

# JOINT REGIONAL PLANNING PANEL (Northern Region)

<b>JRPP No</b>	<b>JRPP Reference Number 2012NTH025</b>
<b>DA Number</b>	<b>DA-219-2012</b>
<b>Local Government Area</b>	<b>Armidale Dumaresq Council</b>
<b>Proposed Development</b>	<b>New College for residential accommodation of 222 students at University of New England</b>
<b>Street Address</b>	<b>Meredith Road, within 60 Madgwick Drive, Armidale, NSW 2350, part Lot 10 DP 1142199</b>
<b>Applicant/Owner</b>	<b>Scot Brown (JBA Urban Planning Consultants Pty Ltd) on behalf of University of New England (with UNE's consent as property owner)</b>
<b>Number of Submissions</b>	<b>Nil</b>
<b>Recommendation</b>	<b>Approval with Conditions</b>
<b>Report by</b>	<b>Stephen Gow, FPIA, Director Sustainable Planning and Living, Armidale Dumaresq Council</b>
<b>Report Date</b>	<b>13 February 2013</b>  <i>Note: this report reflects initial Crown Applicant comment on proposed DA conditions received on 12 February 2013, however Applicant's final approval of proposed conditions as required pursuant to s.89(1)(b) of the EP &amp; A Act was outstanding at the date of this report.</i>

<b>JRPP No:</b>	2012NTH025
<b>DA No:</b>	Armidale Dumaresq Council DA-219-2012
<b>PROPOSED DEVELOPMENT:</b>	<p><b>Development:</b> New College for residential accommodation of 222 students at University of New England</p> <p><b>Address:</b> Land within UNE Campus, at NW corner of Elm Avenue and Meredith Road, Armidale</p> <p>60 Madgwick Drive, Armidale, NSW 2350, Lot 10 DP 1142199</p>
<b>APPLICANT:</b>	Scot Brown (JBA Urban Planning Consultants Pty Ltd) on behalf of University of New England (with UNE's consent as property owner)
<b>REPORT BY:</b>	Stephen Gow, FPIA, Director Sustainable Planning and Living, Armidale Dumaresq Council



(Image by CS Architects, Nov. 2012)

## Further Application Details:

<b>DA Lodgement Date:</b>	30 November 2012
<b>Additional Information received? / date?</b>	DA updated with further information to 29 January 2013.  <i>Note: this report also reflects initial Crown Applicant comment on proposed DA conditions received on 12 February 2013, however Applicant's final approval of proposed conditions as required pursuant to s.89(1)(b) of the EP &amp; A Act is outstanding at 13 February 2013.</i>
<b>Estimated Construction Value of Development:</b>	As provided by Wilde and Woollard, QS (as at November 2012): \$14,402,665, excluding preliminaries, design fees and GST.
<b>Capital Investment Value:</b>	As provided by Wilde and Woollard, QS (as at November 2012): \$16,343,490 excluding GST.

## Glossary of terms used in this report:

**BCA** – Building Code of Australia

**DA** – Development Application

**DCP** - Armidale Dumaresq Development Control Plan 2007, as amended

**EP& A Act** – Environmental Planning and Assessment Act 1979 as amended

**JRPP** – Joint Regional Planning Panel

**LEP** – Armidale Dumaresq Local Environmental Plan 2012

**SEE** – Statement of Environmental Effects

**SEPP** – State Environmental Planning Policy

**UNE** – University of New England

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## **Assessment Report and Recommendations**

### **DA-219-2012 / JRPP Ref 2012NTH025**

## **Executive Summary**

### **Consideration by Joint Regional Planning Panel**

The Northern Joint Region Planning Panel is the determining authority for this DA pursuant to Part 4 of State Environmental Planning Policy (State and Regional Development) 2011, as the proposed development is a Crown development with a capital investment value of more than \$5 Million.

The capital investment value of this project, as estimated by the Applicant's quantity surveyors, is \$16,343,490.

### **Proposal**

The DA proposes the following development on the southern part of Lot 10 DP 1142199 :

- demolition of the former Wright College Master's Residence;
- removal of 25 trees, landscape elements and ground cover within the building footprint;
- clearing of proposed development area and site preparation works;
- erection of two storey educational establishment (residential college) buildings in four blocks (A, B1, B2 and C), providing 222 additional student beds and ancillary facilities; 10 of the ground floor rooms are designated and designed for use by students with disabilities;
- erection of a bike store/workshop/plant room in a single storey building;
- at-grade car parking for a total of 98 cars for residents and visitors (including four parking spaces for people with disabilities);
- planting of 36 trees and provision of new landscaping; and
- associated site infrastructure works, including a new pedestrian footpath in Meredith Road adjoining the site.

### **Permissibility**

The proposed development is considered permissible with development consent pursuant to cl.28 of SEPP (Infrastructure) 2007 and to Part 2 of Armidale Dumaresq LEP 2012, under which the site is zoned SP2 Infrastructure – Educational Establishment.

### **Key Issues**

From the attached Assessment Report, key issues for this project can be summarised as follows:

- The proposed development is considered compliant with applicable statutory planning provisions and with the relevant chapters of Council's DCP 2007;
- Improved pedestrian and cyclist safety in Meredith Road is sought by both the RMS and Council in connection with the development. This can be achieved by introducing appropriate traffic calming measures in this location;
- Minor changes to the submitted proposal are recommended in relation to site landscaping, to address the recommendation of the submitted Flora and fauna Study; as well as measures to address crime prevention/resident privacy for some student rooms;

*Cont/*

- Although no further statutory approvals are required for water, sewerage and drainage works relating to this Crown development, UNE and its contractors / consultants should undertake appropriate liaison with Council and other relevant utility service providers regarding the detailed arrangements for relevant infrastructure/services for the project;
- Precautionary measures are recommended in relation to asbestos removal from the former Master's residence on site; and in relation to potential archaeological relics that may be found during construction;
- UNE is advised to further consider the relationship/proximity between the accessible parking spaces to be provided as part of the development, the student rooms designed for use by people with disabilities, and the College administration office.

No submissions were received as a result of public notification of the Application.

As a result of this assessment, the proposed development is recommended for conditional consent.

The **Appendix** to this report contains all relevant conditions identified throughout the assessment process and as discussed in this report.

The Applicant, as a Crown agency, sought one minor change to proposed condition 7 on 12 February 2013, which was accepted, by removing a requirement for a grease arrestor in connection with the project. This has now been changed to an advising / recommendation only, which is not binding on UNE.

However the Applicant has yet to issue its final approval for all the recommended conditions as required pursuant to s.89(1)(b) of the EP & A Act.

#### **Recommendation**

- (a) **That having regard to the assessment of the Application and subject to the approval of the Applicant to the proposed conditions of consent pursuant to Section 89(1)(b) of the EP & A Act, DA-219-2011 (JRPP ref 2012NTH025) be granted consent in the terms set out in the Appendix to this report.**
- (b) **That agencies that made submissions in relation to the Application be notified of the determination in writing.**



## Subject site and locality

The proposed development is to be located adjacent to the corner of Elm Avenue and Meredith Road. The site is shown below in an annotated air photo of the southern section of the University campus:



**Figure 1 – Annotated air photo provided by applicant**

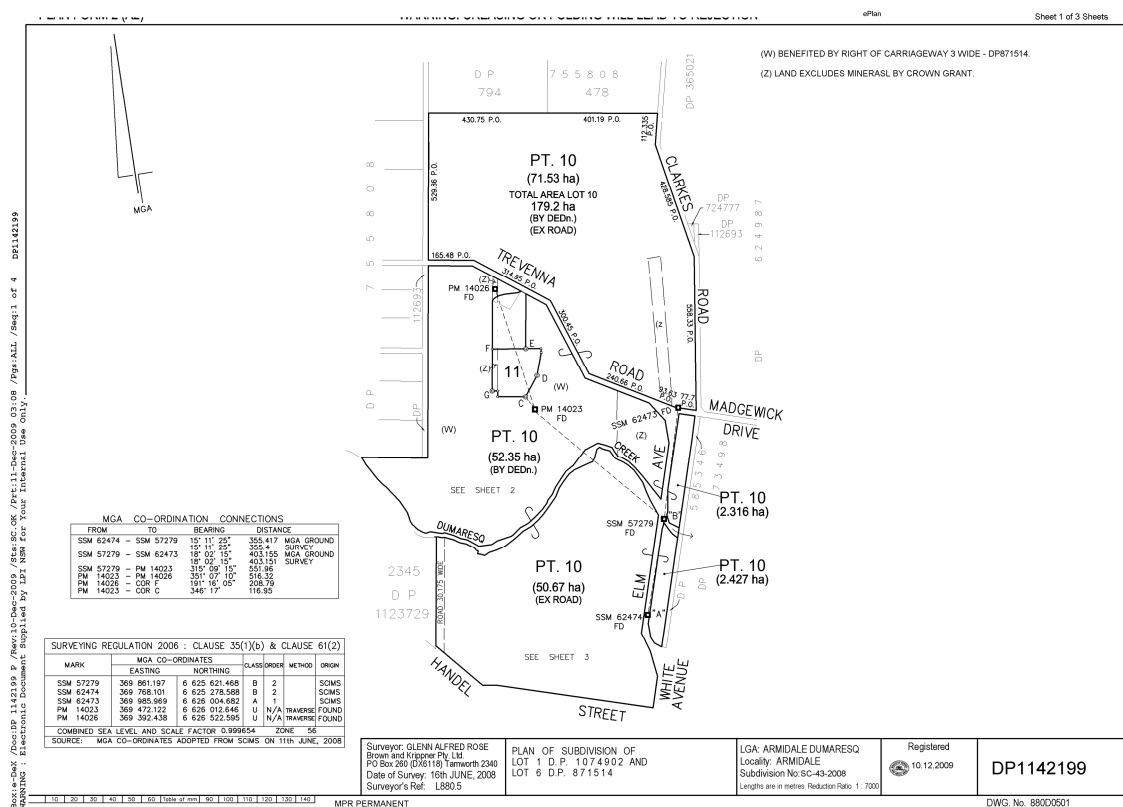
The majority of the UNE campus in north-west Armidale lies within Lot 10 in DP 1142199. Lot 10 is irregular in shape, and has a total area of 179.2 hectares (see title plan extract – not to scale – overleaf).

The proposed development site is located within the southern portion of Lot 10, where most of the existing student housing operated by UNE is located, as shown in the air photo above. The development site, including the proposed car park, occupies approximately 1.35ha., with frontages to Meredith Road, which is an internal road owned by UNE, of some 240 metres, and of about 95 metres to Elm Avenue, which is a public road for which Council is the roads authority. Both roads are sealed and Meredith Road has concrete kerbing.

Both these roads provide pedestrian and cycle access to the site, with a concrete ribbon footpath/cycle path located on the western side of Elm Avenue. A local public bus route regularly services Elm Avenue, with a covered bus shelter located just to the east of the site.

The avenue of trees in Elm Avenue from which the road derives its name is identified as a heritage item in Council's LEP.

The site is predominantly vacant, previously occupied in part by a number of student accommodation blocks comprising Wright College, which closed in 1995. This former student accommodation was demolished in the late 1990's. The current Application now proposes the demolition of the former Wright College Master's residence, which remains adjacent to the Elm Avenue and Meredith Road intersection and is surrounded by a number of mature trees. To the west of the site is an at-grade car park and the former College dining hall, now known as 'The Wright Centre'. This building is currently used as an occasional venue for examinations and other special events/conferences hosted by UNE. A minor internal road bisects the site, running roughly parallel with Elm Avenue.



**Figure 2 –**  
**Extract from title plan for Lot 10 DP 1142199**  
***The development site lies within the lower section shown as “Pt 10 (50.67ha)”.***

The area to be developed is relatively flat, with a gradual slope to the north-east towards Dumaresq Creek, which lies approximately 300 metres to the north of the site. The grade change is in the order of  $1^0$  to  $2^0$  (from RL 991.86 to RL 986.72 over the development footprint).



The DA drawings show an underground high voltage cable on the northern boundary of the development site, although there is no easement for this infrastructure or any other encumbrance affecting the subject site shown on the title plans. Other utility services, including reticulated water and sewer, telecommunications and gas are readily available to the site. Council water mains are available in Elm Avenue and trunk sewer to the north and east of the site.

Council understands from the submitted documentation that internal (UNE) underground service connections remain on site having been capped off after the demolition of the former Wright College.

Other existing development immediately to the south and west of the site is also associated with the University's student accommodation. The subject site is immediately to the north of the existing Austin and Duval Colleges, which are located on the southern side of Meredith Road, while Earle Page and Robb Colleges lie further to the west, also off Meredith Road.

Elm Avenue is the main access road from the residential colleges to the UNE's main academic precinct, approximately one kilometre to the north. On the eastern side of Elm Avenue are a number of University residential buildings and other low density residential housing. Private residences off Claude Street are about 200 metres south-east of the site.

The site and locality has been inspected as part of this assessment. Photographs of the site and its surrounds have been provided in Section 2 of the Applicant's SEE, which has been provided to the JRPP.

## Proposed development

The proposed development involves:

- demolition of the former Wright College Master's Residence;
- removal of 25 trees, landscape elements and ground cover within the building footprint;
- clearing of proposed development area and site preparation works;
- erection of two storey educational establishment (residential college) buildings in four blocks (A, B1, B2 and C), providing 222 additional student beds and ancillary facilities; 10 of the ground floor rooms are designated and designed for use by students with disabilities;
- erection of a bike store/workshop/plant room in a single storey building;
- at-grade car parking for a total of 98 cars for residents and visitors (including four parking spaces for people with disabilities);
- planting of 36 trees and provision of new landscaping; and
- associated site infrastructure works, including a new pedestrian footpath in Meredith Road adjoining the site.

The development is designed to cater for the needs of current students at UNE, especially international students. The typical bedroom layout provides for a double bed, ensuite facilities and in room kitchen facilities such as a stove top and rangehood, and others if provided by students (eg microwave / bar fridge).

Typical rooms are 21.29m<sup>2</sup> each while the rooms for students with disabilities are 31.93m<sup>2</sup> each.

Proposed external materials include pre-finished aluminium composite panels, fibre cement cladding, powder coated aluminium frame double glazing, 'colorbond' pitched roofing, prefinished sun screens and awnings.

The DA documentation indicates that the four proposed college blocks would have a combined gross floor area of 6,726m<sup>2</sup>, with accommodation as set out overleaf.

Level	Proposed Works	Beds	GFA
Ground	Block A	38	3,441.0m <sup>2</sup>
	<ul style="list-style-type: none"> <li>36 standard rooms</li> <li>2 accessible rooms</li> <li>Internal stairs, common use laundry, storage rooms, communal lounge, switch room and patio area</li> </ul>		
	Block B1	17	
	<ul style="list-style-type: none"> <li>Administration office, reception, communications room</li> <li>15 standard rooms</li> <li>2 accessible rooms</li> <li>Internal stairs, common use laundry, multipurpose room, storage rooms, patio area and bin storage room</li> </ul>		
	Block B2	20	
	<ul style="list-style-type: none"> <li>20 standard rooms</li> <li>Internal stairs</li> </ul>		
	Block C	27	
	<ul style="list-style-type: none"> <li>21 standard rooms</li> <li>6 accessible rooms</li> <li>Internal stairs, common use laundry, storage rooms and bin storage room</li> </ul>		
First	Block A	41	3,285m <sup>2</sup>
	<ul style="list-style-type: none"> <li>41 standard rooms</li> <li>Internal stairs, common use laundry, storage room and study/multipurpose room</li> </ul>		
	Block B1	26	
	<ul style="list-style-type: none"> <li>26 standard rooms</li> <li>Internal stairs and storage room</li> </ul>		
	Block B2	23	
	<ul style="list-style-type: none"> <li>23 standard rooms</li> </ul>		
	Block C	30	
	<ul style="list-style-type: none"> <li>30 standard rooms</li> <li>Internal stairs, storage room and communal study/multipurpose room</li> </ul>		
<b>Total</b>		<b>222</b>	<b>6,726m<sup>2</sup></b>

## Submitted Documents and Plans

Project documentation has been coordinated by the Applicant JBA Urban Planning Consultants Pty Ltd and a range of other specialist consultants. Specific documents and plans relied upon for this assessment are as follows:

- Statement of Environmental Effects ref 12687 dated 28 November 2012 by JBA Planning, including the following appendices:
  - A. *Architectural Drawings - CS Architects Pty Ltd – see list below*
  - B. *Survey Plan - Brown and Krippner*
  - C. *Landscape Plans - Dunn Moran*
  - D. *Traffic Impact Assessment - Better Transport Futures*
  - E. *Site Based Stormwater Management Plan- Wood & Grieve Engineers*
  - F. *Heritage Impact Assessment - John Carr*
  - G. *Geotechnical Report - Regional Geotechnical Solutions*
  - H. *Phase 1 Contamination Report - Regional Geotechnical Solutions*
  - I. *Hazardous Materials Survey Report - Noel Arnold and Associates*
  - J. *Flora and Fauna Assessment - Ecological Australia (updated 24/1/13)*
  - K. *Infrastructure and Servicing - Wood & Grieve*
  - L. *Waste Management Plan - University of New England*
  - M. *Accessibility Capability Statement - Philip Chun & Associates*
  - N. *BCA 2012 Capability Report - Philip Chun & Associates*
  - O. *Crime Prevention Through Environmental Design – JBA Planning*

<b>Drawing Numbers (Project No. 0340N, Rev.P5 dated 28.11.12)</b>	<b>Content</b>
DA.00.00	Cover Sheet
	<i>Site Drawings</i>
DA.01.01	Site Analysis 01
DA.01.10	Location Plan
DA.01.11	Demolition Plan
	<i>Overall Floor Plans</i>
DA.01.20	Site Plan Overall
DA.01.21	Level 00 – Overall Carpark
DA.01.22	Level 00 - Overall
DA.01.23	Level 01 - Overall
DA.01.24	Level Roof - Overall
DA.02.00	Level 00 Floor Plan – Proposed Carpark
DA.02.01	Level 00 Floor Plan – Zone 1
DA.02.02	Level 00 Floor Plan – Zone 2
DA.02.03	Level 00 Floor Plan – Zone 3
DA.02.04	Level 00 Floor Plan – Zone 4

<b><i>Drawing Numbers (Project No. 0340N, Rev.P5 dated 28.11.12)</i></b>	<b><i>Content</i></b>
DA.02.05	Level 01 Floor Plan – Zone 1
DA.02.06	Level 01 Floor Plan – Zone 2
DA.02.07	Level 01 Floor Plan – Zone 3
DA.02.08	Level 01 Floor Plan – Zone 4
DA.02.09	Level Roof Plan – Zone 1
DA.02.10	Level Roof Plan – Zone 2
DA.02.11	Level Roof Plan – Zone 3
DA.02.12	Level Roof Plan – Zone 4
DA.02.21	<i>Typical Bedroom Layout Plans</i>
	<i>Elevations</i>
DA.03.01	Elevations (coloured)
DA.03.02	Elevations (coloured)
DA.03.03	Elevations
DA.03.04	Elevations
DA.03.05	Elevations
	<i>Sections</i>
N.DA.04.01	Sections A & B
	<i>Miscellaneous</i>
N.DA.05.01	Perspective 01
N.DA.05.02	Perspective 02
N.DA.05.03	Perspective 03
N.DA.05.04	3D Montage 01

These documents have been separately supplied to the JRPP.



## Referrals undertaken and other approvals required

The following agencies were notified of the DA from 3 December 2012:

Referral Agency:	Response Date:	Summary of Advice / Issues:
NSW Police (CPTED)	No response at date of reporting.	N/A
Essential Energy	30/1/13	Connection for this development is possible and would be at the developer's cost. Detailed design issues are to be addressed once a connection application is received.
NSW Roads and Maritime Services	20/12/12 and 24/1/13	Advice relating to traffic generating development criteria under the SEPP (Infrastructure) 2007. See further discussion under <u>Section 79C(1)(a)(i) following.</u>

This proposal will also require separate Council approval under the *Roads Act 1993* for any work in Council's road reserves and may require regulation under the *Public Health Act 2010* in terms of its air handling systems.

Council's oversight of required water, sewerage and drainage work connected with the proposal is also anticipated, as Armidale Dumaresq Council is the local Water and Sewer Authority, noting however that s.69 of the Local Government Act 1993 provides that "*Section 68 [which normally requires Council approval of water, sewer and stormwater work] does not require the Crown . . . to obtain the approval of a council to do anything that is incidental to the erection or demolition of a building*".

## Political Donations

The Applicant has indicated, pursuant to Section 147(4) of the Environmental Planning and Assessment Act 1979, that no reportable political donation or gift has been made by the Applicant or any person with a financial interest in this Application to a local Councillor or employee of Armidale Dumaresq Council.

## Assessment - Matters for Consideration

The assessment of this Development Application has been undertaken in accordance with Section 79C(1) of the Environmental Planning and Assessment Act 1979, as amended. In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development application:

### Section 79C(1)(a) the provisions of the following that apply to the land to which the development application relates:

#### **79c (1)(a) (i) the provisions of any environmental planning instrument**

#### **State Environmental Planning Policies (SEPPs):**

The following SEPPs have been considered in connection with this development:

#### ***SEPP 44 – Koala Habitat Protection***

Clause	Subject	Comments
6- 8	<p>Determination of whether the land is potential or core koala habitat</p> <p><i>[Note: SEPP 44 applies this DA as it applies, per cl. 6, to applications for land that has either an area of more than 1 ha, or that has, together with any adjoining land in the same ownership, an area of more than 1 ha (regardless of whether the DA applies to only part of all of the land).</i></p>	<p>Under the SEPP, <u>potential Koala habitat</u> means areas of native vegetation where the trees of the types listed in Schedule 2 of the SEPP constitute at least 15% of the total number of trees in the upper or lower strata of the tree component. <u>Core Koala habitat</u> means an area of land with a resident population of koalas, evidenced by attributes such as breeding females (that is, females with young) and recent sightings of and historical records of a population.</p> <p>A Flora and Fauna report was submitted with the DA as SEE Appendix J (revised 24/1/13). The report concludes (p.41):</p> <p><i>“Manna Gum [euc. viminalis] is a tree species listed under schedule 2 of SEPP44 as a koala feed tree. Three remnant Manna Gum individuals occur on the . . . site (Figure 5). No evidence of koala usage (e.g. scats or tree markings) was found on these remnant trees. A more intact stand of native vegetation occurs on the same land (i.e. Lot 10 DP 1142199) approximately 500 m to the north of site and has the potential to be koala habitat. A koala has also previously been recorded approximately 1.5 km north of the site on the same Lot 10 DP 1142199 within a native remnant vegetation stand (OEH 2012a). However, given that the remnant Manna Gums within the proposed development area occurs in isolation (approximately 500 m from potential koala habitat), has a mown exotic dominated grassland in a managed landscape, and field survey identified no signs of koala presence, the site proper is unlikely to be potential koala habitat. As such, it is unlikely that the proposed development, including the removal of two Manna Gum individuals, will have an impact on any koala populations or their potential habitat occurring within Lot 10 DP 1142199.”</i></p> <p>No further action is considered necessary on this basis.</p>

**SEPP No.55 – Remediation of Land**

This Policy requires Council to consider whether land is suitable for a proposed use having regard to any known or potentially contaminating land use activities.

Clause	Subject	Comments
7	Contamination and need for remediation to be considered in determining development applications	<p>The UNE campus is recorded in Council's Contaminated Land Information System on the basis of fuel storage elsewhere on the (northern part of the) campus. A site inspection for this DA revealed an old wall-mounted "Esso" kerosene/heating oil storage tank in the rear yard of the Master's House, which appears to have supplied the building's domestic air heating system. There is no visual evidence of any leakage from that tank.</p> <p>No other records of any potential potentially contaminating activities at the subject site could be located on relevant Council files for the former Wright College.</p> <p>A "Phase 1 Site Contamination Assessment Report" has been provided with this DA as Appendix H of the SEE. The authors, Regional Geotechnical Solutions, reviewed the NSW EPA database under the Contaminated Land Management Act and found no record of the site there. They also undertook a borehole and groundwater assessment and an analysis of the New College site using relevant NSW Government Guidelines. Despite the potential issues from former demolition wastes and pesticide / herbicide residues, no constraints to the proposed development were identified at the subject site. The report concludes that <i>"the site is generally deemed appropriate for the proposed land use"</i> (p.12).</p> <p>As the existing residence is to be demolished and waste removed from the site, a hazardous materials survey was also supplied with the SEE as Appendix I. The authors Noel Arnold and Associates found asbestos in the existing building fabric. Accordingly, safe disposal of this material will need to be appropriately addressed as a condition of any consent in relation to the required demolition activity.</p>

**State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004****State Environmental Planning Policy (Affordable Rental Housing) 2009**

These SEPPs were reviewed in connection with the DA but on further analysis are not considered applicable to the form of accommodation proposed.

In relation to energy efficiency issues, the SEE indicates that the new accommodation buildings will need to comply with Part J of the BCA and will incorporate features such as high energy efficient lighting; proximity sensor and time switch sensing of spaces with respect to lighting and heating; wall, roof and ceiling insulation; high performance or double glazed windows; external sunshading devices; and where relevant energy rated appliances (noting however that in-room microwaves and bar fridges are to be supplied by students).

In relation to the Affordable Rental Housing SEPP, the accommodation could be considered as a form of boarding house, as defined in the Standard Instrument and Council's LEP. However the DA

has not been submitted on that basis and as explained previously is being assessed as an ancillary use within an educational establishment. In any case, as the development site is zoned SP2 Infrastructure under Council's LEP, pursuant to cl.26 of the SEPP it is not subject to the development standards for boarding houses outlined in the remainder of Division 3 of Part 2 of the SEPP.

### **SEPP (Infrastructure) 2007**

The Application has also been considered having regard to the relevant provisions of this SEPP, as follows:

Clause	Subject	Comments
13	Consultation with councils— development with impacts on council-related infrastructure or services	<p>This clause establishes a mechanism for a 21 day consultation period with Council in relation to public authority developments not requiring consent with impacts on local utility and road services.</p> <p>Consent is required in this case, however as noted above, no relevant approval is required for utility works under s.68 of the Local Government Act for Crown building developments. It is suggested that relevant consultation requirements for this project be addressed by a suitable condition of any consent (see also discussion re cl. 6.6 of Council's LEP, following).</p>
Part 3 Div. 3	Education Facilities – permissible in prescribed zones	<p>The proposed development of the College and related facilities is part of an educational establishment for the purposes of cl.27 of this SEPP, being:</p> <p><i>“a building or place used for education (including teaching),”</i> including <i>“(b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.”</i></p> <p>In this case the <i>University of New England Act 1993</i> applies, and the proposed college is clearly ancillary to the operation of the University, providing accommodation on campus for UNE students. Further, s.7 of the UNE Act provides that:</p> <p><i>“The University may, for the purposes of or in connection with the exercise of its functions, provide such facilities for its students and staff and other members of the university community as the University considers desirable.”</i></p> <p>Clause 28 of the SEPP in turn provides that development for the purpose of educational establishments may be carried out by any person, with consent, on land in a “prescribed zone” (cl. 28(1)) or on land on which there is an existing educational establishment (cl. 28(2)(a)). The list of relevant “prescribed” Standard Instrument zones in cl. 27 of the SEPP includes the SP2 Infrastructure zone, which is the zoning for the subject site under Council's LEP. The site is also within the existing UNE campus.</p> <p>On this basis, the proposed development is considered permissible with consent under the SEPP.</p>

**SEPP (Infrastructure) 2007 (cont)**

Clause	Subject	Comments
Part 3 Div. 5, cl.45	Development likely to affect an electricity transmission or distribution network	<p>Essential Energy was consulted in writing regarding this proposal. No response was received within the 21 day period nominated in cl.45. However on 30/1/13 its Network Planning Engineering Officer advised that <i>"connection for this development is possible and would be at the developer's cost. Once we receive an application for connection from the developer we can work out network limitations"</i>.</p> <p>The site is within an area already served with electricity and the applicant has identified a subsurface high voltage transmission line north of the proposed development footprint, together with the site for a proposed substation adjacent to Block A and within the proposed car park. Further coordination with the supply authority can be addressed through an appropriate condition of any consent.</p>
Part 3 Div. 17 cl.104	Traffic generating development	<p>This clause requires referral of DAs to NSW Roads and Maritime Services (formerly RTA) where certain thresholds or triggers as set out in Schedule 3 to the SEPP are met. In this case a potential trigger in that Schedule is where development involves an educational establishment with 50 or more students with access to any road, including an addition of the same size to an existing establishment of this size.</p> <p>In this case, the proposed college itself would not necessarily add to the student capacity of the University as a whole – simply the number of students that are currently accommodated on site. However, as indicated, New College would replace the former (250 student) Wright College which existed on the site until around 1998 and in the short to medium term is also expected to replace accommodation at nearby Robb College, which UNE has advised (Jan. 2013) is to be closed in 2014. Nevertheless, the decision was taken to consult with the RMS under the SEPP for the avoidance of doubt. The referral included the Traffic Impact Assessment for the project prepared by Better Transport Futures (SEE Appendix D – see further discussion below).</p> <p>In determining the DA, the consent authority is required under cl.104(b) to take into consideration:</p> <ul style="list-style-type: none"> <li>(i) <i>any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and</i></li> <li>(ii) <i>the accessibility of the site concerned, including:</i> <ul style="list-style-type: none"> <li>(A) <i>the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and</i></li> <li>(B) <i>the potential to minimise need for travel by car and maximise movement of freight in containers or bulk freight by rail, and</i></li> </ul> </li> <li>(iii) <i>any potential traffic safety, road congestion or parking implications of the development.</i></li> </ul> <p style="text-align: right;">Cont/</p>



**SEPP (Infrastructure) 2007 (cont)**

Clause	Subject	Comments
Part 3 Div. 17 cl.104	Traffic generating development (cont)	<p>On 20 December 2012 Council received initial advice from NSW Roads and Maritime Services (RMS) Grafton Office that:  <i>“RMS has considered the cumulative impact of the .... proposal and consider that [it] will have minimal impact on the classified road network.”</i></p> <p>On 24 January 2013, a formal letter from RMS advised:  <i>“RMS has undertaken a review of the submitted information and raises no objection to the proposed development provided Council [in this case JRPP] consider the following issues in making its determination:</i></p> <ol style="list-style-type: none"> <li><i>1. All site access and parking is to be in accordance with Council requirements and the relevant Australian Standards.</i></li> <li><i>2. Consideration should be given to the introduction of appropriate facilities to improve the safety of pedestrians and cyclists on the surrounding road network”.</i></li> </ol> <p>As part of the assessment of this application, traffic, access, parking and road safety issues, informed by the submitted Traffic Impact Assessment, have also been undertaken by Council’s engineering staff.</p> <p>Firstly the parking provision for the development is considered compliant with Council’s Parking Code which in turn relies upon the relevant Australian Standards – see further discussion under s.79C(1)(a)(iii) re Council’s Development Control Plan 2007, below.</p> <p>In relation to the second matter raised by the RMS, Council’s Director Public Infrastructure David Steller has advised as part of the assessment process that one issue not addressed in the submitted Traffic Study is the option of a local area traffic management scheme for Meredith Road to keep vehicles to a safe speed. This issue has previously been raised with Council by a former College Head, however as Meredith Road is not a road under Council’s jurisdiction Council wasn’t able to fund such measures. Mr Steller advises: <i>“Now is the time for UNE . . . to address this issue.”</i></p> <p>Mr Steller further advised that traffic flows to and from the colleges will only be marginally increased and Elm Avenue / Meredith Road intersection has sufficient capacity for peak hour movements. <i>“Accident history at Elm Avenue, White Avenue and Handel Street intersection is 5 injury accidents in 5 years, not unusual for an intersection with relatively high peak hour traffic movements and noting that the majority of these accidents occurred at non peak times. There is only one recorded injury accident at Meredith Road and Elm Avenue in the past 5 years.”</i></p> <p>Subject to appropriate conditions of consent, the development is therefore considered acceptable having regard to the relevant provisions of cl.104 of the SEPP.</p>

**State Environmental Planning Policy (State and Regional Development) 2011**

Pursuant to Part 4 of the SEPP, in particular cl. 20, the EP&A Act Schedule 4A threshold for Joint Regional Planning Panel consideration of Crown development applies where projects have a capital investment value (CIV) of more than \$5Million but less than \$30Million.

UNE is a Crown agency for the purposes of the EP& A Act (refer s.88 of that Act and in turn cl.226 of the Regulation to the Act) and the project's CIV exceeds \$16Million.

In this case the DA is to be determined by the Northern Joint Regional Planning Panel.

**Local Environmental Plans (LEPs):**

**Armidale Dumaresq Local Environmental Plan 2012** was gazetted on the same day on which the DA was submitted to Council. An assessment under the relevant provisions of the LEP is as follows:

Clause	Subject	Comments
1.2 (2)	Aims	<p>Relevant aims of the LEP considered in this assessment include:</p> <p><i>“(a) to encourage the orderly management, development and conservation of resources by protecting, enhancing and conserving:</i></p> <p><i>(i) land of significance for agricultural production, and</i></p> <p><i>(ii) timber, minerals, soils, water and other natural resources, and</i></p> <p><i>(iii) areas of high scenic or recreational value, and</i></p> <p><i>(iv) native plants and animals, including threatened species, populations and ecological communities, and their habitats, and</i></p> <p><i>(v) places and buildings of heritage significance,</i></p> <p><i>(b) to provide a choice of living opportunities and types of settlements,</i></p> <p><i>(c) to facilitate development for a range of business enterprises and employment opportunities,</i></p> <p><i>(d) to ensure that development is sensitive to both the economic and social needs of the community, including the provision of community facilities and land for public purposes,</i></p> <p><i>(e) to ensure that development has regard to the principles of ecologically sustainable development and to areas subject to environmental hazards and development constraints,</i></p> <p><i>(f) to provide for flexibility in applying certain development standards, where compliance with such standards may be unreasonable or unnecessary in the circumstances of a particular development, and there is sufficient justification for varying the standards on environmental planning grounds.”</i></p> <p>These issues have been considered and are addressed as relevant in this assessment.</p>
2.1	Land use zones	<p>The subject site is zoned SP2 Infrastructure – Educational Establishment.</p>

**Armidale Dumaresq Local Environmental Plan 2012 (cont)**

Clause	Subject	Comments
2.3	Zone objectives	The consent authority must have regard to the relevant zone objectives in determining a DA (see Land Use Table provisions, below).
2.7	Demolition	Demolition (as proposed as part of this DA) requires consent unless otherwise exempt – consent has been sought in this case.
-	Land use table	<p>In the LEP's Land use table the objectives for the SP2 zone are:</p> <ul style="list-style-type: none"> <li>• <i>"To provide for infrastructure and related uses; and</i></li> <li>• <i>To prevent development that is not compatible with or that may detract from the provision of infrastructure."</i></li> </ul> <p>The development is considered consistent with these objectives and also permissible with consent in the zone under part 3 of the relevant zone table, being <i>"ordinarily incidental or ancillary"</i> to the purpose identified on the Land Zoning Map under the Plan (see also 2.1 above).</p>
5.9	Preservation of trees or vegetation	<p>This clause provides for tree preservation controls as set out in a relevant development control plan. This DA proposes to remove 25 trees from the site and replace these with 36 new trees, as outlined in Appendix C to the SEE. These issues are further discussed under s.79C(1)(a)(iii) re Council's Development Control Plan 2007, below.</p> <p>No objection has been raised by Council's responsible officer to this aspect of the proposals, subject to relevant conditions of any consent.</p> <p>For the purposes of cl.5.9(7), it is noted that the proposed tree removals do not affect the trees in Elm Avenue, which is listed as a heritage item in the LEP (see cl.5.10, following).</p>
5.10	Heritage Conservation	<p>The Elm Avenue trees are listed as Item 1072 in Part 1 of Schedule 5 – Heritage Items – of the LEP.</p> <p>As indicated above, the proposal does not include any work to these trees, which are understood to have been planted c.1890 as part of the entrance driveway to the historic 'Booloominbah' homestead which is now the executive centre of UNE, within the academic precinct to the north of the site.</p> <p>Consistent with cl.5.10(5) of the LEP, however, a heritage impact statement was provided by John Carr, Architect and Heritage Consultant, given the proximity of Elm Avenue to the site. This is included as Appendix F of the SEE.</p> <p>The impact assessment concludes:</p> <p style="text-align: right;"><i>Cont/</i></p>

**Armidale Dumaresq Local Environmental Plan 2012 (cont)**

Clause	Subject	Comments
5.10	Heritage Conservation (cont)	<p><i>"The main view along the roadway between the avenues [of trees] will not be Impeded or changed in any way by the new development.</i></p> <p><i>Although the site of the new building is in a relatively exposed location on the edge of the cartilage of the avenue of trees, it is concealed from direct view from the avenue, by the advanced [tree] planting around that area of the site.</i></p> <p><i>Consideration should be made to retain as many of the existing trees around the new building to preserve the visual detachment that already exists between the locations.</i></p> <p><i>The future maintenance and replacement of old trees as necessary will not be prevented.</i></p> <p><i>Access to the construction site is to be controlled by the installation of a fence, without gates, for the length of the eastern boundary to prevent vehicular access disturbing or compressing the root zone of the listed trees during the construction period.</i></p> <p><b><i>The proposed development of New College will have minimal to no impact on the significance of the existing avenue of mature listed elm trees identified [in the LEP] or on the environmental heritage of the locality."</i></b></p> <p>The heritage statement and DA was referred to Council's Heritage Advisor, who has accepted these conclusions and supported the relevant protective measures for the Elm Avenue plantings (<i>report on ADC file, ref INT/2013/00424</i>).</p> <p>Council's Civic and Recreation Services Officer, who provides advice on tree preservation issues, has also concurred*, advising that:</p> <p><i>Particular attention must be paid to the protection of the Elm trees on Elm Avenue. Fencing should be erected outside the TPZ (Tree Protection Zones) to prevent vehicles parking beneath them during construction to avoid soil compaction. No soil or building materials to be placed within the TPZ.</i></p> <p><i>(* report on ADC file, ref INT/2013/00409)</i></p> <p>These matters can be included as a condition of any consent.</p>

**Armidale Dumaresq Local Environmental Plan 2012 (cont)**

Clause	Subject	Comments
5.12 (1)	Infrastructure development	<p>This clause provides:  <i>“This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under State Environmental Planning Policy (Infrastructure) 2007.</i></p> <p>The permissibility of the development under the SEPP has been noted previously in this report and is consistent with Council’s LEP.</p>
6.1	Earthworks	<p>This clause requires consent for earthworks unless exempt from the need for consent, permitted without consent, or considered in conjunction with development for which consent is sought and obtained.</p> <p>Earthworks will be required in connection with this development and relevant matters such as erosion, sedimentation, potential archaeological relics, and nuisance impacts can be addressed by condition of any consent.</p>
6.2 – 6.5	Various Development constraints	<p><i>Note: Flood constraints and other environmental matters dealt with in these clauses relating to airspace operations at the Armidale Regional Airport, as well as certain environmental buffers, have been checked as part of this assessment and do not apply to the proposed development.</i></p>
6.6	Essential services	<p>This clause requires the consent authority to be satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:</p> <ul style="list-style-type: none"> <li>(a) the supply of water,</li> <li>(b) the supply of electricity,</li> <li>(c) the disposal and management of sewage,</li> <li>(d) stormwater drainage or on-site conservation,</li> <li>(e) suitable road access.</li> </ul> <p>Electricity and road access issues have been addressed in previous sections of this report.</p> <p>Relevant matters are also considered in the report of Council’s Development Engineer on the DA, which is on the relevant file (<i>ADC file ref 13/2</i>). No objections have been raised in his assessment of utility services for the proposal, subject to further consultation at construction stage over detailed design and pipe capacity issues.</p> <p style="text-align: right;"><i>Cont/</i></p>



**Armidale Dumaresq Local Environmental Plan 2012 (cont)**

Clause	Subject	Comments
6.6	Essential services	<p>In relation to water and sewer, the Applicant's engineers have reported at Appendix K of the SEE that existing water and sewer services <i>"for the previous 250 student accommodation that was located on the site"</i> are considered adequate for the proposal. As part of the DA assessment, Council's Trade Waste Officer recommended that project incorporate a grease arrestor, as all student rooms would have kitchens. On 12/2/13, Council received advice from UNE that it did not wish to have this imposed as a consent <u>requirement</u>, given that the project does not include large commercial kitchens and use of all individual facilities would not be concurrent. Condition 7 in the <b>Appendix</b> has been adjusted accordingly.</p> <p>Stormwater drainage arrangements for the development, including the construction phase, are addressed in some detail in Appendix E of the SEE. The existing stormwater pipe network extends east of Elm Avenue and then northwards towards Dumaresq Creek. The submitted Stormwater Management Plan (SEE Appendix E) proposes a piped connection to this which avoids the heritage listed trees, not exceeding existing system capacity in the receiving network east of Elm Avenue; while overland flows and infiltration to the grassed areas via swales is also proposed.</p> <p>Council's normal practice is to require piped systems for minor storm events, and fail-safe overland flow in case of major events. Council's engineering assessment concludes that provided sheet flows from areas such as the car park can be managed in a nuisance-free manner (particularly across any pedestrian ways), the impact of the development should be managed acceptably.</p> <p>As part of the detailed design/modelling that will be required, the applicant will need to ensure the downstream end of this system (at the lower end of the network) is of 750mm diameter or larger. Scour Protection measures will also be required at the head wall.</p> <p>As indicated previously, because this is a Crown development, Council's normal approvals role for water, sewerage and drainage work connected with the proposal as the local Water and Sewer Authority does not apply, noting that s.69 of the Local Government Act 1993 provides that <i>"Section 68 [which normally requires Council approval of water, sewer and stormwater work] does not require the Crown . . . to obtain the approval of a council to do anything that is incidental to the erection or demolition of a building"</i>.</p> <p>However as noted above under clause 13 of the SEPP (Infrastructure) 2007, it is suggested that consultation requirements in relation to relevant infrastructure design and construction be addressed by a suitable condition of any consent.</p>

**79c (1)(a) (ii) the provisions of any proposed [environmental planning] instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)**

No relevant proposed instruments apply.

**79c (1)(a) (iii) the provisions of any development control plan**

***Armidale Dumaresq Development Control Plan (DCP) 2007*** applies to the land.

The following Table outlines the relevant Chapters / provisions of the DCP that have been considered in connection with this assessment.

Chapter	Comment
B3 – Development Applications and Assessment	<p>The Application was publicly exhibited in accordance with Chapter B3. This involved public advertisement in the local print media, and notification signs placed on the road frontages to Elm Avenue and Meredith Road adjoining the site. No direct neighbour notification by mail was undertaken as the site is located well within the UNE campus and does not directly adjoin third party property.</p> <p>At the closing date for submissions on 21 December 2012, no submissions had been received.</p>
B4 – Vehicle Parking Code	<p>Council's Code requires one parking space for every three student bedrooms, or a total of 74 spaces for this development, plus an additional space for the reception/office area. The DA includes 98 off street spaces in the proposed car park west of the college, (an increase of 37 spaces to the existing car parking area), leaving a notional surplus of 23 spaces for any concurrent use of the Wright Centre nearby.</p> <p>The submitted traffic impact study (SEE Appendix D) has also identified from 2012 surveys a surplus of 45 parking spaces in the College precinct currently, no doubt as a result of the previous demolition of Wright College.</p> <p>A dedicated bicycle store of 50m<sup>2</sup> is proposed adjacent to Meredith Road near block A, with a stated capacity (SEE p.27) of 24 bicycles. Although Council's Code does not specify a rate of cycle parking provision for this type of building, this level of provision, at almost 11% of the number of students, is consistent with the latest NSW <i>"Planning guidelines for walking and cycling"</i> (Department of Urban Affairs and Planning, 2004). End of trip facilities will be provided within the accommodation units.</p> <p>Off-street service vehicle access by small vans can occur within the car park or a drop off bay to be provided at the Meredith Road frontage, adjacent to the college entrance via Block B1. Facilities for waste/recyclables collection will also be from Meredith Road, with bins to be delivered there from each block by College management on collection nights, for pick up by UNE's contractor.</p> <p>These arrangements are considered acceptable.</p>

**Armidale Dumaresq Development Control Plan (DCP) 2007 (cont)**

Chapter	Comment
B5 – Design for Access and Mobility Code	<p>This Code is considered to have been superseded following the introduction of the Disability (Access to Premises — Buildings) Standards 2010 ('the Standards') under the Commonwealth Disability Discrimination Act 1992.</p> <p>See further discussion of access issues under s.79C (1)(b) regarding social impacts of the development, following.</p>
B6 – Tree Preservation	<p>This Chapter requires consent to be obtained for the removal of any tree is greater than 6 metres; and/or if the trunk of the tree is located 3 metres (or more) from an existing habitable building and/or any underground utility service, except for certain exemptions listed in cl.2.2 (eg if a tree is dead or poses a risk to life or property).</p> <p>43 trees (10 natives and 33 exotics) have been identified on the subject site. 24 of these trees, together with two hedges, are shown as being removed on plan DA 01.11 (the SEE refers to 25 tree removals). The submitted Landscape Plans (SEE Appendix C) identify 36 new tree plantings to be provided as part of the project, predominantly in the car park, with a number of new feature trees interspersed with trees to be retained adjoining the new accommodation buildings, together with locally appropriate shrubs and groundcovers. The retention of existing elm trees adjoining the site has been discussed previously under cl.5.10 of Council's LEP, given their heritage significance.</p> <p>Tree management on the site is also dealt with in the submitted Flora and Fauna Study (SEE Appendix J, as amended 24.1.13), which recommends preference in tree retention and replanting to <i>Manna Gum</i> [<i>euc. Viminalis</i>] and <i>Yellow Box</i> (<i>euc. Melliodora</i>) species and natives generally, while noting that some of the existing specimens are in poor to moderate condition. From Figure 5 in that Study (p. 24) it appears that the two existing Yellow Box just east of the car park can be retained, however only one of the three existing Manna Gums appears to be retained in the submitted scheme.</p> <p>Part 4 of Chapter B6 provides the following assessment criteria in relation to proposals for tree removal for which consent is required:</p> <ul style="list-style-type: none"> <li><i>"a) the reasons for the proposed work;</i></li> <li><i>b) the contribution to the local landscape or streetscape;</i></li> <li><i>c) the heritage significance of the vegetation or landscape;</i></li> <li><i>d) the type and rarity of the species;</i></li> <li><i>e) the ecological significance of the tree;</i></li> <li><i>f) the effect on threatened species, populations or ecological communities, or their habitats;</i></li> <li><i>g) the number of trees in the vicinity;</i></li> <li><i>h) the risk to life or property;</i></li> <li><i>i) whether new compensatory plantings are proposed;</i></li> <li><i>j) any impact on solar access to properties;</i></li> <li><i>k) any soil conservation and erosion issues."</i></li> </ul> <p style="text-align: right;"><i>Cont/</i></p>

**Armidale Dumaresq Development Control Plan (DCP) 2007 (cont)**

Chapter	Comment
B6 – Tree Preservation (cont)	<p>These aspects of the proposal have been the subject of discussions and site inspections by Council’s Civic and Recreation Services Officer, who provides advice on tree preservation issues. Having reviewed the submitted material, Mr Morsley has not objected to the proposal, subject to conditions of consent regarding protection of retained trees during construction (including those in Elm Avenue adjoining the site) and appropriate new landscaping (<i>DA advice on ADC file, ref INT/2013/00409</i>).</p> <p>Given the findings of the Flora and Fauna Study, it is also recommended that the submitted Landscape Plan be amended before construction commences to incorporate new plantings of <i>Manna Gum [euc. Viminalis]</i> and <i>Yellow Box (euc. Melliodora)</i> species.</p>
B7 - Stormwater Drainage Code	<p>The submitted Stormwater Management Plan lodged with the DA (SEE Appendix E) envisages a gravity stormwater drainage system for the site, as required under Council’s Code, to connect with the Council’s stormwater system east of Elm Avenue. The project will also incorporate overland swales with infiltration/seepage to the open areas north of the site for surface flows</p> <p>No objections have been raised by Council’s Development Engineer in his assessment. See further comments above under cl.6.6 of Council’s LEP.</p>
B9 – Contaminated Land Code	<p>See comments above under SEPP 55 – Remediation of Land. The submitted contamination report in the SEE Appendix H has been prepared by a competent consultant meeting the relevant requirements for consultant competency and insurance set out in Part 2.4 of this Chapter.</p> <p>No further action is required in this case.</p>
C5 – Heritage Conservation	<p>See further comments above under cl.5.10 of Council’s LEP in relation to the potential impact of the proposal on the significance of Elm Avenue, which is a local heritage item under the LEP.</p> <p>The DCP Chapter also deals with Aboriginal Heritage issues. In this case an Aboriginal Site Management Report (2008) obtained by Council identifies the site as free of any recorded sites identified in the NSW Aboriginal Heritage Information Management System, and this has been confirmed at 4.9 of the SEE (p.28). In terms of the site’s potential to contain Aboriginal Heritage, Council’s study identifies the site as having ‘moderate’ potential. Given the degree of previous site disturbance, a review in this case concludes that an advising should be included in any consent requiring the appropriate process to be followed under Part 6 of the National Parks and Wildlife Act 1974 in the event that any Aboriginal object is discovered during the construction process.</p> <p>A similar advising is recommended in relation to any non-Aboriginal relic that may be discovered during construction, pursuant to the Heritage Act 1977.</p>

**Armidale Dumaresq Development Control Plan (DCP) 2007 (cont)**

Chapter	Comment
D1 – Summary of Development Standards for LEP Land Use zones	<p>The proposal is compliant with relevant standards as follows:</p> <p><u>Setback from Road Reserve to building:</u>  The DCP requires a setback “<i>Consistent with highest standard of any adjoining zone</i>”. The adjoining zone is residential R1, where a 6 metre setback is required. The closed part of Block B2 to Elm Avenue is about 9 metres from the road reserve.</p> <p>Meredith Road is a private road, however in that location the setbacks to the new pedestrian pathway would vary from 2-4 metres.</p> <p><u>Building height (in metres) from natural ground to ceiling:</u>  The DCP requires 9 metres maximum ground to ceiling height and “<i>subject to urban design considerations in the individual case</i>”.</p> <p>From the submitted sections the maximum ground to ceiling height is around 7 metres, while the buildings’ height and massing generally would be comparable with other existing colleges along Meredith Road.</p> <p><u>Services</u>  Utility and road services are available to the site, as discussed elsewhere in this report. These are considered appropriate for the intended development.</p>



**79c (1)(a) (iia) the provisions of any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F**

Not applicable.

Nor are any Council developer contributions plans applicable to this development.

Further, State Government Guidelines on Developer Charges on Water Supply, Sewerage and Stormwater (DLWC, 2002) provide that Crown development for community services including education and health projects are exempt from general developer charges of this nature. While this may be viewed as cost shifting or local community subsidisation of State infrastructure, Council understands the argument from Government to be that this effective subsidy recognises the local community benefit of the facilities being provided.

**79c (1)(a) (iv) the provisions of the regulations**

Pursuant to clause 92(1)(b) of the Environmental Planning and Assessment Regulation 2000, the demolition of existing structures on the site is required to comply with Australian Standard AS 2601: The Demolition of Structures. This can be addressed by a condition of any consent.

**79c (1)(a) (v) the provisions of any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)**

Not applicable.

**79C (1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

This assessment has been undertaken having regard to various issues, as follows:

**Impacts on the natural environment**

Koala habitat and various arboricultural issues have been addressed in preceding sections of this report. As mentioned in that context, the SEE for the project has included, as Appendix J, a Flora and Fauna Assessment for the project and this was updated with revised information on 24 January 2013 (ADC reference I/2013/01956). In relation to the New College site, the report finds (p.41) that:

*“No threatened species listed under the NSW Threatened Species Conservation Act (1995)\* or Commonwealth Environment Protection and Biodiversity Conservation Act (1999) are considered to have the potential to occur in parts of the site likely to be impacted by the proposal.”*

[\*this must be considered pursuant to s.5A of the EP&A Act].

Thus no further action under this relevant legislation was identified. The report also concludes (p.42) that: *“Overall, the site is of very little ecological value, with the exception of the two remnant Yellow Box individuals and the three remnant Manna Gum individuals, which are representatives of the pre-cleared environment.”*

However the report recommends (p.42) that the development should:

- *“Retain, and avoid impacting upon, as many native tree species as possible (as per Figure 5), particularly the remnant Yellow Box individuals and the remnant Manna Gum individuals that are naturally occurring within the area;*
- *Use native species in any future landscaping works, and include species native to the area, including Yellow Box and Manna Gum individuals;*
- *[Incorporate] weed control to reduce or eliminate the potential for seeds of exotic species to be spread into adjacent bushland and creeks. Any control effort should focus on invasive environmental weeds recorded during the survey, such as Cotoneaster, Firethorn, Large Leaf privet, Hawthorn and English Ivy.”*

While noting the proposed loss of two Manna Gums from the site as discussed previously, these issues can be addressed by condition of any consent.

**Impacts on the built environment**

***Urban and Building Design***

As part of the submitted SEE Part 3.1, the Applicants have included the following statement entitled “Development/Urban Design Principles”:

- *“New College” is a new self-contained student accommodation complex. The proposal for “New College” comprise [sic] of 3 main contemporary buildings, 2 storey accommodating 222 student rooms, facilities and administration requirements. An uncomplicated structure, the project exemplifies innovative student accommodation design balancing the need for community interaction and room orientation to a landscape environment. Each room is self-contained, and communal study facilities are provided throughout the campus.*
- *The buildings are segmented built forms connected by under croft and directional pedestrian pathways to the street frontage. The buildings are presented in a striking geometry that is derived from engaging with the site contours with existing mature vegetation retained wherever possible; orientated to maximise the use of natural light and create connectivity between all building structures and the open landscape surrounds.*

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- *The building is sited to create interaction between [the] building and its immediate natural landscape outlook. The displacements of the buildings, form semi private spaces within whilst maintaining cross flow ventilation, maximising natural sunlight and outlook for the student residence. Special consideration to the existing Heritage-listed Elm trees and significant yellow box and eucalyptus trees have been incorporated in the location of the building to minimise impact to the mature Elm trees. This follows an inspection on-site held in conjunction with Council representatives on 23<sup>rd</sup> November 2012.*
- *The street frontage is highly articulated to create a contemporary architectural style adding character to the existing urban fabric. Clever use of landscape devices addresses the street frontage to define private and the public realm. A formalised entry with a drop off zone [to Meredith Road] defines the building arrival point and entry statement connecting to the main administration area and students common room activity.*
- *The building blocks are intended to be readily distinguishable from each building design by using changes of materials, coloured panels and sun shade screens of green, reds, orange and yellow, will provide a vibrant outlook reflecting the natural surrounding context. Each building will have its own identity of colour palette as the main feature element and off white tones in contrast to the general wall façade treatment.*  
  
*In essence, the New College embodies a unified design response between purpose, functionality, journey and overall experience. The concept essence of the design is understated elegances, a use of urban materials, and the disposition of the building make the spaces unique and special.*
- *Overall, the aesthetic of the proposal is simple and contemporary blending unobtrusively into the landscape environment."*

The proposal has been considered by Council's Heritage and Urban Design Advisor and Civic and Recreation Services Officer (in relation to landscaping issues); they have not objected to the development or required any modification to the submitted design. However this assessment has identified some minor changes to the future landscaping proposals based on the recommendations of the submitted Flora and Fauna Study (see discussion under DCP Chapter B6, above).

### **Construction Impacts**

As the project is expected to involve a lengthy construction phase and is located in an existing college precinct, with nearby residential uses, a detailed construction management plan should be required as a condition of any consent. This would address issues such as:

- Hours of building work (to be consistent with NSW State Guidelines);
- Parking and Traffic Management;
- Waste storage and management;
- Toilet facilities for builders;
- Noise and dust management and control of other potential pollutants;
- Site hoardings and public/worker safety;
- Signage.

### **Utility Infrastructure Impacts**

See discussion previously under s.79C (1)(a)(i) and (iii), above, re Council's LEP and DCP.

### **Traffic and parking impacts**

See discussion previously under s.79C (1)(a)(i) and (iii), above, re SEPP Infrastructure, Council's LEP and DCP.

## **Social and Economic impacts**

This development represents a major investment in education infrastructure for Armidale and region and this is welcomed, in particular with the continued option for learning on campus at UNE (vs. on line education) and the multiplier benefits this brings for the local economy.

Opportunities for student fellowship and support in a collegiate environment are well established at UNE and it is understood that the New College would provide a range of academic, sporting and cultural/emotional/spiritual opportunities for students as part of their residency.

While the submitted design does not provide for a resident manager and tutor within the complex, it is understood that a permanent Head of College would live nearby on campus, with the administration office in Block B1 providing necessary logistical support and services to residents.

Some specific social impact issues identified in this assessment are as follows:

### ***Access for People with Disabilities***

As a new, predominantly Class 3 (BCA) building, the development is expected to be fully compliant with the BCA, which is now directly aligned with the Disability (Access to Premises — Buildings) Standards 2010 ('the Standards') made under the Commonwealth Disability Discrimination Act 1992.

The proposed development includes ten accessible rooms (of common design) on the lower floor of the development, spread over all four blocks, while the new car park has four accessible parking bays at its eastern end. The rates of provision for accessible rooms and parking bays are consistent with the Standards' Access Code for Buildings and the BCA (D3.1 and D3.5). The ratio of these rooms to related parking spaces is comparable to that required for student accommodation under Council's Parking Code.

In his report on the DA (ADC file ref. INT/2013/00937) Council's Access Advisor has raised the issue of the distance between the accessible parking bays and some of the accessible rooms (up to 140 metres for those rooms in Block C) and the need for weather protection for slower moving pedestrians along the access ways between them. Currently these pedestrian paths are designed to include covered gazebos, but otherwise arbours for most of their length. The Access Advisor's report was forwarded to the Applicant for comment on 19 December 2012, however no definitive response had been received at the time this report was completed.

In its *"Guideline on the application of the Premises Standards – 2011"*, the Australian Human Rights Commission advises, at p.64:

*"While not directly addressed in the Access Code, the most appropriate location for the accessible car parking spaces will be, to some extent, determined by the use and function of the building.*

*For example, a car park associated with a cinema should have the accessible car parking spaces as close as possible to the main pedestrian entrance and cinema ticketing area.*

*It may be more appropriate in a building with multiple pedestrian entrances, such as a shopping centre, to distribute accessible car parking spaces to ensure that the distance between the accessible car parking spaces and the entrances to the buildings are minimised."*

From discussions with the Applicant and UNE Facilities Management staff, it is understood that UNE practice is to distribute facilities for people with disabilities throughout the college system rather than to concentrate these in one location; this is supported on social grounds.

In the circumstances, this assessment concludes that further consideration of the nexus between the accessible parking facilities for the development, the accessible rooms and the College reception and Common Room areas in Block B1 by UNE may be worthwhile, although not legally required. This can be addressed through an advising in any consent.

As this is a Crown development, it will be a matter for UNE and their consultants to ensure compliance with the BCA in construction. Ultimately the UNE is responsible as the building owner for managing any complaints that may be received from future residents under the Disability Discrimination Act.

### ***Consideration of Crime Prevention through Environmental Design (CPTED)***

Although no response had been received from the NSW Police at the time this report was completed, the Application has been assessed having regard to the CPTED Guidelines issued by the former Department of Urban Affairs and Planning (2001) and the current NSW Police “*Safer by Design*” Manual (2010). These documents promote the key principles of effective surveillance from buildings, access control, territorial reinforcement through design, and effective space management.

In particular, a CPTED Report for the project was prepared by a Certified NSW Police Risk Assessor at JBA Planning (SEE Appendix O), which also included a site safety audit. This report concludes that the Crime Risk Assessment Rating of the proposed development is considered to be 'Low', as (p.5):

- *“due to the open landscaped surrounds, good surveillance opportunities exist from Meredith Road and the existing Wright College Master’s Residence as well as the surrounding buildings, such as . . . the buildings on the southern side of Meredith Road;*
- *the site is regularly patrolled by community and formal guardians [including UNE security services]; and*
- *the site is very well maintained.”*

The report also found a low rate of reported crime at the UNE campus. After undertaking a CPTED review, and noting that it is expected that CCTV will be provided as part of the development (p.10), recommendations to further improve the safety and security of the development (p.12) were provided as follows:

- *“consider appropriate forms of way finding signage to promote legibility of the site;*
- *ensure the proposed detailed landscape design and maintenance strategy for the site does not give rise to opportunities for concealment and sightlines and surveillance opportunities are maximised;*
- *provide adequate lighting around the entire area and ensure that the correct lighting is provided to meet minimum Australian and New Zealand Lighting Standards and enable sufficient surveillance opportunities;*
- *ensure any proposed CCTV system is effective, well maintained and vandal resistant;*
- *ensure the site continues to be well maintained;*
- *utilise high quality materials for construction to increase longevity, lessen the likelihood of damage and help reduce maintenance costs;*
- *ensure all doors have access control mechanisms attached and all windows are lockable; and*
- *consider the use of the accommodation throughout the entire year [eg in connection with residential schools during university semester breaks], to ensure the site is regularly used.”*

These issues can be addressed through an appropriate condition in any consent. See also ‘Privacy’ assessment, following.

**Noise**

The nature and functions of the proposed development are considered acceptable in this locality in relation to potential noise transmission. Council's Health Surveyor has included in his assessment of the application (ADC file ref. 13/465) the need for the design of plant / mechanical systems / workshop facilities for the development to address acceptable acoustic outcomes for residents, to be addressed as a condition of any consent.

Within the development, noise transmission between sole occupancy units is addressed through the BCA, Part F5.

**Privacy issues**

No significant privacy issues of concern have been identified in this assessment. Within the development itself, the closest adjacent rooms between blocks B2 and C with potential direct views of one another would have a minimum separation distance in the order of 20 metres, across a landscaped courtyard.

Some of the rooms in the complex – notably those on the ground floor on the northern side of blocks C and A (where not elevated by proposed embankments), as well as on the southern side of block B1 adjoining Meredith Road, have the potential for overlooking by passers-by. This could be addressed through landscaping or other treatments adjoining the site, which would need to be designed carefully to avoid providing places of concealment. A suitable condition to address this issue should be included in any consent.

**Cumulative impacts**

The development will further reinforce the function of this southern part of the campus as the principal residential college precinct of UNE. This is considered appropriate and relevant issues such as traffic safety and generation arising from the development have been considered as part of the SEE and in this assessment.

### **79C (1)(c) the suitability of the site for the development**

The subject site is considered suitable for the proposed development. The location is part of an established residential college precinct on the UNE campus and was the site of a former college until the late 1990's.

The site is well served by both public road and public transport services. These local services connect with the Armidale Railway Station, suburban and commercial areas of Armidale, and the Airport.

As indicated previously, the site is also well served by utility service infrastructure, with electricity and telecommunications services also available to the site. Detailed arrangements for connection to these utility services will need to be made as part of the construction / engineering design process for the project.

The issue of site contamination has been discussed under SEPP 55 and there has been no basis identified for any remediation activity in connection with this development. There are no other known site hazards from Council's records. The site is not bush fire or flood prone and the development would not interfere with airspace operations relevant to the Armidale Regional Airport nor be subject to unacceptable levels of noise from air traffic or other sources.

Nor is the proposed development considered to be constrained by natural, Aboriginal or other archaeological or built heritage considerations identified during the assessment process, subject to adequate protection of the nearby Elm Avenue tree corridor during construction.

Finally, the site is not identified as subject to slip or spring hazard in Council's Geotechnical Code. However a geotechnical report has been provided as part of the DA and can inform the construction process.

### **79C (1)(d) any submissions made in accordance with the Act or the Regulations**

#### **Agency submissions**

Agency submissions have been addressed in previous sections of this report.

#### **Public submissions**

No public submissions have been received in response to public notification of the proposal.

## **79C (1)(e) the public interest**

### **BCA requirements**

The new building will need to comply with relevant requirements of the BCA.

Section 109R(2) of the EP& A Act provides that:

*“Crown building work cannot be commenced unless the Crown building work is certified by or on behalf of the Crown to comply with the technical provisions of the State’s building laws in force as at:*

- (a) the date of the invitation for tenders to carry out the Crown building work, or*
- (b) in the absence of tenders, the date on which the Crown building work commences, except as provided by this section.”*

Under cl.227 of the Regulation to the Act, the provisions of the BCA are prescribed as technical provisions of the State’s building laws.

Obtaining certification of compliance with the BCA for this project before and during construction will be the responsibility of UNE. At the time of completing this report, no advice had been received as to whether Council would be requested to provide this service. Consent conditions in the Appendix to this report have been drafted accordingly.

### **Environmental Health matters**

Council’s Health Surveyor has considered the application (ADC file ref. 13/465) and made recommendations in relation to environmental noise and on site storage of waste between collections. These can be included as conditions of any consent.

The proposal may also require separate regulation under the Public Health Act 2010 in relation to air handling systems, although as presented no need for regulation of the development under the NSW Food Act 2003 has been identified.

### **State Plan 2021**

The development is considered consistent with the State Plan which includes, inter alia, Goal 3 (Drive economic growth in regional NSW), Goal 6 (Strengthen the NSW skill base), Goal 15 (Improve education and learning outcomes for all students) and Goal 19 (Invest in critical infrastructure).

### **Regional Plans**

#### ***New England North West Regional Action Plan (2012)***

Likewise the development is considered consistent with the Government’s Regional Action Plan, which seeks, inter alia, to support sustainable economic growth, invest in regional and local infrastructure, and improve education pathways for young people.

UNE is specifically mentioned in the Plan in relation to its contribution to workforce development and skills (p.21) and in relation to health education (p.23).

#### ***New England North West Strategic Regional Land Use Plan (2012)***

The importance of economic development and related infrastructure provision is also reinforced in the SRLUP issued by the Department of Planning and Infrastructure last year. The importance of UNE and the education sector to the Armidale and regional economy is recognised in the Plan and the development is considered worthy of support on that basis.



## Other Plans

### ***Council's Community Strategic Plan 2011***

This Plan identifies (p.10) that *"The education and training sector is one of Armidale Dumaresq's strongest sectors representing over a fifth of the LGA's industry value add and employment"*.

### ***UNE Facilities Management Services Master Plan (Hassell, Qld) 2009-2015***

This development is specifically foreshadowed in the University's Master Plan. At pp.30-31, the site is identified (3) on an illustrated plan for the college precinct and the following 'opportunity' is specified:

*"Develop new modern accommodation – such as en-suite facilities in the building sites indicated to the north of the precinct boulevard [Meredith Road] on the illustrative Master Plan"*

### **Ecologically Sustainable Development**

ESD is defined in NSW Legislation (for example the Dictionary to the Local Government Act 1993), and involves consideration of the following principles and programs:

- (a) *the precautionary principle - namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:*
  - (i) *careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
  - (ii) *an assessment of the risk-weighted consequences of various options,*
- (b) *inter-generational equity - namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,*
- (c) *conservation of biological diversity and ecological integrity - namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,*
- (d) *improved valuation, pricing and incentive mechanisms - namely, that environmental factors should be included in the valuation of assets and services, such as:*
  - (i) *polluter pays - that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,*
  - (ii) *the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,*
  - (iii) *environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.*

As indicated previously, the development represents a major investment in education infrastructure for Armidale and region and is supported in consolidating UNE's role as a major education provider throughout Australia and overseas, and improving the region's sustainability on that basis.

The development will need to meet the energy efficiency requirements of the BCA (Part J) and its location as part of an established college precinct is also considered appropriate.

## Assessment Conclusion

This development involves a major investment in providing new education infrastructure for Armidale and region, which is welcomed.

The proposed development is for a use which is permissible with consent under the SEPP (Infrastructure) 2007 and would comply with other applicable statutory planning provisions, including those in Armidale Dumaresq LEP 2012; and with Council's DCP 2007.

No submissions were received as a result of public notification of the Application.

As a result of this assessment, the proposed development is recommended for conditional consent. The **Appendix** which follows contains appropriate conditions identified and discussed in this report.

The Applicant, as a Crown agency, sought one minor change to proposed condition 7 on 12 February 2013, which was accepted, by removing a requirement for a grease arrestor in connection with the project. This has now been changed to an advising / recommendation only, which is not binding on UNE.

However the Applicant has yet to issue its final approval for all the recommended conditions as required pursuant to s.89(1)(b) of the EP & A Act.

### Recommendation

- (a) That having regard to the assessment of the Application and subject to the approval of the Applicant to the proposed conditions of consent pursuant to Section 89(1)(b) of the EP & A Act, DA-219-2011 (JRPP ref 2012NTH025) be granted consent in the terms set out in the Appendix to this report.
- (b) That agencies that made submissions in relation to the Application be notified of the determination in writing.

Stephen Gow FPIA  
*Director Sustainable Planning and Living, Armidale Dumaresq Council*

Armidale, 13 February 2013

## **PRESCRIBED CONDITIONS**

For the purposes of section 80A (11) of the Act, the following relevant provisions are a prescribed condition of development consent:

### **Compliance with Building Code of Australia**

- (1) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
  - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia\*,
  - (b) 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, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (1A) *Not applicable*
- (2) This clause does not apply:
  - (a) to the extent to which an exemption is in force under clause 187 or 188 [of the regulation to the Act], subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
  - (b) *Not applicable.*
- (3) *Note – not applicable as no construction certificate is required – see also s.109R of the Act.*

#### **\*ADVISING:**

*In relation to access by people with disabilities, further consideration of the nexus between the parking facilities for the development, the accessible rooms and the College reception and Common Room areas in Block B1 may be appropriate, although not legally required.*

**GENERAL CONDITIONS**

**1. Plans and Documentation**

To ensure this development is consistent with this consent, the development must take place in accordance with the approved plans (bearing the Council approval stamp); and all other documents submitted with the application, subject to the consent conditions in this notice. In the event of any inconsistency between the approved documents and the conditions of this consent, the conditions shall prevail.

The approved plans and documents are listed below:

Statement of Environmental Effects ref 12687 dated 28 November 2012 by JBA Planning, including the following appendices:

- A. *Architectural Drawings - CS Architects Pty Ltd – see list below*
- B. *Survey Plan - Brown and Krippner*
- C. *Landscape Plans - Dunn Moran*
- D. *Traffic Impact Assessment - Better Transport Futures*
- E. *Site Based Stormwater Management Plan- Wood & Grieve Engineers*
- F. *Heritage Impact Assessment - John Carr*
- G. *Geotechnical Report - Regional Geotechnical Solutions*
- H. *Phase 1 Contamination Report - Regional Geotechnical Solutions*
- I. *Hazardous Materials Survey Report - Noel Arnold and Associates*
- J. *Flora and Fauna Assessment - Ecological Australia (updated 24/1/13)*
- K. *Infrastructure and Servicing - Wood & Grieve*
- L. *Waste Management Plan - University of New England*
- M. *Accessibility Capability Statement - Philip Chun & Associates*
- N. *BCA 2012 Capability Report - Philip Chun & Associates*
- O. *Crime Prevention Through Environmental Design – JBA Planning*

<b>Drawing Numbers (Project No. 0340N, Rev.P5 dated 28.11.12)</b>	<b>Content</b>
DA.00.00	Cover Sheet
	<i>Site Drawings</i>
DA.01.01	Site Analysis 01
DA.01.10	Location Plan
DA.01.11	Demolition Plan
	<i>Overall Floor Plans</i>
DA.01.20	Site Plan Overall
DA.01.21	Level 00 – Overall Carpark
DA.01.22	Level 00 - Overall
DA.01.23	Level 01 - Overall
DA.01.24	Level Roof - Overall
DA.02.00	Level 00 Floor Plan – Proposed Carpark
DA.02.01	Level 00 Floor Plan – Zone 1
DA.02.02	Level 00 Floor Plan – Zone 2
DA.02.03	Level 00 Floor Plan – Zone 3
DA.02.04	Level 00 Floor Plan – Zone 4

## APPENDIX – PROPOSED CONDITIONS OF CONSENT

<b><i>Drawing Numbers (Project No. 0340N, Rev.P5 dated 28.11.12)</i></b>	<b><i>Content</i></b>
DA.02.05	Level 01 Floor Plan – Zone 1
DA.02.06	Level 01 Floor Plan – Zone 2
DA.02.07	Level 01 Floor Plan – Zone 3
DA.02.08	Level 01 Floor Plan – Zone 4
DA.02.09	Level Roof Plan – Zone 1
DA.02.10	Level Roof Plan – Zone 2
DA.02.11	Level Roof Plan – Zone 3
DA.02.12	Level Roof Plan – Zone 4
DA.02.21	<i>Typical Bedroom Layout Plans</i>
	<i>Elevations</i>
DA.03.01	Elevations (coloured)
DA.03.02	Elevations (coloured)
DA.03.03	Elevations
DA.03.04	Elevations
DA.03.05	Elevations
	<i>Sections</i>
N.DA.04.01	Sections A & B
	<i>Miscellaneous</i>
N.DA.05.01	Perspective 01
N.DA.05.02	Perspective 02
N.DA.05.03	Perspective 03
N.DA.05.04	3D Montage 01

### ***ADVISING:***

*Further consent may be required for any change, enlargement or intensification of the premises or land use, including the display / erection of any new structure such as signage, partition walls or building fit-out (unless the proposed work is exempt from the need for consent). Please check with Council before commencement.*

### **2. Engineering /Civil Works**

All engineering / civil works to be designed by a competent person and carried out in accordance with Council's Engineering Code, unless otherwise indicated in this consent, to ensure that these works are of a sustainable and safe standard.

**3. Tree Management and Landscaping**

Detailed design and construction arrangements for the project are to ensure the retention of those trees identified for retention in the submitted Demolition and Landscape Plans.

All trees proposed to be removed and retained are to be clearly identified and shown on detailed construction plans to the satisfaction of the certifying authority for the project before works commence.

All trees to be retained are to be appropriately marked and protected during construction works in accordance with AS 4970 (current edition) - Protection of trees on development sites. No buildings shall be constructed or utility service mains installed within 3 metres of the trunks of these trees, so as not to prejudice their future retention.

Any approved tree removal shall be carried out by an appropriately qualified person (e.g. tree surgeon) to avoid any risk to life or damage to property. This person shall have adequate public liability insurance cover.

All street trees are to be preserved and protected during construction work, except where removal is separately approved by Council, to ensure the continued amenity of the streetscape and to maintain public assets. Particular attention must be paid to the protection of the heritage listed Elm trees on Elm Avenue. Fencing should be erected outside the TPZ (Tree Protection Zones) to prevent vehicles parking beneath them to avoid soil compaction. No soil or building materials is to be placed within the TPZ.

New landscaping for the proposed development is to be undertaken to enhance its appearance and provide shade and environmental benefits, generally in accordance with the submitted Landscape Plans for the project, but with the inclusion of predominantly native species, in particular new yellow box and manna gum plantings, consistent with the recommendations in the Flora and Fauna Study submitted with the application (at p.42).

Details of the revised scheme and of arrangements for soil preparation, drainage, weed control, watering, fertilising and general maintenance during establishment are to be provided for the approval of Council's Civic Recreation Services Officer before works commence.

Approved landscaping is to be effectively maintained at all times by the college management and/or university facilities management providers.

**4. Traffic Calming Measures**

A local area traffic management scheme is to be developed and implemented in connection with the project, in order to achieve traffic calming in Meredith Road adjacent to the site frontage, for the safety of pedestrians and cyclists associated with the development.

The design and completion of the approved works are to be approved by Council's Director Public Infrastructure or nominee.

5. **Crime Prevention**

The development should be undertaken having regard to the recommendations of the Applicant's Crime Prevention analysis, as follows:

- provide appropriate forms of way finding signage to promote legibility of the site;
- ensure the proposed detailed landscape design and maintenance strategy for the site does not give rise to opportunities for concealment, with sightlines and passive surveillance opportunities maximised;
- provide adequate lighting around the entire area and ensure that the correct lighting is provided to meet relevant Australian and New Zealand Lighting Standards and enable sufficient surveillance opportunities;
- ensure any proposed CCTV system is effective, well maintained and vandal resistant;
- ensure the site continues to be well maintained;
- utilise high quality materials for construction to increase longevity, lessen the likelihood of damage and help reduce maintenance costs;
- ensure all doors have access control mechanisms attached and all windows are lockable; and
- consider the use of the accommodation throughout the entire year [eg in connection with residential schools during university semester breaks], to ensure the site is regularly used.

Some of the rooms in the complex – notably those on the ground floor on the northern side of blocks C and A (where not elevated by proposed embankments), as well as on the southern side of block B1 adjoining Meredith Road, have the potential for direct views by passers-by which may compromise the privacy of occupants. This is to be addressed through landscaping or other treatments adjoining the site, which are designed carefully to avoid providing places of concealment in accordance with the above principles.

**CONDITIONS REQUIRING ACTION BEFORE CONSTRUCTION WORKS COMMENCE AND THEREAFTER**

6. **Telecommunications and electricity services**

Written advice from telecommunications and electricity providers, confirming that satisfactory arrangements (following detailed applications for connection from the developer) have been made for the provision of telecommunications and electricity services to the development, is to be submitted to the relevant certifying authority before works commence.

*ADVISING:*

*The location of a new substation site for the development within the proposed car park and of a high voltage transmission line to the north of the development site have been noted in the assessment of the application. If further changes to these or other infrastructure elements are required following consultation with the electricity supply authority (Essential Energy) or other service providers, these are to be confirmed with and approved by the Council's Director Sustainable Planning and Living or his nominee, to determine whether such changes require any consent modification and would not unreasonably interfere with the aesthetics, functionality or other aspect of the development.*

**7. Other utility services**

Adequate consultation, with a minimum of 21 days' notice, must be undertaken with the Council as the local water supply, sewer and stormwater drainage authority in connection with all relevant public utility services to be affected by the development before works commence.

In relation to these services:

- All sewer and drainage works associated with the approval are to comply with the requirements of AS 3500 (current edition) and be completed only by a licensed plumber and drainer.
- In relation to the stormwater system design, sheet flows from areas such as the car park must be designed for and managed in a nuisance-free manner (particularly across any pedestrian /vehicular ways). Capacity of the existing pipe is to be confirmed and, if required, may need to be upgraded. Further, as part of the detailed design/modelling that will be required, the downstream end of the piped system is to incorporate piping of 750mm diameter or larger. Scour protection measures will also be required at the outlet of head wall to the satisfaction of Council's Director Public Infrastructure or nominee.
- Relevant piped drainage systems to be put in place immediately once roofs and guttering are installed.

**ADVISINGS:**

*Council notes that inter-allotment drainage pipes exist and are required for the new college. UNE should consider whether pipes outside Lot 10 DP 1142199 need to be protected by a suitable easement (minimum 2m wide) to contain the proposed and existing stormwater pipe to benefit Lot 10.*

*Council recommends that UNE consider the installation of a grease arrestor of sufficient capacity for the intended use (noting the number of kitchen areas included in the development), to protect UNE's and Council's sewerage infrastructure from such waste and avoid the need for any remedial action in future.*

**8. Erosion and Sediment Control**

The preparation of an Erosion and Sediment Control Plan (ESCP) and accompanying specifications for the construction phase of the works, prepared by a suitably qualified/experienced person and based on the Landcom manual *"Soils and Construction, Managing Urban Stormwater, Vol 1 4th Edition, March 2004"*, shall be lodged for approval of Council's Director Public Infrastructure or nominee before work commences.

The approved ESCP controls shall be implemented, inspected and approved prior to the commencement of any site works and maintained for the life of the construction period and until revegetation measures have taken hold. The ESCP shall include, but not be limited to:

- Provision for the diversion of runoff around disturbed areas;
- Location and type of proposed erosion and sediment control measures;
- Location of and proposed means of stabilisation of site access;
- Approximate location of site sheds and stockpiles;
- Proposed staging of construction and ESCP measures;
- Clearance of sediment traps on a regular basis and after major storms;



- Proposed site rehabilitation measures, including seeding of all bare un-grassed areas and turfing where erosion or scouring is likely to occur;
- Standard construction drawings for proposed erosion and sediment control measures.

The development must be carried out in accordance with the approved plan.

**ADVISING:**

*Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.*

**9. Surface of vehicle and pedestrian areas**

An all-weather, nuisance-free surface for pedestrians and vehicles is to be provided throughout the site, including parking areas and driveways. The surface shall be provided with effective edge support / drainage control and landscaped areas adjacent to kerbing to be self-draining to the kerb.

The proposed concrete footpath to Meredith Road shall be at least 1.6m wide and 75mm thick, to provide an effective all-weather pedestrian route in connection with the proposed development.

Car parking facilities, including all internal parking and manoeuvring areas, are to be designed and constructed in accordance with Australian Standards AS/NZS 2890.1 (current edition): Off-street car parking and AS/NZS 2890.6 (current edition): Off-street parking for people with disabilities, and Council's Development Control Plan 2007.

Details are to be provided for the approval of Council's Director Public Infrastructure or nominee before works commence.

**ADVISING:**

*Bitumen sealed compacted gravel pavement or reinforced concrete to the standards set out in the Department of Housing Road Manual, 1987, will satisfy the above requirement. Alternatively, segmental paving may be used provided it is installed as part of a pavement design in accordance with the Cement & Concrete Association of Australia's "Guide to Design and Construction" for Interlocking Concrete Road Pavements, July 1986.*

*Segmental paving may be used on footpath areas provided it is installed as part of a pavement design in accordance with the Cement & Concrete Association of Australia's "Guide to Design and Construction" for Interlocking Concrete Road Pavements, July 1986.*

**10. Roads Act approvals**

For any construction work required on Council road reserves (eg. vehicular footpath crossings utilities and stormwater work, footpath paving, kerb and gutter etc.), the Applicant is to submit an Application to Council as the roads authority pursuant to s138 of the Roads Act 1993 and obtain approvals for all such proposed work before that work commences, to ensure that pedestrian and vehicular safety during construction has been addressed and that the work meets Council's relevant Engineering Code and other design standards for work in road reserves.

Where under-road conduits are to be provided to cater for electricity, telecommunications, gas supply or other underground utility services, the developer and its agents are responsible for ascertaining the location of existing underground services before commencing work. Any damage to existing services or to the road construction is to be made good at the expense of the developer.

Work on public land is to be protected by public liability insurance with a minimum cover of \$10 million, or such other amount as may be advised by Council.

**11. Construction Management Plan**

The preparation of a detailed Construction Management Plan for the development prior to works commencing, to ensure that work is undertaken safely and to minimise nuisance to the surrounding area during all construction/work on site. This Plan shall include, as a minimum, provision for:

- Off-street parking for employees/contractors, sub-contractors and visitors to site.
- Public parking during construction.
- Site access for construction vehicles and equipment.
- Storage and removal strategies for construction wastes.
- Construction Traffic Management.
- Provision of sanitary amenities and ablution facilities for employees.
- Fire precautions during construction.
- Dust suppression.
- Control of noise arising from the works in accordance with the requirements of the Protection of the Environment Operations Act 1997 and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.
- Fencing and security details, including site hoardings to be provided, safeguarding both contractors and the public while works are being carried out on any public footpath areas. Contractor should endeavour to minimise disturbance to pedestrian / vehicle traffic in the vicinity of the site and note the separate requirement of this consent regarding the protection of trees to be retained on site and in Elm Avenue.
- Details of all construction-related signs.
- Careful management of construction activities to prevent any contaminant discharge from the site (including oils, fuels, paints or chemicals), particularly with respect to excess concrete or concrete truck washings.
- Location of all public utility facilities and methods of protecting them.
- Method of support to any excavation adjacent to adjoining properties, or roads.

The Plan is to be approved by the certifying authority for the development, and a copy retained in the site office and complied with during all stages of the construction work.

**CONDITION REQUIRING ACTION DURING DEMOLITION**

12. All demolition is to be carried out in accordance with AS2601 – Demolition of Structures, to ensure the work is undertaken safely and as required pursuant to the Environmental Planning and Assessment Regulation 2000 and Work Health and Safety Regulation 2011 (including provisions for the safe management and removal of asbestos).

**ADVISING:**

*Further information regarding asbestos can be found at the NSW Work Cover website: <http://www.workcover.nsw.gov.au/newlegislation2012/health-and-safety-topics/asbestos/Pages/default.aspx>*

**CONDITIONS REQUIRING ACTION DURING CONSTRUCTION**

**13. Environmental Noise**

To ensure that the amenity of the proposed residential accommodation is not adversely affected by environmental noise (eg from plant, workshop activity or other externally generated noise), appropriate construction measures shall be taken to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

*Reference: 'Guidelines for Community Noise', World Health Organisation.*

Any air conditioning condenser or heat pump installed as part of this project is to be located, or provided with appropriate noise attenuation measures, such that its operation is not audible inside any habitable room of any adjoining/nearby dwelling, to protect the amenity of the locality.

**ADVISING:**

*This is enforced through the Protection of the Environment Operations Act 1997. Notices and penalties apply. Construction of acoustic barriers to achieve the above noise levels may require further assessment.*

**Construction Management Issues (see also condition 11)**

14. No storage of building materials, soil or equipment is to occur on Council's property or roads without the written consent of Council's Civic and Recreational Services Manager or nominee. No unfenced, potentially dangerous activity or material to be located in close proximity to the street boundary or pedestrian walkway adjoining the site. No unsupervised transit of plant, equipment or vehicles across public areas or other obstruction of those areas is permitted.
15. Effective dust control measures are to be maintained during construction to maintain public safety/amenity and construction activities are to be restricted solely to the subject site.

**ADVISING:**

*Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.*

## APPENDIX – PROPOSED CONDITIONS OF CONSENT

16. Materials must not be burned on-site. All waste generated on site must be disposed of at Council's Waste Disposal Depot or Waste Transfer Station, to protect the amenity of the area and avoid the potential of air pollution.
17. Any fill which is placed on the site shall be free of any contaminants and placed in accordance with the requirements of AS 3798 (current edition) *Guidelines on Earthworks for Commercial and Residential Developments*. The developer's structural engineering consultant shall:
  - identify the source of the fill and certify that it is free from contamination; and
  - classify the area within any building envelope on any such filled lot in accordance with the requirements of "Residential Slabs and Footings" AS 2870.1 (current edition).
18. Excavations and backfilling must be executed safely and in accordance with appropriate professional standards and be properly guarded and protected to prevent them from being dangerous to life or property.

If the soil conditions require it, retaining walls associated with the erection of the building or other approved methods for preventing the movement of the soil must be provided, and adequate provision must be made for drainage.

19. Toilet facilities are to be provided at, or in the vicinity of the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be connected to an accredited sewage management facility approved by the council or some other sewage management facility approved by the council.
20. The uppermost layer of the soil profile (top soil) is to be retained on site, stockpiled and surrounded at its base with silt fencing to ensure that the topsoil is maintained in a satisfactory and reusable condition. Areas within the development not otherwise built on are to be left with not less than 100mm of topsoil with grass or other landscaping established.
21. A hoarding or fence must be erected between the work site and any public place if the work is likely to cause traffic (pedestrian or vehicular) in a public place to be obstructed or otherwise inconvenienced. The erected hoarding is to comply with AS 4687 (current edition) - Temporary fencing and hoardings and be sufficient to prevent any substance from or in connection with the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. The hoarding, fence or awning is to be removed once the work has been completed.

22. The hours of building work are to be restricted to between 7.00am and 6.00pm on Monday to Friday and 8.00am to 1.00pm on Saturdays, to maintain the amenity of the locality. Any proposed building work to be undertaken outside these hours or on Public Holidays must be the subject of prior written agreement from Council - consideration may be given to special circumstances and non-audible work if applicable.

*ADVISING:*

*Breaches of this condition may result in the issuing of a Penalty Infringement Notice or prosecution.*

23. **Non slip paving**

Non-slip materials complying with AS 3661 (current edition) Slip resistance of pedestrian surfaces - Guide to the reduction of slip hazards and AS 4586 (current edition) Slip resistance classification of new pedestrian surface materials, are to be used for the paving of public areas and access ways within the development, to ensure safe public use of these areas.

24. **TV Antennae**

Only one common television aerial per block shall be installed, to minimise visual clutter and maintain the amenity of the locality.

25. **Air handling and warm water systems**

Details of the air-handling system and any warm water systems must be supplied for assessment by Council's Environmental Health unit prior to installation and use.

*ADVISING:*

*These may prove to be 'regulated systems' as defined in the Public Health Act 2010, in which case requirements of the Act, Regulation and AS/NZS 3666 will apply.*

**CONDITIONS REQUIRING ACTION BEFORE OCCUPATION / USE**

**26. Site identification**

The college name shall be clearly and permanently displayed on or adjacent to the doorway or on the street frontage to identify the premises to the public and to essential/emergency services. Lettering shall be 100mm high (minimum) and of a colour contrasting with the surface to which it is affixed.

**27. Parking facilities**

All off-street parking spaces to serve the development as shown on the approved plans and in accordance with Council's Parking Code is to be completed to ensure these facilities are available before the use commences. Approved parking bays, including spaces allocated for people with disabilities, are to be clearly identified by appropriate pavement markings. Bicycle parking/storage facilities to serve the proposed development are likewise to be provided as shown on the approved plans before the use commences.

*ADVISING:*

*Provision of parking spaces and dimensions of spaces to be in accordance with Council's Parking Code and Access and Mobility Code. Spaces adjacent to other obstructions which may affect the opening of a car door or vehicle manoeuvring) are to be widened by 300mm on the side of the obstruction(s), to facilitate safe use of these spaces.*

**28. Fire safety certificate**

A Fire Safety Certificate covering each of the essential fire and other safety measures must be provided to the certifying authority prior to the occupation of the building, to ensure the safety of the occupants in the case of an emergency. A copy of the certificate is to be given to the Commissioner of Fire & Rescue NSW and an additional copy to be displayed in a prominent location within the building, all in accordance with clause 172 of the Environmental Planning and Assessment Regulation 2000.

**OPERATIONAL MATTERS**

**29. Fire safety statement**

An annual fire safety statement shall be provided to Council at least once every 12 months as required under clause 177 of the Environmental Planning and Assessment Regulation 2000, to ensure that the required fire safety measures for the building are being properly maintained. A copy of the statement is to be given to the Commissioner of Fire & Rescue NSW and an additional copy to be displayed in a prominent location within the building.

**30. Outdoor lighting**

Any lighting used on site in connection with the development is to comply with AS 4282 (current edition) – Control of the Obtrusive Effects of Outdoor Lighting, to protect the amenity of the locality.

**31. Waste Management**

All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.

## ADVICE

*In the event that Aboriginal objects or artefacts are identified on the site during development through earthworks or construction, the Applicant shall contact the National Parks and Wildlife Service (NPWS – part of the Office of Environment and Heritage) and cease work in the relevant location pending investigation and assessment of its heritage value by NPWS and the relevant local Aboriginal groups.*

*A 'Consent to Destroy' Application under section 90 of the National Parks and Wildlife Act 1974 must be submitted and issued by the Director-General of National Parks and Wildlife for any Aboriginal archaeological sites that are to be damaged or destroyed as a result of any development. The Applicant shall consult with the relevant local Aboriginal groups and to the satisfaction of the NPWS prior to any 'Consent to Destroy' Application being submitted.*

*For further information see the NPWS Code of Practice for Archaeological Investigations in NSW:*

*<http://www.environment.nsw.gov.au/licences/archinvestigations.htm>*

*In the event that any relics, being any deposit, artefact, object or material evidence that:*

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and*
- (b) is of State or local heritage significance,*

*are identified on the site during development through earthworks or construction, the Applicant/developer shall notify the NSW Heritage Council as required under s.146 of the Heritage Act 1977, as well as the Armidale Dumaresq Council, of the find and await further advice before proceeding with the development.*

*Certain modern energy installations (eg. photovoltaic systems, solar hot water, wind energy installations) may require Council's consent under current planning legislation. If planning on installing such technology as part of this project, the developer/owner should consult with Council's Development Control Unit to confirm whether development consent is required.*

## **REASONS FOR THE ABOVE CONDITIONS**

Given Council's duty to consider the matters set out in Section 79C(1) of the Environmental Planning and Assessment Act 1979 (as amended), the above conditions have been placed on the consent in accordance with Section 80A of the Environmental Planning and Assessment Act 1979 (as amended).