

JOINT REGIONAL PLANNING PANEL
Sydney West Region

JRPP No	2011SYW005
DA Number	DA-1285/2010
Local Government Area	Bankstown City Council
Proposed Development	Demolition of existing childcare centre within the university campus (Lot 103); construction of student accommodation facilities containing 80 units across 6 blocks to provide 394 student beds; car parking areas; common facilities; bicycle storage; and associated landscaping
Street Address	2 Bullecourt Avenue, Milperra
Applicant/Owner	Mr Charles Vella / The Department of Education
Zoning	5 - Special Uses - Educational Purposes
Date of Lodgement	23 December 2010
Estimated Value	\$27million
Number of Submitters	301
Recommendation	Deferred commencement
Report by	Development Services, Bankstown City Council

Assessment Report and Recommendation

SUMMARY REPORT

Development Application No. DA-1285/2010 is lodged on behalf of the University of Western Sydney (UWS) and is Crown development. The value of the proposed development is \$27million. Accordingly the application is reported to the Joint Regional Planning Panel for determination.

The development application proposes additional student accommodation facilities within the UWS Bankstown Campus, and involves the following works:

- Demolition of an existing child care centre and removal of the associated driveway to Ashford Avenue;
- Construction of 6 student accommodation buildings containing a total of 80 units to provide 394 beds;
- Construction of a common facilities building;
- Construction of residential management offices;
- 40 new car parking spaces along the western boundary, to be accessed from an existing driveway to Ashford Avenue;
- Allocation of 90 car parking spaces in the recently expanded P4 carpark, which is located east of the proposed student accommodation facilities;
- Covered bicycle parking at the rate of 2 spaces per 5 beds;
- Hard and soft landscaping works; and
- Civil works, including new stormwater infrastructure. The application has been assessed against section 79C of the *Environmental Planning and Assessment Act, 1979* and is considered to be satisfactory with respect to the relevant matters for consideration.

The application was notified and advertised upon lodgement for a period of twenty-eight (28) days. Upon the submission of amended plans and additional information, the application was renotified and readvertised for a period of twenty-one (21) days. A total of 462 submissions were received (242 in response to the original notification and 220 in response to the renotification of amended plans and additional information). The submissions raise concerns relating to traffic, access and parking; pedestrian safety; removal of the existing child care centre; built form; impacts from the communal facilities and common room; construction impacts; drainage and stormwater; lighting, noise and privacy impacts; loss of existing recreation facilities; and economic impacts.

BACKGROUND / HISTORY:

In December 2001, Council approved a development application for the construction of an 86-bed student accommodation facility at the subject site. This facility is located in the north-western corner of the University Campus, to the north of the current proposed development site.

It was originally proposed to access this student accommodation via a new driveway to Ashford Avenue. However this proposal was the subject of mediation between local residents and the University, and it was resolved that this access point be removed. It was agreed that access to the student accommodation be via the main University driveway to Bullecourt Avenue, and access to Ashford Avenue be restricted to vehicles associated with the existing child care centre at the site, with additional, controlled access for service vehicles.

This current development application seeks to provide access to the proposed new student accommodation facilities via the existing service vehicle driveway to Ashford Avenue. Concern has been raised by local residents that this proposal would contravene the previous mediation agreement with the University. Issues concerning the proposed Ashford Avenue access are discussed in detail in the Assessment Report at 'Attachment A'.

POLICY IMPACT

This matter has no direct policy implications. The proposed development is within the zoning and land use framework established for the site, and the relevant planning controls have been satisfied.

FINANCIAL IMPACT

This matter has no direct financial implications.

RECOMMENDATION

It is recommended that DA-1285/2010 be supported, and:

1. A draft consent be forwarded to the applicant in accordance with section 89 of the *Environmental Planning and Assessment Act, 1979*. Such a draft consent would be on a "deferred commencement" basis, subject to preparation of a Phase 2 Detailed Site Investigation, and the attached foreshadowed conditions of consent.
2. Upon satisfaction of Item 1 of this resolution, and the requirements of section 89 of the *Environmental Planning and Assessment Act, 1979*, the Sydney West Joint Regional Planning Panel determine the development application.

Daniel Bushby
Development Assessment Officer

Recommendation Endorsed

Ian Woodward
Manager - Development Services

Scott Pedder
Director - City Planning & Environment

ATTACHMENTS

- A - Section 79C Assessment Report
- B - 'Special' Conditions
- C - Conditions of Consent
- D - Locality Plan
- E - Site Plan / Ground Floor Plan
- F - Elevations

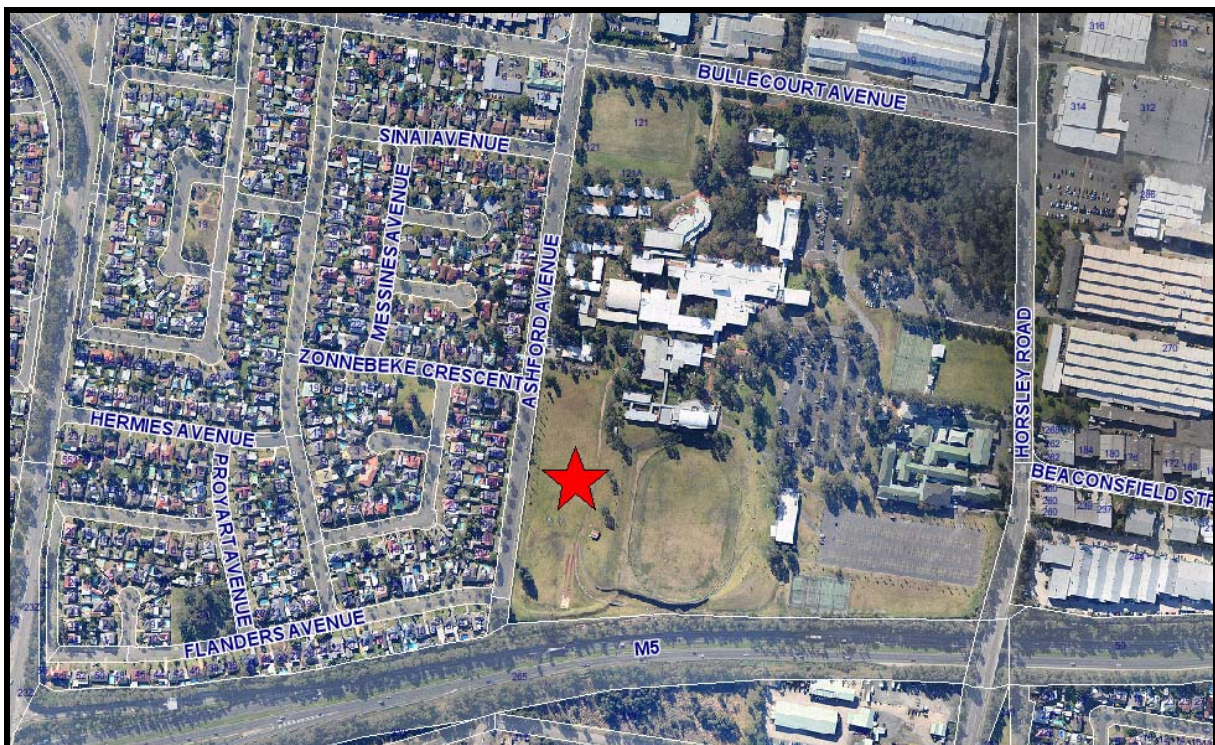
ATTACHMENT A - S79C ASSESSMENT REPORT

SITE & LOCALITY DESCRIPTION

The subject site is known as 2 Bullecourt Avenue, Milperra. The site is zoned 5 - Special Uses - Educational Purposes, and comprises the University of Western Sydney (UWS) Bankstown Campus. The overall UWS site has an area of about 23.34 hectares, and has frontages to Bullecourt Avenue to the north, Ashford Avenue to the west, and Horsley Road to the east. The M5 Motorway is located south of the site.

The proposed development area (referred to hereafter as the "development site") is located in the south-western corner of the University Campus. The development site has an area of about 3.2 hectares, and has a frontage of about 320m to Ashford Avenue. It primarily comprises an open, grassed area, containing some existing recreation (athletics) facilities, a small amenities block, and some boundary tree plantings along the Ashford Avenue frontage. The northern end of the development site contains an existing, single-storey child care centre building with ancillary parking facilities and landscaping.

An existing residential precinct is located opposite the site to the west and north-west, which contains a mix of single-storey and two-storey detached dwellings. Neighbouring the UWS Campus on a broader scale are industrial developments to the north and east. Beyond the M5 Motorway to the south is a Council Depot, and some open space areas. The context of the site is illustrated in the aerial photo below.



PROPOSED DEVELOPMENT

The development application proposes additional student accommodation facilities within the UWS Bankstown Campus, and involves the following works:

- Demolition of an existing child care centre and removal of the associated driveway to Ashford Avenue;
- Construction of 6 x 3-storey student accommodation buildings containing a total of 80 units to provide 394 beds;
- Construction of a common facilities building;
- Construction of residential management offices;
- 40 new car parking spaces along the western boundary, to be accessed from an existing driveway to Ashford Avenue;
- Allocation of 90 car parking spaces in the recently expanded P4 carpark, which is located east of the proposed student accommodation facilities;
- Covered bicycle parking at the rate of 2 spaces per 5 beds;
- Hard and soft landscaping works; and
- Civil works, including new stormwater infrastructure.

The proposed student accommodation is arranged in 6 separate 3-storey buildings that are described by the applicant as 'fingers', running generally east-west across the development site. The proposed buildings comprise the following:

Proposed Building	Number of Units	Number of Beds
Block A	12 units	58 beds
Block B	18 units	86 beds
Block C	12 units	60 beds
Block D	12 units	60 beds
Block E	18 units	90 beds
Block F	8 units	40 beds
TOTAL	80 units	394 beds

The proposed new communal facilities building is located at the northern end of the development site. These facilities would serve the proposed accommodation as well as the existing residences on campus. The communal facilities comprise a lounge area with kitchen, computer room, games room, TV room, study area, shared laundry and ancillary amenities. A small student lounge is proposed toward the southern end of the development, adjacent proposed Block F.

SECTION 79C ASSESSMENT

The proposed development has been assessed pursuant to section 79C of the *Environmental Planning and Assessment Act, 1979*.

Environmental planning instruments [section 79C(1)(a)(i)]

State Environmental Planning Policy No. 55 - Remediation of Land

SEPP No. 55 requires Council to consider whether the development site is contaminated and, if it is, whether it is suitable for the proposed development either in its contaminated state or following remediation works.

To determine whether the site is contaminated the applicant has undertaken a Phase 1 Preliminary Site Investigation, which examines the potential for contamination based on past and present uses of the site. The Phase 1 Investigation identifies a number of 'potential areas of concern'. These relate to the presence of building rubble, lead paint and asbestos below the surface, and the filling of a dam and chemical (pesticide) use given the historical occupation of the site as farmland.

The Phase 1 Investigation recommends that a Phase 2 Detailed Site Investigation (DSI) be undertaken to address the 'potential areas of concern'. To ensure that the full extent of any required remediation works is understood and incorporated into the proposed development, it is recommended that this Phase 2 Investigation be undertaken prior to any operative consent being granted.

State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Buildings

SEPP No. 65 applies to the proposed development, being buildings that comprise 3 or more storeys, with 4 or more self-contained dwellings in each. The applicant has addressed each of the ten Design Quality Principles contained in the SEPP, and the proposed development conforms with the relevant 'rules of thumb' contained in the supporting Residential Flat Design Code.

The proposed development was reviewed by Council's Urban Designer. While there were no concerns relating to setbacks, building bulk and site layout, some issues were raised with respect to the presentation of the buildings (further articulation of the Ashford Avenue facades and increased passive surveillance), response to the topography of the site (fill is proposed under some of the buildings), ESD principles (natural light and ventilation), and access and circulation (for emergency and service vehicles and also the dimensions of the internal roadway). These issues can be addressed by conditions of consent.

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

The proposed development qualifies as 'BASIX-affected development' under the SEPP. Accordingly, the applicant has provided a BASIX Certificate which confirms that the required water, thermal comfort and energy targets would be met.

State Environmental Planning Policy (Infrastructure) 2009

The ISEPP sets certain noise criteria for residential development adjacent to a road corridor with an annual average daily traffic volume of more than 40,000 vehicles. The ISEPP states that the LAeq noise levels must not exceed 35 dB(A) between 10am and 7am in any bedroom, or 40 dB(A) at any time anywhere else in the building (other than a garage, kitchen, bathroom or hallway).

The applicant has provided a Traffic Noise Intrusion Report, which examines potential noise impacts from surrounding roadways, most notably the M5 Motorway (which is a road corridor to which the ISEPP applies). The Report concludes that, subject to recommended construction methods, noise levels within the development would meet the required ISEPP noise criteria.

Bankstown Local Environmental Plan 2001

The following clauses of the Bankstown Local Environmental Plan 2001 (BLEP 2001) were taken into consideration:

Clause 2 Objectives of this Plan

- The relevant objectives of the Bankstown Local Environmental Plan 2001 are:
 - (a) *to regulate development in accordance with the following principles:*
 - (i) *new buildings should be designed to achieve:*
 - (A) *good urban design, and*
 - (B) *public and private safety, and*
 - (C) *energy and resource efficiency, and*
 - (ii) *remnant bushland, natural watercourses and threatened species should be protected, and*
 - (iii) *intensive trip generating activities should be concentrated in locations most accessible to rail transport, and*
 - (iv) *new development should not diminish the role of the Bankstown central business district (CBD) as a sub-regional centre, and*
 - (v) *new development in or affecting residential areas should be compatible with the prevailing suburban character and amenity of the locality of the development site.*

The proposed development is not inconsistent with these objectives. The matters raised in each are discussed in more detail at various sections of this report.

Clause 11 Development which is allowed or prohibited within a zone

- The site is located in Zone 5 - Special Uses (Educational Purposes), which permits development for the purposes of 'educational establishments'.

An 'educational establishment' is defined by the LEP as '*a building or place used for education (including teaching) and includes a tertiary institution, including a university... whether or not accommodation for staff or students is provided there and whether or not it is used for the purpose of gain*'. The proposed development falls within this definition and is therefore permitted at the subject site.

Clause 13 Other development which requires consent

- Development within Zone 5 - Special Uses may only be carried out for the purpose indicated in red lettering on the zoning map. At this site the lettering on the zoning map reads '*Educational Purposes*'. As discussed above, the proposed development falls within the definition of an '*educational establishment*' and is therefore permitted at the site.

Clause 16 General objectives of these special provisions;

Clause 17 General environmental considerations;

Clause 19 Ecologically sustainable development; and

Clause 20 Trees

- Council's Development Engineer has reviewed the proposed stormwater concept and advises that it is satisfactory, subject to certain requirements relating to site discharges and specific construction methods for the proposed detention basins.
- It is proposed to remove existing vegetation from the development site. This vegetation comprises boundary plantings along the Ashford Avenue frontage, and some isolated, scattered tree specimens. New buffer plantings are proposed along the Ashford Avenue boundary, and various landscape strategies would be employed throughout the development site to improve the amenity of the student residences. The proposal to include species selected from the Cumberland Plain Woodland Community is supported.

Clause 24 Airports

- The obstacle limitation surface plan prepared by Bankstown Airport Limited prescribes a maximum building height at the subject site of 15.24m. The proposed development would not exceed this maximum height.

Clause 30 Floor space ratios

- The BLEP 2001 Floor Space Ratio Map does not prescribe a maximum floor space ratio at the subject site. It is noted however that the floor space ratio of the proposed buildings (when calculated within the boundaries of the proposed development site) is about 0.36:1.

Clause 55 Objectives of the Special Uses zone

- The objectives of the 'Special Uses' zone are:
 - (a) *to identify land owned, used or required to be used by, or under the authority of, a public authority or for other semi-public purposes, and*
 - (b) *to permit a range of uses which are compatible with the locality.*

The proposed development of student housing facilities is in accordance with these objectives. The proposed facilities would be in addition to the existing student accommodation already established at the site, and the residential component of the university campus is a land use that is compatible with the neighbouring residential precinct.

Draft environmental planning instruments [section 79C(1)(a)(ii)]

There are no draft environmental planning instruments applicable to the proposed development.

Development control plans [section 79C(1)(a)(iii)]

The *Bankstown Development Control Plan 2005* supports the *Bankstown Local Environmental Plan 2001* by providing additional objectives and development controls. These objectives and controls are divided into separate Parts according to the type of proposed development.

Part D11 of the DCP applies to the design and function of schools. However it does not apply to student accommodation facilities within a University Campus, and therefore cannot be referred to in this case.

Similarly, the car parking rates prescribed in Part D8 of the DCP relate only to the schooling functions of an 'educational establishment' (i.e. classroom and student rates), and not to any on-site accommodation for students.

Planning agreements [section 79C(1)(a)(iia)]

There are no planning agreements applicable to the proposed development.

The regulations [section 79C(1)(a)(iv)]

The proposed development is not inconsistent with the relevant provisions of the Environmental Planning and Assessment Regulation, 2000.

The likely impacts of the development [section 79C(1)(b)]

An assessment of the likely impacts of the proposed development has revealed the following issues that warrant special consideration:

Traffic, parking and access

It is proposed to provide a total of 130 car parking spaces for the development. Of these spaces, 40 would be provided in a new parking area to the west of the proposed buildings, along the Ashford Avenue frontage. This 40 space carpark is proposed to be accessed from Ashford Avenue. An existing service and maintenance driveway would be used to provide vehicular access to these spaces. A second existing driveway to Ashford Avenue, which services a child care centre to be demolished as part of this development, would be removed.

The remaining 90 car parking spaces are located in the recently expanded P4 Carpark, and would be allocated to the proposed student accommodation. It was observed during site inspections that the P4 Carpark is within an acceptable walking distance to the proposed student accommodation. At present there are no means of separating the proposed resident car spaces in the P4 Carpark from general University student parking. It is recommended that any consent granted be conditioned to require a physical means of separating these spaces (i.e. by perimeter fencing and secure access for student residents only).

The applicant has provided a traffic and parking report which examines the proposed parking and access arrangements for the development. This report submits that:

- *The existing child care centre with access to Ashford Avenue generates an average 92 vehicle movements per day. The proposed development would generate 63 vehicle movements per day. There will not be any additional vehicle movements through the Ashford Avenue access.*
- *There will not be any new or additional vehicle access located on Ashford Avenue. In fact one existing driveway access will be closed.*
- *Instead of the concentrated movements related to the child care centre for morning arrival and afternoon departure the movements will be spread throughout the day.*
- *The parking demands reflected by the existing student accommodation on campus equates to 1 space per 3.9 students (say 4) while the experience with other similar student facilities albeit closer to public transport services is 1 space per 6 - 7 students. The revised proposal is to provide 130 parking spaces for 405 students which equates to 1 space per 3.11 students. It is apparent that the proposed provision will be more than adequate to fulfill the demand by accommodation students.*

The applicant's traffic report was reviewed by Council's Traffic and Transport Engineer, who advised that:

- *The resubmitted parking assessment does not clearly define the expected generation upon which to make an evaluation. It is also unclear as to how any proposed generation might be controlled (i.e. restrictions on car ownership, etc).*
- *The report does make reference to existing spaces for existing dormitory beds (86 beds provided has 22 parking spaces allocated) but this should be further investigated and its appropriateness verified.*
- *There should be no pedestrian access from Ashford Avenue. UWS have established pedestrian access via Bullecourt Avenue and Horsley Road. If vehicle access to student accommodation is provided from Ashford Ave as proposed, there should be no link to the campus internal road system or parking areas.*
- *These issues should be considered in an external review.*

An external consultant was engaged by Council to carry out a peer review of the applicant's traffic and parking reports. The external consultant advised that:

- *The parking rates adopted by the traffic and parking reports are not supported by any longer term similar use parking surveys or robust data analysis within designated confidence limits. Car parking surveys therefore need to be conducted at a similar use on peak days over a normal week or similar during typical campus operations.*

These surveys should aim to establish the peak accumulative car parking demands, duration and relationship to the occupied number of beds within the campus to derive:

- *the peak car parking demands and frequency; and*
- *the 85th percentile car parking demand and the frequency of the occurrence.*

- *The applicant needs to provide sound projected post development on and off site car parking demands based upon robust similar use surveys, undertaken at peak times, with a definitive correlation of parking spaces occupied relative to student beds occupied (in contrast to beds available). We would expect these results to be in the range of 1 space per 2 beds to 1 space per 3 beds.*

In response, the applicant undertook additional surveys of the existing student accommodation at the site. These additional surveys were undertaken according to the methodology suggested by Council's external consultant and identified that:

- *The existing parking demand by residential students is less than 1 space per 4 students.*
- *The demand is consistent on a week by week basis.*

The additional surveys were reviewed by Council's external consultant. Council's consultant advises that:

- *The results indicate a worst case for Thursday 2 June at 6.00am with 22 vehicles parked on site and 86 beds occupied ie. 1 spaces per 3.9 beds.*
- *No information is provided as to any on street car parking although if it were to occur (from my site inspection) it could be expected to be at a low level.*
- *The proposal for 394 student beds at a parking rate of 1 space per 4 beds – 98.5 spaces required. Alternatively at 1 space per 3.9 beds up to 101 spaces will be required.*
- *Based on the data provided to date it would appear reasonable, in quantitative terms, that 130 spaces proposed may be adequate for the proposal.*
- *It would be advantageous to condition the approval so that no overflow or discretionary on street car parking occurs ie. accessibility and/no or very low cost student parking permits.*

Having regard to the traffic assessments outlined above, it is concluded that the potential traffic and parking impacts of the proposed development have been addressed to the satisfaction of Council's traffic consultant.

Built form

The proposed development seeks to locate 6 new buildings in an area that currently comprises open, grassed recreational facilities. The buildings are each 3-storeys in height and are arranged as 'fingers' in an east-west orientation.

The setbacks of the buildings to the Ashford Avenue frontage range from 7m - 16m, with the average setback across the 6 buildings being 10m. The buildings within the site are separated from one another by a minimum 15m, which exceeds the minimum separation suggested by the SEPP 65 Residential Flat Design Code. The nearest point of separation from the proposed buildings to the existing residential dwellings on the western side of Ashford Avenue is about 35m.

The proposed buildings are located opposite an established residential precinct. Under Council's current planning controls the maximum height that any building could achieve in this residential precinct is 2-storeys. However this precinct is located in the 2(a) - Residential zone, and building height is restricted in order to preserve an appropriate level of amenity in a residential context. In contrast, the subject site is zoned Special Uses and comprises a University Campus, and it would be unreasonable to limit the scale of development to that which is typical of a residential zone, provided certain amenity considerations (e.g. overshadowing) are satisfied.

The proposed 3-storey buildings, separated some 35m from the neighbouring residential dwellings, are not incompatible with the general built character of the locality. There would be no adverse overshadowing impacts to any neighbouring dwellings. Granted, there would be a noticeable change in the character of the site if 3-storey buildings were located in a presently vacant area. However the proposed buildings need to be read and interpreted as part of an established tertiary institution. With this in mind it is held that the proposed built form is appropriate and supportable.

Noise impacts

The applicant has provided a Traffic Noise Intrusion Report. This report addresses the impact on road noise from the M5 Motorway on the proposed development, and concludes that relevant noise criteria would be satisfied subject to recommended construction methods.

A question was raised by Council officers with respect to noise impacts on nearby residences from any mechanical plant to be included in the development. The applicant has advised in response that mechanical plant has not been selected at this stage, however would be limited to domestic scale air conditioning units located in the roof space of the common facilities. On this basis it is unlikely that mechanical plant would be a source of noise nuisance, and it is recommended that any consent granted be conditioned to require compliance with relevant DECCW noise criteria.

Stormwater Management

The proposed development is located in a part of the overall UWS Campus that contains an existing on-site detention (OSD) basin. The applicant is seeking approval to replace this existing OSD with a number of new detention basins, at various locations between and around the proposed buildings.

Council's Development Engineer has reviewed the proposed stormwater concept and advises that it is satisfactory, provided the new scheme maintains the existing site discharges for all ARI's up to and including the 100 year design storm. The new scheme shall also be subject to certain construction and fencing requirements in accordance with the DES guidelines for the individual detention basins. It is recommended that these requirements be included as conditions of consent.

Suitability of the site [section 79C(1)(c)]

The proposed development is permitted by the Bankstown Local Environmental Plan 2001. The proposal has been assessed largely on merit as there are no specific DCP controls that apply, and it has been found to be satisfactory with respect to building design and layout, traffic management, amenity considerations for residents within the development, and amenity considerations for residents of neighbouring dwellings.

Impacts relating to stormwater management have been appropriately addressed, and there would be no adverse environmental impacts resulting from vegetation removal or site disturbance. There is some question raised in the Phase 1 Preliminary Site Investigation relating to 'potential areas of concern', however these can be addressed in further detail in a Phase 2 Investigation. It is recommended that this Phase 2 Investigation be undertaken prior to any operative consent being granted.

Submissions [section 79C(1)(d)]

A total of 462 submissions have been received with respect to the proposed development. The issues raised in the submissions are summarised and discussed below.

Access to Ashford Avenue

- *It was agreed at a previous mediation for the existing student accommodation that there would be no student access to Ashford Avenue. The proposed development contravenes this agreement.*
- *There is a signed agreement between the University, community representatives and Council from 2001 that no vehicle access would be allowed from Ashford Avenue.*
- *Access to any further student accommodation, both during construction and following completion, should be via an area behind the oval that is already used by heavy vehicles, trades people and security. This area could be sealed for a permanent heavy vehicle access road.*
- *There should be no entrance from Ashford Avenue, construction or otherwise.*
- *To have further access from Ashford Avenue, bearing in mind the inadequate number of parking spaces proposed per number of students allocated accommodation, would only increase the spillage of parking into the local streets on Ashford Avenue and those off Ashford Avenue.*
- *Access to Ashford Avenue should not be allowed. A previous proposal by the University to create access via Ashford Avenue was rejected and Council imposed a condition that no access be allowed via Ashford Avenue.*
- *You only have to drive around the area when the semester begins to see how difficult it already is for residents to access their own property. Access via Ashford Avenue will further the traffic and parking burden for residents in this vicinity.*

Comment:

As noted earlier in this report, Council approved a development application in December 2001 for the construction of an 86-bed student accommodation facility within the University Campus, to the north of the proposed development site. This application was the subject of mediation between the University and local residents, and it was resolved that there was to be no vehicular access to Ashford Avenue, except for those vehicles associated with the child care centre and controlled access for service vehicles.

Although access to Ashford Avenue was restricted under this previous application, nothing precludes access to Ashford Avenue from being considered under this current development proposal. Issues relating to the proposed access point at Ashford Avenue have been considered. These issues include the number of vehicle movements that are likely to be generated by the proposal, and a comparison of these against the movements associated with existing facilities at the site. Means of controlling access at Ashford Avenue have also been explored.

The proposed development seeks to establish a new 40 space car parking area adjacent to the new student housing facilities, to be accessed from Ashford Avenue via an existing service and maintenance driveway. This new parking area would not be connected to any other roads within the University, nor would there be any connection to Bullecourt Avenue or Horsley Road. There would therefore be a maximum of 40 car parking spaces with direct access from Ashford Avenue. It is recommended that this arrangement be confirmed and enforced by conditions of consent.

An existing child care centre would be removed from the site, as would the existing driveway that provides direct access to this centre. This would remove some of the existing vehicle movements from Ashford Avenue. In fact it has been determined that the number of movements associated with the child care centre are greater than those likely to be associated with the proposed new student accommodation.

Having regard to the matters discussed above, it is evident that vehicle access to Ashford Avenue is not likely to result in unacceptable traffic flows to or from the site. However vehicle traffic is not the only matter that needs to be considered. If it is possible for pedestrians to access the University Campus from Ashford Avenue, then it is arguable that nearby residential streets may be viewed by University students as the most convenient and preferred location to park their car. Accordingly, if vehicle access from Ashford Avenue is to be provided, it is imperative that it be arranged by means that would allow access for vehicles but not pedestrians. This can be done by maintaining a full height security fence along the Ashford Avenue frontage of the site, with a security controlled sliding gate at the vehicle access point. This access solution has been discussed with the applicant, and it is recommended that it be required as a condition of any consent granted for the development.

Traffic and parking

- *The designated car parking areas shown in the plans between Ashford Avenue and the proposed buildings should be immediately scrapped and located on the eastern side of the buildings with the access via the main University entrance in Bullecourt Avenue.*
- *Examples of parking shown in the Development Application are from inner city campuses that have good public transport links therefore the necessity for a car is less.*

- *The surrounding roads are affected by student parking. This deprives residents of quiet enjoyment, causes the streets to be congested to excess, impacts on vehicle and pedestrian safety. This will be further exasperated if vehicle and pedestrian access is provided to Ashford Avenue.*
- *This area cannot cope with any more traffic.*
- *If the UWS wish to have this extra facility they must reduce on-campus parking fees and build parking on their own premises.*
- *The proposal will have a great impact on local traffic and infrastructure and residents that live along Ashford Avenue.*
- *Given that this campus is not near train stations and that the bus service is not overly brilliant there will definitely be increased car activity by the student residents.*
- *Some students park in or over driveways and even park on residents front lawns. They do this to avoid the parking fees imposed by the University.*
- *Parking from the University spilling onto Ashford Avenue and those streets off Ashford Avenue would now be more of a permanent nature including overnight visitors as opposed to transient parking of day to day students attending sessions.*
- *The students are the University's responsibility and therefore the University should bear the traffic flow through their grounds and not burden the local residents with extra traffic movement.*
- *I would urge Council to impose a condition on the University to supply free parking to its students so that the severe parking congestion around Milperra local streets will be reduced.*
- *Our streets are full while the campus car parks are empty.*

Comment:

Matters concerning traffic and car parking are addressed in separate sections of this report. The traffic reporting and modeling conducted by experts engaged by the applicant and then, in turn, by Council's consultant, has considered the context of the site and its access to public transport services. It has been concluded that satisfactory car parking facilities would be provided, and the level of traffic generated by the proposal is within acceptable limits.

Matters relating to the management of existing on-site Campus parking (i.e. whether or not parking fees are applied) cannot reasonably be raised as part of this assessment, particularly where the parking and traffic issues related to the proposed development have been satisfactorily addressed and appropriate conditions are recommended.

Removal of the existing child care centre

- *The existing child care centre should remain. Relocating it would only add to the traffic chaos around the campus.*
- *Residents of Milperra rely on this service. It should be addressed before it is taken away from those who need it.*

- *There is no reason why the childcare centre needs to be removed as the existing premises could be renovated and enlarged to meet community growth and needs.*
- *There are currently only two child care centres in Milperra. The demolition of this child care centre will be a major blow to parents.*
- *The child care centre has been part of the Milperra community for over 30 years. For the University to demolish this centre is unacceptable when there is presently a shortage of quality child care centres in the area.*
- *The future of the child care service must be given consideration under this Development Application.*

Comment:

The existing child care centre is proposed to be removed from the site. However it is not a heritage listed building, nor would its removal raise any non-compliances with planning controls that relate to the site. Although demand for child care centre places is not a matter that can reasonably be raised in the assessment of this development application, it is noted that the University has indicated their intention to establish a new centre within the Campus at a future date. Any new centre within the Campus would need to be the subject of a future development application, and any issues concerning the centre or its proposed location would need to be considered at that time.

Built form

- *Other UWS campus units are set well back from the street and residents - unlike what has been proposed.*
- *Milperra has no other building of this height. Three storey buildings are not in keeping with the rest of the community.*
- *We are against the design of the buildings, as well as the colours and "accent" colours of the buildings. This is an old part of Milperra and these buildings will not fit in with the general look of the area.*
- *We oppose three storeys. A stylish two storey construction along similar lines to the existing accommodation along Ashford Avenue would be more in keeping with the aesthetics of the area.*
- *A gradual slope of building heights from Ashford Avenue would have more appeal.*
- *The proposed buildings are aesthetically unpleasing.*
- *Any proposed construction should be built off Horsley Road near the University carpark area and tennis courts. This would give greater access on two streets (Bullecourt and Horsley) and provide a large noise barrier to the residents off Ashford Avenue.*
- *Architecturally the proposal does not match or provide a harmonious transition from existing buildings and has a flat blank wall facing everyone's home.*

- *You could soften the impact by having the buildings go from one, then two to three storeys with the roof line and shape the same as the existing student accommodation - curved. If you then shortened the breezeways between the units you could then lengthen the remaining units to include the beds you would lose by stepping the roofline. This would add more architectural appeal to the boundary units and still maintain the student numbers.*
- *There is a new office building shown on the plans which is not shown on the elevations.*
- *All other buildings on the University campus are two storeys.*

Comment:

Matters concerning the proposed built form, setbacks and building separation are discussed in separate sections of this report. The proposed buildings need to be read and interpreted as part of an established tertiary institution, and with this in mind it is held that the proposed built form is appropriate and supportable.

The proposed buildings are of a contemporary design. It would be unreasonable to restrict the style and form of the proposed new buildings to that of the existing residential dwellings opposite the site, nor that of the circa 2001 residential accommodation buildings within the University Campus.

Communal facilities / Common room

- *The proposed Common Room will cause security and noise problems for neighbouring residents.*
- *A proposed 24 hour common room will increase traffic, noise and lighting pollution on Ashford Avenue and have a huge detrimental effect on our health and lifestyle. There will no longer be any privacy - weekdays and weekends.*
- *Apparently there is a noise curfew from 11pm but how will this be managed if the common room is right on Ashford Avenue and is open 24 hours?*
- *When the University had its bar the noise factor was so great that residents were greatly affected by the noise and poor behaviour of the students attending it, also attracting undesirables into the area.*
- *The location of the common room and the village green should be reversed so there is a grass buffer between the residents and the students games room.*
- *When "Club Mac" was in operation (located on the east side of the University oval) the noise and drunken behaviour was intolerable during most nights. This behaviour would continue if a community room was built in the proposed location.*
- *The community room should be located to the east of the University grounds where it adjoins an industrial area.*

Comment:

The proposed communal facilities are located north of the new student housing buildings. These facilities would serve the proposed accommodation as well as the existing residences on campus. The communal facilities comprise a lounge area with kitchen, computer room, games room, TV room, study area, shared laundry and ancillary amenities.

The concerns raised with respect to the proposed common facilities were conveyed to the applicant. In response it was advised that the facilities would be for the sole use of student residents living on campus and would be accessed via a security card issued to residents only. They would have an on-site manager and would be patrolled by University security (which is available 24 hours). It has also been confirmed that no bar is proposed, and the lounge and games areas are deliberately located on the eastern side of the building (i.e. to face away from neighbouring residences).

In addition to the above, it would be appropriate for the use of the common facilities to be the subject of a Plan of Management. This Plan should address matters including noise, security, and anti-social behaviour. It would also be appropriate to prohibit the consumption of alcohol in this common area, as well as any amplified or live music. It is recommended that these measures be imposed as conditions on any consent granted for the development.

Construction impacts

- *We are concerned about the amount of dust and excavation that will be coming from the work site.*
- *As deadlines come closer the construction hours will be extended.*
- *Ashford Avenue residents do not want trucks all day every day during construction, particularly when there are already difficulties driving around the suburb because of students parking everywhere (and often illegally).*
- *Ashford Avenue currently has a 3T load limit so the construction entrance should be via Horsley Road which is an area already freely accessed by heavy vehicles.*
- *We are concerned about the level of noise arising from the construction.*
- *The disruption from earthworks across the area will have a significant and detrimental affect on our property and properties on Ashford Avenue due to noise, dirt and dust.*

Comment:

Council's standard conditions of consent include measures to address potential impacts during construction activities, including those relating to construction hours, erosion and sediment control, and construction vehicle and traffic management. These conditions are included at Attachment B and it is recommended that they be included in any development consent granted for the proposal.

Drainage and stormwater

- *The southern end of this proposal is to be built on land that is flood prone. If hard surfaces are placed on the land it will dramatically increase the flooding risk because of the decrease of open land area water retention which was to assist water soakage into the existing water basin to prevent flooding to the local adjoining residents.*
- *The catchment plan shows a greater flow of water being placed into the existing drain and as the existing flood retention will be removed for the proposed buildings all the excess water will flow towards the corner of Ashford and Flanders Avenue and adjacent properties.*
- *The proposed buildings appear to encroach into the existing detention basin.*

Comment:

The proposed development is located in a part of the overall UWS Campus that contains an existing on-site detention (OSD) basin. The applicant is seeking approval to replace this existing OSD with a number of new detention basins, at various locations between and around the proposed buildings. Council's Development Engineer has reviewed the proposed stormwater concept, and advises that it is satisfactory subject to certain requirements relating to site discharges and construction methods.

Lighting impacts

- *If cars are parked at night-time the lights will shine directly into the homes of residents located along Ashford Avenue.*
- *With the added campus accommodation and the proposed 24 hour common room the increase in lighting for security purposes will directly impact the residents of Ashford Avenue.*

Comment:

Landscaping is proposed between the proposed car parking areas and the Ashford Avenue boundary, and comprises hedging and low level plantings. This landscaping would assist in minimising headlight and tail-light glare from vehicles in the car park.

Other lighting in and around the common areas and accommodation buildings should be directed away from Ashford Avenue to ensure no overspill into the neighbouring residences. It is recommended that this be required by a condition to be imposed on any consent granted for the development.

Noise impacts

- *We are concerned at the level of noise that entertaining 405 students will require. We went through the "Club Mac" days where there were bands that played both weekdays and weekends.*

- *How will the residents be taken care of with the elements of noise not only from the common facilities, but young people like loud music and with the amount of students surely there is going to be substantial noise?*

Comment:

It is agreed that amplified or live music should not be permitted at the site. Accordingly it is recommended that a Plan of Management be prepared to address this issue.

In addition, to address any potential nuisance caused by the playing of music in individual dwellings, it is recommended that the Plan of Management include a requirement that no music be audible at any boundary of the site.

Privacy impacts

- *There will be a reduction in homeowners privacy and security with extra traffic and foot traffic past local residences.*
- *If the proposed three storey buildings are built, students in the units will be able to clearly see straight into our backyard invading our privacy.*

Comment:

Vehicle and foot traffic in the neighbouring residential precinct should not see any significant increase as a result of the proposed development.

The majority of balconies within the proposal are north-facing, and are directed away from neighbouring residential dwellings. Moreover, views from the proposed buildings would be limited mostly to the front yard area of the neighbouring dwellings, which are already freely observed from the public road.

Loss of recreation facilities

- *The land currently has athletics facilities. These facilities (discus cage, long jump pit and shot put area) are used in the summer holidays by Revesby Workers Little Athletics Club and by several schools in the local area for yearly athletics carnivals. If the development proceeds how will these facilities be provided to the local community?*
- *The vision of the lovely green park as you drive along Bullecourt or Ashford Avenue will be lost.*

Comment:

It is not within the scope of this development assessment to request the retention of the recreation facilities that are currently provided at the site. Rather this is a matter for the University to resolve with any external users of these facilities.

While it is acknowledged that at present it is possible to enjoy views from Ashford Avenue across the 'park-like' development site, refusal of the development application to retain this undeveloped parcel of land would be unreasonable.

Pedestrian safety

- *With the increased number of cars parking in the streets and a lack of footpaths it makes it even more dangerous for residents, particularly those with prams, to walk to the local shops, etc. as they have to walk on the road.*

Comment:

As discussed earlier in the "traffic, access and parking" section of this report, the proposed on-site parking facilities are deemed adequate to cater for the parking demand generated by the additional student accommodation. The number of cars parking in the nearby streets should not be impacted by the proposed development, and pedestrian safety should not be diminished.

Clothes drying

- *What clothes drying provisions have been made for the new development?*

Comment:

The applicant will be required to provide clothes drying facilities in a screened location at ground level. The drying of clothes on balconies would not be supported and it is recommended that any consent be conditioned to prohibit this and include policing of this practice by the residential manager.

Economic impacts

- *The construction of these buildings allowing 450 more students will take jobs away from young people living in our community.*
- *Local shops have lost business due to the fact that customers cannot find a parking spot.*

Comment:

Competition for employment is beyond the scope of this development application. So too are issues concerning business operations and any impacts from existing traffic and parking issues in the locality. The car parking requirements for the proposed development can be adequately catered for on site and should not impact on local businesses.

The public interest [section 79C(1)(e)]

Based on the assessment, it is considered that the proposed development would not contravene the public interest.

CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 79C of the *Environmental Planning and Assessment Act 1979*, *Bankstown Local Environmental Plan 2001* and *Bankstown Development Control Plan 2005*.

The proposed development satisfies the zoning and land use framework established for the site. Moreover, the potential impacts of the proposed development have been adequately addressed, subject to conditions relating to certain aspects of the design, the use of the communal facilities, access and traffic management, and technical requirements including stormwater drainage. These matters are addressed by the 'special' conditions contained in Attachment 'B', which are also included in the recommended conditions of consent at Attachment 'C'.

It is noted that there has been considerable objection to the proposal from local residents. However the matters raised have been adequately addressed and, on balance, the proposed development represents an appropriate outcome for the site.

ATTACHMENT B - 'SPECIAL' CONDITIONS

The following recommended conditions of consent are referred to in the Assessment Report at Attachment 'A'. Although they are included in the recommended conditions of consent at Attachment 'C', for clarity each of these 'special' conditions are listed separately below.

It is recommended that the wording of the Schedule 'A' deferred commencement matter be as follows:

- A Phase 2 Detailed Site Investigation is to be carried out per the recommendations of the Phase 1 Preliminary Site Investigation prepared by Coffey Geotechnics Pty Ltd dated 16 March 2011. The Phase 2 Detailed Site Investigation is to confirm that the site is suitable for the proposed development, and is to document any necessary remediation works.

It is recommended that the following conditions be included in Schedule 'B' as foreshadowed conditions of development consent:

Remediation works

- Remediation works required by the Phase 2 Detailed Site Investigation are to be carried out in accordance with the recommendations of the Detailed Site Investigation Report.
- A validation report is to be provided prior to occupation of any part of the development, confirming that all required remediation works have been satisfactorily completed.

Access to Ashford Avenue

- A minimum 1.8m high, palisade-type security fence is to be maintained along the Ashford Avenue frontage. An automated, security-controlled, sliding vehicular access gate is to be provided at the approved Ashford Avenue driveway location. This gate is to remain closed at all times, except when a resident vehicle is entering or leaving the site. Access via this gate is to be controlled by a security pass / swipe card reader. Only forty (40) security passes / swipe cards are to be issued for access via this gate (i.e. 1 card per car parking space).

Car parking

- Ninety (90) car parking spaces within the P4 Carpark are to be designated for use only by student residents. These spaces are to be physically separated from the remainder of the P4 Carpark by a security fence, with access to be via a security-controlled gate with a security pass / swipe card reader. Only ninety (90) security passes / swipe cards are to be issued for access via this gate (i.e. 1 card per car parking space). The security passes / swipe cards issued for the P4 car parking spaces must not allow access to the forty (40) spaces accessed off Ashford Avenue.

- A maximum of forty (40) car parking spaces are to be accessed via Ashford Avenue per the approved plans.
- The parking area accessed via Ashford Avenue shall not be connected to any internal roads within the University Campus, nor any public road other than to Ashford Avenue via the approved single driveway.

Building presentation

- The facades of the western modules of each building are to incorporate additional, articulating design treatments. These treatments may be provided in the form of projecting wall elements (i.e. shades, screens, facade features) that provide visual interest through varied finishes and shadows cast over the building face.
- Window openings in the western modules of each building are to be modified to incorporate a variety of sizes, sill-heights and location.

Plan of Management for the Common Facilities

- A Plan of Management is to be prepared for the operation of the approved Common Facilities. A copy of the Plan of Management is to be provided to Council, and is to be made publicly available upon request. A copy of the Plan of Management is to also be provided to each student resident. The Plan of Management is to address issues concerning:
 - The prohibition of amplified or live music.
 - The provision of security.
 - The prevention of anti-social behaviour.
 - Means of responding to incidents that pose a threat to public safety.
 - Means of responding to incidents that pose a threat to the amenity of neighbouring residential areas.
 - The prohibition of alcohol.
 - Means of limiting use of the Common Facilities to residents of the student accommodation.

Stormwater management

- Stormwater runoff from within the property shall be collected and controlled by means of a series of on site detention systems in accordance with Council's Development Engineering Standards. The runoff from the detention storages shall be conveyed to an inspection pit to be located at the southern end of the site and from there to the existing channel within the RTA corridor to the M5 motorway. Stormwater runoff from areas upstream of the site shall be collected, conveyed and piped to the existing pit and pipe system adjacent to and draining the oval detention storage basin (east of the site).

A final stormwater drainage and on site detention system plan, shall be prepared by a qualified professional Civil Engineer in accordance with the above requirements and the requirements contained in Council's Development Engineering Standards. The final stormwater drainage plan shall also be generally in accordance with the concept plan 10059-D01, D02, D03, D04, D05, D06 Revision A dated 3 June 2011 prepared by D Hunt & Associates. The final plan shall include the following:

1. The proposed site discharge shall be limited to the existing peak site discharges for the 5, 10, 20, 50 and 100 year ARI rainfall events.
2. The proposed on-site detention basins shall be limited to a maximum depth of 300mm.
3. The proposed on-site detention basins shall be appropriately sized to limit the site discharges as per point 1 above and maintain a minimum 300mm freeboard to all habitable rooms and areas of the proposed development. The 300mm freeboard shall also be maintained assuming all basin outlets are blocked and all flows are released via the overflow weirs.
4. Appropriate energy dissipating structures shall be constructed within the M5 motorway corridor to the outlets of all pipes discharging to the corridor to prevent scour of the existing channel.

The final plan shall be certified by the design engineer that it complies with Council's Development Engineering Standards and the relevant Australian Standards.

Noise

- The recommendations of the Traffic Noise Intrusion Report prepared by Acoustic Logic dated 17 December 2010 are to be fully complied with.
- Mechanical plant is to be limited to air conditioning units within the roof space of the Common Facilities. Any additional mechanical plant is to be approved by Council and may require further acoustic investigations.
- Noise emissions from the site are to meet DECCW guidelines.
- Noise from the development (including but not limited to music, televisions and other electrical components, people noise, vehicle noise) shall not be audible beyond the boundaries of the site.

Clothes drying

- There is to be no drying of clothes on balconies at any time. This requirement is to be included in the tenancy agreement of each resident and is to be policed by the Residential Manager.

Sediment control

- Suitable erosion and sediment control measures shall be erected prior to the commencement of construction works and shall be maintained at all times.

Hours of construction

- The hours of site works shall be limited to between 7.00am and 6.00pm on weekdays and 7.00am and 1.00pm on Saturdays. No work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.

Lighting

- Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby public roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Interim Australian Standard AS 4282-1997 The Control of the Obtrusive Effects of Outdoor Lighting.

Traffic Management Plan

- Prior to the commencement of works, the applicant must obtain approval from Council for a Site, Pedestrian and Traffic Management Plan. This Plan must address the measures that will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and other requirements as specified below.

This plan shall include details of the following:

- a) Proposed ingress and egress points for vehicles to and from the construction site;
- b) Proposed protection of pedestrians, adjacent to the construction site;
- c) Proposed hoardings, scaffolding and/or fencing to secure the construction site;
- d) Proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- e) Proposed measures to be implemented for the protection of all public roads and footway areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- f) Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;
- g) Proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc are required to be displayed and shall be in accordance with Council's and the NSW Roads and Traffic Authority's requirements and AS1742.3.
- h) Proposed method of support of any excavation, adjacent to adjoining buildings or the public road. The proposed method of support is to be certified by a Civil Engineer with National Professional Engineering Registration (NPER) in the construction of civil works.
- i) Proposed measures to be implemented in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the public road.

- j) Proposed measures for protection of the environment including procedures to control environmental impacts of work e.g. sediment control, proper removal, disposal or recycling of waste materials, protection of vegetation and control/prevention of pollution i.e. water, air noise, land pollution.

The approved Site, Pedestrian and Traffic Management Plan is to be implemented prior to the commencement of any works on the construction site. The applicant will be required to pay for inspections by Council Officers in accordance with Council's adopted fees and charges.

In addition a RTA Approval / Road Occupancy Licence will be required for works on Regional or State Roads or within 100m of a traffic facility including roundabouts and traffic signals. Refer to Council's Development Engineering Standards for a list of Regional and State Roads.

ATTACHMENT C - CONDITIONS OF CONSENT

DEFERRED COMMENCEMENT REQUIREMENTS (Schedule A)

The following deferred commencement conditions must be complied with to the satisfaction of Council within twelve (12) months of the date of this deferred commencement consent, prior to the issue of an operational development consent:

1. A Phase 2 Detailed Site Investigation is to be carried out per the recommendations of the Phase 1 Preliminary Site Investigation prepared by Coffey Geotechnics Pty Ltd dated 16 March 2011. The Phase 2 Detailed Site Investigation is to confirm that the site is suitable for the proposed development, and is to document any necessary remediation works.

FORESHADOWED CONDITIONS OF APPROVAL (Schedule B)

CONDITIONS OF CONSENT

- 1) The proposal shall comply with the conditions of Development Consent.
- 2) Development shall take place in accordance with Development Application No. DA-1285/2010, submitted by Mr Charles Vella, accompanied by Drawing No. XXX, prepared by Baker Kavanagh, dated XXX and affixed with Council's approval stamp, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.
- 3) A minimum 1.8m high, palisade-type security fence is to be maintained along the Ashford Avenue frontage. An automated, security-controlled, sliding vehicular access gate is to be provided at the approved Ashford Avenue driveway location. This gate is to remain closed at all times, except when a resident vehicle is entering or leaving the site. Access via this gate is to be controlled by a security pass / swipe card reader. Only forty (40) security passes / swipe cards are to be issued for access via this gate (i.e. 1 card per car parking space).
- 4) Ninety (90) car parking spaces within the P4 Carpark are to be designated for use only by student residents. These spaces are to be physically separated from the remainder of the P4 Carpark by a security fence, with access to be via a security-controlled gate with a security pass / swipe card reader. Only ninety (90) security passes / swipe cards are to be issued for access via this gate (i.e. 1 card per car parking space). The security passes / swipe cards issued for the P4 car parking spaces must not allow access to the forty (40) spaces accessed off Ashford Avenue.

- 5) A maximum of forty (40) car parking spaces are to be accessed via Ashford Avenue per the approved plans.
- 6) The parking area accessed via Ashford Avenue shall not be connected to any internal roads within the University Campus, nor any public road other than to Ashford Avenue via the approved single driveway.
- 7) The facades of the western modules of each building are to incorporate additional, articulating design treatments. These treatments may be provided in the form of projecting wall elements (i.e. shades, screens, facade features) that provide visual interest through varied finishes and shadows cast over the building face.
- 8) Window openings in the western modules of each building are to be modified to incorporate a variety of sizes, sill-heights and location.
- 9) A Plan of Management is to be prepared for the operation of the approved Common Facilities. A copy of the Plan of Management is to be provided to Council, and is to be made publicly available upon request. A copy of the Plan of Management is to also to be provided to each student resident. The Plan of Management is to address issues concerning:
 - The prohibition of amplified or live music.
 - The provision of security.
 - The prevention of anti-social behaviour.
 - Means of responding to incidents that pose a threat to public safety.
 - Means of responding to incidents that pose a threat to the amenity of neighbouring residential areas.
 - The prohibition of alcohol.
 - Means of limiting use of the Common Facilities to residents of the student accommodation.
- 10) The recommendations of the Traffic Noise Intrusion Report prepared by Acoustic Logic dated 17 December 2010 are to be fully complied with.
- 11) Mechanical plant is to be limited to air conditioning units within the roof space of the Common Facilities. Any additional mechanical plant is to be approved by Council and may require further acoustic investigations.
- 12) Noise emissions from the site are to meet DECCW guidelines.
- 13) Noise from the development (including but not limited to music, televisions and other electrical components, people noise, vehicle noise) shall not be audible beyond the boundaries of the site.
- 14) Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby public roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Interim Australian Standard AS 4282-1997 The Control of the Obtrusive Effects of Outdoor Lighting.

- 15) There is to be no drying of clothes on balconies at any time. This requirement is to be included in the tenancy agreement of each resident and is to be policed by the Residential Manager.

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORKS

- 16) Approval in accordance with Council's Tree Preservation Order (TPO) is granted to lop or remove the trees identified on the approved plans. Separate approval shall be obtained to prune or remove trees on adjoining properties or other trees located on the site. Failure to comply with Council's TPO may result in a fine of up to \$100,000.
- 17) A Soil Erosion and Sedimentation Control Plan shall be prepared in accordance with Council's relevant DCP. The plan shall be prepared by a suitably qualified professional.
- 18) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water web site www.sydneywater.com.au/customer/urban/index or telephone 13 20 92.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be 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. A Notice of Requirements must be issued prior to the commencement of works.

A copy of the Section 73 Certificate must be submitted to Council for information prior to occupation of the development.

- 19) Prior to commencement of works, a Long Service Levy payment of 0.35% of the value of the work is required to be paid to Council on behalf of the Long Service Levy Corporation.
- 20) Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Bankstown City Council Section 94A Development Contributions Plan 2009 (Section 94A Plan), a contribution of \$270,000.00 shall be paid to Council.

The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Section 94A plan. The contribution is to be paid prior to the commencement of works.

Note: The Section 94 Contributions Plans may be inspected at Council's Customer Service Centre, located at Upper Ground Floor, Civic Tower, 66-72 Rickard Road, Bankstown, between the hours of 8.30am-5.00pm Monday to Friday.

- 21) Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on the approved plans. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.
- 22) Documentary evidence of the RTA's or relevant authorities approval of the proposed connection to its drainage system is required to be obtained, and a copy submitted to Council for information, prior to the commencement of works. All conditions imposed by the RTA or relevant authority shall be strictly complied with and incorporated into the approved drainage plan.
- 23) Stormwater runoff from within the property shall be collected and controlled by means of a series of on site detention systems in accordance with Council's Development Engineering Standards. The runoff from the detention storages shall be conveyed to an inspection pit to be located at the southern end of the site and from there to the existing channel within the RTA corridor to the M5 motorway. Stormwater runoff from areas upstream of the site shall be collected, conveyed and piped to the existing pit and pipe system adjacent to and draining the oval detention storage basin (east of the site).

A final stormwater drainage and on site detention system plan, shall be prepared by a qualified professional Civil Engineer in accordance with the above requirements and the requirements contained in Council's Development Engineering Standards. The final stormwater drainage plan shall also be generally in accordance with the concept plan 10059-D01, D02, D03, D04, D05, D06 Revision A dated 3 June 2011 prepared by D Hunt & Associates. The final plan shall include the following:

1. The proposed site discharge shall be limited to the existing peak site discharges for the 5, 10, 20, 50 and 100 year ARI rainfall events.
2. The proposed on-site detention basins shall be limited to a maximum depth of 300mm.
3. The proposed on-site detention basins shall be appropriately sized to limit the site discharges as per point 1 above and maintain a minimum 300mm freeboard to all habitable rooms and areas of the proposed development. The 300mm freeboard shall also be maintained assuming all basin outlets are blocked and all flows are released via the overflow weirs.
4. Appropriate energy dissipating structures shall be constructed within the M5 motorway corridor to the outlets of all pipes discharging to the corridor to prevent scour of the existing channel.

The final plan shall be certified by the design engineer that it complies with Council's Development Engineering Standards and the relevant Australian Standards.

- 24) Where Council approved cut or fill exceeds 200mm and stable batter of 1 vertical to 3 horizontal maximum grade cannot be achieved, then a masonry or other proprietary material retaining wall, intended and suitable for that purpose, shall be constructed within the development site. Note, filling of the site needs specific approval from Council.

The retaining wall shall be located so that it will not impede or obstruct the natural flow of stormwater. Retaining walls exceeding 600mm in height shall be designed by a qualified professional Civil/Structural Engineer. Plans and details prepared and signed by the Engineer are to be submitted to Council for information prior to the commencement of works.

All works associated with the construction of the wall, including backfilling and drainage, is to be located wholly within the allotment boundaries.

- 25) An all weather pavement shall be designed to withstand the anticipated wheel loads for all areas subjected to vehicular movements. Internal pavements specification prepared and certified by all qualified professional Civil Engineer to comply with the relevant Australian Standards, shall be submitted to Council for information prior to the commencement of works.
- 26) Prior to the commencement of works, the applicant must obtain approval from Council for a Site, Pedestrian and Traffic Management Plan. This Plan must address the measures that will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and other requirements as specified below.

This plan shall include details of the following:

- a) Proposed ingress and egress points for vehicles to and from the construction site;
- b) Proposed protection of pedestrians, adjacent to the constructions site;
- c) Proposed hoardings, scaffolding and/or fencing to secure the construction site;
- d) Proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- e) Proposed measures to be implemented for the protection of all public roads and footway areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- f) Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;
- g) Proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc are required to be displayed and shall be in accordance with Council's and the NSW Roads and Traffic Authority's requirements and AS1742.3.
- h) Proposed method of support of any excavation, adjacent to adjoining buildings or the public road. The proposed method of support is to be certified by a Civil Engineer with National Professional Engineering Registration (NPER) in the construction of civil works.
- i) Proposed measures to be implemented in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the public road.

- j) Proposed measures for protection of the environment including procedures to control environmental impacts of work e.g. sediment control, proper removal, disposal or recycling of waste materials, protection of vegetation and control/prevention of pollution i.e. water, air noise, land pollution.

The approved Site, Pedestrian and Traffic Management Plan is to be implemented prior to the commencement of any works on the construction site. The applicant will be required to pay for inspections by Council Officers in accordance with Council's adopted fees and charges.

In addition a RTA Approval / Road Occupancy Licence will be required for works on Regional or State Roads or within 100m of a traffic facility including roundabouts and traffic signals. Refer to Council's Development Engineering Standards for a list of Regional and State Roads.

- 27) A Work Permit shall be applied for from Council for the following engineering works in front of the site, at the applicant's expense:
 - a) 1.2 metre wide concrete footway paving along the sites frontage to Ashford Avenue from the existing driveway that accesses the site and up to Flanders Avenue.
 - b) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
 - c) Repair of any damage to the public road including the footway occurring during development works.
 - d) Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

Note: As a site survey and design is required to be prepared by Council in order to determine the necessary information, payment for the Work Permit should be made at least twenty one (21) days prior to the information being required and must be approved prior to the issue of the Construction Certificate.

- 28) As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993, Council requires that prior to the commencement of works, a Works Permit and or a Roadway/Footpath Building Occupation Permit shall be obtained where one or more of the following will occur, within, on or over the public footway or public road:

WORKS REQUIRING A 'WORKS PERMIT'

- a) Dig up, disturb, or clear the surface of a public footway or public road,
- b) Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road,

- c) Connect a road (whether public or private) to a classified road,
- d) Undertake footway, paving, vehicular crossing (driveway), landscaping or stormwater drainage works within a public footway or public road,
- e) Install utilities in, under or over a public road,
- f) Pump water into a public footway or public road from any land adjoining the public road,
- g) Erect a structure or carry out a work in, on or over a public road
- h) Require a work zone on the public road for the unloading and or loading of vehicles
- i) Pump concrete from within a public road,
- j) Stand a mobile crane within a public road
- k) Store waste and recycling containers, skips, bins and/or building materials on any part of the public road.

Assessment of Works Permits (a to e) includes the preparation of footway design levels, vehicular crossing plans, dilapidation reports and issue of a Road Opening Permit.

All proposed works within the public road and footway shall be constructed under the supervision and to the satisfaction of Council. The applicant/developer shall arrange for necessary inspections by Council whilst the work is in progress.

For commercial or multi-unit residential developments within the designated CBD or an urban village area, footway design and construction and street tree supply, installation and tree hole detailing shall be as per the Council master plan for that area. Full width footways are to be supplied and installed at full cost to the developer to specification as supplied by Council. Layout plan of pavement to be submitted to Council for approval prior to the issue of the Works Permit.

All Council fees applicable, minimum restoration charges and inspection fees shall be paid prior to the assessment of the Work Permit in accordance with Council's adopted fees and charges. Note: Additional fees after approval will be charged where the Work Permit requires occupation of the Road or Footpath ie Hoardings, Work Zones etc.

In determining a Works Permit, Council can impose conditions and require inspections by Council Officers.

Forms can be obtained from Council's Customer Service counter located on the ground floor of Council's administration building at 66 - 72 Rickard Road, Bankstown or Council's website www.bankstown.nsw.gov.au

Part of any approval will require the person or company carrying out the work to carry public liability insurance to a minimum value of ten million dollars. Proof of the policy is to be provided to Council prior to commencing any work approved by the Work Permit including the Road Opening Permit and must remain valid for the duration of the works.

The commencement of any works on public land, including the footway or public road, may incur an on the spot fine of not less than \$1100 per day that work continues without a Works Permit and/or a Roadway/Footpath Building Occupation Permit.

All conditions attached to the permit shall be strictly complied with prior to occupation of the development. Works non-conforming to Council's specification (includes quality of workmanship to Council's satisfaction) shall be rectified by the Council at the applicant's expense.

- 29) The route for transportation to and from the development site of any bulk and excavation materials shall generally be by the shortest possible route to the nearest "regional road", with every effort to avoid school zones on public roads. The applicant shall nominate the route for approval by Council prior to commencement of any works on the site. An "Agreement" to Council's satisfaction, signed by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council for damages to public property adjacent to the site shall be lodged with Council prior to the commencement of works. All damage must be rectified upon completion of work.
- 30) The building works in accordance with this development consent must not be commenced until the person having benefit of the development consent has given at least 2 days notice to the Council of their intention to commence the development works the subject of this consent.
- 31) Existing trees within the vicinity of the construction works or paths of travel for construction vehicles accessing the development that are to be retained shall be protected with temporary fencing of a style non injurious to tree roots, placed 2m from the trunk base of the existing tree to prevent damage during construction, and retained in accordance with Council's Tree Preservation Order. There is to be no stockpiling of materials within the 2m fenced zone.
- 32) Suitable erosion and sediment control measures shall be erected prior to the commencement of construction works and shall be maintained at all times.
- 33) Council warning sign for Soil and Water Management must be displayed on the most prominent point of the site, visible to both the street and site works. The sign must be displayed throughout the construction period.
- 34) Prior to commencement, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.
- 35) Prior to the commencement of any building work a fence shall be erected along the property boundaries of the development site, except where an existing 1.8m high boundary fence is in good condition and is capable of securing the site. Any new fencing shall be temporary (such as cyclone wire) and at least 1.8m high.

All fencing is to be maintained for the duration of the construction to ensure that the site is secured and privacy of the adjoining properties is not compromised.

Where the development site is located within 3m of a public place then a Class A or Class B hoarding shall be constructed appropriate to the works proposed. A Works Permit for such hoardings shall be submitted to Council for approval prior to the commencement of works.

- 36) A sign shall be displayed on the site indicating the name of the person responsible for the site and a telephone number of which that person can be contacted during and outside normal working hours or when the site is unattended.
- 37) In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with part 6 of that Act, such a contract of insurance must be in force before any building work authorised to be carried out by this consent commences.
- 38) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifying Authority (PCA) for the development to which the work relates (not being council) has given the Council written notice of the following information:
 - a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that act,
 - b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Note: If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under the above requirements becomes out of date, further work must not be carried out unless the PCA for the development to which the work relates (not being the council) has given the council written notice of the updated information.

This clause does not apply in relation to Crown building work that is certified, in accordance with Section 116G of the Act, to comply with the technical provisions of the State's building laws.

- 39) For development that involves any building work, subdivision work or demolition work, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition is being carried out:
 - a) showing the name, address and telephone number of the Principal Certifying Authority for the work, and

- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted during and outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Note: This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building, or in relation to Crown building work that is certified, in accordance with Section 116G of the Act, to comply with the technical provisions of the State's building laws.

- 40) The application must be submitted to the appropriate Sydney Water Officer to determine whether the development will affect Sydney Water infrastructure (ie. Sewer mains, easements, etc). If the development complies with Sydney Water's requirements, the plans will be stamped indicating that no further requirements are necessary.

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

- 41) Remediation works required by the Phase 2 Detailed Site Investigation are to be carried out in accordance with the recommendations of the Detailed Site Investigation Report.
- 42) The hours of site works shall be limited to between 7.00am and 6.00pm on weekdays and 7.00am and 1.00pm on Saturdays. No work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- 43) The building work must be carried out in accordance with the requirements of the Building Code of Australia, the provisions of the relevant Australian Standards and the approved plans.
- 44) Prior to each ground floor slab being poured, an identification report prepared by a registered surveyor shall be submitted verifying that the proposed slab's finished ground floor level and siting to the property boundary conforms with the approved plans.
- 45) All Civil and Hydraulic engineering works on site must be carried out in accordance with Council's Development Engineering Standards. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction.
- 46) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.

- 47) If the soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided, and adequate provisions must be made for drainage. Separate approval may be required for retaining walls should they be required.
- 48) If an excavation extends below the level of the base of the footings of an adjoining building or a building on an adjoining allotment of land, the person causing the excavation to be made:
- a) if necessary, must underpin and support the building in an approved manner, and
 - b) must, at least 7 days before excavating below the level of the base of the footings of a building give notice of intention to do so to the owner of that building and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - c) must take all precautions to protect all of the structures from damage.

The owner of any affected buildings is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on an adjoining allotment of land.

- 49) A suitably qualified Professional Civil or Structural Engineer shall be engaged by the developer to carry out inspections relating to construction of internal driveways and parking areas. The work shall be carried out in accordance with the approved plans and specifications and certification from the Civil or Structural Engineer is to be provided upon completion.
- 50) The stormwater drainage system shall be constructed in accordance with Council's Development Engineering Standards and the engineering plans and details approved by the Principal Certifying Authority (PCA). All stormwater pits shall be concrete benched at the base to prevent ponding of water and all pipe connections to pits shall be cut flush with the internal pit wall and siliconed/grouted to prevent seepage around the pipe.
- 51) Access to the M5 corridor is not permitted without the prior consent of the RTA or relevant authority. There shall be no stock piling of materials, storage of equipment or work carried out on the M5 corridor without the prior consent of the RTA or relevant authority.
- 52) The stormwater drainage system shall be constructed in accordance with Council's Development Engineering Standards and the engineering plans and details approved by the Principal Certifying Authority (PCA).

- 53) Prior to the commencement of work, the builder shall prepare a photographic record of the road reserve which clearly shows its condition prior to works occurring on site. For the entirety of demolition, subdivision or construction works, there shall be no stockpiling of building spoil, materials, or storage of equipment on the public road, including the footway and the road reserve shall be maintained in a safe condition at all times. No work shall be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.
- 54) A digital CCTV system shall be installed monitoring the entry / exit points of all buildings. This system needs to be able to retain recorded footage for a period of at least two (2) weeks.
- 55) Access to the buildings shall only be available to student residents and staff. Access for any guests shall be via installation of a video intercom system. Student residents and staff shall be issued with a security swipe card or key allowing access to their specific accommodation block. A register of these cards / keys shall be maintained and updated regularly.
- 56) Personal safes shall be provided in each room to allow residents to secure their personal belongings.
- 57) Pathways and pedestrian routes throughout the development shall be clearly sign-posted, and help points located accordingly.

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

The development shall not be occupied until all conditions relating to demolition, construction and site works of this development consent are satisfied and Council has issued a Work Permit Compliance Certificate.

- 53) A validation report is to be provided prior to occupation of any part of the development, confirming that all required remediation works have been satisfactorily completed.
- 54) Prior to occupation of the development a design verification from a qualified designer shall be submitted to Council for information. The design verification is a statement in which the qualified designer verifies that the development as shown in the approved plans and specifications, having regard to the design quality principles set out in Part 2 of SEPP No. 65.
- 55) Landscaping is to be installed in accordance with the approved landscape plan. All works and methods nominated and materials and plants specified on the approved landscape plan are to be completed prior to occupation of the development. The landscaping shall be maintained for the life of the development, and shall not hinder sightlines in or out of any of the buildings.

- 56) A suitably qualified Professional Civil Engineer shall certify that the driveways, parking bays, and service areas have been constructed in accordance with the approved plans and specifications. Such Certification shall be submitted to Council for information prior to occupation of the development.
- 57) Lighting must be provided to the entries of the dwellings, driveways and parking areas to promote a high level of safety and security at night and during periods of low light. Lighting provided should be hooded, shielded or directed away from neighbouring dwellings to minimise glare and associated nuisances to residents, and shall meet the requirements of Australian Standard AS 1158.
- 58) The developer shall register, on the title of the subject property, a Restriction on the Use of Land and Positive Covenant, in accordance with the standard terms for "Registration of OSD on title", as outlined in Council's Development Engineering Standards and in accordance with the appropriate provisions of the Conveyancing Act.

Note: The location of the "On-Site Stormwater Detention System" shall be shown on the plan of subdivision where subdivision is proposed. Where subdivision is not proposed the location of the "On-Site Stormwater Detention System" shall be included on an A4 size site plan attached to the Section 88E Instrument and registered on the title prior to occupation of the development.

The developer shall submit to Council evidence of the final registration of the Restriction and Positive Covenant on the title of the property.

- 59) A registered surveyor shall prepare a Work As Executed Plan, and a suitably qualified Hydraulic Engineer shall provide certification of the constructed on-site stormwater detention system.

The Work As Executed information shall be shown in red on a copy of the approved stormwater plan and shall include all information specified in Council's Development Engineering Standards. The Work As Executed plan shall be submitted to the Hydraulic Engineer prior to certification of the on-site stormwater detention system.

The engineer's certification of the on-site stormwater detention system should be carried out similar to Council's standard form "On-Site Stormwater Detention System - Certificate of Compliance", contained in Council's Development Engineering Standards.

A copy of the Work As Executed Plan and Hydraulic Engineer's Certification shall be submitted to Council for information prior to occupation of the development.

- END OF CONDITIONS -