

Joint Regional Planning Panel (Sydney East Region)

JRPP No.	2011SYE075
DA No.	DA/494/2011
Local Government Area	Randwick City Council
Proposed Development	Construction of an 8-storey student accommodation development comprising 399 beds, ground floor retail units, basement car parking for 77 vehicles, landscaping and associated works.
Street Address	330 Anzac Parade, Kensington NSW 2033 (UNSW)
Applicant	Brookfield Multiplex Constructions
Owner	UNSW
Number of Submissions	Two (2) submissions
Recommendation	Approval subject to conditions
Report By	Simon Ip, Senior Planning Officer

1. Executive Summary

Council is in receipt of a development application proposing the construction of an 8-storey student accommodation development comprising 399 beds, ground floor retail units, basement car parking for 77 vehicles, landscaping and associated works at the UNSW Kensington Campus.

The application is referred to the Joint Regional Planning Panel for determination pursuant to Clause 13B(1)(a) of State Environmental Planning Policy (Major Development) 2005 as the development has a capital investment value in excess of \$10 million.

The subject application was advertised and notified from 13 to 27 July 2011 in accordance with Development Control Plan – Public Notification of Development Proposals and Council Plans. A total of two (2) submissions were received at the conclusion of the public consultation process. The issues raised in the submissions are primarily related to adequacy of car parking provision, reduction of kerb side parking supply in the surrounding areas and internal amenity.

Under the provisions of the Civil Aviation (Buildings Control) Regulation, concurrence of the Sydney Airport Corporation Ltd. has been granted to the proposal subject to their recommended conditions.

The application has been referred to the Design Review Panel for comments and design inputs. The key recommendations are relating to internal amenity and have been incorporated in the revised design scheme, which forms the subject of this assessment.

The subject site is zoned Special Uses No. 5 under Randwick Local Environmental Plan 1998 (Consolidation). The development involves the provision of student accommodation with supporting retail units and car parking, which will be ancillary to the primary educational function of the Kensington Campus. The proposal is considered to be consistent with the zoning objectives.

The UNSW Kensington Campus DCP applies to the proposed development. The proposal satisfies the key planning principles and controls in the DCP in terms of increasing on-campus residential accommodation, providing retail and ancillary services, enhancing campus accessibility and legibility, creating communal interaction spaces, retaining significant trees, maximising energy efficiency and encouraging sustainable modes of transport.

The proposed development has a maximum height of approximately 26.6m (top of wall) to 28.6m (top of rooftop plant). Although the proposal deviates from the 24m wall height control of the DCP by 2.6m, the overall height and scale of the building are commensurate with the recently completed student housing development on the eastern side of Gate 2 Avenue ("The Village"). The retail uses at ground level require a higher 4m floor to ceiling height given their

functional needs, which contributes to the greater overall building height. The proposal is considered to be compatible with the emerging character of High Street and does not result in detrimental streetscape impacts.

The design scheme has adopted a two-block solution where the building mass is divided by podium courtyards to avoid a monolithic appearance and to maximise solar access to the individual units. The facades are adequately articulated and will enhance activation and casual surveillance of the surrounding areas. The development will contribute to a high quality urban design outcome.

The proposal will not result in unreasonable shadow impacts on the surrounding areas. The internal common areas and dwelling units will enjoy satisfactory amenity.

The proposed development will eliminate an existing surface car park on the site, which contains 126 spaces. However, this loss will be partially compensated by the proposed basement car park with 77 spaces.

Council has received a development application for the provision of an interim surface car park at the G2 site in the Western Campus. This facility will increase the parking capacity in the Western Campus by 137 spaces. Upon completion of the subject student housing development and the G2 interim car park, there will be a net positive balance of 88 car spaces. It is considered that there will be sufficient car spaces to cater for the needs of the University and no unreasonable impacts on the locality will result.

It is expected that the G2 car park will be used until such time when a redevelopment strategy is prepared and implemented. The Kensington Campus DCP requires campus redevelopment to relocate surface parking under new buildings or within structured car parks. It is anticipated that a suitable level of parking, dependent upon car usage rate at that time, would be accommodated in any redevelopment of the G2 site.

The applicant has submitted a Travel Survey of the University staff and students, which demonstrates a trend towards reduced personal motor vehicle dependency to and from the campus, and an uptake in public transport usage over the past five years.

For the above reasons, the proposed car parking arrangement is considered to be satisfactory.

Council's Section 94A Development Contributions Plan applies to the proposal and a monetary levy of \$510,400 is required. The UNSW disputes the imposition of the levy and does not agree to the applicability of the Section 94A contribution, and is in the process of preparing a submission outlining their case to the JRPP. It should be noted that the draft condition requiring Section 94A contribution is still maintained in the "Recommendation" of this report.

In addition, the UNSW and Council have disputed over the requirements of a number of engineering conditions. In particular, there are standard engineering conditions requiring the reconstruction of kerb and gutter, footpaths, vehicular crossings, etc. along the High Street frontage of the site, as well as requiring any electricity substation to be located within the site and screened from view. The UNSW has requested the deletion of the above conditions, which is not supported by Council. These conditions will remain in the "Recommendation" section of this report. There is also minor disagreement to the wording of some of the engineering conditions, including matters relating to the timing when details of basement waterproofing and landscape plans are to be prepared and submitted. The matters in dispute are discussed in detail in the "Engineering Referral" section of this report.

The proposal satisfies the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, and is recommended for approval subject to conditions.

2. Description of Subject Site and Locality

The subject development site is located within the UNSW Kensington Campus at the western corner of High Street and Gate 2 Avenue. The site has a rectangular configuration and land area of approximately 4500m². The topography of the site is generally flat with change of level of approximately 700mm.

At present, the site accommodates a hard stand car park and is traversed by First Avenue East that links Gate 2 Avenue in the east to International Road in the west. There is a row of mature fig and gum trees along the northern site boundary and scattered vegetation adjacent to the eastern and western boundaries.

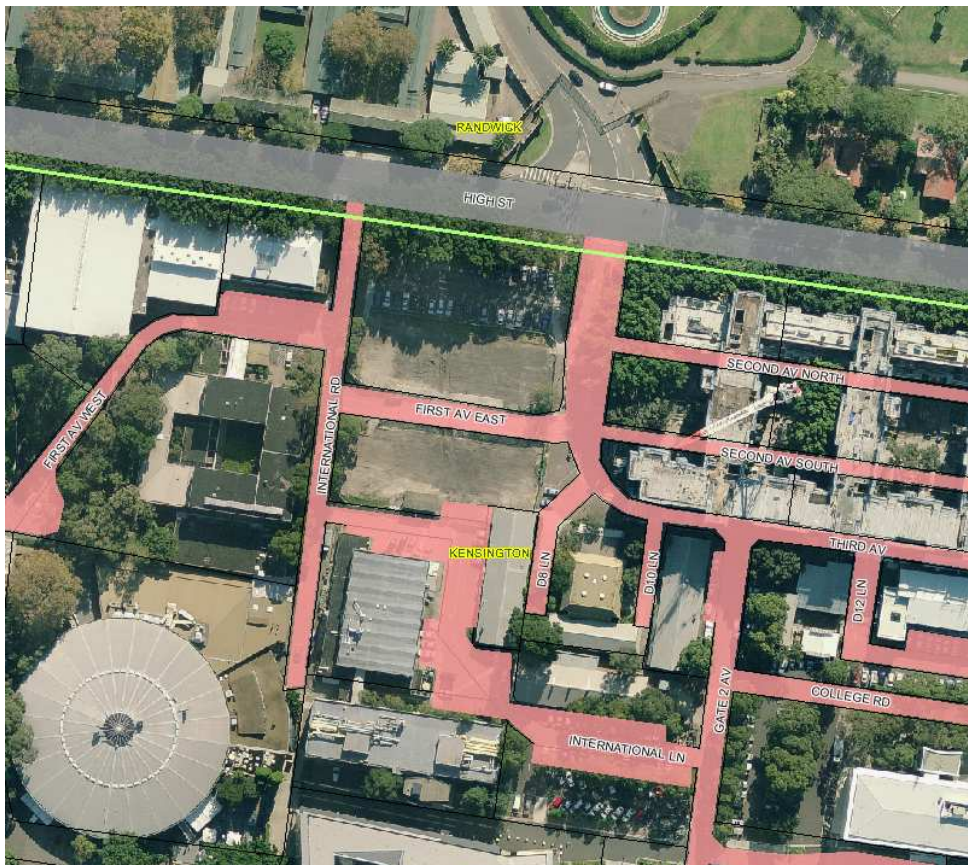
The site is adjoined to the east, west and south by student accommodation, sports facilities and institutional buildings associated with the University. To the north of the site on the opposite side of High Street is the Randwick Racecourse.



The subject site as viewed from the opposite side of High Street



The existing mature trees along the northern boundary of the site to be retained in the proposal



Aerial view of the subject site and surrounding built environment

3. Proposed Development

The proposal is for construction of an 8-storey student accommodation development comprising 399 beds, ground floor retail units, basement car parking for 77 vehicles, landscaping and associated works.

4. Site History

4.1 Application history

The UNSW campus has been the subject of a series of facility upgrade and development works. The following development applications are relevant to the current proposal:

DA/385/2011	Site preparation works for facilitating future student accommodation development, including demolition of surface car park, partial removal of vegetation, installation of perimeter piles, excavation, removal of contaminated fill, construction of hoardings, provision of site facilities and temporary connection to services. The above development proposal is directly related to the subject application and was approved by Council's Planning Committee meeting on 12 July 2011, subject to conditions.
DA/259/2011	Construction of an interim surface car park with 163 spaces and associated works at the Western Campus of the UNSW. The proposed car park will provide 163 surface parking spaces including 2 accessible bays. The new parking area will displace 26 existing parking spaces, and will therefore result in a net increase in parking of 137 spaces only, adjacent to the existing 104 parking spaces currently available south of the development site. The assessment of the above development application is being finalised by Council at the time of the preparation of this report.

4.2 Plan amendments

Revised drawings and additional information addressing issues raised by the Design Review Panel and Council were submitted on 29 August 2011. The design changes primarily relate to improvements to internal amenity and energy efficiency.

5. Notification and Advertising

The subject application was advertised and notified from 13 to 27 July 2011 in accordance with Development Control Plan – Public Notification of Development Proposals and Council Plans. The following submissions were received at the conclusion of the public consultation process:

- 10 Inglethorpe Avenue, Kensington
- Kensington Precinct Committee

The issues raised in the submissions are addressed as follows:

Issues	Comments
At present, the subject site is occupied by a car park for visitors and students. The proposed development would eliminate this facility and reduce parking for the university campus. Although the application argues that a temporary car park will be provided within the Western Campus (known as the "G2" site), this parking facility may eventually be lost when the land is redeveloped in the foreseeable future.	The proposed development will eliminate an existing surface car park on the site, which contains 126 spaces. However, this loss will be partially compensated by the proposed basement car park with 77 spaces. Council has received a development application for the provision of an interim surface car park at the G2 site in the Western Campus. This facility will increase the parking capacity in the Western Campus by 137 spaces.

Issues	Comments
The proposal appears to meet the parking requirements of the DCP – UNSW Kensington Campus. Notwithstanding, it appears that overseas students have higher car ownership capability and the university only grants parking permit on a selective basis. The application states that the car usage rate of students has dropped from 2007 to 2011. However, it fails to mention the growth in student numbers during the same period. Overall, parking demand may have been increased. The proposal will result in congestion and loss of kerb side parking spaces in the locality. Additional off-street parking should be provided in the development.	Upon completion of the subject student housing development and the G2 interim car park, there will be a net positive balance of 88 car spaces. It is considered that there will be sufficient car spaces to cater for the needs of the University and no unreasonable impacts on the locality will result. It is expected that the G2 car park will be used until such time when a redevelopment strategy is prepared and implemented. The Kensington Campus DCP requires campus redevelopment to relocate surface parking under new buildings or within structured car parks. It is anticipated that a suitable level of parking, dependent upon car usage rate at that time, would be provided in any redevelopment of the G2 site. The applicant has submitted a Travel Survey of the University staff and students, which demonstrates a trend towards reduced personal motor vehicle dependency to and from the campus, and an uptake in public transport usage over the past five years. The applicant has confirmed that student enrolment number in 2011 (45,870 students) has actually fallen from that in 2010 (46,279 students) (letter from Urbis dated 17 August 2011). The proposed parking provision is considered to be satisfactory and will not result in detrimental impacts on the surrounding areas. Refer to the “Environmental Assessment” section for details on parking assessment.
Bus services should be provided at Gate 2 Avenue.	An existing bus stop is located on the northern side of High Street opposite to the subject site. A number of bus routes with connection to the CBD are also available along Anzac Parade within walking distance from the site. The site is considered to be highly accessible and is suitable for the intended student accommodation use.
Suitable transport should be provided for the construction workers to reduce car reliance.	The application has included a Traffic Management Plan for Construction (Early Works). Section 5.10 of this plan provides that: <i>“All workers and sub-contractors employed on the site will be required to undertake an induction program prior to the undertaking of any task. During the conduct of this program, participants will be advised that parking will not be provided on-site and that limited parking is available on the surrounding streets. It will be recommended to all participants that they utilise the public transport system wherever possible for trips to / from work. To facilitate such use, all participants will be provided with a copy of</i>

Issues	Comments
	<i>the Sydney Buses Transport Access Guide map for the UNSW."</i> A condition is recommended to ensure the above management measure is implemented.
The size of the dwelling units is too small.	The proposal is for student accommodation purposes. Each dwelling unit is provided with private toilet and kitchen facilities and a balcony. The configuration and size of the dwellings are considered to be satisfactory for their intended uses.
The proposal does not appear to have provided adequate communal dining and lounge areas.	Adequate communal courtyards, meeting rooms, lounges, function hall and common kitchen have been incorporated in the development.
It is unclear as to whether an on-site manager will be present at the premises.	The development application does not nominate any resident caretaker. The day to day management of the student accommodation facility, including registration, cleaning and maintenance, will be run by the University management.
There are concerns that the proposed accommodation would not be affordable for students.	The proposed dwelling units have been specifically designed to offer affordable on-campus accommodation for students.

6. Technical Officer and External Referral Comments

6.1 Development Engineer and Landscape Development Officer

The subject application has been referred to Council's Development Engineering Section for assessment.

The stormwater management plans have been reviewed. The hydraulic design is considered to be generally satisfactory subject to the recommended conditions, which require the submission of additional details for approval by the relevant certifying body and Council.

The traffic and parking implications of the development have been assessed. The details are presented in the "Environmental Assessment" section of this report.

The proposed development is not considered to have adverse implications on the mature gum and fig trees located along the northern extremity of the site, which have been designated for retention in Development Consent No. 385/2011. Specific landscaping and tree management conditions have been included in the "Recommendation" section of this report.

The draft engineering conditions have been discussed with the applicant. The UNSW and Council have dispute over the requirements of a number of engineering conditions. The matters in dispute are summarised below:

Condition	Requirements of condition	Comments
16	Construction of new kerb and gutter, footpaths, (part of) roadway and crossings along the High Street frontage of the site.	UNSW requests that this condition be deleted. Council officer considers this condition as being standard in nature and is appropriate given the significant scale of development involved.

Condition	Requirements of condition	Comments
		Upon site inspection, it is also noted that part of the kerbs and gutters at the site frontage are in poor condition. Parts of the footpaths have been affected by tree roots and are uneven. The requirement should be adhered to. This condition will remain in the "Recommendation" section of this report.
17	The existing driveway from International Road to High Street is to be signposted and line marked for traffic conditions during construction.	Council officer considers that the signs and line marking should remain in place until such time when it ceases to be an internal road. The above requirement will be included in Condition 17.
29	Any electricity substation is to be located within the site and be screened from view.	UNSW requests that this condition be deleted. Council officer considers this condition as being standard requirement. This condition will remain in the "Recommendation" section of this report.
42	Details of proposed water proofing to be provided to Council prior to the commencement of site construction works.	UNSW requests deletion of references to <i>"prior to the commencement of site construction works"</i>. Council officer considers the timing for the submission of the required documents should be made clear. The wordings in question will remain in the condition.
46	Landscape drawings to be submitted to certifying body prior to commencement of site construction works.	UNSW requests that the landscape plans be submitted "prior to the commencement of landscaping works". Council officer maintains that it is appropriate for the landscape design documents to be prepared and submitted prior to the commencement of construction works. The wordings in the condition will adhere to this timing.

6.2 Environmental Health Officer

The subject application has been referred to Council's Environmental Health Officer for assessment. The comments provided are extracted below:

Contamination

Contamination issues have been assessed as part of DA385/2011 for preparatory works for the site. Appropriate conditions have been incorporated to address the contamination issues in terms of the sensitive use proposed.

Separate Tenancy Uses

A condition should be included addressing future tenancies in commercial areas with a requirement for a development application.

Acoustics

A specific requirement for acoustic treatments of units and noise criteria has been implemented and is included in this report.

Rainwater Tanks / Air conditioning (to units)

Standard conditions for rainwater tanks and air conditioners should be included by the planner if applicable.

6.3 Building Surveyor

The subject application has been referred to Council's Building Surveyor for assessment. The comments provided are extracted below:

BCA Building Classification

Class 2 – Multi unit housing

Class 5/6 – offices/shops

Class 7a – basement car park

Description of the Building

In summary, the building incorporates:

- *A 'rise in storeys' of eight (8)*
- *Concrete floor, walls and roof*
- *Four exit stairways of concrete construction*
- *External balconies*

Key Issues

Building Code of Australia (BCA):

Full details of compliance with BCA and fire safety provisions are not included in the DA documentation and therefore further detailed information is required to be incorporated in the documentation for a construction certificate.

Site Management:

Standard conditions are proposed to be included in the consent to address construction site management issues, such as the location of stock piled material or the storage and disposal of excavated materials, sediment and erosion control, public safety and perimeter safety fencing.

Planning Officer's comments:

The BCA classification for the proposed development will be discussed under the "SEPP: BASIX" section of this report.

6.4 Design Review Panel

The proposed development is for the construction of a student accommodation facility associated with the university and is not defined as residential flat building under SEPP No. 65 Design Quality of Residential Flat Development. Nevertheless, the proposal has been referred to the Design Review Panel (DRP) for comments and design inputs in two occasions. The initial pre-lodgement design scheme was referred to the DRP in June 2011. The subject development application was referred to the Panel again in August 2011. The key issues identified by the Panel are addressed as follows:

Context

- *The relationship to the new student housing to the east is very important. The Panel prefers the option with a continuous footpath within a colonnade, supported by active frontages to give life to the space. The footpath could be wider.*

Comments:

A continuous colonnade will be provided along the western side of Gate 2 Avenue. The footpath has a clear width of approximately 2.6m to 4.1m. Retail shopfront will be provided to activate Gate 2 Avenue. The development scheme will enhance pedestrian permeability and safety of the area.

- *To the north, the frontage to High Street is very important for presenting a positive face for the University, to what will become an increasingly active and inhabited street. Retention of the mature trees in good health is critically important.*

Comments:

The mature fig and gum trees along the northern extremity of the development site will be retained. The development will improve the definition of High Street with an articulated built form and active frontage.

- *To the west a new pedestrian walkway is proposed along International Road. This footpath will be the address for International House and lead to the Round House.*

Comments:

The proposal includes a new pedestrian walkway along the eastern side of International Road, which will improve pedestrian access to the other facilities within the campus.

Scale

- *In the Panel's opinion the 8-storey scale proposed is generally consistent with the scale proposed in Campus 2020, although due to the higher ground floor, the building exceeds the 24m height. Except for possibly the overshadowing to the south and the neighbouring colleges, the scale is considered acceptable.*

Comments:

The proposed height and scale are considered to be commensurate with those of the recently completed student housing development to the east ("The Village") and are appropriate to the locality. The proposal will not create unacceptable shadow impacts on the surrounding areas. Refer to the "Environmental Assessment" section of this report for details.

Energy efficiency

- *There remain opportunities to incorporate clerestory lighting to the majority of the top floor bathrooms, and some common areas.*

Comments:

The design scheme does not include clerestory windows and skylights on the roof for the following reasons:

- The provision of clerestory windows and skylights would restrict the location of rooftop installations, which are intended to be setback from the edges of the building.
- All of the proposed dwelling units have shallow layouts and adequate window openings. The units will enjoy satisfactory natural ventilation and at least ambient day lighting. The provision of skylights to the top floor level would only have minimal improvement to the overall energy consumption.
- The provision of skylights to closely located small dwelling units presents significant difficulties for fire separation.

The proposal in its current form is considered to be satisfactory.

Amenity

- *The corridor [within the southern block at level 1] is long and internalised – breaks would significantly improve its character and performance.*

Comments:

The eastern and western ends of the corridor (within the southern block at level 1) have been widened to improve amenity.

- *The Type A rooms on the north-east and north-west corners within the courtyard have compromised privacy due to the step in the corridor.*

Comments:

The units at the north-eastern and north-western corners facing the internal courtyard have been reconfigured to minimise overlooking from the common hallway.

- *The rooms on the northern and southern end corners could enjoy two orientations with an additional window / slot.*
Comments:
The revised design scheme has included additional windows for the corner units to create dual-aspect and enhance cross-ventilation and natural lighting.
- *On rooms between grid lines G and N facing the courtyard are the most challenged in terms of privacy and minimal winter sun.*
Comments:
Detailed 3-dimensional shadow diagrams have been submitted demonstrating that satisfactory levels of solar access will be achieved for those units facing the internal courtyard.

Aesthetics

- *The south façade and internal arrangements would benefit from slots / articulation like the other façade.*
Comments:
Vertical slots have been incorporated to provide additional articulations to the southern façade.

6.5 Roads and Traffic Authority

The application was referred to the RTA for comments on 5 July 2011 in accordance with the provisions of State Environmental Planning Policy (Infrastructure) 2007. No comments have been received to date. Refer to the “SEPP” section of this report for further details.

6.6 Sydney Airport Corporation Ltd.

Under the provisions of the Civil Aviation (Buildings Control) Regulation, the concurrence of the Sydney Airport Corporation Ltd. (SACL) is required as the proposed building has a maximum height in excess of 15.24m above existing ground level and may fall within the Conical Surface of the Obstacle Limitation Surfaces for Sydney Airport.

A letter has been received from SACL advising that no objections are raised against the proposal, subject to the recommended height restrictions and construction management requirements. These requirements have been incorporated in the “Recommendation” section of this report.

7. Relevant Environmental Planning Instruments

7.1 State Environmental Planning Policy (Major Development) 2005

The provisions of SEPP (Major Development) 2005 apply to the proposed development as its capital investment value is in excess of \$10 million. In accordance with the requirements of Clause 13B(1)(a), the submitted proposal is classified as ‘regional development’ with the determining authority for the application being the Joint Regional Planning Panel (Eastern Region). The submitted application will therefore be referred to the Joint Regional Planning Panel for determination in accordance with the applicable provisions of the SEPP.

7.2 State Environmental Planning Policy (Infrastructure) 2007

Clause 104 and Schedule 3 of the SEPP stipulate that developments for the purpose of educational establishment with a capacity of 50 or more students and access to any road will need to be referred to the RTA. The application was referred to the RTA on 5 July 2011. Despite a number of attempts at obtaining comments from the RTA, no response has been received to date.

Clause 104(3)(b)(i) requires the consent authority to take into consideration any submission that the RTA provides within 21 days after a referral notice was given. This 21-day period has long expired and it is not mandatory for the consent authority to consider inputs from the RTA, which in fact have not been given.

7.3 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The proposed development comprises self-contained dwelling units. There is a question of whether the residential part of the development should be identified as Class 2 or Class 3 buildings under the Building Code of Australia (BCA). The SEPP (BASIX) requirements currently apply to Classes 1A, 2 and 4 buildings.

The applicant has submitted confirmation from an A1 Accredited Certifier, dated 2 August 2011, arguing that the residential elements should be identified as Class 3 in lieu of Class 2 buildings under the BCA. The relevant details are extracted below:

In the case of the subject building, the residential portion:

- (a) will be occupied by unrelated persons, being postgraduate students; and
- (b) is a place of transient living, being for periods of between 6 to 12 months.

This use fits within the general definition of a Class 3 building and more specifically, the subject building part is a "residential part of a school" which is one of the specific examples of a Class 3 building nominated in Clause A3.2. Notwithstanding that the design of the units resembles self contained dwellings, the intent of Clause A3.2 is to categorise buildings of similar risk levels based on use, hazard and occupancy. Due to the transient living use, the occupancy more closely represents the use, hazards and risks associated with Class 3 uses rather than Class 2 uses. On this basis we believe that a Class 3 classification is the more appropriate classification in this instance.

It is noted that the Class 3 classification is the more conservative interpretation particularly in relation to fire safety, i.e. Class 3 attracts more onerous BCA fire safety requirements than Class 2. Further, whilst BASIX does not apply to Class 3 buildings, the building is still required to comply with the Energy Efficiency provisions of BCA Section J as a Class 3 building.

It is considered that the reasons given in the letter is well justified and the BASIX requirements should not apply to the proposal. Notwithstanding, the proposed development will still be required to comply with the energy efficiency provisions under Section J of the BCA (note: BCA version 2011 is known as National Construction Code NCC).

7.4 State Environmental Planning Policy No. 55 Remediation of Land

SEPP No. 55 aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

The Waste Classification Assessment report, prepared by Coffey Environments, dated 13 January 2011, and submitted with the previous development application (385/2011) for early works associated with the subject development, indicates that the landfill materials on the site contain asbestos. Specific conditions are recommended to ensure that the contaminated materials are adequately disposed of and that the land will be suitably remediated. Refer to the comments from the Environmental Health Officer for further information.

7.5 Randwick Local Environmental Plan 1998 (Consolidation)

Clause 17 Zone No. 5 (Special Uses Zone)

The subject site is zoned Special Uses No. 5 under RLEP 1998 (Consolidation). The proposed development is for the provision of student accommodation with supporting retail units and car parking, which will be ancillary to the primary educational function of the Kensington Campus. The proposed land use is therefore defined as educational establishment and is permissible within Zone No. 5.

The zoning objectives listed under sub-clause (1) are addressed as follows:

- (a) *To accommodate development by public authorities on publicly owned land, and*
The proposal is initiated by a public university on land owned by the Crown.
- (b) *To accommodate development for educational, religious, public transport or similar purposes on both publicly and privately owned land, and*
The proposal will provide student accommodation and retail services, which will be associated with and ancillary to the tertiary educational use of the university campus.
- (c) *To enable associated and ancillary development, and*
The proposal will provide student accommodation and retail services, which will be associated with and ancillary to the tertiary educational use of the campus site.
- (d) *To allow for a range of community uses to be provided to serve the needs of residents, workers and visitors, and*

The proposal will provide student accommodation, including small scale retail units and supporting facilities for the residents and staff. The retail units are designed to be publicly accessible.

- (e) *To allow for the redevelopment of land no longer required for a special use.*
The development site will continue to be used for education related purposes

Clause 37A Development in Special Uses Zone

Clause 37A provides that consent may be granted to the development of land within Zone No. 5 only if the consent authority is satisfied that the proposal is compatible with the character of the locality, and will not adversely affect the amenity of nearby and adjoining development.

The development site is surrounded by student accommodation, sports facilities and institutional buildings associated with the UNSW. More specifically, the areas immediately to the east have been developed with a large scale student accommodation development (known as "The Village").

The height and massing of the proposed development are compatible with the aforementioned student housing facility and will not detract from the predominant character of the campus. The proposal will retain the mature fig and gum trees along the northern site boundary. Retail uses will also be provided at ground floor level to offer activation to High Street and the internal roads. As will be discussed in the following sections, the proposed building will not result in detrimental parking and amenity impacts on the surrounding areas.

Clause 40 Earthworks

Clause 40 provides that when determining an application for the carrying out of earthworks, the consent authority must consider the likely disruption of existing drainage patterns and soil stability in the locality, and the effect of the proposed works on the likely future use of the land.

The bulk excavation works associated with the subject student housing development have been covered in the previous consent number 385/2011 issued by Council in July 2011. The required earthworks have already been assessed as being satisfactory and will not adversely affect the drainage pattern and use of the land, subject to compliance with the conditions imposed in the above consent.

8. Policy Controls

8.1 Randwick Development Control Plan – UNSW Kensington Campus

The UNSW Kensington Campus DCP applies to the proposed development. The relevant provisions of the DCP are addressed as follows:

Section	Requirement	Compliance comments
<i>Campus Design Principles and Provisions</i>		
5.1	Sustainability - Ensure new buildings target a 5-star rating under Green Star rating scheme - Increase accessible green open space	SEPP: BASIX does not apply to the subject proposal as the development is identified as a Class 3 building under the BCA. Notwithstanding, the proposal is required to comply with the energy efficiency measures stipulated in the BCA. Thermal stacks will also be installed to enhance the energy performance of the building. It is considered that a suitable level of environmental sustainability will be achieved. The proposed development incorporates landscaped courtyards at multiple levels which will be conveniently accessible by all residents. Additionally, the established fig and gum trees located adjacent to the High Street boundary will be retained. The proposed development will increase resident student population in the UNSW campus and will contribute to reduction in the

Section	Requirement	Compliance comments
Campus Design Principles and Provisions		
	- Pursue travel demand management strategies to reduce the number of vehicle trips to the campus - Increase staff and student numbers travelling on foot, by bicycle and/or by public transport	level of vehicle trips. The development site is located in close proximity to bus services. The proposal provides on-campus residential accommodation with ancillary retail services and bicycle parking facilities. The development is considered to encourage sustainable modes of transport.
5.2	Sense of place High Street: - Improve frontage with major new buildings that are to define major new gathering spaces - Variety of uses including university, housing and publicly accessible facilities - Numerous new entries to relate to public transport - Buildings to be setback to maintain existing mature trees - Building heights to optimise capacity, northern aspect and views	The proposed development will improve the definition of High Street, Gate 2 Avenue and International Road with an articulated built form and active frontages, complimented by the retained fig and gum trees along the northern boundary. The student housing development incorporates publicly accessible retail facilities and a through-site link between Gate 2 Avenue and International Road, and will contribute to creating a “hub” character. The proposed development has multiple pedestrian entries that address High Street, Gate 2 Avenue and International Road. The building is appropriately setback to enable retention of the mature fig and gum trees adjacent to the High Street boundary of the campus. The proposed building height is considered to be satisfactory and adequate level of solar access to the surrounding areas will be maintained. Refer to the “Environmental Assessment” section of this report for details.
5.3	Legibility Achieve a network of well defined major gathering spaces and a grid of smaller connective spaces which link the gathering spaces and campus entrances	The proposal includes a through-site link connecting Gate 2 Avenue in the east with International Road in the west. This through-site link is spatially aligned with the pedestrian walkway within the recently completed student housing development on the opposite side of Gate 2 Avenue (“The Village”). The UNSW has developed an internal policy entitled Urban Design Framework to guide future developments within the campus. It is noted that International Road is designated as the future “Racecourse Walk”, which is intended to carry significant pedestrian traffic from University Mall to High Street. The proposal will contribute to realising this public domain improvement direction. The development will create new pedestrian walkway and assist in the establishment of a network of legible and well defined spaces within the campus site. Improved casual surveillance will also be provided for the internal roads.

Section	Requirement	Compliance comments
Campus Design Principles and Provisions		
	- A new “High Street Square” at Gate 2 to provide a major focus for lower campus and a new gateway as a campus-community interface - Engage or terminate view corridors at the street boundary of the subject development site - Equal access to the public domain is to be achieved	The DCP identifies a new High Street Square, which falls within the boundaries of the adjoining student housing development to the east (“The Village”). The above development has created a landscaped garden flanked by retail and student facilities immediately to the east of Gate 2 Avenue, and has already addressed the requirement of the DCP in relation to the creation of new public plaza.  Existing landscaped courtyard, central walkway and café within The Village located immediately to the east of Gate 2 Avenue The proposed development is suitably articulated and will appropriately address the High Street frontage. Ramped access has been provided to the ground floor retail facilities and entry lobbies. The development will be required to comply with the accessibility requirements of the BCA.
5.4	Knowledge clusters and hubs High Street Square: With redevelopment of the area around Gate 2, a new Hub is proposed based on a new public open space, a new public room, relocation / retention / replacement of IO Myers Studio, vehicular access to the campus with short-term kerb side parking to help serve nearby sports facilities, retail facilities and a child care centre. The cluster around this hub could comprise academic and housing uses	The proposed development includes publicly accessible retail suites at ground level and a through-site link connecting Gate 2 Avenue with International Road. The proposal will contribute to the creation of a hub character around the Gate 2 area. The drawings show the indicative location of 3 kerb side parking spaces which would be provided as part of the future reconstruction of Third Avenue to the south of the site. The above element is outside the scope of the subject application. It is considered that the completion of the proposed development and reconstruction of Third Avenue would facilitate knowledge clusters in the locality.
5.5	Landscape Established fig and gum trees along the northern boundary of the development site are designated as having “highest retention priority” (Figure 5.6a)	The existing fig and gum trees along the northern extremity of the development site will be retained.
5.6	Building New buildings are to be	The location of the proposed building is generally consistent with Figure 5.8 of the DCP, with the exception that a through-site

Section	Requirement	Compliance comments
Campus Design Principles and Provisions		
	located within the building location zones identified in Figure 5.8 • Building alignment along edge street will retain significant tree plantings • The maximum wall height is up to 24m as shown in Figure 5.8. Areas above the wall height may include plant and equipment only, which is not to occupy more than 50% of the building footprint • In mixed use residential and university use buildings, a secure separate entry is to be provided for residents, to prevent unrestricted public access to private residential areas	pedestrian link in lieu of a street cuts through the development site. The configuration of the through-site link is consistent with that of the central walkway within The Village on the eastern side of Gate 2 Avenue. The design scheme is considered to be satisfactory having regard to permeability and accessibility of the campus. The existing mature fig and gum trees along the northern extremity of the development site will be retained. The basement excavation and building footprints are setback sufficiently from the root zone of the trees. The proposed development has a maximum height of approximately 26.6m (top of wall) to 28.6m (top of rooftop plant). The rooftop installations occupy significantly less than the building footprints. Although the proposal deviates from the wall height control by approximately 2.6m, the overall height and scale of the building are commensurate with the recently completed Village development on the eastern side of Gate 2 Avenue. The proposal is considered to be compatible with the emerging character of High Street and does not result in detrimental streetscape impacts. Refer to the “Environmental Assessment” section of this report for further details. Separate entry lobbies for the residential floors have been provided.
5.7	Housing • Increase university housing on and near the campus to support sustainability principles, liveliness of campus, sense of community and increased affordability • On campus housing is to be located as indicated in Figure 5.10	The proposal will increase on-campus student accommodation. The subject site is not specifically nominated for student housing purposes under Figure 5.10 of the DCP. However, the site is located adjacent to a recently completed large-scale student housing development (“The Village”), which incorporates a public square on the eastern side of Gate 2 Avenue. Furthermore, the site has convenient access

Section	Requirement	Compliance comments
Campus Design Principles and Provisions		
	• New housing is to be focused on or near a hub with activities and facilities to meet student needs well beyond 9am to 5pm • The ground levels of new accommodation buildings are to be activated with retail and services to provide active edges and passive surveillance of the public domain	to public transport and local services and is considered to be highly suitable for student accommodation purposes. The subject site is located opposite to a newly completed public square on the eastern side of Gate 2 Avenue, which is flanked by retail and student facilities. The subject proposal also contains retail units at the ground floor level. The future student accommodation will be adequately supported by local services. The proposed student accommodation will enable clustering of housing uses that maximise utilisation of student facilities, and is consistent with the strategic intent of the DCP to create activity hubs at key locations. The proposal includes retail units at the ground level of the building.
5.8	Retail and services • When opportunities arise over time, existing inappropriately located retail and services are to be relocated to hubs and the specific frontages identified in Figure 5.11 • New and upgraded child care facilities are to be provided in key locations as identified in Figure 5.11	The proposal contains retail units at the ground level that front onto Gate 2 Avenue, consistent with the requirements of the DCP. Figure 5.11 of the DCP identifies the northern part of the subject site as a potential location for child care facilities. However, the DCP does not mandate the provision of child care services on the site. The land use distribution within the campus as indicated in Figure 5.11 is indicative in nature. There are 7 existing child care centres located in proximity to the UNSW campus (refer to map below). Based on the applicant's information, these child care centres currently offer services for children ranging from 0 to 6 years old. University students and staff could utilise these existing facilities. The provision of child care services within the subject site is not considered to be appropriate as they would generate significant vehicular traffic during peak hours for children drop off and pick up, and would conflict with the high pedestrian volume in the area. Therefore, the proposal in its current form is considered to be satisfactory having regard to the provisions of the DCP.
5.9	Recreation and cultural facilities and events	Not applicable.

Section	Requirement	Compliance comments
Campus Design Principles and Provisions		
5.10	Transport and parking - Reduction in car dependency is to be achieved through: - Reduction in parking supply - Public transport upgrades - Location of university accommodation - The total number of parking on campus is to be maintained until such time as it is demonstrated through the annual parking survey that the total number may be reduced without adversely impacting on the surrounding streets - Surface parking is to continue to be relocated at basement or within structured car parks - Provision of short-stay parking on the subject site - Parking demand for new university accommodation: 1 space / 15 students or staff for accommodation at campus	The proposal includes 77 car parking spaces at the basement level. The proposed parking provision is considered to be satisfactory. Refer to the "Environmental Assessment" section of this report for details.



Existing child care centres in the vicinity to the UNSW campus (Source: Urbis)

8.2 Randwick Section 94A Development Contributions Plan

Under the provisions of the Section 94A Development Contributions Plan, effective from 2 July 2007, the following monetary levy is required:

Category	Cost	Applicable Levy	S94A Levy
Development cost more than \$200,000	\$51,040,000	1.0%	\$510,400

The UNSW disputes over and does not agree to the applicability of the above Section 94A contribution and is in the process of preparing a submission outlining their case to the JRPP. It should be noted that the draft condition requiring Section 94A contribution is still maintained in the “Recommendation” of this report.

The Section 94A levy enables Council to provide quality public facilities to meet the expectations of the existing and future population. The Plan recognises that the expected growth in population and jobs in Randwick City will be focused on the University precinct. The draft Sub-Regional Strategy confirms this and suggests at least 2900 extra jobs in the precinct over 20 years. This precinct contains almost 40% of the City’s jobs and the University is the highest employer in the City. While employment change may be variable, estimates are that jobs at the University could increase by 25 to 30% over the next 20 years. The University is thus expected to continue to place substantial pressures on Council’s local infrastructure.

The UNSW has been seeking exemption from Section 94A contributions for their development projects. The primary reasons provided are that the University is a not-for-profit organisation and provides benefits to Randwick City.

The Section 94A contributions are intended to address and meet expected increased demands on the City’s infrastructure. Council has provided benefits in the form of capital infrastructure to the University without any rating base, such as roads, footpaths, street signage, street furniture, bus shelters, stormwater management, street trees, parks, community facilities (libraries and halls) and town centre public domain improvement.

Therefore, the imposition of Section 94A contribution requirement is considered to be appropriate and reasonable.

9. Environmental Assessment

9.1 Section 79C assessment

The site has been inspected and the application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act 1979, as amended.

Section 79C ‘Matters for Consideration’	Comments
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	Refer to the “Environmental Planning Instruments” section of this report for details.
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	Not applicable.
Section 79C(1)(a)(iii) – Provisions of any development control plan	Refer to the “Policy Control” section of this report for details.
Section 79C(1)(a)(iia) – Provisions of any Planning Agreement or draft Planning Agreement	Not applicable.
Section 79C(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Environmental Planning and Assessment Regulation 2000 have been addressed by the recommended conditions.
Section 79C(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	The environmental impacts of the proposed development on the natural and built environment, which are otherwise not assessed within the body of this report, are addressed below. The proposed development is consistent with the educational function of the locality, and is not considered to result in detrimental social or economic impacts.
Section 79C(1)(c) – The suitability of the site for the development	The subject site is located within an established university campus and has

Section 79C 'Matters for Consideration'	Comments
	convenient access to the local and regional road network. The site has appropriate size and dimensions and is considered to be suitable for the proposed development.
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	The issues raised in the submissions have been addressed within the body of this report.
Section 79C(1)(e) – The public interest	The proposal is not considered to result in unreasonable environmental, social or economic impacts on the locality, subject to the recommended conditions. Therefore, the development is considered to be within public interest.

9.2 Built form and urban design



Photomontage of proposed development as viewed from the northern side of High Street
(Source: FJMT Architects)

Site planning and setbacks:

The proposed development has front setbacks from the High Street boundary of approximately 9.4m - 11.8m and 8.1m - 10.5m for the ground and upper levels respectively. The recently completed Village development on the eastern side of Gate 2 Avenue has front setbacks of 8.3m to 9.9m. The front alignment of the proposed building is consistent with the neighbouring residential college. The existing mature fig and gum trees along the northern extremity of the development site will be retained and will visually soften the physical structures. The proposed development will achieve a suitable visual definition to High Street.

The building footprints do not reserve substantial setbacks from the eastern, western and southern boundaries of the site, which are considered adequate in order to reinforce the definition of the internal roads.

Overall, the site layout is considered to have appropriately utilised the available land area and will provide an urban presence that compliments the character of the campus.

Circulation:

The proposal includes a through-site link connecting Gate 2 Avenue in the east with International Road in the west. This through-site link is spatially aligned with the pedestrian walkway within the recently completed Village development on the opposite side of Gate 2 Avenue.

The UNSW has developed an internal policy entitled Urban Design Framework to guide future developments within the campus. It is noted that International Road is designated as the future "Racecourse Walk", which is intended to carry significant pedestrian traffic from University Mall to High Street. The proposal is consistent with the direction of future public domain improvements envisaged in the Urban Design Framework.

The provision of through-site link, colonnade, footpaths and ramped access in the development will assist in the establishment of a network of legible and permeable spaces within the campus.

The proposal includes retail uses at the ground floor level facing the pedestrian access and roadways, which will enhance activation and casual surveillance of the surrounding areas.

Built form, height and scale:

The building heights as measured to the parapet and topmost point of building installations are RL54.55 and RL56.7 respectively. As discussed, the proposal will deviate from the DCP height control by up to approximately 2.6m.

Notwithstanding, the parapet and rooftop heights of The Village are RL 55.39 and RL56.71 respectively. The overall height and scale of the proposed building are commensurate with the recently completed student housing development to the east. The proposal is considered to be compatible with the emerging character of High Street and will not result in detrimental streetscape impacts.

The design scheme has adopted a two-block solution where the building mass is divided by podium courtyards to avoid a monolithic appearance and to maximise solar access to the individual units. The facades are articulated by a coherent pattern of rectilinear forms, highlighted by liberally placed balcony partitions and a combination of compatible modern finishes. The architectural design is consistent with the University's Urban Design Framework in terms of reinforcing building edges and corners on the subject site.

The scale and density of the development are justified by the site's high accessibility and compatibility with recent student housing development in the vicinity. The proposal represents an orderly and economic use of the land and is supported.

9.3 Car parking

Car parking provision

The UNSW Kensington Campus DCP stipulates the following requirements:

- a) *Reduction in car dependency is to be achieved through:*
 - *Reduction in parking supply*
 - *Public transport upgrades*
 - *Location of university accommodation*
- b) *The total number of parking on campus is to be maintained until such time as it is demonstrated through the annual parking survey that the total number may be reduced without adversely impacting on the surrounding streets*
- c) *Surface parking is to continue to be relocated at basement or within structured car parks*
- d) *Provision of short-stay parking on the subject site (Figure 5.13)*
- e) *Parking demand for new university accommodation:*
 - *1 space / 15 students or staff for accommodation at campus*

The proposed development contains 399 beds, of which 78 are double beds. The facility is therefore capable of accommodating up to 477 residents (78 x 2 + 321). Based on the DCP parking rate, the development will generate a parking requirement of 31.8 or 32 spaces. The proposal includes 77 parking spaces at the basement level and generally satisfies the DCP requirement.

According to the revised drawings, the proposed parking allocation is as follows:

Resident students	27
Retail tenants	13
General UNSW permit holding staff / students	37
Total	77

The proposed parking provision and allocation are considered to be satisfactory for the following reasons:

- The Kensington Campus DCP does not specify parking requirements for retail uses. The plans show the provision of 12 ground floor retail suites of various sizes (there is an error in the numbering of the units which incorrectly suggests the provision of 13 units). Based on the proposed parking allocation, at least 1 space would be available for each retail unit.

It could be reasonably anticipated that a significant proportion of the future customers and employees of the retail uses would be staff and students of the University and therefore would not generate significant parking demand.

The application also indicates that a loading bay will be provided in Third Avenue to the south of the development site as part of the future reconstruction of the internal road. The University has provided a letter dated 17 August 2011 expressing genuine intention to reconstruct Third Avenue and provide the loading bay prior to completion of the subject student housing development.

It is therefore considered that the parking and loading needs of the retail components have been satisfied.

- The number of parking spaces that will specifically be allocated to the resident students within the development (being 27) will be less than the DCP requirement for the accommodation component of the proposal (being 32).

Notwithstanding, out of the 37 parking spaces reserved for general permit holders, a portion of which may be allocated for the residents subject to decision by the University management.

Additionally, the development will provide 8 x motorcycle bays and 40 x bicycle spaces, and will encourage alternate modes of transport.

- The submissions have raised concerns that the proposed development will result in incremental reduction of parking within the UNSW campus, and will adversely impact on kerb side parking supply in the locality.

At present, the subject site accommodates a surface car park consisting of 126 car spaces. This car park will be eliminated following the development.

Council received a development application (DA/259/2011) on 13 April 2011 for the demolition of the existing G2 Building at 215A Anzac Parade (Western Campus) and use of the land as an interim surface car park. The above interim facility will increase the parking capacity in the Western Campus by 137 spaces (note: this proposal involves the provision of 163 new spaces and removal of 26 existing spaces, resulting in a net increase of 137 spaces). The application is presently at an advanced stage of assessment by Council.

The overall changes to the car parking provision within the Kensington and Western Campuses are summarised in the table below:

Proposal	Gain	Loss	Net Change
Subject proposal DA/385/2011 & DA/494/2011	77 proposed basement parking	126 parking spaces presently on the site	-49
DA/259/2011	163 proposed spaces	26 existing spaces	+137

Balance	+88
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It could be seen that the development proposals currently before Council would result in a net increase in total parking supply by 88 spaces upon completion.

The proposed G2 car park is located within walking distance (approximately 430m) from the subject site. It is considered that this facility would mitigate loss of parking from the subject site in the interim.

The intended function of the G2 temporary car park is to absorb parking displaced by development works within the Kensington Campus. It is expected that the surface car park will be used until such time when a redevelopment strategy is prepared and implemented. In accordance with Clause 5.10(c) of the DCP, any campus redevelopment will need to relocate surface parking under new buildings or within structured car parks. Therefore, it is anticipated that a suitable level of parking, dependent upon car usage rate at that time, would be retained in any redevelopment of the G2 site.

- The application has included a Travel Survey, which gathers annual data for the past five years from 2007 to 2011 regarding modes of travel to and from the campus, changes to travel modes and travel times for staff and students.

Results from the 2011 survey have revealed that there is an overall trend since 2007 of decreasing use of personal motor vehicles by staff and students, from 32.13% in 2007 to 18.67% in 2011. There has been an increase in the use of public transport (bus, train and bus, ferry and bus) by staff and students, with a public transport usage of 48.94% in 2007, increasing to 66.28% in 2011. These data illustrate a trend towards reduced personal motor vehicle dependency to and from the University, and an uptake in public transport usage over the past five years.

One of the submissions has raised concern about the rate of increase in total student numbers over the years being able to offset the decreasing car usage rate, and hence resulting in a numerical increase in parking demand. The applicant has confirmed that student enrolment number in 2011 (45,870 students) has actually fallen from that in 2010 (46,279 students) (letter from Urbis dated 17 August 2011).

Therefore, based on the evidence presented, it is considered that there has been a notable decrease in car dependency and consequential parking demand associated with the University.

- Figure 5.13 of the DCP identifies the site as preferred location for short stay parking. The proposed basement parking is intended to cater for the residents, retail operators and permit holders. The car park is not designed for short-stay parking purposes. Notwithstanding, a temporary car park is proposed to be accommodated in the G2 site in the Western Campus, which upon completion will compensate for the loss of parking on the subject site.

In conclusion, the proposed development is consistent with the key direction of the DCP in terms of managing travel demand to and from the University by reducing reliance on private motor vehicle usage and encouraging use of public transport. The proposed on-campus student accommodation is located in close proximity to local services and bus routes and will contribute to the reduction of vehicle trips to and from the University. Suitable bicycle parking facilities have also been included in the development to encourage sustainable mode of transport. The quantum of basement parking proposed in conjunction with the temporary parking offered in the G2 development will be adequate in meeting the University demand in the interim, and will not result in unreasonable impacts on the surrounding areas. The long term migration away from motor vehicle usage would significantly dependent upon improvements in the local and regional transport systems, which are outside the scope of the subject application.

Car park design

The entry ramp and the ramp leading to the lower level car park are located adjacent to each other and have safety implications. Council has requested the applicant to consider relocating one of the ramps to provide additional separation. However, the current design has not

altered the location of the access ramps. It is noted that any relocation of the ramp would involve significant changes to the ground floor layout.

A traffic report prepared by Transport and Traffic Planning Associates, dated 1 August, has been submitted. The report contains detailed turning path analysis, which demonstrates satisfactory manoeuvring of vehicles throughout the car park. The dimensions of the parking bays and access aisles are also generally consistent with the Australian Standard.

The report has recommended the following measures to minimise potential traffic conflicts:

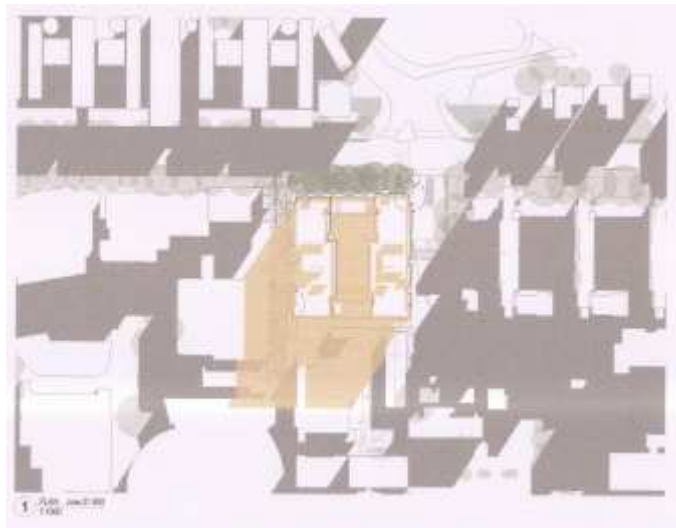
- Imposition of one-way traffic direction in the car park.
- Installation of signage indicating traffic direction.
- Provision of line marking to indicate traffic direction.
- Installation of convex mirror.

A specific condition is recommended to require the above measures are implemented in the development. Subject to the mitigation measures described above, the proposed parking design is considered to be acceptable.

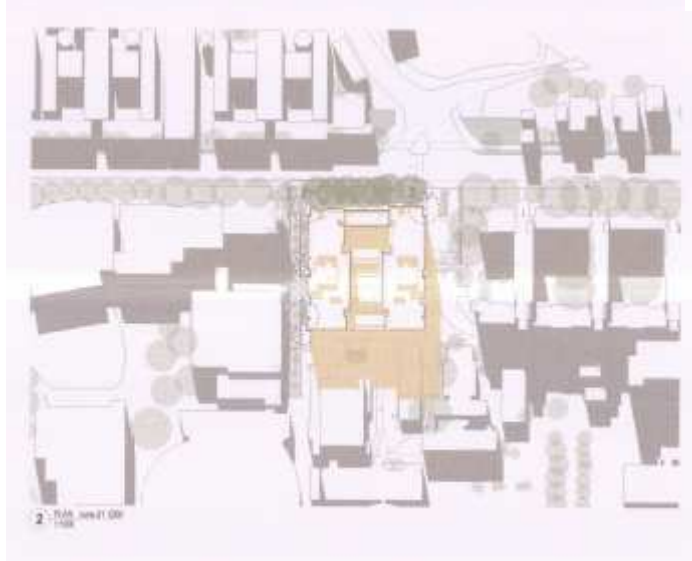
9.4 Solar access

Shadow impacts on surrounding areas:

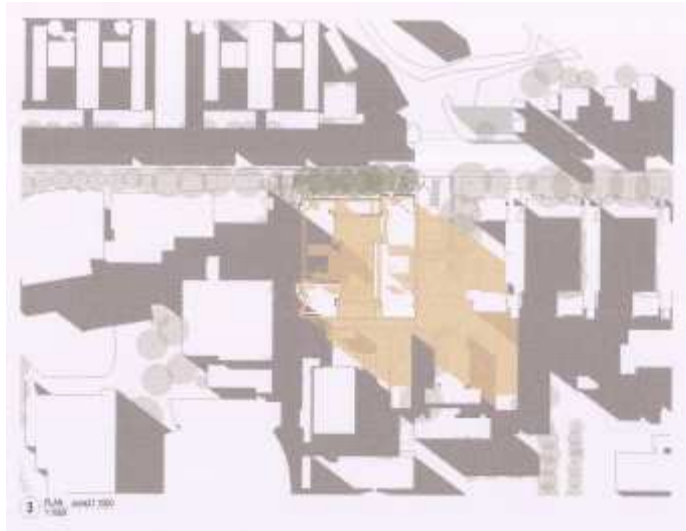
The submitted shadow diagrams are extracted below:



Shadows at 9am, 21 June



Shadows at 12noon, 21 June



Shadows at 3pm, 21 June

The proposed development will cast shadows on the eastern elevation of International House (residential college) to the west of the site at 9am, 21 June. The shadows will gradually shift away from the above residential college and by 12 noon no impacts will occur. The majority of the northern elevation of International House will receive a minimum of 3 hours of sunlight on 21 June.

At 2 and 3pm, shadows will fall upon the western elevation of the southern wing of “The Village” (residential college), which is on the opposite side of Gate 2 Avenue.

The height and scale of the proposed building are consistent with the recently completed student housing development to the east (“The Village”), and are compatible with the institutional character of the Kensington Campus. Given that the shadow impacts on the aforementioned residential colleges only last for a relatively restricted period of time on the winter solstice, the proposal is considered to be satisfactory. The proposal will have no impacts on any private residential properties outside the campus.

The proposal will cast shadows on areas to the south throughout the day on the winter solstice. The affected areas include the roadway of Third Avenue, some (non-residential) institutional buildings and unbuilt upon surfaces. The proposal therefore is not considered to create any significant detrimental impacts upon the campus ground.

Solar access to proposed dwelling units:

Based on the submitted 3-dimensional shadow diagrams, the following is noted:

- The entire northern elevation of the subject development will receive direct sunlight between 9am and 4pm on 21 June.
- The external eastern elevation (facing Gate 2 Avenue) will receive more than 2 hours of sunlight between 9am and 12noon on 21 June.
- The majority of the internal eastern elevation (facing courtyard) will receive at least 2 hours of sunlight between 9am and 12noon on 21 June.
- The majority of the external western elevation (facing International Road) will receive sunlight between 1pm and 4pm on 21 June.
- At least half of the internal western elevation (facing courtyard) will receive sunlight between 1pm and 3pm on 21 June.

The proposal has adopted a twin-tower design, which will maximise solar access to both the internal and external elevations of the development (except southern elevation). The degree of solar access is considered to be satisfactory.

9.5 Amenity

The proposal has incorporated various measures to provide suitable level of living amenity and environmental performance for the building. The key design measures are summarised below:

Common areas:

- The development scheme has incorporated adequately dimensioned common lounges and lift foyers on each residential floor. According to the submitted report

from ARUP, reference number 221765/25/RR, dated 18 May 2011, natural ventilation will be provided to the aforementioned common areas via operable windows at the “winter gardens” and open stairwells. A degree of natural lighting to these common areas would also be achieved.

Furthermore, the design includes “solar stacks”, which are vertical exhaust risers, adjacent to the common lounges of the residential floors to channel hot air to the roof. The solar stacks will assist air circulation and the levels of natural ventilation as an extra thermal comfort feature.

The proposal will also be required to meet the energy efficiency provisions of the BCA.

- A communal kitchen is provided at first level to enable social gatherings and functions.
- The circulation hallway within the southern block at first level has an elongated length of over 30m. The revised drawings have increased the widths of the hallway on both ends to create small gathering spaces, which will improve the amenity of the corridor.

Dwelling units:

- All of the proposed dwelling units have a private balcony and kitchen and toilet facilities. The units have shallow layouts and will enjoy adequate natural ventilation.
- The revised drawings have included additional windows for the corner units and the number of dual aspect dwellings has increased. The changes will enhance natural lighting and ventilation to the dwellings, particular those facing south.
- The units at the north-eastern and north-western corners facing the internal courtyard have been reconfigured to minimise overlooking from the common hallway.
- The amended plans have reviewed the alignment of the balcony screens / partitions, so that no obstructions to the door operation will occur.
- Planter boxes have been provided in front of those dwelling units facing the internal courtyards. A suitable level of privacy screening will be achieved.

Relationship to City Plan

The relationship with the City Plan is as follows:

- | | |
|------------|---|
| Outcome: | A vibrant and diverse community, leadership in sustainability, excellence in urban design and development, integrated transport and land use. |
| Direction: | Improved design and sustainability across all development, integrating transport and pedestrian links between town centres and key locations. |

Conclusion

The proposed development complies with the objectives and performance requirements of relevant State and Local planning controls.

The site planning, built form, massing and façade articulations will create a satisfactory streetscape outcome for High Street and the internal roads within the campus. The development scheme will not result in unreasonable impacts on the amenity of the surrounding areas in terms of visual bulk and scale, solar access and traffic.

The proposed development density and scale are justified by the site's location within the UNSW Kensington Campus, and its proximity to retail and commercial services in Anzac Parade and public transport. The proposal represents an economic and orderly use of the site and will deliver positive planning benefits.

Therefore, the proposal is recommended for approval subject to conditions.

Recommendation

That the Joint Regional Planning Panel, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 494/2011 for construction of an 8-storey student accommodation development comprising 399 beds, ground floor retail units, basement car parking for 77 vehicles, landscaping and associated works, at No. 330 Anzac Parade, Kensington, subject to the following conditions:

A. GENERAL

1. The development must be implemented substantially in accordance with the following plans (Job Number UNSWB8):

Plan / Document Number or Title	Dated	Received	Prepared By
A-DA-1001(04)	17.08.2011	29 August 2011	FJMT Architect
A-DA-200B(08)	17.08.2011		
A-DA-2000(08)	26.08.2011		
A-DA-2001(06)	26.08.2011		
A-DA-2002(05)	26.08.2011		
A-DA-2003(05)	29.08.2011		
A-DA-2004(06)	29.08.2011		
A-DA-2005(06)	29.08.2011		
A-DA-2006(05)	17.08.2011		
A-DA-2007(05)	17.08.2011		
A-DA-2008(05)	29.08.2011		
A-DA-3001(06)	29.08.2011		
A-DA-3002(05)	29.08.2011		
A-DA-4001(05)	17.08.2011		
A-DA-4002(06)	29.08.2011		
A-DA-4003(02)	29.08.2011		
A-DA-4004(02)	29.08.2011		
A-DA-1007(03)	29.08.2011		
Construction Methodology	Undated	30 June 2011	Brookfield Multiplex Constructions Pty. Ltd.

the application form and any supporting information received with the application, except as may be amended by the following conditions:

2. The colours, materials and finishes of the external surfaces of the building are to be consistent with the approved drawings.
3. A minimum of forty (40) bicycle parking spaces are to be provided within the development. The design and construction of bicycle parking facilities are to be compliant with Australian Standard 2890.3. Details demonstrating compliance are to be incorporated in the construction drawings to the satisfaction of the relevant certifying body.
4. The traffic management measures (including directional signage, convex mirror and line-marking) for minimising potential conflicts at and around the access ramps within the basement car park, as detailed in the report prepared by Transport and Traffic Planning Associates, reference number 11084 and dated 1 August 2011, are to be implemented in the development. Details demonstrating compliance are to be included in the construction drawings to the satisfaction of the relevant certifying body.
5. The use of the ground floor Retail units (number 01 to 13 inclusive) is approved for all ancillary educational uses, business / office uses and retail uses, **with the exception of those uses for the purposes of food premises, hair dressing salon or skin penetration premises**. The operation hours of the aforementioned approved uses at the Retail units are restricted to **7am to 10pm, Monday to Sunday**.

6. Suitable security lighting shall be installed at regular intervals along the full length of the pedestrian through-site link (between Gate 2 Avenue in the east and International Road in the west) at the ground floor level of the building to comply with AS 1158: *Lighting for Roads and Public Spaces*. Details demonstrating compliance shall be incorporated in the construction drawings to the satisfaction of the relevant certifying body.
7. External lighting to the premises shall be designed in accordance with Australian Standard AS 4282 – 1997: Control of the Obtrusive Effects of Outdoor Lighting (or more updated version) so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.
8. The reflectivity index of glass used in the external facades of the proposed development must not exceed 20 percent.
9. Openable windows to a room, corridor, stairway or the like with a floor level more than 4m above the external ground/surface level, must be designed and constructed to reduce the likelihood of a child accessing and falling through the window opening.

Options may include one or more of the following measures:

- i. The window having a minimum sill height of 1.5m above the internal floor level,
- ii. Providing a window locking device at least 1.5m above the internal floor level,
- iii. Fixing or securing the window (e.g. by screws or a window locking device) to restrict or to be able to secure the extent of the opening to a maximum width of 125mm,
- iv. Installing a fixed heavy-duty gauge metal screen over the opening (e.g. A metal security screen or metal security mesh and frame system, but not standard fly-screen material),
- v. Other appropriate effective safety measures or barrier.

The following condition is applied to meet additional demands for public facilities:

10. In accordance with Council's Section 94A Development Contributions Plan, effective from 2 July 2007, based on the development cost of \$51,040,000, the following applicable monetary levy must be paid to Council: **\$510,400**.

The levy **must be paid in cash, bank cheque or by credit card** prior to the commencement of construction / excavation works. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment.

Council's Section 94A Development Contributions Plan may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at www.randwick.nsw.gov.au.

The following conditions are applied to satisfy the requirements of Sydney Airport Corporation Ltd. (SACL):

11. The maximum height of the proposed development, inclusive of all lift overruns, vents, chimneys, aerials, TV antennae and etc., must not exceed RL 56.70 AHD.
12. Approval to operate construction equipment (i.e. cranes) is to be obtained prior to any commitment to construct.

Information required by SACL prior to any approval is to include:

- The location of any temporary structure or equipment, i.e. construction cranes, planned to be used during construction relative to Mapping Grid of Australia 1994 (MGA94);
- The swing circle of any temporary structure / equipment used during construction;
- The maximum height, relative to Australian Height Datum (AHD), of any temporary structure or equipment i.e. construction cranes, intended to be used in the erection of the proposed structure / activity;
- The period of the proposed operation (i.e. construction cranes) and desired operating hours for any temporary structures.

Any application for approval containing the above information, should be submitted to Sydney Airport Corporation at least 35 days prior to commencement of works in accordance with the Airports (Protection of Airspace) Regulations Statutory Rules 1996 No. 293, which now apply to this Airport.

For further information on Height Restrictions please contact Ms Lynne Barrington on (02) 9667 9217.

Under Section 186 of the Airports Act 1996, it is an offence not to give information to the Airport Operator that is relevant to a proposed "controlled activity" and is punishable by a fine of up to 50 penalty units.

The height of the prescribed airspace at the site is 60.0 metres above Australian Height Datum (AHD). In accordance with Regulation 9 of the Airports (Protection of Airspace) Regulations Statutory Rules 1996 No. 293, "a thing to be used in erecting the building, structure or thing would, during the erection of the building, structure or thing, intrude into PANS OPS airspace for the Airport, cannot be approved".

The following conditions are applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulation:

13. The requirements and provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000, must be fully complied with at all times.
14. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).

Security Deposit Conditions

The following conditions are applied to provide adequate security against damage to Council's infrastructure:

15. The following damage/civil works security deposit requirement is to be complied with prior to commencement of works, as security for making good any damage caused to the roadway, footway, verge or any public place; or as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the Environmental Planning and Assessment Act 1979:

- a) \$5000.00 - Damage / Civil Works Security Deposit

The damage/civil works security deposit may be provided by way of a cash or cheque with the Council and is refundable upon:

- A satisfactory inspection by Council that no damage has occurred to the Council assets such as roadway, kerb, guttering, drainage pits, footway, or verge; and
- Completion of the civil works as conditioned in this development consent by Council.

The applicant is to advise Council, in writing, of the completion of all building works and/or obtaining a Crown Completion Certificate, if required.

The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

Traffic Conditions/Civil Works Conditions

The following conditions are applied to provide adequate provisions for access, transport and infrastructure:

16. Prior to the occupation of the development, the applicant must meet the full cost for Council or a Council approved contractor to:
 - a) Remove the existing stone kerb and construct new kerb and gutter for the full High Street site frontage except opposite the vehicular entrance and exit points.

- b) Carry out a full depth, minimum 1.5 metre wide, road construction in front of the kerb and gutter along the full site frontage.
 - c) Remove the existing concrete footpath and to construct a new concrete footpath along the full High Street site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.
 - d) Reconstruct the existing vehicular crossing and layback in kerb in High Street opposite International Road.
17. All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. The existing driveway from International Road to High Street is to be adequately sign posted and line marked for traffic conditions during construction, and until such time when it ceases to be used as an internal road. Details are to be submitted to the relevant certifying body prior to the commencement of site construction works.
18. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
19. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:
- a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
 - b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a *Pre-paid Works Application Form*, prior to issuing a Crown Completion Certificate, together with payment of the relevant fees.
 - c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
 - d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.
20. The approved Traffic Management Plan under Development Consent No. 385/2011 is to be complied with for the duration of the works contained in the subject proposal.
21. The proposed carpark layout, (including any service vehicle parking), and vehicular entry/exit point must conform to the requirements of AS2890.1-2004 and AS2890.2-2002 with respect to:
- Carspace dimensions, aisle widths, dead end aisles and column placements;
 - Access and crossover widths;
 - Manoeuvring requirements of vehicles within the carpark;
 - Ramp grades and transitions; and
 - Head room clearances.

The approved "For Construction" plans must demonstrate compliance with this requirement.

22. Prior to the issuing of a Crown Completion Certificate, the applicant must have completed all works on the Interim Carpark the subject of Development Application 259/2011.

Alignment Level Conditions

The following conditions are applied to provide adequate provisions for future civil works in the road reserve:

23. The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the High Street property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.

The design alignment level at the property boundary must be strictly adhered to.

24. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the Crown Certificate.

Service Authority Conditions

The following conditions are applied to provide adequate consideration for service authority assets:

25. A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.
26. The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.
27. Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the relevant certifying body prior to a Crown Certificate being issued for the development.
28. A Road / Asset Opening Permit must be obtained from Council prior to carrying out any public utility service works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a final Crown Completion Certificate for the development.

For further information, please contact Council's Road / Asset Opening Officer on 9399 0691 or 9399 0999.

29. Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Ausgrid prior to the commencement of any site construction works to determine whether or not an electricity substation is required for the development.
30. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Notice must be issued to the relevant certifying body prior to the commencement of site construction works.

The Section 73 Certificate must be submitted to the relevant certifying body prior to **occupation of the development**.

Drainage Conditions

The following conditions are applied to provide adequate provisions for drainage and associated infrastructure:

31. **Stormwater drainage plans have not been approved as part of this development consent.** Stormwater runoff from the proposed development site is to be managed in general accordance with the **Stormwater Strategy** prepared for UNSW by ANA Technical Services Pty Ltd dated 28/11/2005. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the relevant certifying body prior to commencement of site construction works. The engineering calculations and plans must demonstrate compliance with the above referenced stormwater strategy. A copy of the engineering calculations and plans are to be forwarded to Council once approved by the relevant certifying body. The drawings and details shall include the following information:
 - a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
 - b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
 - c) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (ie. above the 1 in 20 year storm) to the proposed drainage system.
 - d) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
 - i. Roof areas
 - ii. Paved areas
 - iii. Grassed areas
 - iv. Garden areas
 - e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
 - f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
 - g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.
32. Overland flow paths on International Road and Gate 2 Avenue should be maintained. Stormwater run-off within the site boundary must be collected and discharged through this property's stormwater system.

33. Any required infiltration system, (detention/infiltration system), must be designed by a suitably qualified and experienced consultant using infiltration rates determined by the applicant's geotechnical engineer or other appropriately qualified consultant. The location and design of the infiltration system, (detention/infiltration system), must not adversely impact on adjacent footings/foundations/structural elements. The applicant's geotechnical engineer shall certify that the base of any infiltration system is located sufficiently above the ground water table such that the operation of the infiltration system will not be compromised by any potential future fluctuations in the water table. The referenced certification must be provided to the relevant certifying body prior to the commencement of site construction works.
34. Any Infiltration systems/Absorption Trenches must be designed in general accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code. Any detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.
35. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
36. Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.

The pump system must also be designed and installed strictly in accordance with "Section 8.4 PUMP SYSTEMS" as stipulated in Randwick City Council's Private Stormwater Code.

37. A sediment/silt arrester pit must be provided prior to stormwater discharging into any required absorption/infiltration system.

The sediment/silt arrester pit shall be constructed in accordance with the following requirements:

- The base of the pit located a minimum 300mm under the invert level of the outlet pipe.
- The pit constructed from cast in-situ concrete, precast concrete or double brick.
- A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.
- A galvanised heavy-duty screen located over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).
- The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.
- A child proof and corrosion resistant fastening system provided for the access grate (e.g. spring loaded j-bolts or similar).
- A sign adjacent to the pit stating:

"This sediment/silt arrester pit shall be regularly inspected and cleaned."

Note: Sketch details of a standard sediment/silt arrester pit may be obtained from Council's Drainage Engineer.

38. Prior to occupation of the development, a "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the

title of the subject property to ensure that any infiltration system (detention / infiltration system) is maintained and that no works which could affect the design function of the infiltration system are undertaken without the prior consent (in writing) from Council. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.

Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
- b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.

39. A minimum of one covered car washing bay shall be provided for this development.
 - a) The car washing bay must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the relevant certifying body, prior to a Crown Completion Certificate being issued for the proposed development.
 - b) The car washing bay must be located outside any required/approved stormwater detention system.
 - c) The car washing bay must be constructed with a minimum 20mm bund around the perimeter of the car washing bay/s (or equivalent)
 - d) A water tap shall be located adjacent to the car washing bay.
40. Prior to the issuing of a Crown Completion Certificate, the applicant shall submit to Council a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the relevant certifying body and shall include the following details:
 - a) The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes;
 - b) The orifice size(s) (if applicable);
 - c) Details of any detention/infiltration/absorption systems; and
 - d) Details of any pumping systems installed (including wet well volumes).
41. Prior to the issuing of a Crown Completion Certificate, the applicant shall submit to the relevant certifying body and Council, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system comply with the conditions of development consent. The certification must be provided following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the relevant certifying body.
42. **As the above site is located in an area where the water table is adjacent to the base of the excavation (and given that water table levels fluctuate),** the basement carparks or similar structures must be suitably waterproofed to the satisfaction of the relevant certifying body. Details of the proposed method of waterproofing must be submitted to Council, prior to the commencement of site construction works.
43. Details of any proposed connection and / or disposal of groundwater or collected rainwater/stormwater from the excavation to Council's external stormwater drainage system must be submitted to and approved by Council's Development Engineer, prior to commencing these works, in accordance with section 138 of the *Roads Act 1993*.

The subject details must include the following information:

- Site plan
- Hydraulic engineering details of the proposed disposal/connection of groundwater or site stormwater to Council/s drainage system
- Volume of water to be discharged
- Location and size of drainage pipes
- Duration, dates and time/s for the proposed works and disposal
- Details of water quality and compliance with the requirements of the *Protection of the Environment Act 1997*
- Details of associated plant and equipment, including noise levels from the plant and equipment and compliance with the requirements of the *Protection of the Environment Act 1997* and associated Regulations and Guidelines
- Copy of any required approvals and licences from other Authorities (e.g. a water licence from the Department of Planning/Department of Water & Energy).
- Details of compliance with any relevant approvals and licences

Waste Management Conditions

The following conditions are applied to provide adequate provisions for waste management:

44. Prior to the commencement of works for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste Services, a Waste Management Plan detailing waste and recycling storage and disposal for the development site.

The plan shall detail the type and quantity of waste to be generated by the development; demolition waste; construction waste; materials to be re-used or recycled; facilities/procedures for the storage, collection recycling & disposal of waste and the on-going management of waste.

45. The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water. The waste storage areas shall be clearly signposted.

Landscape Conditions

The following conditions are applied to provide adequate provisions for landscaping and to maintain reasonable levels of environmental amenity:

46. Detailed landscape drawings and specifications must be submitted to, and approved by, the relevant certifying body, prior to the commencement of site construction works. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation shall include:
 - a. Planting plans which clearly indicate the location of all proposed planting, with all species to be drawn at their mature size.
 - b. A planting schedule which includes the quantity of all species proposed.
 - c. Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.
 - d. Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.
 - e. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm.
 - f. In order to reduce the amount of stormwater generated by the site, as well as to recharge groundwater supplies, porous paving shall be used for all hard surfacing not over basement, where possible.
 - g. Location of easements within the site and upon adjacent sites (if any).
 - h. To ensure satisfactory maintenance of the landscaped areas, an automatic drip irrigation system shall be installed throughout all planted areas (excluding turf). The system shall be connected to the sites rainwater tanks,

with backup connection to the mains supply to all current Sydney Water requirements.

- i. Any substation required shall be screened from view. The proposed location, elevation and screening method shall be shown.
 - j. All detention tanks and below ground stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth for the establishment of landscaping.
47. Documentary evidence is to be obtained from a qualified Landscape Architect, and submitted to the relevant certifying body, with a copy forwarded to Council, prior to the issuing of a final Crown Completion Certificate, which confirms that the landscaping has been completed in accordance with the approved plans and relevant conditions of consent.
48. Prior to the commencement of any site works, the relevant certifying body must ensure that a professional Arborist who holds a minimum of AQF Level 5 in Arboriculture has been engaged for the duration of works for the purpose of establishing, monitoring and implementing Tree Protection Zones or Tree Protection Measures as necessary, as well as performing or supervising any works that may have an impact on those trees listed for retention, with all site staff to comply with the instruction given by the 'site Arborist'.

Tree Removals

49. Approval is granted for removal of Trees 1-11 & 19-30, as identified in the Assessment of Trees Appendix contained in the Arboricultural Assessment by The Ents Tree Consultancy, dated 8 April 2011 ("*the Arborist Report*"), in order to accommodate the proposed works as shown.

Pruning

50. Permission is granted for pruning should it be necessary in order to avoid damage to the trees listed for retention below, or, for clearances reasons, and must be minimal and selective, and performed by the site Arborist, to the requirements of Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and NSW Work Cover Code of Practice for the Amenity Tree Industry (1998).

Protection of Significant Trees

51. Trees 12-18, as identified in the Arborists Report, are to be protected and retained as part of the proposed works in accordance with Points 5.2 & 5.3 of 'Recommendations'.

B. OPERATIONAL MATTERS

The following conditions are applied to satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:

52. The use and operation of the premises shall not give rise to an environmental health or public nuisance.
53. There are to be no emissions or discharges from the premises which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
54. Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of the relevant certifying body.
55. The development shall not give rise to environmental pollution or public nuisance or, result in an offence under the *Protection of the Environment Operations Act 1997* or *NSW Occupational Health & Safety Act (2000) & Regulations (2001)*.

The following conditions are applied to ensure that noise emissions from the development satisfy legislative requirements and maintain reasonable levels of amenity to the area:

56. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background (LA90), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq, 15 min and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

57. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.

The following condition is applied to satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:

58. The use and operation of the plant and equipment within the building shall not give rise to an environmental health or public nuisance and there are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.

C. PRIOR TO ANY WORK COMMENCING ON THE SITE

Site Remediation

59. All relevant conditions relating to site remediation contained in Development Consent No. 385/2011 relating to the subject development site shall be complied with.

Construction Management

60. Prior to the commencement of any building works, a relevant certifying body must be appointed for the development to monitor compliance with the relevant standards of construction, Council's development consent and the approved construction plans.

The critical stages of construction are to be inspected and inspections must be carried out, to the satisfaction of the relevant certifying body, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

Documentary evidence of the building inspections carried out and details of critical stage inspections carried out and copies of certification relied upon must also be forwarded to Council upon finalisation of the development.

61. The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to commencement of work, in accordance with Section 109F of the Environmental Planning & Assessment Act 1979.

At the time of this development consent, Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works.

62. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

The approved construction plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to commencing any building or excavation works, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

If suitable, the plans will be appropriately stamped. For Quick Check agent details please refer to Sydney Water's web site at www.sydneywater.com.au and go to the Building, Developing and Plumbing, then Quick Check or Building and Renovating or telephone 13 20 92.

The Crown certifier is required to ensure that a Quick Check Agent/Sydney Water has appropriately stamped the plans before commencing works.

The following group of conditions are applied to ensure the structural adequacy and integrity of the proposed building and adjacent premises:

63. Documentary evidence prepared by a suitably qualified professional geotechnical engineer shall be obtained prior to commencement of work, certifying the suitability and stability of the site for the proposed building and certifying the suitability and adequacy of the proposed design and construction of the building for the site.

A copy of the engineer's report is to be submitted to the Council.

64. All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and supported to prevent them from being dangerous to life, property or buildings.

Retaining walls, shoring or piling must be provided to support land which is excavated in association with the erection or demolition of a building, to prevent the movement of soil and to support the adjacent land and buildings, if the soil conditions require it. Adequate provisions are also to be made for drainage.

Retaining walls, shoring or piling must be designed and installed in accordance with appropriate professional standards and the relevant requirements of the Building Code of Australia and Australian Standards. Details of proposed retaining walls, shoring or piling are to be submitted to and approved by the relevant certifying body prior to commencing such excavations or works.

65. A Construction Site Management Plan is to be prepared by a suitably qualified person (and a copy is to be forwarded to Council) prior to the commencement of demolition, excavation or building works. The site management plan must include the following measures, as applicable to the type of development:

- location and construction of protective fencing / hoardings to the perimeter of the site;
- location of site storage areas/sheds/equipment;
- location of building materials for construction;
- provisions for public safety;
- dust control measures;
- site access location and construction;
- details of methods of disposal of demolition materials;
- protective measures for tree preservation;
- provisions for temporary sanitary facilities;
- location and size of waste containers/bulk bins;
- details of proposed sediment and erosion control measures;
- construction noise and vibration management;
- construction traffic management.

The site management measures are to be implemented prior to the commencement of any site works and be maintained throughout the works, to maintain reasonable levels of public health, safety and convenience to the satisfaction of the relevant certifying body. A copy of the approved Construction Site Management Plan must be maintained on site.

66. A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures.

The Work Plan must include the following information (as applicable):

- The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor
- Details of hazardous materials, including asbestos
- Method/s of demolition and removal of asbestos

- Measures and processes to be implemented to ensure the health & safety of workers and community
- Measures to be implemented to minimise any airborne asbestos and dust
- Methods and location of disposal of any asbestos or other hazardous materials
- Other relevant details, measures and requirements to be implemented as identified in the Asbestos Survey
- Date the demolition and removal of asbestos will commence

The Demolition Work Plan must be submitted to Council and the relevant certifying body, not less than two (2) working days before commencing any demolition works involving asbestos products or materials. A copy of the Demolition Work Plan must also be maintained on site and be made available to Council officers upon request.

67. A report must be obtained from a suitably qualified and experienced consultant **upon commencement of works**, certifying that noise and vibration emissions from the construction of the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, Council's conditions of consent and relevant Standards relating to noise and vibration. In support of the above, it is necessary to submit all relevant readings and calculations made and a copy of the report is to be forwarded to Council.

Any recommendations and requirements contained in the report are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to the relevant certifying body and copied to Council.

68. During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing.

Details of the proposed sediment control measures are to be detailed in a *site water management plan* and must be prepared prior to the commencement of any site works. The sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction. A copy of the approved details must be forwarded to the Council and a copy is to be maintained on-site and be made available to Council officers upon request.

Details of proposed sediment and erosion control measures shall include; a site plan; indicating the slope of land, access points & access control measures, location and type of sediment & erosion controls, location of existing vegetation to be retained, location of material stockpiles and storage areas, location of building operations and equipment, methods of sediment control, details of drainage systems and details of existing and proposed vegetation.

Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.

Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.

69. All workers and sub-contractors employed on the site shall be required to undertake an induction program prior to the undertaking of any task. During the conduct of this program, participants shall be advised that parking will not be provided on-site and that limited parking is available on the surrounding streets. It shall be recommended to all participants that they utilise the public transport system wherever possible for trips to / from work. To facilitate such use, all participants shall be provided with a copy of the Sydney Buses Transport Access Guide map for the UNSW.

The following condition is applied to provide access and facilities for people with disabilities:

70. Access, facilities and car parking for people with disabilities must be provided to and within the building in accordance with the relevant provisions of the Building Code of Australia and AS1428.1. Details of the proposed access, facilities and car parking for people with disabilities are to be included in the plans / specifications.

D. DURING CONSTRUCTION WORKS

The following conditions are applied to ensure that the development satisfies relevant standards of construction, and to maintain adequate levels of health, safety and amenity during construction:

71. A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:
- name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours;
 - name, address and telephone number of the project manager;
 - a statement stating that “unauthorised entry to the work site is prohibited”.
72. A copy of the approved construction plans must be provided to Council and a copy is to be kept on the site at all times and be made available to the Council officers and personnel for assessment upon request.
73. The adjoining land and buildings located upon the adjoining land must be adequately supported at all times.

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of any building located on an adjoining allotment of land, the person causing the excavation must:

- preserve and protect the building/s on the adjoining land from damage; and
- effectively support the excavation and building; and
- at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land (including a public road or public place), give notice of the intention and particulars of the works to the owner of the adjoining land.

Notes

- *This consent and condition does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the principal contractor or owner-builder must obtain:*
 - a) *the consent of the owners of such adjoining or supported land to trespass or encroach, or*
 - b) *an access order under the Access to Neighbouring Land Act 2000, or*
 - c) *an easement under section 88K of the Conveyancing Act 1919, or*
 - d) *an easement under section 40 of the Land & Environment Court Act 1979, as appropriate.*
- *Section 177 of the Conveyancing Act 1919 creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).*

74. Building, demolition and associated site works must be carried out in accordance with the following requirements:

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	• Monday to Friday - 7.00am to 6.00pm • Saturday - 8.00am to 5.00pm • Sunday & public holidays - No work

	permitted
Excavating of rock, use of jack-hammers, pile-drivers (excluding bored piles) or the like	- Monday to Friday - 8.00am to 5.00pm - Saturday - No work permitted - Sunday & public holidays - No work permitted
Additional requirements for all development (except for single residential dwellings)	Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted

An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety reasons). Any applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.

75. Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.
76. A Registered Surveyor's survey certificate is to be obtained (and a copy is to be forwarded to the Council), detailing compliance with Council's approval at the following stage/s of construction:
 - a) Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being constructed at the approved levels.
 - b) On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.
77. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:
 - a) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of the relevant certifying body.
 - b) Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, to the satisfaction of WorkCover NSW and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.
 - c) Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.

Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council.

Applications to place a waste container in a public place can be made to Council's Building Services section.

- d) A temporary timber, asphalt or concrete crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.
- e) A Local Approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road or nature strip or in any public place:-
 - Install or erect any site fencing, hoardings or site structures
 - Operate a crane or hoist goods or materials over a footpath or road
 - Placement of a waste skip or any other container or article.

78. During demolition, excavation and construction works, dust emissions must be minimised, so as not to result in a nuisance to nearby residents or result in a potential pollution incident.

Adequate dust control measures must be provided to the site prior to the works commencing and the measures and practices must be maintained throughout the demolition, excavation and construction process, to the satisfaction of the relevant certifying body.

Dust control measures and practices may include:-

- Provision of appropriate materials to all perimeter site fencing (attached on the prevailing wind side of the site fencing).
- Covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.
- Installation of a water sprinkling system or provision of hoses or the like.
- Regular watering-down of all loose materials and stockpiles of sand, soil and excavated material.
- Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.
- Revegetation of disturbed areas.

79. Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site. Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing or plywood barrier fence, with appropriate materials attached to the inside of the fence to provide dust control, or other material approved by the relevant certifying body.

Temporary fences and hoardings are to be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

If it is proposed to locate any site fencing, hoardings or amenities upon any part of the footpath, nature strip or any public place, the written approval from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.

80. If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient or the building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected sufficiently to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises.

The public place adjacent to the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place and any such hoarding, fence or awning is to be removed upon completion of the work.

81. The demolition, removal, storage, handling and disposal of materials and all building work must be carried out in accordance with the following requirements (as applicable):

- Australian Standard 2601 (2001) – Demolition of Structures
- Occupational Health and Safety Act 2000
- Occupational Health and Safety (Hazardous Substances) Regulation 2001
- Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
- WorkCover NSW – Guidelines and Codes of Practice
- Randwick City Council's Asbestos Policy
- The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.

The following condition is applied to satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:

82. Any hazardous and/or intractable wastes arising from any excavation, building and any works are to be managed and disposed of in accordance with the requirements of Work Cover NSW and the Department of Environment and Climate Change (formerly EPA), including the provisions of:

- New South Wales Occupational Health and Safety Act, 2000
- Hazardous Materials Survey Report No. EMS08 6177 prepared by Environmental Monitoring Services
- The Occupational Health and Safety (Hazardous Substances) Regulation 2001
- The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
- Protection Of the Environment Operations Act 1997 (NSW)
- Environment Protection Authority's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999)
- Randwick City Council's Asbestos Policy

E. PRIOR TO OCCUPATION OF THE BUILDING / PREMISES

83. A statement confirming that the building is suitable for occupation must be obtained from a suitably qualified person (i.e. relevant certifying body) prior to any occupation of the building work encompassed in this development consent.

The statement must not be issued if the development is inconsistent with the development consent and the relevant conditions of development consent must be satisfied prior to occupation.

Details of critical stage inspections carried out, together with any other certification relied upon must be provided to Council prior to occupation.

84. A Certificate shall be obtained from a professional engineer and be submitted to the relevant certifying body and copied to Council, prior to occupation of the building, which certifies that the building works satisfy the relevant structural design requirements of the Building Code of Australia.

85. The residential units are to achieve the internal acoustic amenity criteria contained in the Noise Impact Assessment (Document Reference: 20110504.2/0106A/R0/BW), prepared by Acoustic Logic and received by Council on 30 June 2011.

Details of compliance with the relevant criteria are to be included in the Crown Certificate and written confirmation of compliance is to be provided to the relevant certifying body, by the Acoustic consultant.

86. A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the relevant certifying body and copied to Council prior to occupation of the premises, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager Environmental Health & Building Services.

F. ADVISORY

- A1 The applicant is advised that the construction plans and specification must comply with the provisions of the Building Code of Australia (BCA).

Details of compliance with the relevant provisions of the Building Code of Australia and conditions of development consent are to be provided in the construction plans and specifications.

You are also advised to ensure that the development is not inconsistent with Council's consent and if necessary consult with your certifier prior to preparing your construction plans to enable these matters to be addressed accordingly.

- A2 You are advised that this approval does not guarantee compliance with the provisions of the Disability Discrimination Act 1992 and you should therefore consider your liability under the Act. In this regard, you are advised that compliance with the requirements of the Building Code of Australia and Australian Standard 1428.1 - Design for Access and Mobility does not necessarily satisfy the objectives of the Disability Discrimination Act 1992.

You are requested to give consideration to providing access and facilities for people with disabilities in accordance with Australian Standard 1428 Parts 1, 2, 3 and 4 - Design for Access and Mobility, which may be necessary to satisfy the objectives of the Disability Discrimination Act 1992.