density uplift.
- The site is located within Randwick Health and Education Precinct identified as a strategic Centre in the Greater Sydney Commission report with a light-rail stop “University” (within the south-east light rail network) opposite identified as connecting the Randwick Health and Education Precinct (in which the site sits) to the Harbour CBD.
- The Greater Sydney Commission states in terms of liveability that sympathetic infill development will focus on improved local connections.
- Heritage buildings are located within the larger University Campus on the opposite eastern side of the campus well away from the development site.

Figure 1: Location map – subject site (SS) and surrounding zone context includes Low Density R2, medium density R3, Town Centres E2 to north (Kensington) and south (Kingsford) and Recreational zone RE1 – Randwick Races Course to north and park to south.

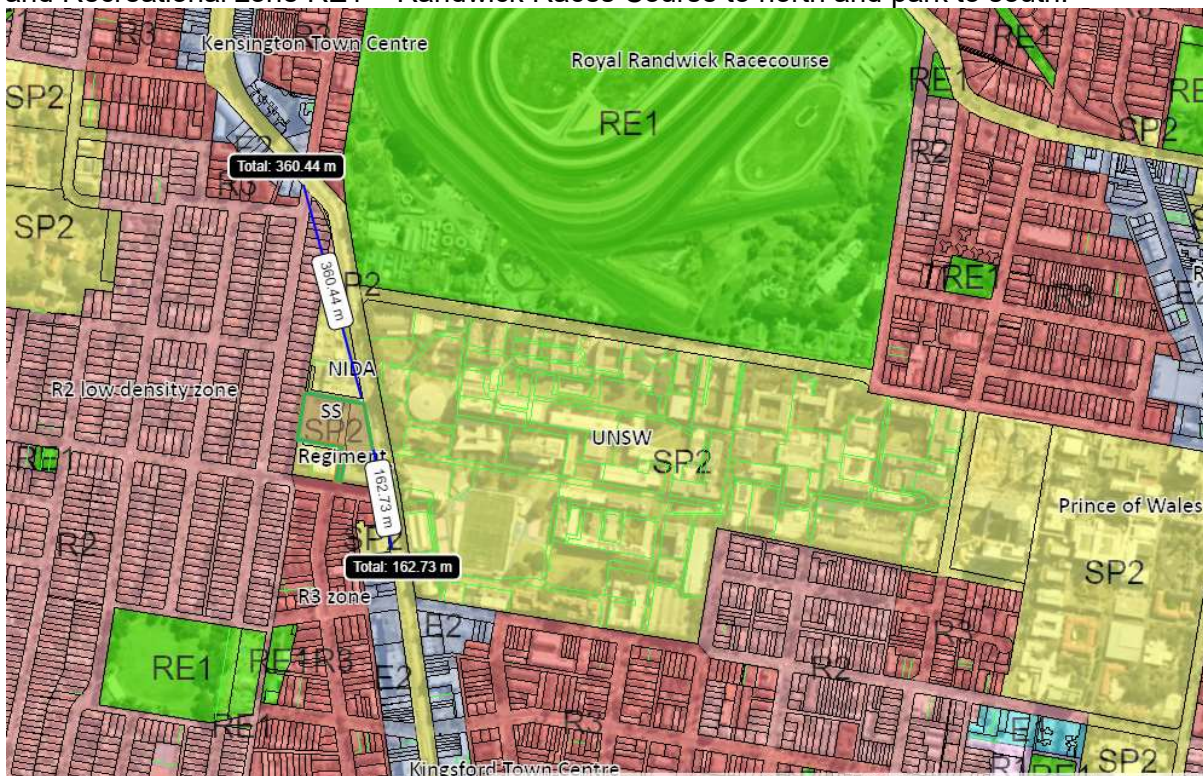


Figure 2: Aerial photo of development site bounded in green:



Photos of the site and locality follow.

Figure 3: Photomontage below shows from top left, clockwise:

- *Figure 11* view from Anzac Parade to the northwest showing the carpark currently on site and NIDA building in background.
- *Figure 12* standing in the carpark a westerly view of the row of established trees that back onto the Doncaster Avenue properties within the low-density zone.
- *Figure 13* standing at the Anzac Parade frontage of the site, looking west across the carpark. And
- *Figure 14* shows the south westerly view showing the New College Building in background at left and further afield the Regiment site. (Source: Applicants SEE).



Figure 11 *View from the site's south-eastern corner*



Figure 12 *View of site's western boundary*



Figure 13 *View of the site from Anzac Parade*



Figure 14 *View from the site's north-eastern corner*

1.2 The Locality

- The surrounding area is characterised by mixed and varied development forms. The site sits in the SP2 infrastructure zone identified as an educational establishment in the zoning maps and forms the western campus of the wider UNSW campus.
- Town centres are located to the north and south of the site separated by around 360m to the north by the Kensington Town Centre and Kingsford Town Centre. These centres were the subject of a planning proposal, which was made in 2020 allowing for a rise in density and height above previous standards. The general changes provided for density between 3:1 and 4:1 floor space ratio (not including any bonuses afforded by other statutory planning instruments) and height increase from 24/25m to 31m and higher for particular node sites to between 54m and 60m. A DCP is adopted that aligns with these standards providing for site specific planning controls that do not apply to the subject site and land outside of the identified Town Centres.
- Low density residential areas immediately adjoin the site to the west and medium density with similar standards adjoin the site to the south (on the other side of Day Avenue).
- Other similar developments in the area are contained within node sites that sit at key junctions within the town centres to the north and south. There are also tower buildings located within the UNSW campus.
- The subject site is well serviced by public transport noting also that current works along Doncaster Avenue that sits to the west of the site is undergoing construction of a bicycle lane.

Photos of the locality

Figure 4: University Mall in the main campus (Source: Google Street View)



Figure 5: Tyree Building, a feature along Anzac Parade (Source: Google Street View)



Figure 6: New College Postgraduate Village (Source: Google Street View)



Figure 7: NIDA (Source: Google Street View)



Figure 8: NIDA (Source: Google Street View)

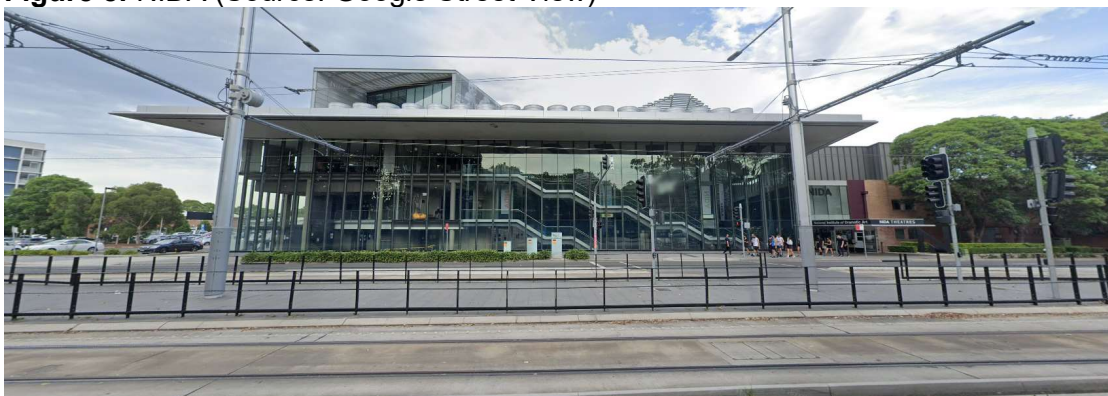


Figure 9: UNSW Regiment (Source: Google Street View)



Figure 10: Residential dwellings - Doncaster Avenue west of the site within the low-density zone are occupied by one storey dwellings (Source: Google Street View)



Figure 11: Residential dwellings - Doncaster Avenue (Source: Google Street View)



2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal (as amended)

The proposal seeks consent for the demolition of existing structures, removal of five trees on-site, excavation and remediation. Construction and use of five (5) buildings (A to E – see figure 13 layout and figure 14 3D massing) for mixed use including student accommodation, UNSW university space, and ancillary ground level retail, new communal and publicly accessible open space, and basement car parking.

Figure 12: CGI rendered image of proposal as viewed from opposite side of Anzac Parade.



Anzac Parade

Particulars:

- The five buildings comprise a total of 881 rooms (953 beds) and account for 27,725m² of floor area as follows:

Building A (southern central tower building)

- 15/16 storey building (including plant floor) containing 454 student accommodation rooms.
- 3 storey podium containing ground floor retail, student accommodation communal space, university space.
- Landscaped roof terraces at Level 1, Level 2 and Level 15.
- Height of 56.25m.
- 502 beds within 454 rooms.

Building B (northern tower building closest to NIDA)

- 14 storey building (plus recessed plant) containing 284 student accommodation rooms.
- 2 storey podium containing ground floor retail, student accommodation communal space.
- Landscaped roof terraces at Levels 1 and 2.
- Height of 49.2m.
- 308 beds within 284 rooms.

Building C (Anzac Pde building)

- 7 storey building containing 63 student accommodation rooms, communal space and external communal terraces.
- Ground floor retail space.
- Height of 24.7m.
- 63 beds within 63 rooms.

Building D (north-western rear perimeter)

- 4 storey building containing 33 rooms, communal space and external communal terraces.
- Height of 12.9m.
- 33 beds within 33 rooms.

Building E (south-western rear perimeter)

- 4 storey building containing 47 rooms, communal space and external communal terraces.
- Height of 12.9m.
- 47 beds within 47 rooms.

Landscaping is provided in a network of connected landscaped public spaces across the ground plane including a new civic public plaza (western end of University Mall), pedestrian laneways and shared spaces. The proposal retains a row of established trees along the western boundary alongside the low-density residential houses spanning Doncaster Avenue.

Two basement levels are incorporated within the scheme, each split into an upper and lower level (no change proposed in the amended proposal), providing parking (see Table 1) and loading bays for service vehicles, end of trip facilities, servicing, waste and plant rooms.

Repurposing of the existing vehicular access off Day Avenue to provide a new ramp to the basement car park and adjustments to the access provisions for the UNSW Regiment site.

Figure 13: Development site layout.



Figure 14: 3D development site layout. Note heights identified in the image below are to the parapet height not the plant or lift maximum heights.



Amendments:

Notable amendments and or additional information submitted at various stages primarily in response to Council’s RFIs, DEAP advice and briefings to the Panel. The most notable changes include:

- Decreased heights of Buildings A and B by between 4/5 to 7 storeys or (17 – 18m metres).
- Increasing separation from NIDA at ground to 10m and up to 14m at the tower levels from 6.875m existing easement.
- Amended Building A layout.
- Increased size of civic space and demonstrated adaptability for recreational and event uses (July 2024 response to DEAP comments) such as normal, market, stage events.
- Redesign of Building A podium to create a more definite terminating end to the University Mall (i.e. western end of civic space).

Figure 15: Building heights (A & B) reduced and increased separation to north

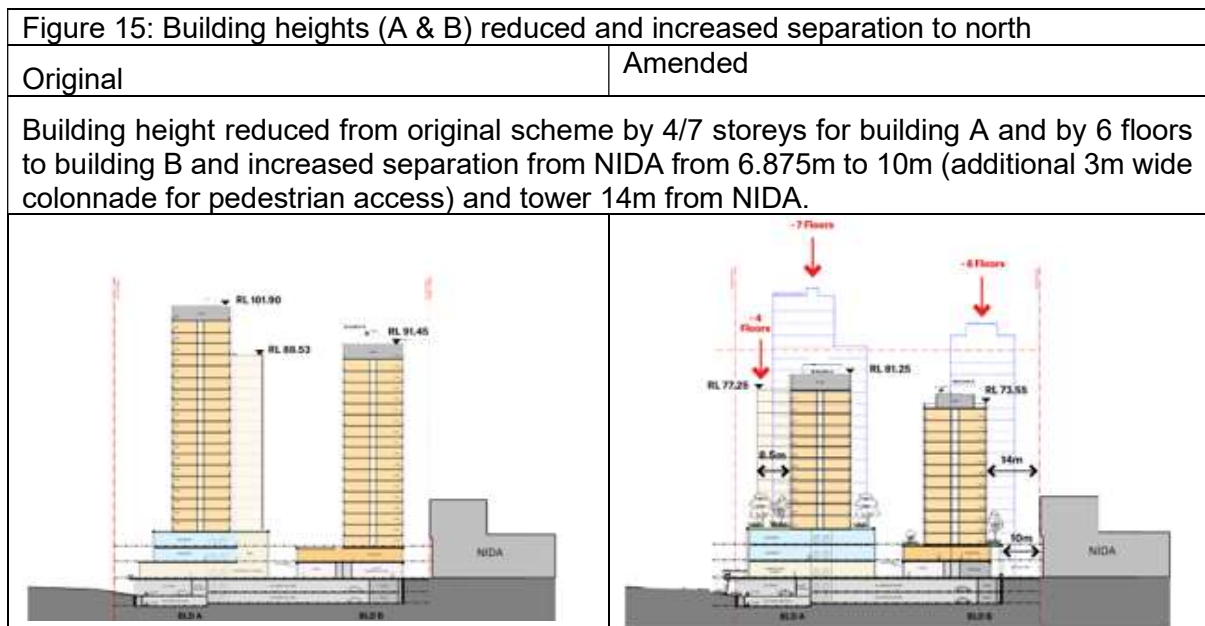


Figure 16 (see also next page): Building layout changes: building A layout changed flipping its built form and building B setback further from northern boundary and reduced separation between Building A and B and changed setbacks from the south.



Figure 17: Civic space:



Original	Amended
Original civic space and setbacks	Increased depth by 2m by increasing setback of podium of building A
 <p><i>Figure 9 Original arrival plaza plan</i> Source: Bates Smart</p>	 <p><i>Figure 10 Amended arrival plaza plan</i> Source: Bates Smart</p>

Figure 18: Building A podium façade change to respond to DEAP advice that a stronger termination at the western end of the University Mall is required.



Original	Amended
 <p><i>Figure 11 Original arrival plaza photomontage</i></p>	 <p><i>Figure 12 Amended arrival plaza photomontage</i></p>

Figure 19: Façade changes to building A and B in response to DEAP advice on amended scheme to differentiate between the two buildings in scale and aesthetics.

Proposed façade



Anzac Parade



Day Street from South

Previous façade (further below previous façade)



Table 1: Development Data

Control	Proposal (as amended)
Site area	9,280m ² (14,250m ² includes the regiment leased part of the subject site).
GFA	27,741m ² (31,749m ² original)
FSR (retail/residential)	No mapped FSR control. Retail 1,213m ² (1,515m ² original) and University 2,144m ² , and residential 24,384m ² .
Clause 4.6 Requests	Yes, for Height of Buildings (HOB) Standards under Clause 4.3 of the RLEP (amended Clause 4.6 received 8 July 2024). LEP standards: 12m and 24m maximum height of buildings standards apply to the 30m deep periphery of the site under the

	<p>Randwick LEP 2012. Note: 12m applies to the western periphery and 24m applies to the eastern periphery along Anzac Parade.</p> <p>Heights (Variations):</p> <ul style="list-style-type: none"> • Building A: 53.75m to parapet (29.75m over 24m), and • Building B: 46.05m to parapet (22.05m over 24m) <p>Note: Variations for Buildings A and B are measured to parapets (that is lower than the maximum height of these buildings) because it is only the parapet edge portions of the buildings sitting within the LEP maximum HOB zone along Anzac Parade.</p> <ul style="list-style-type: none"> • Building C: 24.7m (700mm over 24m for lift only) • Buildings D and E: 12.9m (900mm over 12m for lift and 250mm over for roof).
No of student rooms	881 student rooms (953 beds). (original: 1066 beds/rooms)
Max Height	<ul style="list-style-type: none"> - Building A: 56.2m (15/16 storeys (83.75 (Lift)-27.55) and 53.75m to parapet). Note: original 19/23 storey (74.4m) building reduced by 18.2m/4-7 storey. - Building B: 49.15m (14 storeys (plus recessed plant) (76.7 (Lift-27.55) 46.05m (parapet)). Original 21 storey (66.45m) reduced by 6 storeys/17.2m. - Building C: 24.70m 7 storeys (52.20 (Lift-27.50) 24m (51.5 (parapet-21.50). - Building D and E: 12.90m 4 storeys (40.40 (Lift-27.50), 12.45m roof ridge (39.95), and 12.25 parapet (39.75). <p>Note: NGL is RL27.50/RL27.55.</p>
Landscaped area	Legible pathways inclusive of open space and podiums and roof top communal space (Building A only). Comprises deep soil along the western boundary (along a row of established trees) and appropriate soil depths at ground level for civic grassed area and various shrubs and trees within pathways.
Car Parking spaces	<p>250 total car parking</p> <ul style="list-style-type: none"> - 220 car parking spaces to replace the existing spaces within the UNSW Western Car Park. - 25 car parking spaces for Iglu staff. - 5 car parking spaces for retail. <p>138 bicycle parking spaces.</p>
Setbacks	<p>Northern setbacks (Existing 6.875m easement in favour of NIDA is amended according to the following setbacks):</p> <ul style="list-style-type: none"> - Building B (2 storey podium portion): 10m to NIDA as well as 3m wide colonnade for pedestrian access. 3.125m increase from original. - Building B (Tower portion): 14m to NIDA increased by 7.125m.

	<ul style="list-style-type: none"> - Building C: 6.875m to NIDA (no change) <p>Southern setbacks to New College and UNSW Regiment:</p> <ul style="list-style-type: none"> - Building A (amended layout): <ul style="list-style-type: none"> o 3 storey podium: between 4.35m and 7.15m. - Towers: <ul style="list-style-type: none"> o Eastern tower 19.9m (from 15.4m original) to New College boundary. o Western tower 6.2m (from 18.75m original) to UNSW regiment boundary. - Building E: 4.4m (from 7.7m original) to UNSW Regiment. <p>Western setback:</p> <ul style="list-style-type: none"> - Buildings D and E: 10.05m (no change from original noting building D depth reduced because of increased northern setback from NIDA). <p>Eastern setback to Anzac Parade:</p> <ul style="list-style-type: none"> - Building A: Tower b/w 27.4m and 33.6m (increased 900mm-1100mm). Podium setback increased enlarging civic space. - Building B: Tower b/w 27.2m and 33.3m (increased) - Building C: 9.85m (No change from original) <p>Internal separation between A and B: 19.7m and 28.2m (22.1m original).</p>
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2.2 Background

The development application was lodged on **11 May 2023** noting the application was registered on the portal on 14 July 2023 and a subsequent request for information from the panel for the preparation a CIV was made in accordance with the relevant planning circular and additional documentation (Appendix C) to address how the applicant has addressed the Pre-DA advice provided inclusive of Design Excellence Advisory Panel comments (no appreciable changes were made to the proposal compared in regards bulk and scale).

Subsequent amendments made in April 2024 and July 2024 have adjusted the layout notably increasing separation from NIDA to the north and reducing the height of Tower A by 7 storeys and Tower B by 6 storeys. A chronology of the development application since lodgement is outlined in **Table 2**.

Table 2: Chronology of the DA

Date	Event
25 May 2023	Exhibition of the application: Note extensions granted to NIDA to submit further submission to 21 September 2023.
14 July 2023	DA referred to external agencies: TfNSW – received concurrence. Water NSW – matters addressed via condition.

Date	Event
	Sydney Airports and Air Services Australia – received concurrence.
17 July 2023	Request for Information from Secretariate to Council for amended CIV in accordance with the planning circular 21-020.
18 July 2023	Request for Information from Council to applicant for Appendix C not part of the DA materials submitted with the application. Provided 27 July 2023.
1 August 2023	Applicant submitted CIV.
15 August 2023	Panel briefing - Height; solar impacts; strategic justification for proposal and impact on NIDA. RFI to be issued.
1 September 2023	<p>Preliminary issues sent to applicant noting awaiting formal response from sections within Council:</p> <ul style="list-style-type: none"> ▪ Health ▪ Development Engineer ▪ Integrated Traffic ▪ Strategic Planning
6 September 2023	Design Excellence Advisory Panel comments provided to applicant including sketch showing difference between the DCP control for maximum 24m external wall height and proposed.
5 October 2023	<p>Briefings with Applicant and NIDA outcomes:</p> <ul style="list-style-type: none"> • Main issue being setbacks from NIDA particularly at lower level. • Separation to consider ADG requirements (12-18-24m depending on height) • Consultation between UNSW and NIDA with Council as mediator/observer) • Parking availability for NIDA night-time performances (not formalised arrangement) • Future subdivision (regiment site) noting site to be retained by UNSW. • Future consultation with residents • Construction management issues – noise and vibration, dust impact on NIDA operations.
14 November 2023	RFI issued identifying matters to address such as height non-compliance with DCP, separation, streetscape character, amenity impacts such as overshadowing, privacy and visual bulk. Address issues with stakeholders notably NIDA.

Date	Event
23 November 2023	Applicant and NIDA meeting to discuss building separation (privacy/daylight/outlook), patron access, post car parking arrangements, construction impact noise/vibration, accommodation options and financial impacts and compensation.
	UNSW and IGLU provided NIDA with: Acoustic reports (mitigation, noise and vibration from Piling Rig), Sightline study, privacy study and daylight study.
12 February 2024	NIDA provides UNSW/IGLU with comments dated 12 February 2024.
15 February 2024	Applicant presentation to Council - likely amendments to scheme
6 March 2024	Applicant amended scheme response to RFI received for discussion on 14 March 2024 briefing.
14 March 2024	Panel Briefing – Council, Applicant and NIDA. Panel comments relate to excessive height, Parking for NIDA, Building separation increase, semi-trailer access, and subdivision advice.
9 April 2024	Panel Briefing – Applicant and Council clarifying Panel comments mainly in regard to panel comments for applicant to consider reduction by 5 floors from already reduced, sweep paths for coach and HRV, NIDA access arrangement to parking, NIDA access to parking during construction via ATC arrangement, updated clause 4.6 Height and if re-exhibition required.
24 April 2024	Amended plans received – noting Building B only 4 storey reduction.
7 June 2024	Amended plans received – reducing Building B by 5 storeys by deleting roof top communal space
18 June 2024	Panel Briefing – Applicant and Council. Confirmed Crown DA and subdivision forms no part of the application, DEAP advice provided and to be responded to by Applicant and Crown draft conditions to be sent should the application be approved. Re-exhibition undertaken noting 170 objections and 119 in support. Sydney water comments outstanding.
17 July 2024	Panel Briefing – NIDA, Applicant and Council. Recommended consultation between applicant and NIDA regarding parking, access and view corridors. Access arrangements to be finalised

Date	Event
	and bulk, height and scale to be assessed by Council.
17 July 2024 – 19 July 2024	Draft conditions provided to Crown – conditions added regarding Affordable housing, prohibit resident use of car park as part of accommodation, privacy measures etc.
19 July 2024	Applicant indicates sweep paths re-assessed doesn't require crossover/footpath widening at NIDA junction.

2.3 Site History

- Pre-DA (PL/36/2022): The DA as originally submitted had not changed in any appreciable manner except for the latest set of plans received by Council on 5 July 2024. In this amended scheme the amended plans have reduced the height of towers by between 17m and 18m or 6 to 7 storeys down to 14 and 16 storeys respectively, which partially minimises the visual and overshadowing concerns raised in the Pre DA advice.

3. STATUTORY AND STRATEGIC CONTEXT AND CONSIDERATIONS

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

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
- (b) *that apply to the land to which the development application relates, the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered further below.

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

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

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

The following Environmental Planning Instruments are relevant to this application:
State Environmental Planning Policy (Biodiversity & Conservation) 2021

- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Resilience & Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Randwick Local Environmental Plan (RLEP) 2012
- Randwick Comprehensive Development Control Plan (RDCP) 2013

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

Table 3: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration (Brief summary)	Comply (Y/N)
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 4 of Schedule 6 as it comprises Crown Development with a cost of works greater than \$5m.	Y
State Environmental Planning Policy (Biodiversity & Conservation) 2021	Chapter 2: Vegetation in non-rural areas requires a permit to be granted by the Council for the clearing of vegetation in non-rural areas (such as City of Randwick). Consent for the removal of vegetation within the site is considered by Council's Landscape Technical Officer as acceptable.	Y
State Environmental Planning Policy (Housing) 2021	Chapter 3: Diverse Housing – not technically applicable however the proposal for campus student accommodation is generally consistent with the form of <u>Co-living housing</u> , for which Chapter 3 applies.	N
State Environmental Planning Policy (Industry and Employment) 2021	Chapter 3: Advertising and Signage <ul style="list-style-type: none"> • Section 3.6 – granting consent to signage. • Section 3.11(1) – matters for consideration. • Schedule 5 – Assessment criteria. The proposed signage zones are considered appropriate subject to conditioning to remove certain signs and limit light nuisance. 	Y (Subject to conditions)
State Environmental Planning Policy (Resilience & Hazards)	Chapter 4: Remediation of Land <ul style="list-style-type: none"> • Section 4.6 - Contamination and remediation have been considered in the detailed site investigation 	Y

EPI	Matters for Consideration (Brief summary)	Comply (Y/N)
	Report noting Council's Environmental Health Section raises no objection subject to appropriate conditions.	
State Environmental Planning Policy (Transport and Infrastructure) 2021	<p>Chapter 2: Infrastructure</p> <ul style="list-style-type: none"> • Section 2.119 - Development with frontage to classified road. • Section 2.122 - Traffic-generating development • Section 2.97 (4) – Development involving access via level crossings. • Section 2.98(2) - Development adjacent to adjacent to rail corridors • Section 2.99 - Excavation in, above, below, or adjacent to rail corridors <p>Chapter 3: Educational Establishments</p> <ul style="list-style-type: none"> • Part 3.5 Universities—specific development controls. • Section 3.45 - Development for purposes of campus student accommodation • 3.45(2) must not involve subdivision of land. • 3.45(3) – assessment against schedule 8 design quality principles • 3.45(4) – reference to school is reference to campus student accommodation for universities for the purposes of assessment against schedule 8. 	<p>Y</p> <p>Partial compliance.</p> <p>Schedule 8 assessment against design principles.</p>
Building Code of Australia and NCC	The application contains an assessment against Section J of the BCA indicating compliance with the minimum standards. The applicant has also submitted an ESD report outlining key sustainable outcomes for the development in relation to water, thermal and energy commitments. All other matters are capable of being managed via consent conditions.	Y
RLEP	<ul style="list-style-type: none"> • Clause 2.3 – Permissibility and zone objectives • Clause 4.3 – Height of buildings – clause 4.6 seeks exception to the development standards applicable to the site. 12m 30m deep corridor along western rear part of the site and 24m 30m deep corridor along eastern front part of the site. • Clause 6.1 - Acid sulfate soils • Clause 6.4 - Stormwater Management • Clause 6.11 – Design Excellence 	<p>N</p> <p>See assessment of Clause 4.6 and zone objectives.</p>
RDCP	<p>The Randwick DCP 2013</p> <ul style="list-style-type: none"> • E2 Randwick Education and Health Specialised Centre addresses the UNSW West Car Park Site with site specific planning controls. The most notable provision applicable to the site is 24m maximum height control. 	<p>N</p> <p>Partial compliance</p>

Consideration of the relevant SEPPs is outlined below.

State Environmental Planning Policy (Planning Systems) 2021

Chapter 2: State and Regional Development Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 4 of Schedule 6 as it comprises Crown Development with a cost of works greater than \$5m.

The subject DA is a Crown Development (Crown DA) pursuant to Division 4.6 of the Environmental Planning and Assessment Act 1979 (EPA Act). Section 4.32 of the EPA Act states that a reference to the Crown is defined as “(a) includ(ing) a reference to a person prescribed by the regulations to be the Crown for the purposes of this Division...”.

Section 294 of the Environmental Planning and Assessment Regulation 2021 prescribes an Australian university, within the meaning of the Higher Education Act 2001 (HE Act), as the Crown:

An Australian university is defined in Parts 1 and 2 of Schedule 1 of that HE Act (see section 3). Part 1 of Schedule 1 lists the University of New South Wales as a university established or recognised by an Act.

Development Application DA/168/2023 is lodged and owners consent provided by the UNSW an Australian university constituted under the regulations.

The subject development application is assessed as a Crown development application.

Section 4.33 (1)) provides that a consent authority must not impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.

Crown conditions

Should the Panel consider the development as amended warrants approval, the following matters are to be addressed as conditions of consent:

- Contributions– infrastructure, Community infrastructure and Affordable housing.
- Traffic and parking
- Privacy measures
- Noise and vibration measures

See key issues section of this report.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2

The subject site requires an assessment and concurrence under Chapter 2: Infrastructure namely Section 2.119 - Development with frontage to classified road, Section 2.122 - Traffic-generating development, Section 2.97 (4) – Development involving access via level crossings, Section 2.98(2) - Development adjacent to adjacent to rail corridors and Section 2.99 - Excavation in, above, below, or adjacent to rail corridors.

The application was referred to Transport for NSW (TfNSW) in relation to the original and amended application. A response was received from TfNSW granting concurrence to the proposed works, subject to a series of conditions included in Attachment J of this report. TfNSW includes advisory comments raising concerns that the proposal could lead to an

increase in vehicles and reversing back onto Anzac Parade and recommend closing the Anzac Parade crossover and providing alternate access for vehicles delivering to NIDA. The applicant does not wish to make amendments to the application. The applicant has provided additional sweep path analysis indicating that up to HRV vehicles may enter and exit the easement in a forward direction to and from Anzac Parade. In relation to semi-trailer access these are infrequent and traffic control could be provided by NIDA to enable safe exit onto Anzac Parade.

Chapter 3

Chapter 3: Educational Establishments of the SEPP requires an assessment against Part 3.5 of the SEPP, which contains development controls for universities. The proposal for campus student accommodation is permissible within the grounds of a university. The prohibition of subdivision applies and it has been clarified by the applicant that subdivision does not form part of the DA.

Cl.3.45(3) requires an assessment against Schedule 8 design quality principles noting that a reference to school is taken as a reference to campus student accommodation for universities.

The key aims of chapter 3 is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by—

(a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and

(b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), and

(c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, and

Schedule 8

In accordance with Section 3.45 (3) Development consent must not be granted unless the consent authority has considered the design quality of the development, evaluated in accordance with the design quality principles set out in Schedule 8 which contains the following 7 design principals:

- Principle 1—context, built form and landscape.
- Principle 2—sustainable, efficient and durable
- Principle 3—accessible and inclusive
- Principle 4—health and safety
- Principle 5—amenity
- Principle 6—whole of life, flexible and adaptive
- Principle 7—aesthetics

The development contains several elements that are generally consistent with the design quality principles notably accessibility and inclusiveness, health and safety. However the main concerns with the proposal in achieving the design quality principles relate to the following aspects:

- The proposal detracts from the delivery of high environmental performance, for the future occupants of the site due to the inconsistencies with the relevant DCP, notably the 24m maximum height and narrow 19.7m separation between buildings A and B on

the site. This results in overshadowing of buildings A north facing rooms noting the ADG as a best practices guide requires a separation of 24m between 9 storey buildings and above.

- The proposal does not deliver an appropriate built form within the subject site, context of the UNSW campus, and the current, emerging, and desired character along Anzac Parade and surrounding lower density residential areas to the west and south.
- Within the site, the abrupt height difference between the proposed towers and applicable 12m and 24m LEP heights on the perimeter creates significant visual bulk that is considered to dominate the site and adjoining buildings, which will detract from the immediate streetscape character and the character of the local area.
- When the campus is viewed from the wider area, the excessive height and scale of buildings A and B will compete with and obstruct sight lines towards the buildings on the main campus, notably the main signpost of the UNSW library building to the east and dominate the skyline of the Kensington locality.
- The excessive height of Buildings A and B results in amenity impacts, including additional overshadowing and excessive visual bulk well beyond that anticipated to the adjacent lower density residential area to the west and south of the site.

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 of the Industry and Employment SEPP seeks to ensure that signage, including advertising, is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, and is of high-quality design and finish.

The signage falls within the definition of 'building identification signage, which is defined by the SEPP as follows:

building identification sign means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

Pursuant to section 3.11, the consent authority must not grant consent to an application to display an advertisement unless the advertisement is consistent with the objectives of Chapter 3 and has been assessed as acceptable in relation to the assessment criteria in Schedule 5.

An assessment against the relevant objects and criteria is provided in attachment to this report. An assessment against the Schedule 5 assessment criteria is outlined below.

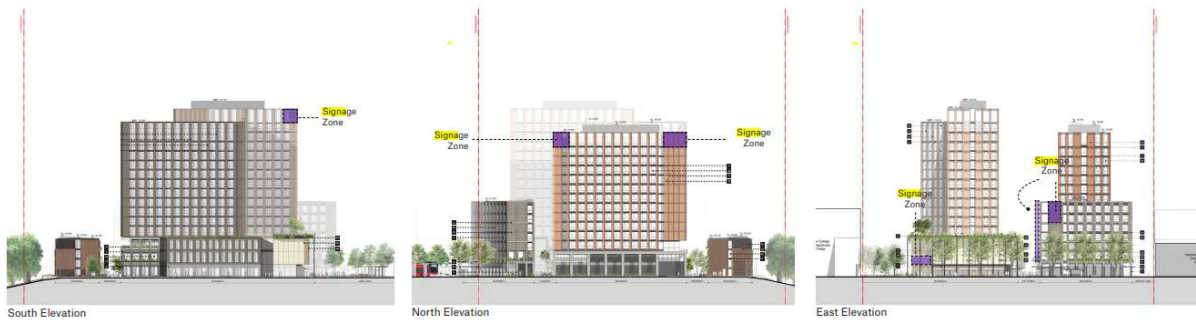
1. Character of the area

The proposed signage configuration and emplacements at Buildings A, B and C are identified below and also shown in figure 19 as follows:

1. Building A 1st floor podium facing Anzac Parade,
2. Building A north roof terrace level
3. Building A south facing
4. Building B 2 north facing signs viewed from Anzac Parade and over NIDA site.
5. Building B south facing Building A
6. Building B east facing top level sign
7. Building C 6th and 7th storey facing Anzac Parade

8. Building C south facing sign from first floor up to parapet.

Figure 19: shows the signage location on buildings A, B and C as amended in architectural design report submitted July 2024.



Building A

Located at the top of the Southern facade of Building A, this signage zone will be integrated into the facade. It will not interfere with services or residential amenity.

A symmetrically positioned zone is proposed to the North for consideration. A maximum of one North facing signage zone will be selected

Building B

Mirroring the Building A signage zone, this too is integrated into the facade on the rooftop level.

A rear signage zone is proposed at the upper level of the Western facade where it will not interfere with services or residential amenity. A maximum of two signage zones will be selected for Building B.

Podium & Building C

A zone for an identity sign is proposed on the awning of the eastern face of the podium. This provides a clear announcement of arrival to the site.

The Building C signage zone is strategically placed at a pedestrian scale, on the Southern or Eastern face of Building C. Again, this is integrated into the facade and is to be designed in a complimentary material. A maximum of one signage zone will be selected for Building C.

Figure 20: Original sign zones lodged with application.



Building A

Located at the top of the Southern facade of Building A, this signage zone will be integrated into the facade. It will not interfere with services or residential amenity.

A symmetrically positioned zone is proposed to the North for consideration. A maximum of one North facing signage zone will be selected

Building B

Mirroring the Building A signage zone, this too is integrated into the facade on the rooftop level.

A rear signage zone is proposed at the upper level of the Western facade where it will not interfere with services or residential amenity. A maximum of two signage zones will be selected for Building B.

Podium & Building C

A zone for an identity sign is proposed on the awning of the eastern face of the podium. This provides a clear announcement of arrival to the site.

The Building C signage zone is strategically placed at a pedestrian scale, on the Southern or Eastern face of Building C. Again, this is integrated into the facade and is to be designed in a complimentary material. A maximum of one signage zone will be selected for Building C.

The amended signage zones namely those on Building A and B top level and Building C southern elevation are generally not considered to be consistent with the character of the area.

Building A and B signs: Buildings A and B comprise of three parapet sign locations are considered unnecessarily large and will clutter the vista, competing as a signpost to the UNSW library building and will detract from the character of the area.

Building C signs: The proposed south facing signage area extending from first floor up to 7th storey parapet will dominate the southern elevation as viewed from Anzac Parade and the civic space in front.

All other signs at the podium in front of the civic space are considered acceptable.

2. Special areas

Sign emplacements will not impact the special use areas such as Heritage conservation areas or Heritage items.

3. Views and vistas

Sign emplacements on the lower levels up to 7th storey will not protrude from building envelopes. The sign emplacements at the top levels of Buildings A and B compete with vistas that take in the main UNSW signage on the library building in the main campus as shown in Figure 19.

4. Streetscape, setting or landscape.

The proposed scale of signs at the top levels of buildings A and B result in additional visual clutter and are inappropriately large due to the number of signs and their position within these towers. The Building C southern side sign is also very large and not in proportion to the built form. It is therefore considered that the proposal for these signs will result in visual clutter and detract from the predominantly residential and educational nature of the immediate locality.

5. Site and building

The proposal is not considered to have adequately integrated signs as a part of building facades design namely those at the topmost levels of building A and B and the southern side of building C. Accordingly, the signage location sizes are considered excessive in size and their emplacements across multiple vantage points will potentially particularly obstruct views to building features.

6. Associated devices and logos with advertisements and advertising structures

Student accommodation operator name and logo are included within identification signs. UNSW sign is provided to the building A podium.

7. Illumination

The proposed signage contains internal lighting elements integrated with, and internal to, the proposed signage structures. This can be conditioned to comply with Australian standards for lighting levels.

8. Safety

Signs appear to be located affixed to façade in a flush wall configuration and would not obscure sight lines for motorists and pedestrians. All illumination components can be conditioned to comply with relevant standards to mitigate potential impacts for road safety.

Resolution: Should the application be approved a condition can be included not approving the signage proposed and that only one sign shall be erected at building A parapet and reduced in size that it integrates with the overall design of the building, Building C Anzac Parade

frontage, and Building A podium. Details to be submitted to Council for approval prior to a Crown Certificate being issued.

State Environmental Planning Policy (Resilience & Hazards)

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

Council's Environmental Health Officer has reviewed the DSI and recommended in line with the DSI that a Remedial Action Plan (RAP) be prepared to guide the required remediation and validation actions to make the site suitable for the proposed residential use. The RAP should be with consideration of the finalised development plans to ensure that efficient management / remediation options are adopted at the site.

The proposal is considered to be consistent with SEPP, subject to imposition of relevant conditions of consent in relation to remediation works during construction should consent be granted.

State Environmental Planning Policy (Biodiversity & Conservation) 2021

Chapter 2: Vegetation in non-rural areas requires a permit to be granted by the Council for the clearing of vegetation in non-rural areas (such as City of Randwick). Consent for the removal of vegetation within the site is considered by Council's Landscape Technical Officer as acceptable.

State Environmental Planning Policy (Housing) 2021

The application is for campus student accommodation defined under the SEPP Transport and Infrastructure:

campus student accommodation, in relation to a school, university or TAFE establishment, means residential accommodation that is—

- (a) associated with the school, university or TAFE establishment, and*
- (b) principally for students enrolled at the school, university or TAFE establishment, and*
- (c) not located on land outside the boundaries of the school, university or TAFE establishment, and*
- (d) designed primarily for shared living with common spaces and shared facilities provided for residents.*

Co-living as defined under the Housing SEPP 2021 has a similar form and layout to campus student accommodation noting that the Housing SEPP identifies that it may be used as off-campus student accommodation. A key standard for co-living housing (cl 69b) states that if the co-living housing has at least 3 storeys—the building will comply with the minimum building separation distances specified in the Apartment Design Guide (ADG), in assessing the adequacy of amenity (privacy and solar access) for buildings within the site and neighbouring properties. The applicant and the panel has noted that consideration of the ADG separation controls as a guiding document for the proposal.

The ADG also requires increased separation with the aim of ensuring new development is scaled to support the desired future character with appropriate massing and spaces between buildings, which provides residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook. Where applying separation to buildings on adjoining sites, the ADG requires the application of half the minimum separation distance measured to the boundary as this distributes separation equally between sites.

The ADG provides the following guidance for separation between windows and balconies to ensure visual privacy is achieved. It provides minimum separation distances from buildings to the side and rear boundaries as follows:

Table 4: ADG separation controls in Objective 3F-1

Building Height	Habitable rooms	Non habitable rooms
Up to 12m (4 storeys)	6m	3m
Up to 25m (5-8 Storeys)	9m	4.5m
Over 25m (9+ storeys)	12m	6m

Notes:

- Separation distances between buildings on the same site should combine required building separations depending on the type of room.
- Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.
- For residential buildings next to commercial buildings, separation distances should be measured as follows:
 - for retail, office spaces and commercial balconies use the habitable room distances.
 - for service and plant areas use the non-habitable room distances

Table 5: ADG Separation controls compliance

Building	Control 3F-1	Proposed	Compliance
A (Ground to podium)	6m minimum control noting half of the 12m minimum is required given New College is on an adjoining site.	8.45m southern setback for 3-storey podium	Yes
A (Tower)	12m is required noting half of the 24m required on neighbouring sites.	19.9m southern side setback for eastern tower >9 storeys	Yes
A to B (between towers)	24m	19.7m and 28.2m between towers	No see planning comment below.
B (Ground services)	Nil-3m separation required for ground level as these are occupation by non-habitable uses and blank walls.	10m	Yes
B (Level 1 - Services and communal areas)	Nil to 6m separation is required for blank walls and services	10m	No Note: first floor communal rooms contain louvres for

Building	Control 3F-1	Proposed	Compliance
opposite NIDA library)	being non-habitable areas respectively. 12m is required for communal rooms from the boundary as these are opposite first floor library.		privacy protection. Condition requires these be fixed to not allow for views to the library.
B (Tower levels 02 to 07)	18m separation to boundary is required noting the ADG requires separation be shared equally between adjoining sites.	14m	No Additional privacy measures required by condition from levels 02 to level 10 see planning comments below.
B (Levels 08 and above to level 13)	24m to boundary	14m	No
C ground level retail	6m	6.875m	Yes
D – 4 Storeys	Nil as there are no north facing windows	10m to north	Yes
D and E building separation	6m note 10m is required by the DCP.	10.05m to west	Yes

Planning comment:

- Separation between Buildings A and B: The non-compliant separation between Buildings A and B is short of the ADG minimum control. Additional privacy measures may be employed to achieve privacy between these two buildings; however this would be counterintuitive as it results in less amenity such as daylight, and solar access to these rooms which is largely counterintuitive to providing an environmentally sustainable development.

Resolution: This is not able to be changed without compromising the separation between other parts of the site and as such the application should be refused.

- Separation between Building B and NIDA: The proposal doesn't comply with the separation controls between Building B's northern elevation and NIDA south facing uses comprising first floor library and levels above noting the separation distance required for buildings within the same site (all on UNSW campus). The lack of separation would compromise natural light, ventilation and general amenity of future occupants within Building B and the NIDA development. If the application is supported, given the long-standing use of the NIDA building and its inability to provide separation from its own boundary, it is considered reasonable to require additional privacy measures to Building B notably those areas capable of sight lines into NIDA south facing uses.

Resolution: Compliance not attained with relevant control provisions and would result in a reliance on additional privacy measures via condition for levels for up to Level 10 which would compromise amenity for both occupants of building B and NIDA's visual impact and access to daylight.

Note - The applicant indicates that it is onerous and requests privacy measures up to Level 06 only. Council contends that given the long-standing nature of NIDA building and its existing

sensitive uses that additional privacy measures are implemented beyond the distances required under the ADG.

Randwick Local Environmental Plan 2012

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

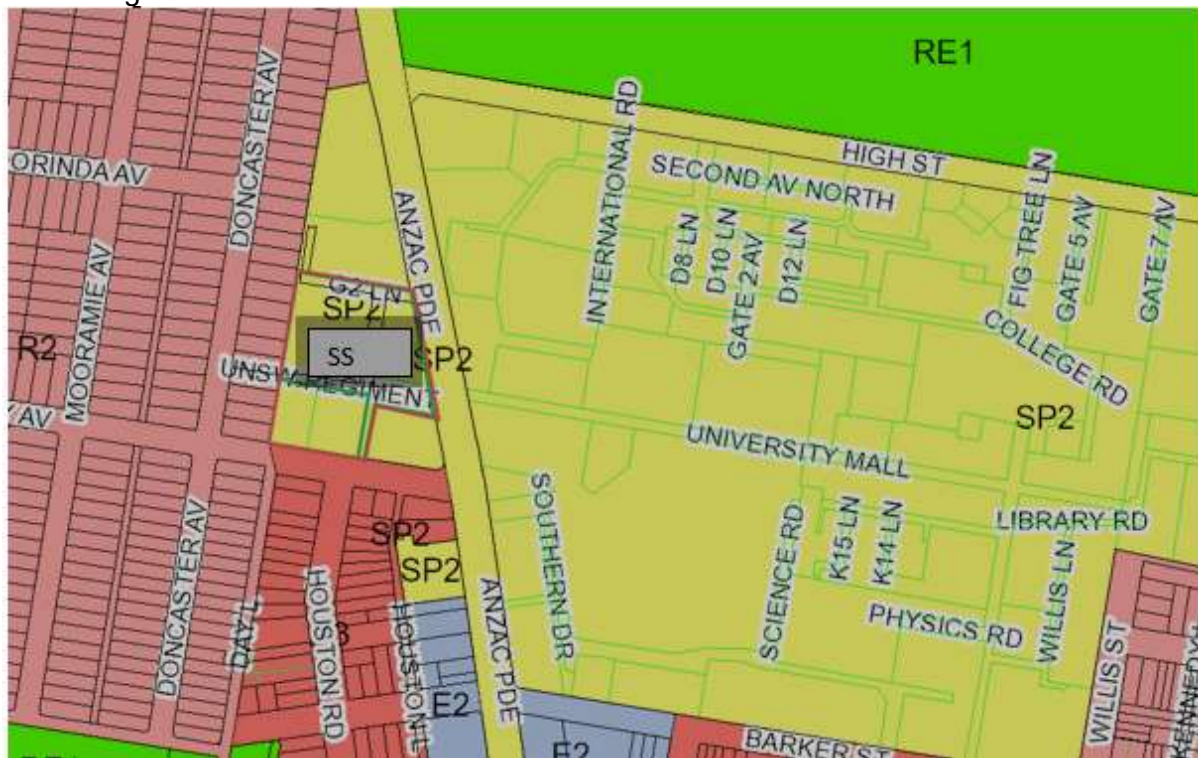
- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to foster a livable city that is accessible, safe and healthy with quality public spaces, connections to open space and attractive neighbourhood's and centres,*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

The proposal is partially consistent with these aims as whilst the proposal provides for additional housing needed for the university and wider Sydney region, it does so within a built form namely Buildings A and B which are considered excessive in size and scale when compared to the existing Anzac Parade streetscape character and the adjoining low density residential zone resulting in adverse impacts on the public and private domain, which will detract from the environmental quality of the area and the quality life of the community.

- *Zoning and Permissibility (Part 2)*

The site is located within the SP2 (Infrastructure – Educational Establishment) pursuant to Clause 2.2 of the LEP, as illustrated in Figure 21 below.

Figure 21: Land zone map showing subject site (SS) bounded red with the development site bounded green.



Campus student accommodation is not listed as a permissible use in the SP2 zone; however the proposal is characterised as campus student accommodation in conjunction with a university, which is permissible under Section 3.45 of State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP). Section 3.45 states that development for the purposes of campus student accommodation may be carried out by a person with development consent on land within the boundaries of the university.

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

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*
- ***To facilitate development that will not adversely affect the amenity of nearby and adjoining development.***
- *To protect and provide for land used for community purposes.*

The proposal is considered to be inconsistent with the zone objective, which seeks to facilitate development that will not adversely affect the amenity of nearby and adjoining development for the following reasons:

- The proposed size and scale of the development notably buildings A and B adversely affect the amenity of nearby and adjoining land in relation to adverse visual bulk and overshadowing beyond that envisaged by the current planning controls and strategies for the site.
- The height of buildings A and B significantly exceed the maximum 24m LEP height standard applicable to the site resulting in adverse impacts on the amenity of neighbouring and surrounding land transforming and detracting from the character of the area.
- The height of buildings A and B significantly exceed the 24m maximum height of buildings provision in Part E2 of the DCP.

- The separation from adjoining land uses and within the campus are substandard having regard to the Apartment Design Guide separation controls.

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

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4** below.

The proposal does not comply with the development standard in Part 4 Clause 4.3 of the LEP relating height of buildings and accordingly, a Clause 4.6 request has been provided with the application for the exceedance of the maximum height of buildings.

Table 6: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Height of buildings (CI 4.3(2))	The maximum height of building controls that apply to the permitter of the site are 12m and 24m. The LEP sets a permitter height control, extending 30m into the site from the east and west and south property boundaries. The development part of the site is subject to the western 12m height standard and eastern 24m height standard noting that the southern part relates to an undeveloped part of the site known as UNSW Regiment site.	Ranging from 46.05m to 53.75m within mapped height limit zone. Refer to Clause 4.6 assessment below.	No
FSR (CI 4.4(2))	No maximum applies. Review of control objectives.	2.99:1 Noting the overall bulk and scale of the development, including height and separation breaches. The proposal is not considered to meet the control objectives.	No
Heritage (CI 5.10)	Heritage items or conservation areas within close proximity of the site.	The site is not mapped as a heritage item or within a heritage conservation area.	NA
Flood planning (CI 6.3)	The site is affected by flooding.	The proposal seeks to excavate for two basement levels and appropriate	Yes

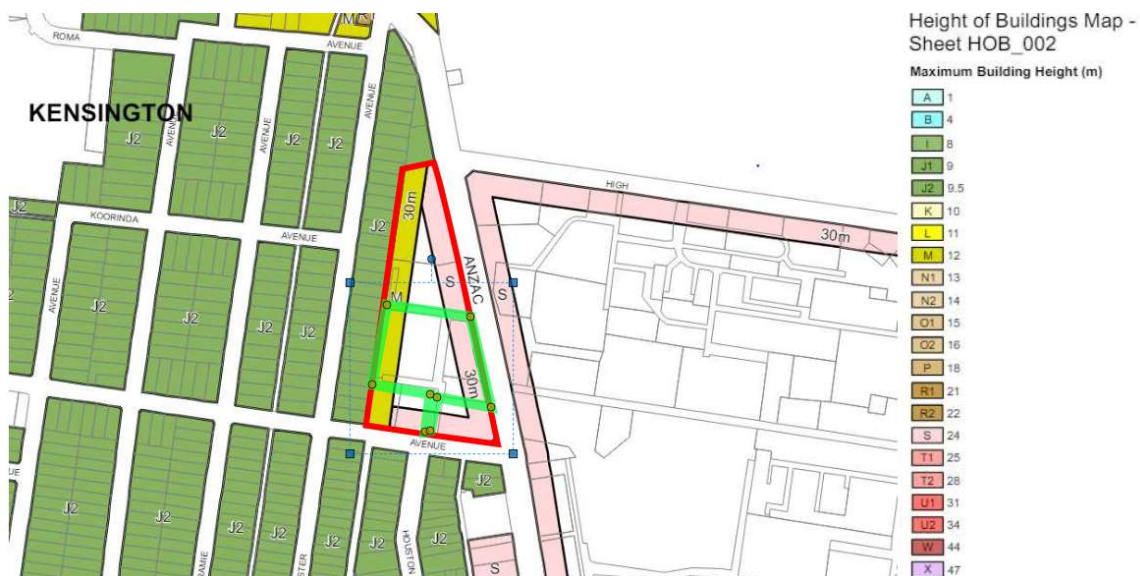
Control	Requirement	Proposal	Comply
		conditions may be recommended.	
Airspace operations (CI 6.8)	OLS51m AHD PAN-OPS 120m – 126.4m AHD	The proposal exceeds the OLS and referral to Sydney Airport is required.	Concurrence issued.
Design Excellence (CI 6.11)	The consent authority must not grant consent to a development that proposes new buildings that are at least 15m in height unless it is satisfied that the proposed development exhibits design excellence.	The applicant was referred to Council's Design Excellence Advisory Panel (DEAP) for comment and advice on three occasions: <ul style="list-style-type: none"> • Pre DA stage • DA lodgement • DA amendment (April 2024) 	No

The proposal is considered to be generally inconsistent with the LEP namely height of buildings, FSR objectives and design excellence.

Clause 4.6 Request

The Development Standard to be varied are the Height of Buildings (HOB) standards in Clause 4.3 of the LEP which applies a 12m maximum height at the western edge (up to 30m in depth) and 24m maximum height at the eastern edge (up to 30m in depth) – see figure below.

Figure 22: Extract from Randwick LEP 2012 Height of buildings Map 002 – development site green outline.

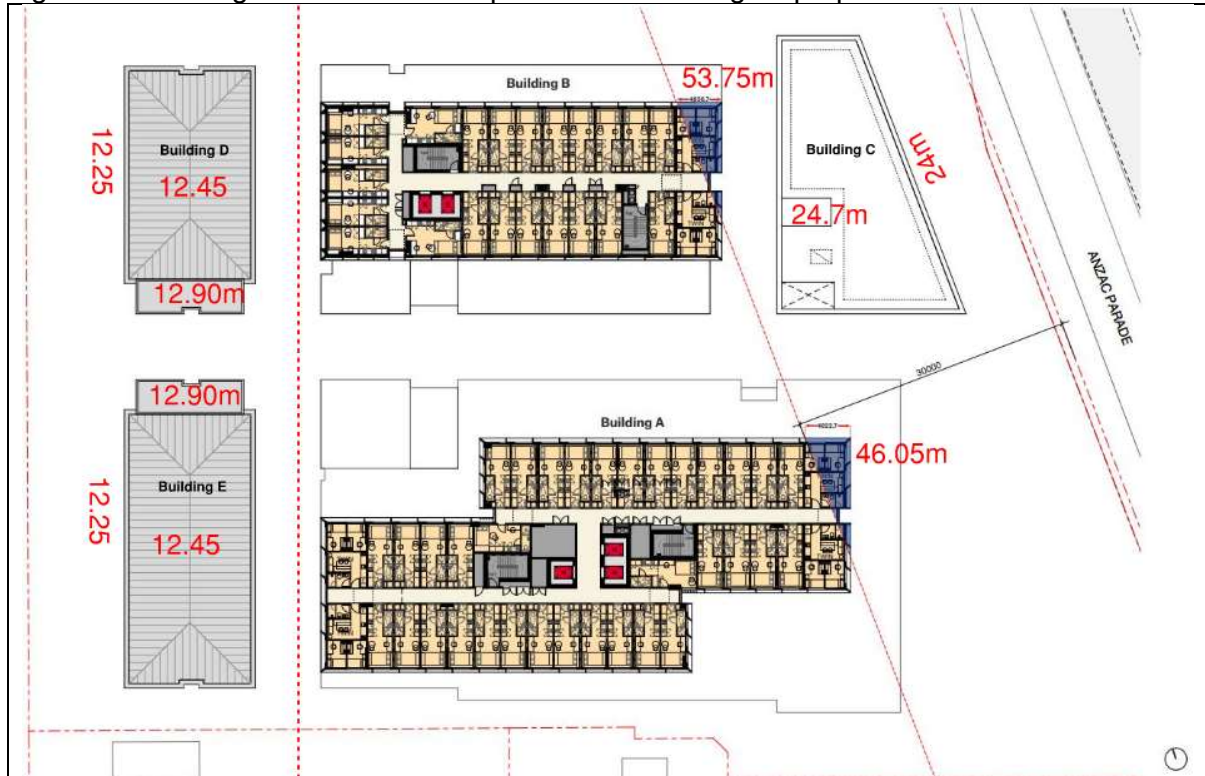


Proposed heights and extent of variations are identified in table below.

Table 7: Proposed heights and variations to LEP height standards

Building	Height	Variation (%)
A	53.75m to parapet of building edge	29.75m over 24m (123%)
B	46.05m to parapet of building edge	22.05m over 24m (91.8%)
C	24.7m (lift) behind, 24m to parapet	700mm over 24m (2.9%-0%)
D	12.9m (lift) 12.25m wall -12.45m (pitched roof)	900mm over 12m (7.5% - 2%)
E	12.9m (lift) 12.25m wall -12.45m (pitched roof)	900mm over 12m (7.5% - 2%)

Figure 23: buildings within the development site and heights proposed.



Clause 4.6(4) of the LEP establishes preconditions that must be satisfied before a consent authority can exercise the power to grant development consent for development that contravenes a development standard. Clause 4.6(2) provides this permissive power to grant development consent for a development that contravenes the development standard is subject to conditions.

The two preconditions include:

1. Tests to be satisfied pursuant to Cl 4.6(4)(a) – this includes matters under Cl 4.6(3)(a) and (b) in relation to whether the proposal is unreasonable and unnecessary in the circumstances of the case and whether there are sufficient environmental planning grounds to justify contravening the development standard and whether the proposal is in the public interest (Cl 4.6(a)(ii)); and
2. Tests to be satisfied pursuant to Cl 4.6(b) – concurrence of the Planning Secretary.

These matters are considered below for the proposed development having regard to the applicant's Clause 4.6 request.

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

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

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

The objectives of clause 4.3 are as follows:

- (a) *to ensure that the size and scale of development is compatible with the desired future character of the locality.*
- (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 applicant reasons in seeking the exception are that the proposal is consistent with the objectives of the standard noting that the clause 4.6 is contained in Attachment E of this report.

- *Objective (a): to ensure that the size and scale of development is compatible with the desired future character of the locality.*

Applicant: Buildings A and B have only small elements protruding into the LEP 24m maximum HOB standard with the majority compliant with the Pan Ops maximum heights and will be consistent and compatible with the street setback for towers in the adjacent Kensington and Kingsford centres within the corridor along Anzac Parade and the desired future character of the locality.

Building C's has only minor height variations and remains compatible with the desired future character of Anzac Parade streetscape noting that the lift overrun can't be seen from the street level and generally consistent with the height of buildings at NIDA to the north and New College to the south.

Buildings D and E contain a minor variation mainly 250mm along the main built form with only isolated 900mm variations to the lift overruns relatively imperceptible remain compatible with and ensure a transition to the lower density scale of residential development to the west. The applicant contends that the tower components will be consistent with and compatible with the street setbacks within the adjacent Kensington and Kingsford Centres within the corridor.

- *Objective (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.*

Applicant: Buildings A and B elements that vary do not result in adverse impacts on the amenity of adjoining and neighbouring land in respect to visual bulk, loss of privacy, overshadowing or views beyond those acceptable impacts which are already caused by the elements of these buildings which are compliant.

Building C height is consistent with the visual bulk of buildings along Anzac Parade, and its height variations doesn't obstruct any key view lines, doesn't result in any overshadowing of open spaces or surrounding residential dwellings beyond that of a complaint envelope and has adequate separation to habitable buildings on adjoining sites to mitigate impacts to privacy.

Buildings D and E are of a low scale and does not material change the visual bulk form that of a fully compliant envelope. They don't dominate the nearby dwellings nor do they result in view impacts. These buildings are sited within the shadows cast by the taller buildings (A and B). The height variations do not result in privacy impacts. The trees along the permitter ensure privacy protection.

Planning comment:

The proposed development does not achieve the relevant objectives for the following reasons:

- (a) *to ensure that the size and scale of development is compatible with the desired future character of the locality.*

Desired future character

The proposed building heights (A and B) are not compatible with the desired future character noting that adjoining to the north and south, the building heights are limited to 24m maximum, and for the low-density zone located south and west of the site, their heights are limited to 9.5m maximum. It is also noted that further afield the town centres to the north (Kensington) and south (Kingsford), the building heights are generally limited to maximum heights of 31m. The notion that the site should be considered as a node site which allows for heights of 54m and 60m have not been adequately tested under this DA noting that the node sites within the town centres have been the subject of extensive community consultation under a planning proposal and subject to specific provisions and contributions, the key unique identifier being that they are surrounded predominantly by medium density R3 zoned sites and not R2 low density zoned sites located to the west of the site as shown in the image below of the current site context.

- *Objective (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.*

Adversely impact on amenity of the adjoining and neighbouring land

The proposed development is not satisfying objective point c as it is considered that it will result in adverse visual bulk and overshadowing on the adjoining and neighbouring land.

The proposed visual bulk is considered excessive for the following reasons:

- The proposed towers (A & B) will have a bulk and scale approximately double that envisaged under the 24m DCP height control.
- As shown and considered to be demonstrated in the applicant's visual analysis the height and scale of the towers are considered to continue to compete with and dominate the overall campus-built form and the immediate locality. The proposal will also compete visually with the UNSW library as a signpost to the University.
- The proposed towers will be significantly greater than the public domain and streetscape pattern of surrounding development notably the adjoining development, other development in the UNSW campus in the vicinity and the properties in the lower-

density zone in particular those that front Doncaster Avenue with rear yards adjoining the subject site and further afield.

- Submissions have been received from surrounding properties concerning adverse visual bulk associated with the towers on site.

Overshadowing resulting from Buildings A and B is considered unacceptable in terms of building height and separation distances, which does not satisfy the objective of adversely impact the surrounding development in terms of overshadowing. It is noted that the overshadowing plans submitted with the amended material in April 2024 shows that the proposed built form will result in additional adverse overshadowing beyond the 24m height control applicable under both the RLEP and RDCP.

The application includes a detailed shadowing analysis of properties immediately adjoining the site. The diagrams illustrate that properties fronting Day Avenue in the medium density R3 zone will have solar access to 3 hours during the winter solstice.

The properties fronting Doncaster Avenue (particularly at No. 226 to 244 Doncaster Avenue), have less than 3 hours of solar access to their rear elevations (presumably their living rooms), and the proposal will result in less than the current levels of solar access in contravention of the UNSW DCP control. . There will also be overshadowing further afield than if the development complied with the 24m height controls.

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

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

- For Building C as the compliant parapet will shield the lift overrun from view, there will be no adverse built form, overshadowing or visual bulk impacts.
- For Buildings D and E, due to the very minor variation of 0.25m being sought and will be realistically imperceptible from surrounding sites noting that the highest point of the slightly pitched roof cannot be seen from surrounding ground level. The lift overruns represent a small part of the building and do not add any significant built form nor dominate any views of the building.
- For Buildings A and B, no additional adverse environmental impacts beyond compliant elements as the non-compliant wedges are located to the north of the compliant elements, which are assessed as acceptable in the SEE notably in relation to overshadowing between 9am and 3pm. The visual bulk will not be increased by the encroaching wedges and will be improved by orientating the buildings squarely towards the main public view axis being university walk.

Planning comment:

For Buildings C, D and E, the applicant's arguments are considered to represent sufficient environmental planning grounds noting the minor non-compliances and no appreciable difference in size or scale between a compliant development and that proposed and nor will there be any significant adverse impacts on the neighbouring or adjoining land.

For Buildings A and B, the planning grounds are not considered sufficient as the encroaching-built forms elements do not satisfy the objectives of the standard or the zone noting that these buildings will result in adverse visual bulk and overshadowing well beyond those envisaged for the site (close to double the maximum RLEP and RDCP height provision) and the surrounding area.

Will the proposed development be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out?

In order to determine whether the proposal will be in the public interest, an assessment against the objectives of the height of buildings standard and SP2 zone is undertaken. As, discussed under the zoning and permissibility heading of the report, the proposal is considered inconsistent with the objectives of the SP2 zone, and as outlined above, the proposed development is also found to be inconsistent with the objectives of clause 4.3 in relation to building height, and therefore the development will not be in the public interest.

Concurrence of the Secretary

In assuming the concurrence of the Secretary of the Department of Planning and Environment the matters in Clause 4.6(5) have been considered:

Does contravention of the development standard raise any matter of significance for state or regional environmental planning?

The proposed development and variation from the development standard does not raise any matters of significance for state or regional environmental planning.

Is there public benefit from maintaining the development standard?

The variation of the maximum height of buildings standard will circumvent the orderly use and development of the site. Accordingly, there is a public benefit in maintaining the development standard in this instance for buildings A and B.

Conclusion

Based on the above assessment, it is considered that the requirements of Clause 4.6(4) have not been satisfied and that development consent should not be granted for development that contravenes the height of buildings development standard.

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

There are several proposed instruments which have been the subject of public consultation under the EP&A Act, and are relevant to the proposal, including the following:

- Planning Proposal

These proposed instruments is considered below:

The proposal is generally inconsistent with the proposed instruments.

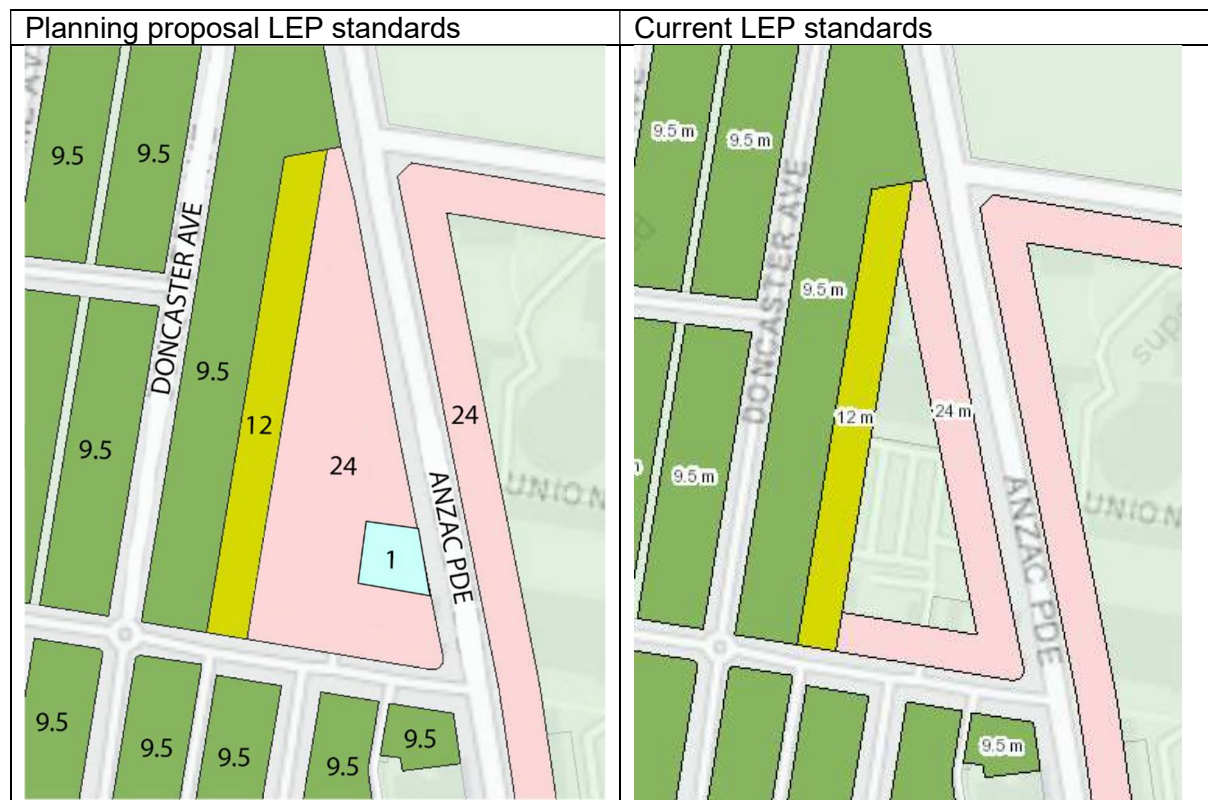
Planning proposal

A planning proposal (Portal reference: PP-2024-1581) has been lodged on 16 July 2024 with the Department of Planning for Gateway determination stage (yet to be publicly exhibited at the time of the completion of this report) of the UNSW western carpark site, known as 215B Anzac Parade, Kensington and the wider UNSW campus. The planning proposal is supported by an urban design study, recommending amendments to the LEP, and site-specific envelope controls and provisions to amend Randwick Development Control Plan (DCP) 2013.

The planning proposal was the subject of consultation with the Randwick Local Planning Panel (RLPP) on 4 June 2024, after the decision of Council to lodge a Planning Proposal with the Department on 25 June 2024.

The main standards and controls in the Planning proposal apply a 12m permitter along the western rear boundary the same applying under the current LEP and DCP, a 24m maximum height LEP standard applicable to the whole of the western campus (currently only applying to the 30m deep perimeters under the LEP and a 1m height limit applying to a public plaza is to be created on the Anzac Parade frontage as a culmination of the University Mall visual axis and to provide a social meeting place for the western part of the UNSW Kensington Campus. The current and proposed LEP standards applicable to the site are shown in figures below.

Figure 24: LEP height maximums under the Planning proposal at left and current height standards applicable to the site.



The proposed DCP block control plans illustrated below identify the location for future built form and open space on the site. The plan provides the basis for the site specific DCP block controls, in support of the proposed RLEP 2012 HOB amendments and envisages a courtyard-built form with a larger 18m setback from NIDA provided to maintain a pedestrian priority campus at ground level. The width of this setback will provide for large semi-trailer access to the NIDA workshops and theatres off Anzac Parade through a shared zone street that supports improved pedestrian access.

The proposed height controls (refer to **Figure 22**) are provided to establish certainty as to the maximum built form outcome possible in the precinct and align with the scale envisaged in the UNSW Campus 2020 Master Plan and Randwick DCP 2013. The proposed urban form will integrate with the existing building scale surrounding the site and align with the transition in height along Anzac Parade.

Commensurate with the existing NIDA and New College Postgraduate Village building heights, that define the street wall along Anzac Parade, the new campus buildings would reinforce the 6 to 7 storey scale (24m) for the UNSW West campus.

The building envelope steps down in height to 3 to 4 storeys at the rear (12m limit), and there is a 10m landscape setback along the west boundary where the site adjoins the back gardens of R2 Low Density Residential properties (9.5m height limit). A row of established trees continues to be retained in order to provide a visual screen for privacy and facilitates the transition in building height along this interface. The proposed height framework is appropriate given the surrounding sensitive residential land uses to the south and west that are susceptible to undue scale and overshadowing impacts.

Figure 25: Indicative built form under proposed controls view northwest) (Source: RCC)

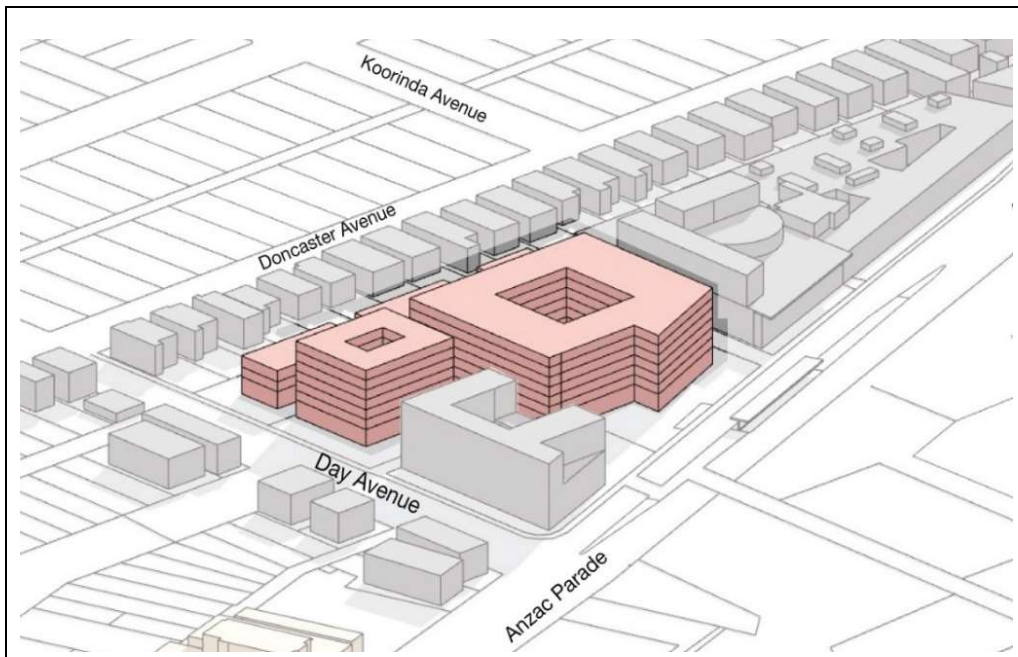
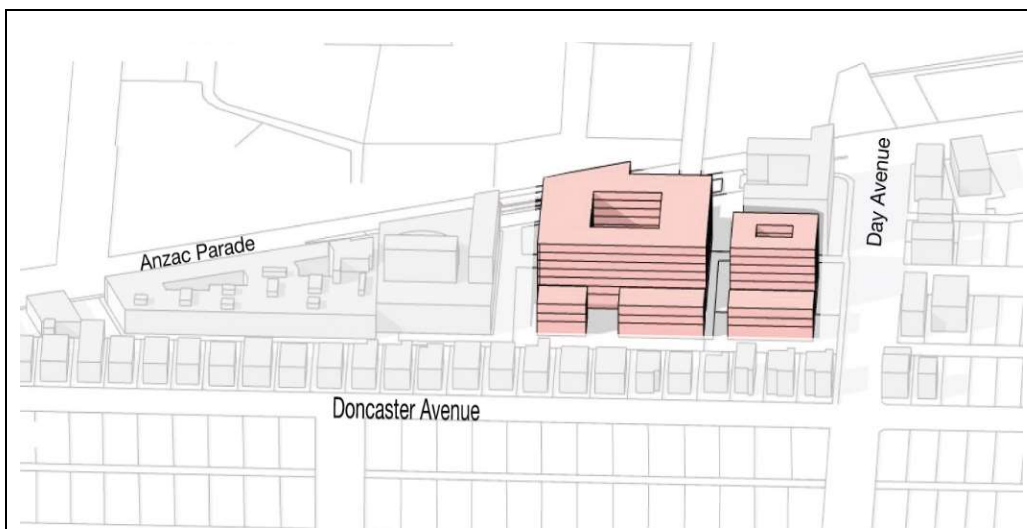


Figure 26: Indicative built form under proposed controls (view east) (Source: RCC)



Photomontages further illustrate the presentation of the built form from Anzac Parade.

Figure 27: Existing street view looking northwest.



Figure 28: Street view looking northwest with maximum building envelope.



Figure 29: Existing street view looking south-west



Figure 30: Existing street view looking southwest with maximum building envelope.



Planning comment: The planning proposal largely reaffirms the current planning controls applicable to the site under the DCP incorporating these provisions as LEP provisions applicable to the site. They also seek an urban design approach that activates the whole of

the western campus through separation and built form controls that respond more appropriately to the existing character of surrounding sites.

The proposed development is inconsistent with the planning proposal provisions namely in relation to the height of building A and B being consistent with the variations sought to the current LEP and DCP controls applicable to the site. Building C also encroaches into the alignment controls requiring a larger front setback from the Anzac Parade frontage behind the NIDA buildings top two levels and the Building B setback is less than the 18m recommended setback.

The non compliances are considered detrimental to planning within the university campus and the wider locality, as noted throughout the assessment report and would also conflict with the urban design outcome envisaged under the planning proposal for the western campus.

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

The following Development Control Plan is relevant to this application:

- *Randwick Comprehensive Development Control Plan 2013 ('the DCP')*
- *Part E2 Specialised Health and Education Precinct*
- *7.12 Contributions*

The DCP provides guidance for development applications (DAs) to supplement the provisions of the Randwick Local Environmental Plan (RLEP).

The areas of non-compliance with the DCPs are considered in further detail under the Key Issues section of the report and the Attachment C compliance table. The assessment concludes that the variations are not supported on merit in this instance.

Contributions

S7.12 Contributions

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

- *S7.12 Development Contributions Plan (Randwick Section 94A Development Contributions Plan 2015)*

Notwithstanding the above, it is noted that the applicant has drawn nexus between the proposal and the K2K precincts further to the north and south. As such, Council requests that in the case of an approval being recommended that an increased contribution rate of 2.5% as opposed to the 1% applicable under the above plan as well as contributions for community infrastructure and affordable housing similar to those required for student housing in the K2K town centres. See key issues section for reasons for this request.

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

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, with the following matters being relevant to the proposal:

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

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

The environmental impacts of the proposed development on the natural and built environment have been addressed in this report.

The proposed scale, massing and form is inconsistent with the RDCP building envelope controls of the RDCP. The resultant amenity impacts in terms of comparative visual bulk, solar access and privacy are considered inconsistent with the height standards in the Randwick LEP 2012. The main likely impacts of the proposed development related to size and scale of Buildings A and B, is that it is inconsistent with the character in the locality and the desired future character for development anticipated for this part of the UNSW site. The proposed height of Buildings A and B will result in adverse overshadowing and visual impacts that arise on the streetscape as well as on the lower density character of the area to the south and west of the site.

The degree of flexibility applied to the RDCP controls for Building A and B heights is excessive, being over two times the current maximum height controls and it is held that a planning proposal rather than a DA is the most appropriate mechanism for such changes. The proposed DA seeks a built form similar to the node sites in the Kensington and Kingsford Town Centres noting the difference being that these node sites allowed for higher uplift, were the subject of intense scrutiny and community consultation via the master planning and rezoning assessment pathway. Attesting to community uncertainty and concerns is the high number of submissions by way of objections received by Council raising concerns with the excessive height variations to the RLEP and RDCP controls.

The proposed Buildings A and B are over two times the current controls applicable to the site and is not an endorsed node site. If approved, the proposal will set an undesirable precedent for similar size and scale of development in this part of Anzac Parade in close proximity to low density areas further detracting from the character of area.

The proposed intensity of development sought is well above that envisaged for the site, which ordinarily places significant pressure and demand on infrastructure improvements adjacent to the site that have also not been captured via detailed contributions modelling or a precinct wide analysis of infrastructure requirements. As such, without additional contributions commensurate with the intensity of development sought this will result in adverse social, environmental, and economic impacts.

The potential impacts from demolition/site preparation/construction and operations are most likely to be on the neighbouring property to the north that is NIDA, which contains sensitive uses as a part of their operations. These may be adequately addressed via non-standard conditions relating to the additional management protocols for noise management and physical privacy measures for building B should the application be supported for approval.

No major concerns have been raised by service providers as a part of their review, noting however that TfNSW has recommended the closure of the Anzac Parade easement access and providing service access to NIDA off Day Avenue, TfNSW nevertheless provides concurrence to the proposed development.

The proposal replaces the same number of parking spaces currently on site in the basement which is sought to be sub-leased back to the UNSW by IGLU. Whilst no student parking is

required for student housing, the large number of additional occupants may place a greater demand for parking by occupants on site which reduces the parking provided to existing users as well as key stakeholders such as NIDA that currently has access to parking outside of core University hours for patrons. Approved development throughout the UNSW campus has cumulatively reduced parking supply thus increasing demand for off street parking in the surrounding and nearby streets. Without restricting parking spaces to the residents of the site, there is no certainty as to whether the replacement parking on site can accommodate the existing demand for campus students and those of stakeholders such as NIDA (which was the subject of previous conditions requiring patron parking as a part of the development for their theatre additions). Further, the Traffic Assessment report submitted with the application indicates restricting parking from residents is identified as a measure employed to indicate that the proposal will not result in adverse impacts in relation to parking and traffic.

Council's Technical officers have not raised any major concerns with the proposal noting that conditions can appropriately applied to manage the associated impacts during the construction and operational phase of the development.

Accordingly, it is considered that the proposal will result in significant adverse impacts in the locality as outlined above.

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

The site is conducive to mixed use campus student accommodation.

The proposed development, namely the size and scale of Buildings A and B are not considered suitable for the site as they are taller than and contain a density that is significantly above the existing and likely future development within the site under the current provisions and standards. They do not represent an appropriate transition of built form within the site and nor do they transition appropriately down to the lower density residential zones to the west resulting in adverse impacts, including visual bulk and overshadowing.

The intensity of the proposed development will mean a significantly higher demand will be placed on the services to the site, including general infrastructure required to service the proposed development under the contributions plan.

The site should not be identified as a node site and nor is it suitable to be developed as a node site noting the key differences associated with the node sites in Kensington and Kingsford town centres, given that they were the subject of comprehensive review and consultation via the planning proposal assessment pathway. One main difference between the subject site and node sites in the town centres is that the subject site is located adjacent to the low-density residential zone as opposed to medium density zones adjacent to nodes in the town centres.

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

These submissions are considered in Section 5 of this report.

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

The proposed development, notably the proposed heights of Buildings A and B are significantly above the applicable controls, their spatial setting within the site and the surrounding area, resulting in visual and overshadowing impacts well beyond those anticipated or envisaged for the immediate locality.

There are concerns that the DA is not the appropriate mechanism for a height variation of the proposed magnitude and that the application does not have a similar level of review and community consultation when compared to a planning proposal assessment. It is also noted that the scheme has only been considered in relation to the statutory planning framework and that key strategic planning considerations in terms of a strategic merit assessment, precinct planning considerations, contributions and infrastructure planning have been afforded the same level of review under the planning proposal framework.

A large number of submissions by way of objections to the significant variations and impacts have been received by Council and are considered to be warranted in the assessment of the proposed building, visual bulk and associated amenity impacts, including overshadowing and visual privacy.

Whilst a reduction of buildings height through the submission of amended plans has in part reduced streetscape, visual and overshadowing impacts, there remains concerns that the proposal will continue to result in significant adverse environmental impacts.

On balance the proposal is contrary to the public interest.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in Table 8.

The outstanding issues raised by Agencies are considered in the Key Issues section of this report.

Table 8: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Referral/Consultation Agencies			
Sydney Airport Corporation	Clause 6.8 of the Randwick Local Environmental Plan, s186 of the Airports Act 1996 and Regulation 8 of the Airports (Protection of Airspace) Regulations 1996.	Proposal includes a height, which penetrates the prescribed airspace of Sydney Airport.	N – Flysafe indicate that Air Services Australia is considering additional information provided by the Applicant.
Transport for NSW	Section 2.121 – State Environmental Planning Policy (Transport and Infrastructure) 2021 Section 2.119 -	The proposal is adjacent to Eastern Suburbs Light Rail and Kensington Light Rail Stop on Anzac Parade.	Y

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
	Development with frontage to classified road	<p>Proposal supported subject to conditions.</p> <p>Advisory comments: TfNSW has concerns that the proposal could lead to increased vehicles entering the NIDA service driveway and or reversing back onto Anzac parade. TfNSW recommend the applicant consider closing the Anzac Parade cross over and providing alternative access for vehicles delivering to NIDA from Day Avenue.</p> <p>The applicant does not wish to provide access to NIDA through Day Avenue as part of their scheme as commented on by TfNSW. Majority of vehicles servicing NIDA will be able to enter and exit in a forward direction and whilst there will be more use of this easement due to the NIDA no longer having informal use of Day Avenue, it is unlikely to result in unreasonable traffic on Anzac Parade transport corridor. Appropriate conditions may be imposed to ensure semi-trailer access is available through the northern easement.</p>	
Transport for NSW	Section 2.121 – State Environmental Planning Policy (Transport and Infrastructure) 2021 Section 2.122 - Traffic-generating development.	<p>The proposal encompasses more than 300 student accommodation rooms on site.</p> <p>Proposal supported subject to conditions.</p> <p>Advisory Note: TfNSW advises that future loading and servicing provisions would likely result in rejected vehicles due to space limitations during busy times resulting in negative externalities. TfNSW recommends that all loading</p>	Y

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
		<p>and servicing demands generated by the development occur on-site.</p> <p>The applicant provided an amended Traffic impact assessment report stating the additional trips in the AM Peak and PM peak hour were low and given the nature of the proposed development and its proximity to key tertiary educational campuses (e.g., UNSW), that a Green Travel Plan (GTP) would be suitable for this development to encourage sustainable travel and a mode shift away from car travel.</p>	
Transport for NSW	<p>Section 2.121 – State Environmental Planning Policy (Transport and Infrastructure) 2021 Section 2.98(2) - Development adjacent to adjacent to rail corridors.</p>	<p>The proposal is adjacent to Eastern Suburbs Light Rail and Kensington Light Rail Stop on Anzac Parade.</p> <p>Proposal supported subject to conditions.</p>	Y
Design Review Panel	<p>CI 6.11 of RLEP - Design Excellence.</p> <p>Advice of the Design Review Panel ('DRP') was provided in relation to the original Das May 2023 and amended scheme April 2024.</p>	<p>The advice of the DRP has been considered in the proposal and is further discussed in the Design Excellence section and the Key Issues section of this report.</p> <p>It is noted that the applicant has submitted material received by Council on 5 July 2024 to address the May 24 DEAP comments.</p>	Y (Partial)
Integrated Development (S 4.46 of the EP&A Act)			
WaterNSW	Section 89 of Water Management Act - Water use approval.	Matters addressed via consent conditions.	Y (conditions)
WaterNSW -	Section 90(2) water management work approval.	Matters addressed via consent conditions.	Y (conditions)

4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 9**.

Table 9: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	Council's Engineering Officer reviewed the submitted documentation and considered that there were no objections subject to conditions.	Y (conditions)
Traffic	Council's Traffic Engineering Officer reviewed the proposal and has raised concerns with non-provision of a bicycle pathway through the site from Day Avenue connecting to Anzac Parade and the non-provision of car share spaces. The applicant was asked to respond to the matters raised inclusive of the provision required motorcycle spaces.	Y (conditions)
Health	Site remediation and acoustic impacts particularly on NIDA during construction addressed via recommended conditions. These issues are considered in more detail in the Key Issues section of this report.	Y (conditions)
Waste	Council's Waste management section raised concerns with the development. However, matters predominantly addressed via conditions.	Y (conditions)
Heritage	Council's Heritage Officer reviewed the proposal and does not object to the proposed development on heritage grounds.	Y

The outstanding issues raised by Council officers are considered in the Key Issues section of this report.

4.3 Community Consultation

The proposal was notified in accordance with the Council's Community Engagement Strategy in relation to the original application and amended plans received by Council in April 2024 as follows:

- Original notification from 25 May 2023 until 23 June 2023.
- Re-notification of the amended plans received by Council in April 2024 were notified from 9 May 2024 until 6 June 2024.

The notification included the following:

- A sign placed on the site;
- Notification letters sent to adjoining and adjacent properties (445 letters in original notification and 908 letters in re-notification);
- Notification on the Council's website.

The Council received a total of 584 unique submissions, comprising 449 objections and 135 submissions in support of the proposal. The issues raised in these submissions are considered in **Table** includes issues/themes raised, indicating whether it is a planning consideration and why. A submitters list provided as an attachment.

Table 10: Community Submissions

Issue	No of submissions	Council Comments
Inadequate separation along northern easement	Numerous submissions	See likely adverse impacts and key issues, visual bulk, overshadowing and Traffic and parking assessment in the key issues section of this report
Noise and vibration impact from construction and operation.	Multiple submissions	<p>Noted, appropriate conditions may be included with the aim of mitigating noise and vibration impacts.</p> <p>The application was reviewed by Council's Health Officer recommending appropriate conditions. It is noted the neighbouring property to the north raises strong concerns that its NIDA education facilities are highly sensitive to noise and vibration impacts which are exacerbated by the proximity of the development site. It is important to note that noise and vibration cannot be completely mitigated against given the nature of certain works however their concerns have been taken into consideration in providing for reasonable noise mitigating measures and management practices to limit the degree to which noise and vibration impacts their operations.</p>
Visual privacy impacts.	Multiple submissions received	Noted, an assessment against the ADG separation controls has been considered in the assessment of the application where it is identified that privacy impact will result from the northern side of the building B and building C across from NIDA educational facilities. Appropriate measures can be employed to mitigate visual privacy impacts from these areas of the development.
Visual bulk	Numerous submissions received	Agreed, the proposed development of building A and B does contain significant bulk.
Overshadowing and Loss of daylight.	Numerous submissions from adjoining properties both from adjoining sites and further afield. Notably submission	Noted. The overshadowing and impacts on daylight are directly related to the proposed height, orientation of the site and urban pattern of development as well as the degree of compliance achieve and where non-compliance results whether on balance the proposal is acceptable or unacceptable. In the context of the site and proposed variance to the building height controls sought for Buildings A and B, as well as the separations provided it is considered that building A and B result in unreasonable adverse overshadowing of properties to the south and south west noting that

Issue	No of submissions	Council Comments
	received from NIDA and New college.	there are properties to the south and south west that currently don't obtain three hours of solar access and the proposed non-compliant height of buildings A and B will cause overshadowing that will reduce their solar access further. In relation to impact on daylight access, the most impacted premises will appear to be the NIDA southern elevation whilst not receiving solar access (particularly in winter months) does rely on separation for daylight access. Given the proposed building B has a height that significant exceeds the maximum and does not meet the minimum separation controls in the ADG for buildings located within the same sites, it is considered that the loss of daylight to NIDA south facing rooms is unacceptable.
Conflict with historical conditions of consent imposed under DA/1634/1999 regarding parking	Multiple submissions from NIDA.	Noted, see the key issues section of this report relating to Transport and parking.
Increased traffic congestion and parking demand	Numerous submissions from surrounding properties	<p>The applicant submitted a Traffic Assessment report which indicates that the operation of the site will not result in any significant increase in trips to and from the site because of the proposed development.</p> <p>It is also noted a green travel plan has been submitted with the application with the aim of minimising reliance on vehicle movements. The site is for campus student accommodation within the campus which means that students would likely walk or use public transport when travelling to and from the site.</p> <p>Should the application be approved, there are also certain conditions that may further demand manage the parking:</p> <ul style="list-style-type: none"> • Provide for additional motorcycle spaces. • Provide for car share spaces. • Implement a Green travel plan supporting alternative means of transport • Prohibiting students on site from being allocated parking spaces within the basement.
Excessive height	Numerous submissions	Agreed, the proposed heights of buildings A and B are excessive regarding the SP2 zone of the site, the applicable DCP and the planning proposal submitted with the Department for gateway determination, the

Issue	No of submissions	Council Comments
		surrounding low-density zone and the desired character along this part of Anzac Parade.
Overshadowing	Numerous submissions	Agreed, the proposed height of buildings will result in additional overshadowing beyond that which occurs from a DCP and LEP compliant building height
DA is an inappropriate mechanism for significant changes	Multiple submissions	Agreed, it is considered a DA is not the most appropriate mechanism for such variations to the existing controls. Council has endeavoured to carry out an urban design study which has informed changes to the LEP and associated DCP in applying appropriate controls and standards to the western campus of the UNSW in consideration of its surrounding and neighbouring properties.
Construction and site management impacts	Numerous submissions	Suitable conditions may be imposed to ensure the construction site is managed appropriately.
Noise impact from plant and machinery	Multiple submissions	Conditions may appropriately manage noise from plant and equipment to meet industry standards.
The proposal is not for affordable housing	Multiple submission	Noted, the applicant is not proposing affordable housing as defined under the standard instrument.
Works will cause damage to our building	Multiple submissions	Appropriate conditions can be included in the consent which take into consideration zones of influence in relation to maintaining or protecting the structural adequacy of buildings and land. In addition, requirements for dilapidation reports for surrounding properties, before and after works have been carried out, can be a useful tool in assessing damage.
The proposed location of building C will impact the ability of vehicles to enter the site and detracts from the award-winning architectural character of the NIDA building.	Multiple submission from NIDA	<p>The location of building C will allow for HRV to enter and existing the site in forward direction noting updated information provided by the applicant.</p> <p>The DEAP indicated Building C was aligned with the façade of the NIDA upper two storeys and raised no objection in relation to its impact on views of the NIDA building.</p>

Support

Issue	No of submissions	Council Comments
Campus student accommodation in close proximity to the campus is ideal noting it will reduce reliance on private vehicles and result in use of more sustainable transport options.	Numerous submissions	Agreed, development is required to be sustainable both in terms of its built form and spatial context with the aim of ensuring it is suitable of the site and surrounding area.
Increasing the supply of student accommodation frees up housing rental for other key workers and professionals and working families.	Numerous submissions	Agreed.
The proposed development will bring student housing close to university resulting in more active travel and more productivity for students.	Numerous submissions	Agreed the proposed housing is within the UNSW campus will most likely be more productive and active travel for occupants.
The proposal aligns with the government goal of solving the housing crisis	Numerous submissions	Agreed, the proposal will contribute to the supply of student housing in the area.
The proposal will provide for affordable student housing	Numerous submissions	Agreed. the manager of the campus student housing complex will provide for 5 fully funded residential scholarships to be awarded through UNSW existing scholarships program for students, contributing toward affordability of housing and access to tertiary education. This represents 0.5% of the proposed 953 beds. Were the proposal to provide for a reasonable portion of affordable housing it would ideally provide around 5% or 1,279m ² ((0.005 x 25,589m ²)) which could be equivalent to around 71 rooms. Preferably, a contribution should be applied to the development to enable Randwick Council to manage the delivery of

Issue	No of submissions	Council Comments
		affordable housing to low to moderate income households.
Locating student housing close to university makes it affordable due to less time to travel and more conducive to the academic experience and the area along Anzac Parade from Todman Avenue down to Rainbow Street/Gardeners Road which is a student area supported by businesses and the light rail.	Numerous submissions	Agreed, the cost of travel is inverse to the proximity of accommodation and access to resources which would generally support agglomeration student economies.
The proposal high density housing development would be a significant improvement to the streetscape and more productive use of land as opposed to the carpark.	Numerous submissions	Noted, developing the site from carparking into mixed use campus student accommodation is more productive use of land however, it is considered that the density, size and scale of buildings A and B will dominate the site and surrounding area.
Even if the campus accommodation is not low rental, it would reduce the demand for housing.	Several submissions	Noted, increasing the supply of campus accommodation may then reduce the demand for private housing the area.
The reduced scale of the development is a direct dismissal of the housing crisis. There is a wide consensus on infill	Several submissions	Noted. A reduction in size and scale is considered more suitable for the site than the proposed development.

Issue	No of submissions	Council Comments
housing supply's impact on prices		
If the supply of housing is stunted this will have a follow-on effect on the viability of businesses in the area.	Multiple submissions	Noted.
The UNSW is a significant employer which contributes greatly to the prosperity of the locality and the Randwick Council.	Multiple submissions	<p>Agreed, the UNSW is part of a range of public and private stakeholders such as hospitals, and research institutions to deliver significant regional and district liveability, productivity and sustainability outcomes.</p> <p>However, the proposal is not considered suitable for the site in its current configuration given its context within this part of the Anzac Parade corridor and proximity to the low-density residential zone.</p>
The proposed development looks fantastic.	Several submissions.	Noted
Providing housing for international students on campus enables building up of social networks which is critical for new students from another country	Multiple submissions	Agreed, living on campus close to student support services and other students will likely contribute to social integration of international students.
The developer should build kitchens in each common room		Kitchens are provided in communal areas of the development.
The proposal will provide housing for rural and regional students.	Multiple submission.	Agreed
The proposed development will benefit many more people than the submissions of a few objectors	Multiple submissions.	Noted.

Issue	No of submissions	Council Comments
to the development.		
Every development has compromises that must be made, the development is a better use of land and provides for may solutions relating to housing close to university, use of public transport and services.	Multiple submissions	Agreed the site is conducive to these benefits however it is considered that the scale sought for buildings A and B are not sustainable in terms of visual impact, and outcomes on the streetscape character.
The limited supply of housing in Randwick results in higher cost of housing.	Multiple submissions.	Noted.

5. KEY ISSUES

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

- Strategic context
- Built form.
- Contributions
- Noise and vibration Assessment
- Solar Access
- Visual Privacy
- Design excellence.
- Part E2 Specialised Health and Education Precinct

5.1 Strategic context

The Health and Education Precinct is identified in the NSW Government's Regional Plan and Eastern City District Plan as a Collaboration Area, given its significant cluster of specialised health, education and research activities that play a vital economic and employment role within the Sydney region and beyond.

It is formed by several major institutions and destinations, including the University of NSW, the Randwick Health Campus with four major hospitals contributing to Australia's largest complex of teaching hospitals, and some of Australia's premier research institutions including Neuroscience Research Australia.

The Health and Education Precinct is supported by the Kensington, Kingsford, Randwick Junction Commercial Centres and by The Spot, which support the area's growth and liveability for workers, residents and students. As detailed in the District Plan, the area presents an

opportunity to deliver significant economic benefits through the agglomeration of health, research and education services, with a projected baseline job target of 32,000 by 2036.

The proposed campus student accommodation will in general support the above strategic context by providing for campus student accommodation in demand by the UNSW, which to some extent may free up housing in privately owned properties.

The degree to which the development of the subject site for this purpose must be balanced against the suitability of the site for the size and scale of development sought. In this context of the site and surrounding area, the height of buildings A and B sought is double the applicable height control for the site under the current provisions. This is not considered a suitable outcome and will therefore represent an overdevelopment of the site for campus student accommodation.

5.2 Built form.

The proposed building form presents an unsympathetic response to the existing and desired character / streetscape along Anzac Parade. It is of an excessive bulk and scale that does not positively contribute to the desired future character of the area.

Anzac Parade

The proximity of Building A and B to each other and the adjoining buildings to the north and south both of which are within the western campus and compliant with the 24m height control represent an abrupt change in size and scale. This transition exacerbates their perceived bulk and scale, which are considered incompatible with the existing and desired Anzac Parade streetscape character established by the LEP and DCP planning framework.

Figure 31 (next page): Anzac Parade elevation and extent of built form above 24m shows the height above existing near compliant development within building C, and adjacent development at New College to the left and NIDA to the right.



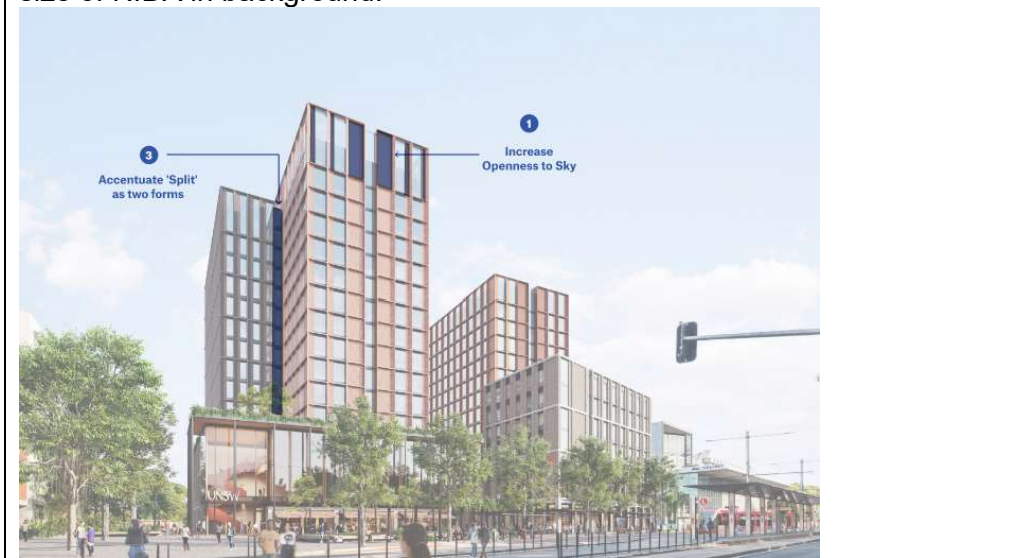
The DEAP noted the longer southern elevation of Building A (see image below) and monolithic appearance to the development as viewed from Houston Road.

Figure 32: Southern elevation of proposed building A as viewed from Houston Road.



The DEAP also indicated methods for alleviating and differentiating the building from the Anzac Parade frontage. The applicant's response to the DEAP advice, has been to amend their scheme by providing glazing to building A's rooftop, introduce an accentuated split in building A and slightly differentiating tones for each building noting that the height of building B has been reduced by one level following DEAP advice. Concerns remain that the building envelopes of both buildings will be viewed (at an angle) as one combined floor plate from certain perspectives within the public domain translating into an excessively visual bulky form.

Figure 32: Rendered image of development façade as amended showing size of NIDA in background.



The applicant's response to the DEAP advice is acknowledged as providing a slight differentiation between the two buildings and assist in reducing some of the concerns associated with the differentiation and scale of the proposal. However, the predominant concerns regarding building separation, overall height and the bulk of the proposed floor plates

remain. It is noted that the reduced height has coincided with the applicant increasing the associated tower footprint and floor plates of the development resulting in a redistribution of the built form rather than an overall reduction towards the lower levels. This results in additional visual bulk impacts at the pedestrian scale in closer proximity to the site, viewed from the wider area and is not a supportable development outcome.

Low density visual impact

It is noted that the application contains a visual impacts analysis from the vantage points further afield to the west (3 and 6 streets removed from the subject site) within the low-density zone at corner of Cottenham Avenue and Tunstall Avenue.

The proposed building A and B heights above the applicable controls will result in significant visual impact to the immediate and surrounding low-density zones. Given the significant variation from the maximum height DCP and LEP controls it is considered that the built form will be unsympathetic in the context the existing character of the surrounding low density residential area. The images next page shows the height of the proposal above the 24m maximum height control.

Figure 33: View from Day and Tunstall Avenue to the south



Figure 34: View from Cottenham Avenue and Day



Doncaster Avenue - Streets in closer proximity (see figures 10 and 11 of this report)

No visual analysis is provided from street perspectives and the public domain closer to the subject site, including from Doncaster Avenue that would demonstrate an even more significant visual impact due to the proposed development. **Figure 35** below shows the western elevation facing the low-density zones to the west and illustrates the aspects of the proposed development higher than the applicable 24m DCP height control.

Figure 35: Western elevation showing the variance in size and scale between the proposed and a compliant scheme.



A design that is more compatible with and transitions down to the low-density residential environment in closer proximity to the site along Doncaster Avenue and as viewed from the south side of Houston Road would enable a height reduction closer to the complaint 24m

height limit under the DCP and possibly a reduction in the overall length of the building footprint along the south.

The applicant has not addressed this visual impact issue in a satisfactory manner through the submission of amended plans and accordingly, has not provided for an appropriate built form that transitions down to the adjacent low-density zones. The visual impacts associated with the proposal would warrant the refusal of the application.

Resolution: The issue has not been resolved and accordingly, warrants the Panel's consideration for refusal of the application

5.3 Contributions

Given the applicant is seeking to adopt the density and scale of development that is only allowed in the Kensington to Kingsford town centres, it would be reasonably arguable that the applicant should be contributing to the same extent that is applicable for sites in the K2K areas. It is noted that the applicant has strongly argued that their proposed development is appropriate because of its proximity to the K2K town centres and the strategic approach that was adopted by Council. As such, the applicant should also be subject to that the same community infrastructure and affordable housing contributions that are levied in the K2K area should the SECPP wish to approve the development. In terms of the proposed student housing on the site, it is equivalent to the co-living development that has been approved on land within the K2K centres and should be subject to the same affordable housing contribution.

In addition, it should be noted that the proposed development is seeking a wholesale change to the planning controls on the site and relies on a Clause 4.6 exception that is numerically large. The resultant built form would be significantly greater than that envisaged on the site under the current controls and is to such an extent that it is questionable whether seeking variation to the development standard is appropriate. A planning proposal would have been the suitable mechanism for altering the controls on the site and would have invited a review of the infrastructure & affordable contributions for this site & more broadly for the whole of the campus.

The conditions of consent for this development are only able to be imposed with the agreement of the applicant being the Crown. As such, there is no legal impediment to the implementation of these conditions with the agreement of the applicant or if in dispute the Minister for Planning & Public Spaces could refuse consent to the application and direct the applicant to submit a planning proposal which would allow contributions to be considered through a planning agreement.

In terms of the nexus between the UNSW & infrastructure needs, the UNSW continues to place significantly greater demands on public infrastructure with the anticipated increase in student numbers. Council will need to make significant public improvements to the surrounding areas of the University, particularly in relation to promoting sustainable transport use such as walking and cycling, and alternative approaches to parking.

There will also be expected growth in population and jobs in Randwick City that will be focused in and around the UNSW and other town centres. Hence, while providing a valuable asset to Randwick LGA in terms of jobs, study and related facilities, the University is also expected to continue to place strong pressures on Randwick's local infrastructure.

In view of the above, it is warranted to pursue a range of contributions that are consistent with the density of the proposed development & its subsequent implications on community infrastructure & affordable housing.

The approval of the subject application should only be accompanied with the appropriate level of infrastructure contributions as listed below and if not agreed to by the applicant, then it should be given determinative weight due to the de-facto rezoning being sought on the site:

- A 2.5% contributions of the CIV instead of the 1% provided for in the applicable S7.12 contributions plan.
- Community Infrastructure Contributions (CIC) contributions calculated for the part of the development over 24m.
- Affordable Housing Contributions (AHC) based on the floor area above the 24m height limit.

5.4 Noise and vibration Assessment

The potential for noise and vibration to impact on adjoining properties is an important consideration given the extent of site preparation and construction works proposed and the proximity of the development site to the northern neighbour NIDA, which contains sensitive operational requirements for its recording studios and classrooms.

The application has been the subject of various reports and a meeting between the proponent and NIDA in seeking to resolve these issues. NIDA have provided Council within a suite of conditions, which it recommends should be applied to the consent if the application is recommended for approval. Council's Health Officer reviewed the submitted reports as well as NIDA's submissions and appropriate conditions have been proposed to minimise impacts on nearest sensitive receivers, noting that given the proximity of surrounding sensitive receivers and the size and nature of the proposed construction it is predicted that the surrounding premises will be impacted to some degree.

To mitigate the specific impacts, respite periods have been recommended in the conditions to address the limitations of the site, proposed constructions and submissions received raising concerns regarding construction noise/vibration. The non-standard requirements of these conditions require a Construction Noise and Vibration management plan to address the main concerns raised by NIDA noting that there are certain limitations on requiring a non-party to the development to sign off on certain documentation.

The suite of conditions are considered reasonable in so far as they do enable the set-up of a regular consultative forum, regular reviews and complaint handling to adequately manage impacts.

Resolution: The issue may be resolved through conditions of consent..

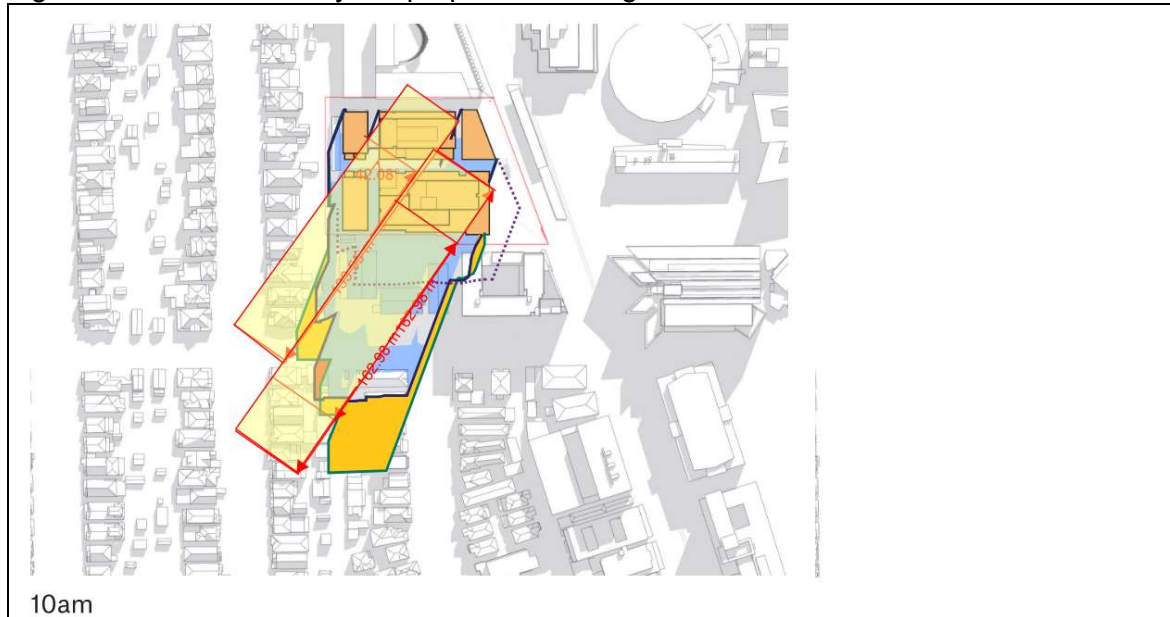
5.5 Solar Access

Section 4.2.6 Building in the DCP states: *xix) Solar access to living areas and principal landscaped spaces of adjoining residential development is not to be reduced to less than 3 hours per day throughout the year. If 3 hours per day is not currently achieved, new development must not reduce this further.*

As noted in the clause 4.6 assessment, the application includes a detailed shadowing analysis of properties immediately adjoining the site. Notably those that front Day Avenue in the Medium density zone are modelled to retain at least three hours of solar access to their north facing windows.

Overshadowing as a result of the whole of Buildings A and B are contained within a built form that results in the rear elevations of adjoining buildings at No. 226 to 232 Doncaster having their solar access reduced to less than they currently receive, which is assumed to be less than 3 hours due to the subdivision development pattern and angle of the sun at 12pm. It is noted that a compliant scheme would partially overshadow the rear elevations of these properties, and whilst the row of retained trees will cast a shadow to the rear of these properties, they are not dense structures comparable to the built form under the subject application.

Figure 36: shadow cast by the proposed building A and B at 9am at the winter solstice.



Resolution: The issue is not resolved and should be grounds for refusal.

5.6 Visual Privacy

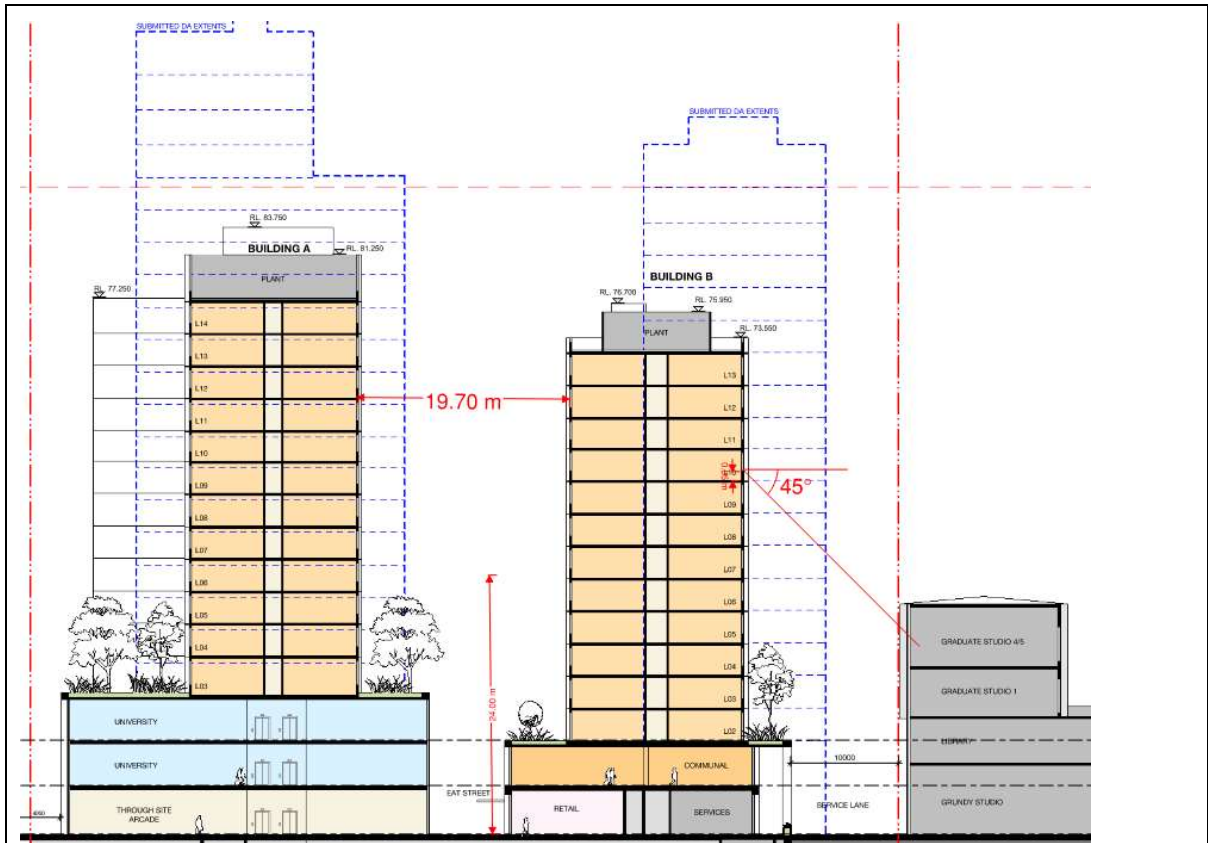
Under schedule 8 of the SEPP Transport Principle 5 amenity, it is required that schools (*universities*) should consider the amenity of adjacent development and the local neighbourhood.

The proposed northern elevation of Building B and Building C are located opposite NIDA library and teaching facilities and a submission was received by NIDA raising concerns with privacy to their library (clear glazing) and their graduate rooms at upper 2 levels located behind a perforated metal screen.

The applicant has submitted additional details to Council (received 26 July) showing additional privacy measures to buildings B northern elevation from level 01 up to level 06 and the building C northern elevation.

Although Building B which is 10m to 14m away from the boundary shared with NIDA's northern elevation (shown in image below), there is a line of sight towards NIDA teaching facilities noting that the perforated screen may not achieve the levels privacy screening it achieves during the daytime.

Figure 36: Section plan showing the separation between buildings A and B and to the NIDA building to the north.



Additional measures provided by applicant.

The applicant submitted additional details (shown in figures below) seeking to address privacy form Building B and C – providing for Building B, level 01 with louvres, and for levels 02 to 06 to accommodate 1.6m high obscured glazing and limited opening of windows and for Building C with privacy measures through the deletion of openings.

Figure 36: Northern elevation of building B and C showing the location of additional privacy measures.

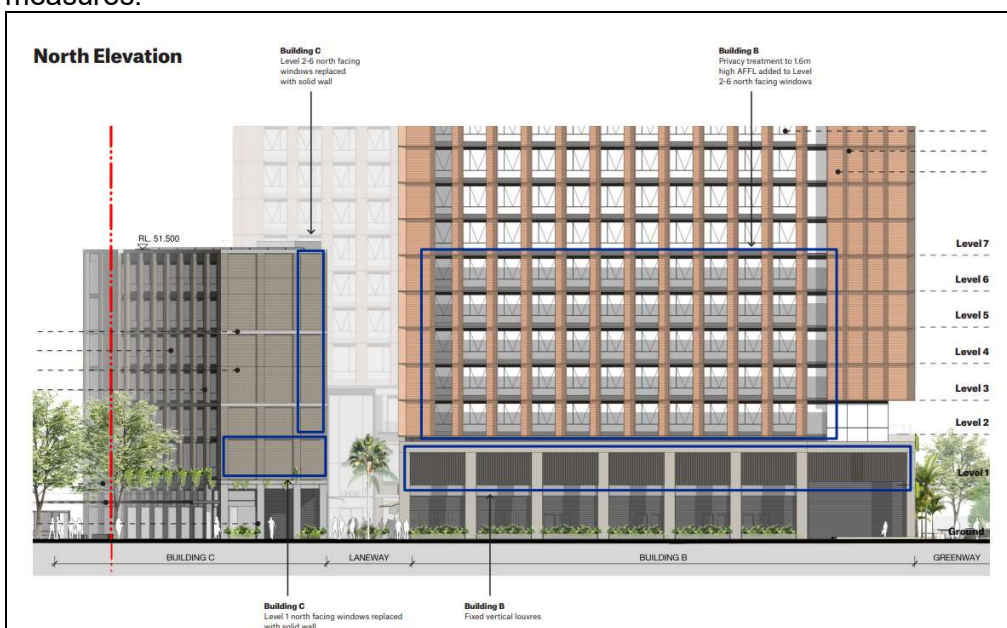
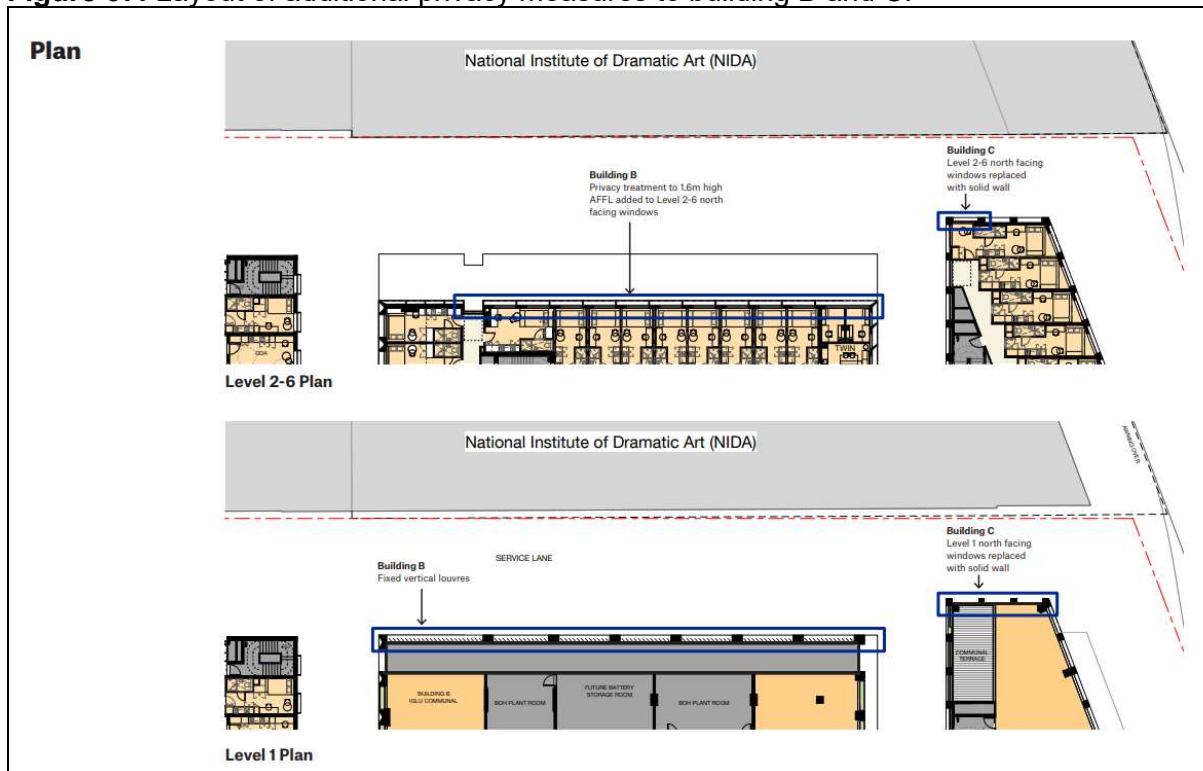


Figure 37: Layout of additional privacy measures to building B and C.



Planning comment on proposed privacy measures:

Building B: The applicant proposes

- Level 01: The proposed louvres are across the full face of level 01.
- Levels 02 to 06: The proposed window treatment is for 1.6m high obscured glazing with awning windows limited to maximum 250mm opening.

Planning comment and resolution: For level 01, it is considered that this has partially resolved the privacy concerns raised by NIDA however a condition is added requiring that the louvres be arranged to not allow for any direct outlook towards the library and teaching facilities. For levels 02 to 06, the 1.6m high obscured glazing and 250mm maximum opening were originally recommended as a condition of consent, however upon review the proposed treatment to 1.6m is not considered sufficient as they will prevent overlook however not a horizontal view across to the neighbouring site. As such a condition is recommended requiring the obscured glazing be increased to 1.8m in height with a maximum opening of 250mm for levels 02 to 06. For levels 07 to 10, it is considered that overlooking in a downward direction should be subject of additional privacy measures requiring 1.6m high obscured glazing with a maximum opening of 250mm.

Building C:

The applicant proposes bricking up the north facing windows of building C.

Planning comment: The additional privacy measures provided for building C northern elevation are considered sufficient however there are concerns with the following parts of Building C:

- First floor communal terrace outlook to the west towards the library and teaching rooms.
- Level 02 to level 06 west facing windows for the northern most student rooms.

To address the above, it is recommended that condition 2 require, a louvred screen to the west face of the first-floor communal terrace for a length of 3m from the northern corner of the

terrace and for level 02 to level 06 the west facing windows of the northern most student room must incorporate a 1.8m high obscured glazing opening.

Resolution: The issue may be resolved subject to conditioning.

5.7 Design excellence.

The applicant has responded on two occasions to the DEAP comments. The first of which made the following changes:

- Reducing the height of Buildings A and B,
- For the civic space, increasing the depth and demonstrating flexible uses,
- For the terminating end of the civic space that is the Building A podium, a more memorable built form has been provided using materiality to the bookend Scientia building at the eastern end of the main campus university walk,

Further advice was provided by the panel on the amendments made, acknowledging the above changes and requiring the following matters for consideration by the applicant:

- The increased footprint of building A and the perceived increase in the bulk of building A when viewed from the south,
- Usability of the civic space for various uses, and
- Buildings A and B having a similar size and scale creating a monolithic appearance and identifying opportunities to lessen their homogeneity by employing aesthetic elements of design and treatment to differentiate between the two buildings.

The applicant submitted amended documentation in response to the DEAP providing the following:

- Demonstrated the capacity of the civic space to cater for multiple uses such as events, markets and normal everyday modes;
- Accessibility to toilets, pathways, storage and services such as Wi-Fi.
- Differentiated and reduced homogeneity between building A and B by:
 - Deleting a level off Building B which now has a scale that is roughly two storeys lower than building A,
 - Introduced a vertical split in Building A form,
 - Slight differences in colour pallet for each building, and
 - Use of glazing only for the enclosed roof terrace of building A.

Resolution: The incorporation of design changes to development whilst improving its design and contributing to design excellence are not considered to have adequately resolved the concerns regarding the significant height of buildings A and B, which will dominate the site and adjoining buildings that will detract from the existing and desired streetscape character also result in adverse visual bulk and overshadowing of the surrounding low-density area.

5.8 Part E2 Specialised Health and Education Precinct

This DCP is applicable to the subject site by virtue of its location within the UNSW Campus. The DCP contains a range of and campus design principles, performance criteria and provisions designed to shape the campus experience. Specifically, the 10 design principles are as follows:

- *Section 4.2.1 Sense of place*

- *Section 4.2.6 Buildings*
- *Section 4.2.10 Transport.*

The following information is provided in relation to the relevant aspects of this part of the DCP:

Section 4.2.1 – Sense of Place

- *The objectives of the DCP are to create a strong sense of place for the campus which relates to both its prominence and character within its local context, and to particular characteristic features or spaces on the campus itself, which are valued and draw people to the campus, extend their stay, increase their sense of connection, linger in their memory, and increase their pride in the campus.*
- *Create a sense of place which maximises the character of the campus but also ensures that it is seamless in terms of its public domain spatial structure and accessibility to/from its local neighbourhood.*
- *Establish a sense of place which emphasises arrival, memorable buildings and landscapes, vistas, topography, vegetation, a legible, safe and “green” campus, and a wide variety of culturally relevant and inspiring public art.*

The DCP controls provides for new small footprint towers, of quality architecture and appropriate form, sited to avoid adverse environmental effects, to mark the UNSW gateway at University Mall, including icon building.

Planning comment: The reduced heights of Buildings A and B towers are acknowledged as partially reducing the size and scale of the development and adverse environmental impacts; however the building A footprint has increased, which reduces separation between buildings A and B, reduces southern side setbacks continuing to result in considerable overshadowing of properties to the south as well as reducing solar access to the north facing windows within building A .

The amended scheme also results in additional visual bulk especially when viewed from the south and southwest angles from the pedestrian level and from the vantage points of lower density residential development.

The proposed towers continue to contain a significant size and scale that dominates the surrounding development, the skyline and the subject site.

The proposed development contains buildings setback from Anzac Parade providing a Civic space forming an extension of the University Mall thus uniting the divided campus. However, the sheer height of buildings A and B are considered inordinately high in comparison with the height of buildings within the main campus and the surrounding area. Whilst the proposal contains buildings D and E which are sited and have a size and scale that is seeks to transition down to the low-density zone, the sheer size and scale of the towers relative to the height of buildings D and E is abrupt and erodes the transitioning down of built form achieved by buildings D and E.

Section 4.2.6 - Buildings

The objectives of this part of the DCP are to:

Ensure that buildings are exemplars of excellent design for a university, benefiting all students, staff and visitors, optimizing Campus Experience, and teaching by example to the broader community.

Optimise design quality of buildings through alignments, heights and scale which contribute to the overall campus-built form and public domain pattern. heights that:

- *create campus edge conditions compatible with the desired future adjoining-built form.*
- *relate to the scale, use and optimal amenity of*
- *campus public domain*
- *relate to the desired sense of place for the campus.*
 - *orientation which facilitates passive solar design*
 - *footprints/bulk which relate to their function, internal amenity, efficiency and optimal energy performance.*
 - *“Safety by design” principles*
 - *transparent and activated facades, especially on the ground floor, and visible through routes.*

Section 4.2.6 of the DCP acknowledges that Anzac Parade can visually support taller buildings along the main street to wall heights of 24m, with a visual transition between heights of buildings on Anzac Parade and the heights of buildings ‘behind’ the main street to a maximum of 12m within 30m of the rear boundary to the west adjoining low density residential properties.

Buildings A and B

The changes made to buildings A and B heights are encouraged, however the continued pursuit of building parapet heights of 53.7m and 46m are significant breaches of the DCP control when considered in the context of the site and surrounding area that includes Anzac Parade, and the low-density zone to the west.

The adverse impacts resulting from the exceedances are discussed in other sections of this report and include:

- Visual bulk and amenity
- Overshadowing
- Rendered images from surrounding area show that the proposed buildings will inappropriately compete with the main UNSW library as a signpost to the university and would also be anticipated to be visually prominent from surrounding Heritage Conservation Areas.
- Incompatible scale with adjoining buildings such as the NIDA building, New College building all of which have been designed to be compliant with the wall height or at least near compliant.

Allowing for buildings to these heights would lend support to undesirable precedents for similarly scaled built forms on the adjoining sites and others on the opposite side of the UNSW campus. This will have the effect of transforming the character of the area, resulting in adverse visual bulk impact on the Anzac Parade streetscape and the neighbouring low-density zone to the west.

Buildings C, D and E

The heights will also be inconsistent with Council's Gateway determination sought for its planning proposal which reaffirms the 24m maximum building heights as suitable for the site and the surrounding area.

The proposal is accompanied by an Architectural Design report, which verifies that despite certain variations proposed to the proposed development for building C, D and E along the perimeter they are generally consistent with the objectives of the DCP and LEP height standards. In particular, whilst building C along Anzac Parade has a height that exceeds the maximum 14m control in the DCP, it is positioned and aligned with the higher built form of the adjoining NIDA building ensuring a consistency of built form and character along Anzac Parade. These permitter buildings heights are suitable for the site and surrounding area and therefore sustainable.

Resolution: The issue has not been resolved with particular regard to Building A and B and accordingly, warrants the Panel's consideration for refusal of the application

Section 4.2.10 Transport and Parking

Section 4.2.10 of the DCP acknowledges the intention to reduce private vehicle usage and dependence and improving public transport infrastructure over time and in accordance with the Transportation Strategy prepared for the UNSW Campus. The site is currently serviced by excellent bus services and the Eastern Suburbs Light Rail connection contributes to this end.

The proposal replaces the 220 parking spaces currently on site with basement parking, which is to be operated by the UNSW (as a sub lease from the operator of the campus student accommodation - Iglu).

The DCP requires a parking impact assessment for development within UNSW, however one has not been provided with the application noting that for past applications, 1 space has been required for every 15 residents in campus student accommodation. This would require 63 spaces for the proposed 953 occupants within the campus student accommodation.

Several submissions have been received from neighbouring properties raising concerns that that the proposal will result in significant demand for on street parking and traffic in the surrounding area. Further, NIDA has raised concerns that there is a level of uncertainty relating to its existing arrangements with the UNSW regarding the changes to the existing parking arrangements which have operational and financial implications. NIDA raises the point that under DA/1639/1999 - a consent for an additional/enlarged theatre at the time – by condition an agreement was reached with UNSW for parking (in the main campus) to be provided in association with this use. In any event, NIDA have been using the subject car park for patrons noting that several developments within the main campus have removed the historical spaces referenced in the condition.

Whilst it is acknowledged that student parking demand is generally low and lessened to an extent by the proximity of student housing to the campus, Council recommends that if the proposal is approved, then conditions having the effect of the following may assist in demand managing parking:

- Prohibit the use of parking by the residents of the campus student accommodation in the interests of reducing the potential for parking currently available to NIDA and preventing capacity loss as a result of accommodation residents taking up parking.

- Provide for EV charging points within the basement to be consistent with the ESD outcomes stated by the applicant.
- Provide motorcycle spaces to service less intense modes of transport.
- Provide for 2 car share spaces noting that this enables an improved parking efficiency.

Northern easement

The proposal as lodged maintained the 6.875m wide easement enjoyed by NIDA inclusive of providing a service turning bay within Building B at ground level to enable most vehicles to enter and exit the site in a forward direction. NIDA raised several concerns regarding the proposal as lodged notably:

Loss of the car park and entry off Day Avenue for which NIDA has used for a considerable time will result in extreme operational and financial losses unless the width of the easement is increased to enable the following:

- Dedication of parking as discussed in the earlier part of this key issue.
- Easement is widened to enable all vehicles (excluding semi-trailers) to enter and exit in a forward direction.
- Adequate turning circle at the western end for pedestrian drop off.

The applicant has amended their application, by:

- Shifting building B further south increasing the width from 6.875m to 10m to enable most vehicles to enter and exit in a forward direction including HRV, but not semi-trailers that would require these vehicles to back onto Anzac Parade assisted by traffic controllers.
- Provided a 3m wide colonnade alongside Building B for pedestrian access.

NIDA has made further submissions raising concerns with the aforementioned amendments as follows:

- The existing cross over width doesn't allow for HRV to exit the site conveniently requiring them to drive over the existing kerb in front of NIDA raising safety concerns for NIDA staff and pedestrians and TfNSW is unlikely to provide consent for the cross over to be increased in width.
- The separation should be increased to 14-18m to enable semi-trailers to enter and exit the site in a forward direction and maintaining the 10m width will require traffic control making it a safety risk for NIDA staff and the public.
- NIDA maintains that a turning circle should be provided at the western end, for drop off and pick up.

The applicant is not seeking to make any further changes to the application. However, additional correspondence has been submitted showing that HRV vehicles can exit the site in a forward direction without driving over the kerb opposite NIDA and therefore not require an increase in cross over width because the design of the light rail opposite the easement was specifically constructed to enable HRV to use the light rail lane without conflicting with the cross over.

Semi-trailer access: The applicant indicates that Semi-Trailer truck access will continue in line with current arrangements noting that these trucks are not commonly required to access the site and that NIDA may have to secure their own approvals from TfNSW as required.

Planning comment: NIDA has been using the associated car park for this purpose for a considerable period of time and forms a necessary function albeit not as intense as HRV vehicle access and therefore provisions should be made for providing semi-trailer access. In addition, the planning proposal currently with the department indicates that a separation of 18m would assist in providing a shared pedestrian vehicle area between the subject site and NIDA that will assist in activating the whole of the UNSW western campus.

Requiring a space for drop off and pick up and a turning circle is not considered a mandatory requirement, noting that this element did not form a part of the site or under previous consents.

Resolution: The issue of parking demand management may be resolved through recommended conditions of consent; However, the recommended increased separation of building B from the NIDA boundary for semi-trailer access has not been resolved and will not be consistent with the future planning for the site and the Western campus planning proposal.

6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following an assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report with particular regard to impacts associated with the excessive height of Buildings A and B, it is considered that the application cannot be supported. The reasons for refusal have been provided Attachment A.

There are key issues relating to privacy, access, parking restrictions and payment of contributions as outlined in Section 6 may be resolved through conditions.

7. RECOMMENDATION

That the Development Application [DA No 168/2023] for demolition (220 space car park) and construction and use of five (5) buildings for mixed uses including student accommodation, UNSW university space, retail, communal and publicly accessible open space (West Mall), and basement car parking at 215B Anzac Parade be REFUSED pursuant to Section 4.16(1)(a) or (b) of the *Environmental Planning and Assessment Act 1979* subject to the reasons for refusal attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: Reasons for refusal
- Attachment B: Architectural Plans and Amended Landscape plan.
- Attachment C: Clause 4.6 Request
- Attachment D: Tables of Compliance
- Attachment E: Additional HRV cross over Traffic Letters
- Attachment F: Traffic Assessment Report
- Attachment G: Acoustic Assessment Report
- Attachment H: Wind Design Review
- Attachment I: Internal referrals
- Attachment J: TfNSW conditions
- Attachment K: Water NSW condition
- Attachment L: Sydney Airports.