

**JOINT REGIONAL PLANNING PANEL
(Eastern Region)**

JRPP No	2011SYE075
DA Number	DA/494/2011/A
Local Government Area	Randwick City Council
Proposed Development	Section 96 modification of the approved student accommodation development, including the addition of a loading bay, installation of an additional car park lift, a minor reduction in the north-east corner building alignment, a reduction in the northern deck at ground floor level, alterations to steps/ramps on the western elevation, alterations to exterior doors, replacement of louvres with fixed glass, replacement of batten screens with balustrades, deletion of Juliet balconies on the southern walls, installation of planters in through-site link and various amendments to the internal layout.
Street Address	330 Anzac Parade, KENSINGTON
Applicant/Owner	/University of NSW
Number of Submissions	None
Recommendation	Approval
Report by	Environmental Planning Officer – Randwick City Council

1. EXECUTIVE SUMMARY:

Council is in receipt of a Section 96 application seeking modification to the consent to DA/494/2011 for the construction of an 8-storey student accommodation development comprising 399 beds, ground floor retail units, basement car parking for 77 vehicles, landscaping and associated works. Consent was granted by the Joint Regional Planning Panel on 5 October 2011.

The subject proposal details various modifications including the addition of a loading bay and the installation of an additional lift within the car park; a minor reduction in the north-east corner building alignment and a reduction in the size of the northern deck at ground floor level; external changes to the approved building including alterations to access steps and ramps; and the replacement of batten screens with balustrades and the deletion of Juliet balconies on the southern walls.

The subject application was advertised and notified in accordance with Development Control Plan – Public Notification of Development Proposals and Council Plans. No submissions were received.

The subject site is partly zoned Special Uses No. 5 under the Randwick Local Environmental Plan 1998 (Consolidation). The development involves the provision of student accommodation with supporting retail units and car parking, which will

be ancillary to the primary educational function of the Kensington Campus. The proposal is therefore considered to be consistent with the zoning objectives.

The application has been referred to the Design Review Panel for comments pursuant to the provisions of State Environmental Planning Policy No. 65. The panel has raised several objections to the various modifications proposed. See further discussion below regarding the Design Review Panel comments - Part 7.2.

The amended design for the approved development will involve external changes and some reduction in the footprint of the approved building envelope. The proposed amendments do not involve any increase to the approved maximum height of the approved buildings and will not unreasonably alter the appearance of the facility as viewed from within the site or from the streetscape.

The proposed modifications do not give rise to unreasonable additional amenity impacts and generally maintain the perceived bulk and scale of the approved development. The proposal is considered to be substantially the same development as was originally approved and satisfies Section 96 of the Act.

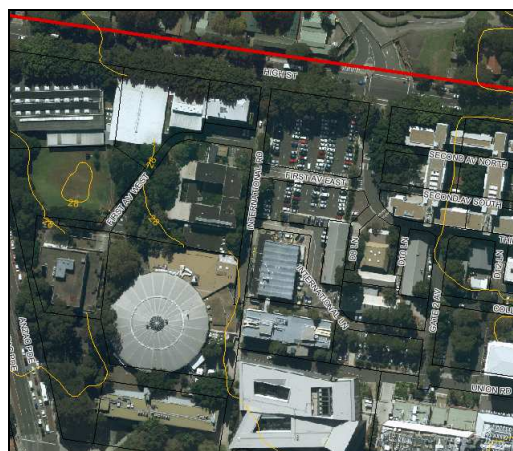
The proposal satisfies the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, and is recommended for approval subject to conditions.

2. DESCRIPTION OF SUBJECT SITE AND LOCALITY:

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

A hard stand car park was previously located on the site, which is traversed by First Avenue East that links Gate 2 Avenue in the east to International Road in the west. There is a row of mature fig and gum trees along the northern site boundary which are to be retained.

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



Aerial view of the subject site (currently a carpark) and the surrounding locality

3. PROPOSED DEVELOPMENT:

The Section 96 application seeks approval for modifications to the approved scheme arising from a change in the mix of apartments and modifications to floor plans at all levels including the basement.

Amended plans were submitted to Council on 12 April 2012 in response to comments provided by Council's Design Review Panel. Only minor changes were shown on the amended plans. As a consequence, the amended plans were not required to be re-notified to surrounding properties. These changes included:

- Revised window and door configurations for the student units;
- Provision of ceiling fans within the units; and
- Deletion of Juliet balconies from selected units.

The current application involves the following Section 96 modification of the approved student accommodation development:

Basement Level:

- Installation of a lift from the basement carpark level to the ground floor. This lift will be provided for all non-residents so that the remaining 4 lifts may be used only by residents; and
- The deletion of one off-street parking space from the basement carpark level.

Ground Level:

- Minor reduction in the north-east corner building alignment;
- Reduction in the size of the northern deck at ground floor level;
- Alterations to the steps/ramps on the western elevation; and
- Alterations to exterior doors.

Level 3:

- Replacement of batten screens with balustrades;

Levels 1 – 7:

- Replacement of louvres above residential unit doors with fixed glass;
- Deletion of Juliet balconies on the southern walls;
- Various amendments to the internal layout of the building.

Level 8:

- Minor external changes to the façade of the plant room area.

It is noted that the applicant listed a number of proposed amendments including the addition of a loading bay to the southern end of the site. This amendment is not required given that the plans which were approved for the original application already show the loading bay.

The subject application does not seek to modify or delete any conditions of consent other than Condition No. 1 which refers to the approved plans.

4. DEVELOPMENT HISTORY:

There are numerous applications applying to the site. The following development applications are relevant to the current proposal:

- DA/494/2011 – Approved by Council for the construction of an 8-storey student accommodation development comprising 399 beds, ground floor retail units, basement car parking for 77 vehicles, landscaping and associated works;
- DA/385/2011 – Site preparation works for facilitating future student accommodation development, including demolition of surface car park, partial removal of vegetation, installation of perimeter piles, excavation, removal of contaminated fill, construction of hoardings, provision of site facilities and temporary connection to services; and
- DA/259/2011 – Approved for the construction of an interim surface car park with 163 spaces and associated works at the Western Campus of the UNSW.

5. SECTION 96 ASSESSMENT:

Under the provisions of Section 96 of the Environmental Planning and Assessment Act, 1979, as amended, Council may only agree to a modification of an existing Development Consent if the following criteria has been complied with:-

5.1 SUBSTANTIALLY THE SAME DEVELOPMENT:

The proposal does not involve any significant changes to the approved use, built form, floor space or landscaped area provision on the site. Therefore, the modified development is considered to be substantially the same development as that for which the consent was originally granted.

6. NOTIFICATION AND ADVERTISING:

The subject application was advertised and notified from 15 February 2012 to 29 February 2012 in accordance with Development Control Plan – Public Notification of Development Proposals and Council Plans. No submissions were received as a result of the notification process.

7. TECHNICAL OFFICER AND EXTERNAL REFERRAL COMMENTS:

7.1 Development Engineers:

General Comments

The proposed changes have minimal impact on any of the original Development Engineering conditions of consent.

Parking Comments

The loss of one parking space is supportable subject to the parking allocation for residents not being reduced, (i.e. a minimum of 27 spaces for resident students being maintained). The submission indicates that the allocation of resident student parking is not being reduced.

The proposed reduction in parking is further supported given that there is adequate public transport within close proximity to the site and there is adequate parking provision for the retailers who will occupy the site; including loading bays

external to the building and within the basement level. The final parking allocation to the residents, retailers and UNSW staff will be subject to future planning decisions by University management.

It was also noted within the original assessment that the approved development would result in a net positive balance of 88 car spaces. It is therefore considered that the proposed amendments to plans will result in a net positive balance of 87 car spaces; and that there will be sufficient car spaces to cater for the needs of the University and no unreasonable impacts on the locality.

Conclusion

The Development Engineering section raises no objections to the proposed Section 96 Application and no development engineering conditions require modification should the application be supported.

7.2 Design Review Panel Comments:

It was noted that this was a Development Application and the first Panel meeting with the applicant.

A copy of the ten SEPP 65 Design Quality Principles are attached. The Panel's comments, set out below, are to assist Randwick Council in its consideration of the application, and to assist applicants to achieve better design outcomes in relation to these principles.

The absence of a comment under any of the heads of consideration does not necessarily imply that the Panel considers the particular matter has been satisfactorily addressed, as it may be that changes suggested under other heads will generate a desirable change.

The Panel draws the attention of applicants to the Residential Flat Design Code, as published by Planning NSW (September 2002), which provides guidance on all the issues addressed below.

This document is available from the Department of Infrastructure Planning and Natural Resources.

Note: *The Panel members' written and verbal comments are their professional opinions, based on their experience.*

To address the Panel's comments, the applicant may need to submit amended plans. Prior to preparing any amended plans, the applicant should discuss the Panel's comments and any other matter that may require amendment with the assessing Planning Officer.

When addressing the Panel's comments by way of amendments, if the applicant does not propose to address all or the bulk of the Panel's comments, and wishes to make minor amendments only, then it should be taken that the Panel considers the proposal does not meet the SEPP 65 requirements. In these instances it is unlikely the scheme will be referred back to the Panel for further review.
PANEL COMMENTS

PANEL COMMENTS:

This is a Section 96 Application and the third time that the Panel has reviewed the proposal since Pre-DA. The proposal is a major student housing building at Gate 2

on High Street, and forms part of the University's initiatives to provide more accommodation on site.

The S96 proposal includes:

- A new lift that travels from the basement to the ground level - The reason given for the new lift is added security so that only the building occupants need to enter the basement lobbies + lifts to travel to accommodation levels. The inclusion of a new lift is considered by the Panel as a good addition.
- The removal of batten screens on the north and south faces of the internal courtyard - The Panel has previously noted that the proposal has a strong architectural character throughout, and has the potential to be a fine addition to the campus. The removal of the batten screen is not considered an improvement to the aesthetics. The internal courtyard is a highly overlooked, shared communal area and its presentation and aesthetics should not be reduced. The removal of the screens also reduces the privacy between the units and the access balcony areas. The reason given for their removal was that they posed a climbing opportunity for the students however their architectural detail can resolve this problem (batten screens are also acceptable for pool enclosures if detailed correctly).
- The removal of batten screens to the D Type apartments similarly reduce the articulation and character of the internal courtyard - their removal is therefore not supported.
- The window and door configuration for some of the internal corner units has changed - better configurations were discussed at the meeting and the Applicant agreed to revise the design to achieve privacy, ventilation and daylighting to these units by separating them from the access balconies.
- Some of the external sunshade blades on the east and west are nominated for removal - their removal improves the usefulness of the balconies as noted in previous reports and is therefore supported by the Panel.
- The removal of 28 south facing Juliet balconies - The reason given for their removal was that the balconies were only 300mm wide and added little amenity. The Panel accepts that the balconies were compromised however their removal reduces the articulation of the south facade and reduces that weather protection to the southern windows (previous Panel comments prior to Development Approval included the recommendation for added articulation to the southern elevation). The Panel recommends that weather protection hoods or the like be provided in lieu of the balconies.
- The fixed highlight glass areas over every external door has been noted on the S96 drawings however changes to these items were not discussed at the meeting. If the highlight windows were previously operable (to enable increased ventilation options) the Panel would not support the change to fixed glass.
- The floor plans do not indicate ceiling fans are provided as previously recommended by the Panel. The Panel reiterates their recommendation for their inclusion.

SUMMARY AND RECOMMENDATIONS:

If the Applicant can address the above issues to the Council Officers' satisfaction the Panel will not need to review this S96 again.

Assessing Officer Comment:

Further discussion is provided below regarding the referral comments received from the above Design Review Panel – See part 8.2.

8. RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS:

8.1 STATE ENVIRONMENTAL PLANNING POLICY (MAJOR DEVELOPMENT) 2005:

The provisions of the SEPP (Major Development) 2005 apply to the proposed development as its capital investment value is in excess of \$10 million. The subject application is referred to the Joint Regional Planning Panel (Eastern Region) for assessment given that the original determination was made by the Panel.

8.2 State Environmental Planning Policy (SEPP) No. 65 Design Quality Of Residential Flat Development:

SEPP No. 65 applies to the proposed development and the application was referred to the Design Review Panel (DRP) for assessment in March 2012. The Design Quality Principles and the comments provided by the Panel are addressed as follows:

- The removal of batten screens on the north and south faces of the internal courtyard - The Panel has previously noted that the proposal has a strong architectural character throughout, and has the potential to be a fine addition to the campus. The removal of the batten screen is not considered an improvement to the aesthetics. The internal courtyard is a highly overlooked, shared communal area and its presentation and aesthetics should not be reduced. The removal of the screens also reduces the privacy between the units and the access balcony areas. The reason given for their removal was that they posed a climbing opportunity for the students however their architectural detail can resolve this problem (batten screens are also acceptable for pool enclosures if detailed correctly).

Assessing Officer Comment: The proposal to delete the batten screens within the courtyard of the complex will remove an architectural element from within this space however the southern elevation of the complex, as viewed from within the courtyard, will be articulated by way of the provision of balustrades along the walkways at the 3rd floor level. It is considered that the deletion of the batten screens will improve opportunities for passive surveillance over the courtyard from the walkways above; thereby increasing the visual security for the residents of the complex. It is also considered that the proposed changes to the various façades will achieve a reasonable outcome in terms of the perceived visual bulk of the facility as viewed from the streetscape, from within the university and from within the courtyard of the subject building.

- The removal of batten screens to the D Type apartments similarly reduce the articulation and character of the internal courtyard - their removal is therefore not supported.

Assessing Officer Comment: The applicant states that the proposed screens were included in error. Their deletion is supported given that this will result in a more useful (larger) balcony area for the residents of the dwellings.

- The removal of 28 south facing Juliet balconies - The reason given for their removal was that the balconies were only 300mm wide and added little amenity. The Panel accepts that the balconies were compromised however their removal reduces the articulation of the south facade and reduces that weather protection to the southern windows (previous Panel comments prior to Development Approval included the recommendation for added articulation to the southern elevation). The Panel recommends that weather protection hoods or the like be provided in lieu of the balconies.

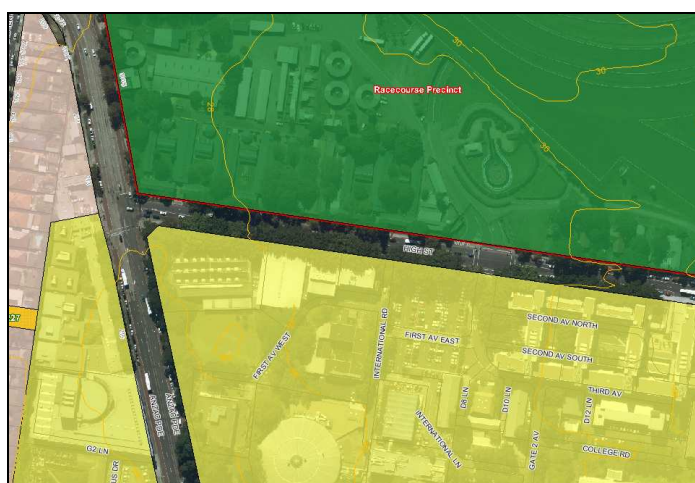
Assessing Officer Comment: Additional window diagrams were submitted to Council on 14 February 2012. The statement that the deletion of the Juliet balconies will enhance articulation is supported, given that the Juliet balconies were to be constructed using solid materials and will be replaced instead by selected masonry brickwork; which is shown in the Schedule of Finishes submitted with the original application.

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

The SEPP: BASIX was determined not to apply to the development within the previous assessment by Council. Consequently, no BASIX Certificate is required to be submitted for the current application.

8.4 Randwick Local Environmental Plan (RLEP) 1998 (Consolidation):

The subject site is within zone Special Uses 5 under the RLEP 1998 (Consolidation). Refer to zoning map below. Educational establishments are defined in the LEP (Consolidation) and are listed as a permissible use pursuant to the land use tables of Clause 17. The proposed land use is therefore permissible.



Zoning map

Yellow denotes Special Uses Zone No. 5, and green denotes Zone 6A (Open Space Zone). Pink denotes Residential Zone No. 2A.

8.4.1 Clause 17 Zone No. 5 (Special Uses Zone):

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

objectives and performance requirements of the RLEP 1998 (Consolidation) for the following reasons:

- The proposal is initiated by a public university on land owned by the Crown;
- The proposal will provide student accommodation and retail services, which will be associated with and ancillary to the tertiary educational use of the university campus;
- The proposal will provide student accommodation and retail services, which will be associated with and ancillary to the tertiary educational use of the campus site; and that the proposal will provide student accommodation, including small scale retail units and supporting facilities for the residents and staff. The retail units are designed to be publicly accessible; and
- The development site will continue to be used for education related purposes.

8.4.2 Clause 22 Services:

The proposed changes to the approved facility will not alter the requirements of the development with regard to adequate water supply, stormwater drainage and sewage facilities.

Standard conditions were recommended in the original development consent to ensure adequate civil and utility services are provided to the site. These conditions are not altered as part of the subject Section 96 application.

8.4.3 Clause 37A Development in Special Uses Zone:

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

The proposal will result in internal changes to the approved facility and some relatively minor external façade changes. It is considered that the proposed amendments will result in a development which is compatible with the character of the locality, and which will not adversely affect the amenity of nearby and adjoining development.

8.4.4 Clause 43 – Heritage conservation

The subject site is adjacent to Randwick Racecourse which is listed as a heritage item within the RLEP 1998 (Consolidation). The proposed amendments will have no impact on the principal heritage values of the adjacent heritage item and it is considered that the proposal will satisfy the objectives and performance requirements of Clause 43 of LEP 1998 (Consolidation).

9. ENVIRONMENTAL ASSESSMENT:

9.1 Section 79C Assessment:

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

Section 79C 'Matters for Consideration'	Comments
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	Refer to the "Environmental Planning Instruments" section of this report for details.

Section 79C 'Matters for Consideration'	Comments
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	See further discussion below - Part 9.2.
Section 79C(1)(a)(iii) – Provisions of any development control plan	See further discussion below - Part 9.3.
Section 79C(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	Not applicable.
Section 79C(1)(a)(iv) – Provisions of the regulations	The relevant provisions of the Environmental Planning and Assessment Regulation 2000 were addressed by the standard conditions attached to the original consent.
Section 79C(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	The environmental, social and economic impacts of the proposed development, which are otherwise not discussed within the body of this report, are addressed below.
Section 79C(1)(c) – The suitability of the site for the development	The site is located within an established educational precinct with convenient access to Anzac Parade and public transport services. The site has sufficient area to accommodate the proposed land use and physical structures. Therefore, the site is considered to be suitable for the modified development.
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	No submissions were received in response to the public notification and advertising.
Section 79C(1)(e) – The public interest	The proposal is not considered to result in unreasonable adverse environmental, social or economic impacts on the locality, subject to the recommended conditions. The development is considered to be within public interest.

9.2 Draft Randwick Local Environmental Plan 2012 (Draft LEP)

Draft Randwick Local Environmental Plan 2012 is a matter for consideration in the assessment of the subject development application under Section 79C of the Environmental Planning and Assessment Act 1979 (as amended).

The following table considers the proposed development having regard to the zoning provisions and development standards contained in draft LEP that are of relevance to the subject development application:

Description	Council Standard	Proposed	Compliance (Yes/No/NA)
Zoning:	SP2 (Infrastructure)	Yes	Yes
Is development permitted under zoning?	Yes		
Floor Space Ratio DCP	N/A	N/A	N/A

Description	Council Standard	Proposed	Compliance (Yes/No/NA)
Controls for maximum building height and building envelope.			
Height of Building 24m	24m	26.6m	No however there is no proposal to increase the approved building height. See further discussion below - Part 9.3.
Lot Size (Minimum)	N/A	N/A	N/A
Heritage: <ul style="list-style-type: none"> • Draft Heritage Item • Draft Heritage Conservation Area • In vicinity of draft item or area 	In vicinity of draft item or area	N/A	Yes. See further discussion above - Part 8.4.4.

9.3 Randwick Development Control Plan – UNSW Kensington Campus

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

	Sense of place High Street: <ul style="list-style-type: none"> • Improve frontage with major new buildings that are to define major new gathering spaces • Buildings to be setback to maintain existing mature trees • Building heights to optimise capacity, northern aspect and views 	<p>There are no proposed changes to the northern façade of the approved facility other than the deletion of some screens from within the balconies to the units. The approved development will improve the definition of High Street, Gate 2 Avenue and International Road with an articulated built form and active frontages.</p> <p>The approved building envelope is to be marginally reduced. The building is appropriately setback to enable retention of the mature fig and gum trees adjacent to the High Street boundary of the campus.</p> <p>The proposed amendments will not further increase the approved building height.</p>
	Landscape Established fig and gum trees along the northern boundary of the development site are designated as having “highest retention priority” (Figure 5.6a)	<p>The existing fig and gum trees along the northern extremity of the development site will be retained. The deletion of landscaped planter boxes from the western side of the facility at ground level will not adversely impact the appearance of the approved facility as viewed from the street.</p>
5.6	Building <ul style="list-style-type: none"> • New buildings are to be 	<p>The proposed amendments will marginally decrease the approved</p>

	<p>located within the building location zones identified in Figure 5.8</p> <ul style="list-style-type: none"> · The maximum wall height is up to 24m as shown in Figure 5.8. Areas above the wall height may include plant and equipment only, which is not to occupy more than 50% of the building footprint · In mixed use residential and university use buildings, a secure separate entry is to be provided for residents, to prevent unrestricted public access to private residential areas 	<p>footprint of the facility. The approved design scheme is considered to be satisfactory having regard to permeability and accessibility of the campus.</p> <p>The approved development has a maximum height of approximately 26.6m (top of wall) to 28.6m (top of rooftop plant). No increase is proposed to the approved maximum building height.</p> <p>The proposed 5th lift from the basement to the ground level will further separate entry lobbies from the residential floors; thereby providing increased security for the residents of the facility.</p>
	<p>Transport and parking</p> <ul style="list-style-type: none"> · Reduction in car dependency is to be achieved through: <ul style="list-style-type: none"> - Reduction in parking supply - Public transport upgrades - Location of university accommodation · The total number of parking on campus is to be maintained until such time as it is demonstrated through the annual parking survey that the total number may be reduced without adversely impacting on the surrounding streets · Surface parking is to continue to be relocated at basement or within structured car parks · Provision of short-stay parking on the subject site · Parking demand for new university accommodation: <ul style="list-style-type: none"> - 1 space / 15 students or staff for accommodation at campus 	<p>The proposed amendments will result in a reduction of 1 off-street parking spaces within the basement level; from 77 car parking spaces to 76 car parking spaces. The proposed reduction in the parking provision is considered to be satisfactory. See further discussion below - Part 9.4.3.</p>

9.4 Site planning, built form and urban design:

9.4.1 Site planning and setbacks:

The proposed amendments will not further decrease the approved building setbacks and will not affect the retention of existing mature fig and gum trees along the northern extremity of the development site.

9.4.2 Built form, height and scale:

The approved height and scale of the facility are commensurate with the recently completed student housing development to the east. The proposed amendments to the approved plans will not further increase the approved maximum building height which was considered during the previous assessment of the original application to be compatible with the emerging character of High Street; and not to result in detrimental streetscape impacts.

The external facades and the internal courtyard facades are articulated by a coherent pattern of rectilinear forms, and articulation is provided by balcony partitions and screens. The proposed amendments to the approved building finishes will result in a development which is compatible with surrounding development and which will utilise a palate of modern finishes to achieve visual interest and which will break up the perceived visual bulk of the facility as viewed from the streetscape and from within the site.

9.4.3 Car parking provision:

The proposal includes 76 parking spaces at the basement level and generally satisfies the Parking DCP requirement.

The required parking allocation was calculated within Council's previous assessment as follows:

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

The proposal will result in a net decrease in the parking provision resulting in the following parking allocation:

Resident students	25
Resident students (Accessible Parking Spaces)	2
Retail tenants	11
Retail tenants (Accessible Parking Spaces)	1
General UNSW permit holding staff / students	36
General UNSW permit (Accessible Parking Spaces)	1
Total	76

The net decrease in the provision of parking within the facility is supported given that there is provision within the basement of the site for motorbike and bicycle parking; and that there is one loading zone/carwash bay provided within the basement which may be used for short term unloading for retail tenancies or residents.

Further comments:

- It was also noted within the original assessment that the approved development would result in a net positive balance of 88 car spaces. It is therefore considered that the proposed amendments to plans will result in a net positive balance of 87 car spaces; and that there will be sufficient car spaces to cater for the needs of the University and no unreasonable impacts on the locality.
- The Kensington Campus DCP does not specify parking requirements for retail uses. The plans which were approved for the original application showed the provision of 12 retail carspaces within the basement; which was commensurate with the provision of 12 retail units. A portion of the parking spaces which are to be allocated to the residents or UNSW staff will be subject to the decisions by University management and it is noted that the final retail tenancy configuration has not been established at the time of assessment.
- The application also indicates that a loading bay will be provided in Third Avenue to the south of the development site as part of the future reconstruction of the internal road and that a loading zone/carwash bay is to be provided within the basement.
- It was noted within the original assessment of the proposal that the University had provided a letter dated 17 August 2011 expressing genuine intention to reconstruct Third Avenue and provide the loading bay prior to completion of the subject student housing development.
- It is therefore considered that the parking and loading needs of the retail components have been satisfied.

Notwithstanding, it was noted within the original assessment that the approved development would result in a net positive balance of 88 car spaces within the university precinct. It is therefore considered that the proposed amendments to plans will result in a net positive balance of 87 car spaces; and that there will be sufficient car spaces to cater for the needs of the University and no unreasonable impacts on the locality.

9.4.4 Visual and acoustic privacy

The applicant advised on 19 April 2012 that there is no intention to amend the approved loading zone area to the south of the facility and that there is also no intention to delete the approved planter boxes from a common area of level 1. These planter boxes were identified as integral to maintaining appropriate levels of privacy for some of the retail units within the facility.

9.4.5 Amenity

The proposal has incorporated various measures to provide suitable level of living amenity and environmental performance for the building. The proposed amendments will not impose any unreasonable impact on the internal amenity of the individual units or the common areas within the facility.

Relationship to City Plan

The relationship with the City Plan is as follows:

Outcome 2: A vibrant and diverse community.

Direction 2d: New and upgraded community facilities that are multi-purpose and in accessible locations.

Outcome 4: Excellence in urban design and development.

Outcome 4a: Improved design and sustainability across all development.

Financial Impact Statement

There is no direct financial impact for this matter.

Conclusion

The modifications proposed as part of this application do not substantially alter the form and nature of the approved development. The development, as proposed to be amended, will continue to meet the objectives and performance requirements of relevant State and Local planning controls, as well as the requirements of the Parking DCP and the Randwick Development Control Plan – UNSW Kensington Campus.

The proposed development complies with the objectives and performance requirements of relevant State and Local planning controls. It is considered that the proposed amendments to the approved development will result in a satisfactory streetscape outcome for High Street and the internal courtyards for the facility. The development scheme will not result in unreasonable impacts on the amenity of the surrounding areas in terms of visual bulk and scale, solar access and traffic.

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

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

Recommendation

THAT the Joint Regional Planning Panel, as the consent authority, grants development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Consent No. DA/494/2011 by modifying the approved student accommodation development, including the addition of a loading bay, installation of an additional car park lift, a minor reduction in the north-east corner building alignment, a reduction in the northern deck at ground floor level, alterations to steps/ramps on the western elevation, alterations to exterior doors, replacement of louvres with fixed glass, replacement of batten screens with balustrades, deletion of Juliet balconies on the southern walls, installation of planters in through-site link and various amendments to the internal layout, at No. 330 Anzac Parade, KENSINGTON in the following manner:

A Amend Condition 1 to read:

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

Plan / Document Number or Title	Dated	Received	Prepared By
A-DA-1001(04)	17.08.2011	29 August 2011	FJMT Architect

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

and as amended by the Section 96'A' plans:

Plan / Document Number or Title	Dated	Received	Prepared By
A-2310 (Issue D)	10 January 2012	14 February 2012	FJMT Architect
A-2311 (Issue 0)	20 December 2011		
A-2312 (Issue 06)	18 November 2011		
A-2313 (Issue 04)	18 November 2011		
A-2314 (Issue 03)	18 November 2011		
A-2315 (Issue 03)	18 November 2011		
A-2316 (Issue 03)	18 November 2011		
A-2317 (Issue 03)	18 November 2011		
A-2318 (Issue 03)	18 November 2011		
A-2319 (Issue 03)	18 November 2011		
A-3000 (Issue 02)	17 November 2011		
A-3001 (Issue 03)	6 December 2011		
A-4000 (Issue 01)	17 November 2011		
A-4001 (Issue 01)	17 November 2011		
A-4002 (Issue 01)	17 November 2011		
A-4003 (Issue 01)	17 November 2011		

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