

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

JRPP No	2013NTH005
DA Number	2013-0148
Local Government Area	Port Macquarie-Hastings Council
Proposed Development	Construction of Educational Establishment with Associated Infrastructure including Clause 4.6 variation to Clause 4.3 of Port Macquarie Hastings Local Environmental Plan 2011 - Height of Buildings
Street Address	Lot 11 & 12 DP 262236, 20-22 Highfields Circuit, Port Macquarie
Applicant/Owner	University of NSW
Number of Submissions	Three (3)
Recommendation	Consent subject to Conditions
Report by	Clinton Tink, Development Assessment Planner
Date	2 August 2013

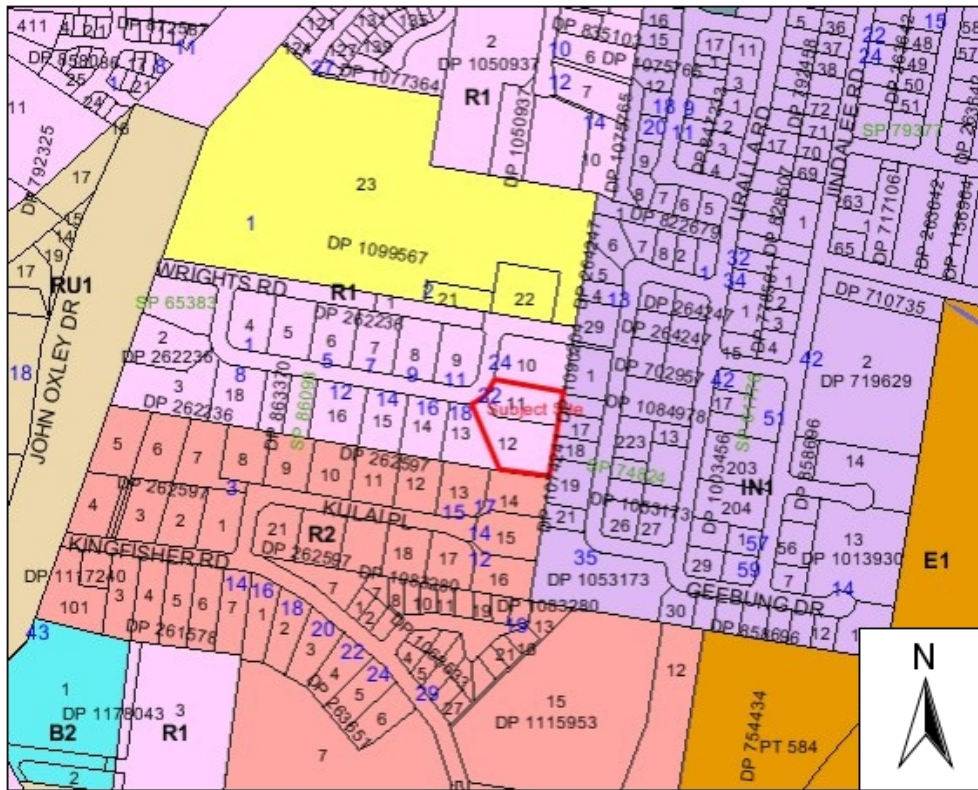
RECOMMENDATION

That DA 2013-0148 for Construction of an Educational Establishment with Associated Infrastructure (including Clause 4.6 variation to Clause 4.3 of Port Macquarie Hastings Local Environmental Plan 2011 - Height of Buildings) at Lot 11 & 12 DP 262236, 20-22 Highfields Circuit, Port Macquarie, be determined by granting consent subject to the recommended conditions and any further changes to conditions being agreed to by the Crown

1. BACKGROUND

Existing sites features and surrounding development

The site comprises two allotments and has a total area of approximately 8857m². The site is located within the R1 General Residential zone under the *Port Macquarie-Hastings Local Environmental Plan 2011* as shown in the attached zoning map.



The property is located within the Highfields Circuit/Hospital precinct, which is currently experiencing a transition from residential to medical related land uses.

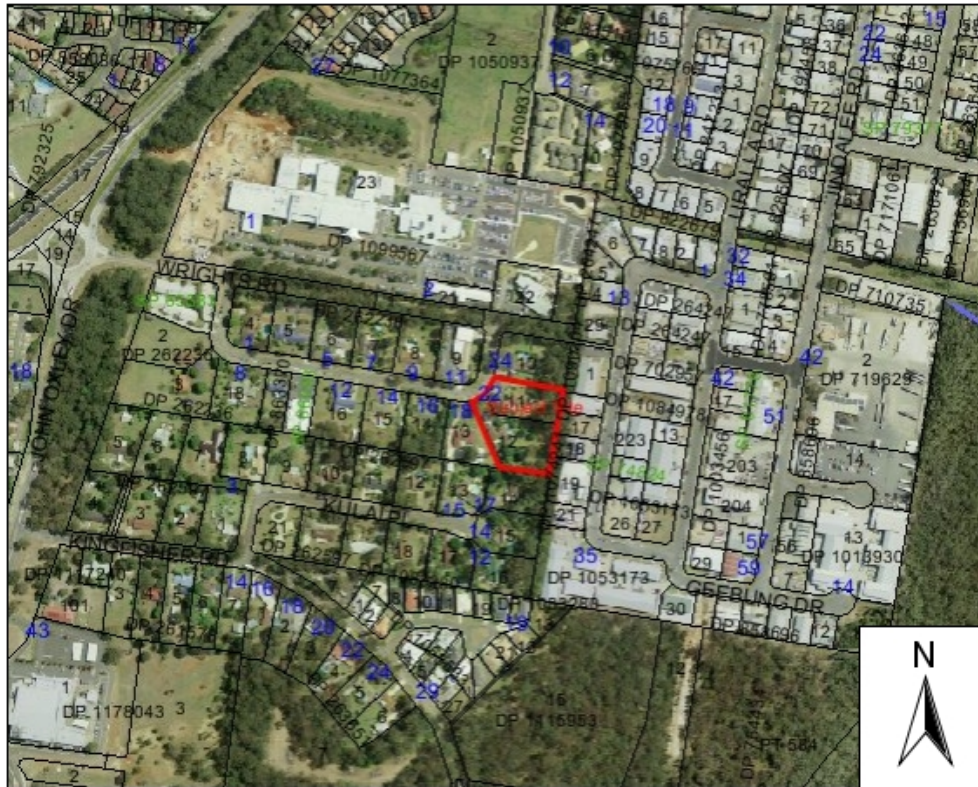
Adjoining the property to the north and south are dwellings on low density sized lots. The dwelling to the north being specifically used for accommodation for people with a disability. A further 100-150m to the north lies the Port Macquarie Base Hospital and a another existing medical based education facility.

To the west of the site are two medical centres.

East of the development is the Port Macquarie industrial area comprising such uses as general industry, storage premises and a swim centre with caretakers residence.

The site contains existing dwellings that are to be demolished and a corridor of vegetation along the eastern boundary. The site slopes west to east.

Details of the above site characteristics can be identified in the aerial photograph below:



2. DESCRIPTION OF DEVELOPMENT

In summary the proposed development includes the following:

- There are 71 trees onsite with 47 to be removed including 12 koala food trees. The 12 koala food trees to be removed will be replaced with 24 koala food trees onsite.
- Two storey education facility comprising:
 - Two lecture theatres of 159 & 66 seats respectively. Each lecture theatre contains an additional 4 disabled seats bringing the total number of seats to 233.
 - Lab and simulation space.
 - Administration and staff areas.
 - Classrooms and Tutorial areas.
 - Student knowledge and common areas.
 - Student courtyard.
 - 85 space carpark including two (2) disabled spaces, loading area and bicycle parking.
 - Maximum number of 400 students with 175 students being onsite at any one time.
 - 25 staff will be employed onsite.
 - Height of the building will be 12.5m and gross floor area is 3246m²
 - Standard hours of operation will be 8am to 8pm, weekdays. It should be noted that occasional specific events may still occur outside these times.

The proposed application is a Crown development application pursuant to Part 4, Division 4 of the Environmental Planning and Assessment Act 1979. In assessing and determining the application, Clause 89 states the following:

- (1) A consent authority (other than the Minister) must not:*
 - (a) refuse its consent to a Crown development application, except with the approval of the Minister, or*
 - (b) impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.*
- (2) If the consent authority fails to determine a Crown development application within the period prescribed by the regulations, the applicant or the consent authority may refer the application:*
 - (a) to the Minister, if the consent authority is not a council, or*
 - (b) to the applicable regional panel, if the consent authority is a council.*
- (2A) A Crown development application for which the consent authority is a council must not be referred to the Minister unless it is first referred to the applicable regional panel.*
- (3) An applicable regional panel to which a Crown development application is referred may exercise the functions of the council as a consent authority (subject to subsection (1)) with respect to the application.*
- (4) A decision by a regional panel in determining a Crown development application is taken for all purposes to be the decision of the council.*
- (5) If an applicable regional panel fails to determine a Crown development application within the period prescribed by the regulations, the applicant or the panel may refer the application to the Minister.*
- (6) The party that refers an application under this section must notify the other party in writing that the application has been referred.*
- (7) When an application is referred under this section to an applicable regional panel or the Minister, the consent authority must, as soon as practicable, submit to the panel or the Minister:*
 - (a) a copy of the development application, and*
 - (b) details of its proposed determination of the development application, and*
 - (c) the reasons for the proposed determination, and*
 - (d) any relevant reports of another public authority.*
- (8) An application may be referred by a consent authority or applicable regional panel before the end of a relevant period referred to in subsection (2) or (5).*

Based on the above, the JRPP cannot impose any condition unless agreed to by the Crown or refuse the application without the approval of the Minister. The Crown applicant has been provided a copy of the conditions and are generally accepting. However, further discussion on conditions may occur at the meeting and the JRPP will need to have regard for the above clause.

Application Chronology

27 March 2013 - Application lodged.

17 April 2013 - Application was registered online and a copy of the application provided to the Joint Regional Planning Panel (JRPP).

17 April 2013 - Council staff requested additional information on the social impacts of the proposal and hours of operation.

19 April 2013 - Applicant responded to additional information request.

19 April to 6 May 2013 - Adjoining property owners notified of the application and a notice was put in the local newspaper.

24 April 2013 - Details from Council's sewer section forwarded to applicant for consideration as part of any specific construction design they may be working on. Council staff also requested additional information on noise impacts from the industrial area on the proposal.

3 May 2013 - Disabled access requirements were forwarded to the applicant for consideration as part of any specific construction design they may be working on.

8 May 2013 - Applicant responded to Council's noise impact inquiry.

13 to 16 May 2013 - Applicant advised Council that the demolition of the dwellings and some sewer relocation works would be undertaken via a complying development certificate and Part 5 assessment process under *State Environmental Planning Policy (Infrastructure) 2007* respectively rather than as part of DA 2013/148.

22 May 2013 - Comments and an additional information request from the Roads & Maritime Services (RMS) and Council Engineers were forwarded to the applicant.

27 May 2013 - Complying Development Certificates (CDC 2013/7113 & 7114) approved the demolition of the dwellings.

7 June 2013 - Section 68 approval was issued for the sewer relocation works being completed under SEPP (Infrastructure) 2007.

2 July 2013 - Applicant responded to the RMS and Engineering issues.

12 to 19 July 2013 - Correspondence with applicant regarding draft conditions.

3. STATUTORY ASSESSMENT

Section 79C Matters for Consideration

(a) The provisions (where applicable) of:

(i) any Environmental Planning Instrument:

State Environmental Planning Policy No. 33 - Hazardous and Offensive Development

The subject SEPP was introduced to clarify the definitions for hazardous and offensive industries and to apply guidelines for the assessment of such proposals. In this case, the development does not have any significant dangerous materials or hazardous activities. Medical gases will be limited and confined to mock training purposes only. Having considered the SEPP along with the associated application and imposition of conditions; the proposed development is not considered to be a hazardous or offensive industry and will create no significant risk. Accordingly, a Preliminary Hazard Assessment (PHA) or further consideration of the SEPP is not required in this case.

State Environmental Planning Policy 44 - Koala Habitat Protection

This policy aims to encourage proper conservation and management of natural vegetation areas that provide habitat for koalas. The policy applies to land parcels of more than one hectare. Given the property is less than one hectare, the subject SEPP does not apply.

It should be noted that regardless of the above, the issue of koala habitat protection has still been considered in the assessment of the application. An ecological report was submitted with the application and concluded that the proposal would create no adverse impact on koalas. While 12 koala food trees are proposed to be removed, 24 compensatory plantings are proposed to be incorporated into the development.

State Environmental Planning Policy 55 - Remediation of Land

This policy requires a consent authority to consider the potential for a development site to be contaminated and therefore whether it is suitable for the use for which is proposed. If the land is unsuitable, remediation must take place before land is developed.

As part of the application, the proponent undertook a preliminary site investigation. The investigation confirmed that the site is suitable in its current state for the proposed use.

State Environmental Planning Policy No. 62 – Sustainable Aquaculture

In accordance with clause 15C, given the nature of the proposed development, proposed stormwater controls and location; the proposal will be unlikely to have any identifiable adverse impact on any existing aquaculture industries within the Hastings River.

State Environmental Planning Policy No. 64 – Advertising and Signage

The proposed development includes proposed advertising signage in the form of business/building identification signage at the entry to the facility.

In accordance with clause 7, this SEPP prevails over the Port Macquarie-Hastings LEP 2011 in the event of any inconsistency.

The following assessment table provides an assessment checklist against requirements of this SEPP:

Applicable clauses for consideration	Comments	Satisfactory
Clause 8(a) & 13 Consistent with objectives of the policy as set out in Clause 3(1)(a), the Guideline and also Schedule 1.	Refer to comments below	Yes
3(1) This Policy aims: (a) to ensure that signage (including advertising): (i) is compatible with the desired amenity and visual character of an area, and (ii) provides effective communication in suitable locations, and (iii) is of high quality design and finish,	The entry sign will be used for business/building identification purposes. The quality of the sign will be consistent with other medical centres etc in the area and will create no impact on traffic. The signage will help distinguish the business. Based on the above, the proposed development is consistent with the objectives of the SEPP.	Yes
Schedule 1(1)	The signage will not look too dissimilar from others in	

Character of the area.	the area. The character of the area will therefore not change.	Yes
Schedule 1(2) Special areas.	The signage will not affect any special areas.	Yes
Schedule 1(3) Views and vistas.	The signage will not affect any views or vistas by virtue of being at ground level and with the courtyard and vegetation providing a backdrop.	Yes
Schedule 1(4) Streetscape, setting or landscape.	Refer to above comments, which also apply to streetscape etc. In addition, the sign is beneficial for promoting a local business and entry point.	Yes
Schedule 1(5) Site and building.	The signage matches others in the area. There will be no change or impact in terms of adjoining buildings.	Yes
Schedule 1(6) Associated devices and logos with advertisements and advertising structures.	None proposed.	Yes
Schedule 1(7) Illumination.	None proposed. However, it is anticipated that illumination may be required based on the hours of operation being until 8pm. This report will allow for illumination subject to conditions.	Yes
Schedule 1(7) Safety.	The signage will not look too dissimilar from others in the area. The signage will help distinguish the use in the area and avoid confusion for traffic or pedestrian users.	Yes

The requirements of this SEPP are therefore satisfied.

State Environmental Planning Policy (Infrastructure) 2007

In accordance with Division 3, Clause 28 of the SEPP, educational facilities are permitted with consent in the R1 zone.

In accordance with Division 17, Subdivision 2, Clause 104, the proposed educational establishment will have more than 50 students and therefore is deemed a traffic generating development requiring referral to the Roads and Maritime Services (RMS). As a result, Council staff forwarded the application to the RMS who requested the following matters be addressed:

- Traffic generation associated with the development proposal is to be included in Council's traffic investigation currently being undertaken for the John Oxley Drive precinct, with particular consideration given to any impact on Wrights Road roundabout. (It should be noted that discussion with Council's Traffic Engineer has confirmed that this development and traffic generation is being considered in the John Oxley Drive Traffic Impact Statement).
- RMS supports the proposals intention to provide for alternative transport modes. All identified pedestrian and bicycle facilities, including associated connections to public transport facilities are to be provided prior to the operation of the subject development.

The RMS's advice and other matters requiring consideration under clause 104(b)(ii) and(iii) are considered in the assessment of access, traffic and parking impacts addressed later in this report.

The requirements of this SEPP are satisfied.

State Environmental Planning Policy (State and Regional Development) 2011

This policy aims to identify state and regional significant development or infrastructure and confer functions on joint regional planning panels.

In accordance with clause 20 of this policy, clause 5 of Schedule 4A of the Environmental Planning and Assessment Act 1979 identifies the development for which a regional panel is authorised to exercise the consent authority function.

Clause 5 reads as follows:

5 Crown development over \$5 million

Crown development that has a capital investment value (CIV) of more than \$5 million.

In this case, the proposed education establishment is being carried out by a Crown Authority and has a CIV of \$13.1 million.

In accordance with clause 21 of this policy, the purpose of this report is to provide an assessment of the development application in accordance with section 79 (C) of the Act.

Port Macquarie-Hastings Local Environmental Plan 2011

In accordance with clause 2.2 the subject site is zoned R1 General Residential.

In accordance with clause 2.3(3) the consent authority must have regard to the objectives of a zone when determining a development application.

The objectives of the R1 General Residential zone are as follows:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

In accordance with clause 2.3(2), the proposal will enable another land use that is permissible with consent. The educational facility will provide for the training of medical professionals, which has flow on effects within the local community in maintaining medical services to meet the day to day needs of residents in the immediate and wider area.

In accordance with clause 4.3, the maximum overall height of the proposal above ground level (existing) is 12.5m which does not comply with the height limit of 8.5m applying to the site. As a

result, the applicant has submitted a Clause 4.6 variation to the standard. Pursuant to Clause 4.6(3), consent must not be granted for a proposal that contravenes a development standard unless the consent authority has considered a written request from the applicant that justifies the variation by showing that the subject standard is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify the contravening of the standard.

As a result of the above, the applicant submitted a Clause 4.6 variation to the standard based on the following reasons:

- The variation is a result of the topography of the site and the use of a pitched roof to conceal plant.
- The locality is in a process of transition from residential to a medical/education precinct.
- The industrial area directly to the east has a height limit of 14.5m.
- The FSR is well below the standard thereby minimising bulk onsite and also providing suitable setback to adjoining premises.
- The large setbacks ensure there is no adverse overshadowing from the building.
- Higher ceiling heights are required to accommodate complex building services.
- The design presents a two (2) storey building consistent with the area and allowable under the 8.5m height limit.
- Bulk and scale have been minimised on the street elevation.

Having considered the application and Clause 4.6 variation, the proposal will have limited impact on the environment as per the reasons identified by the applicant. In addition, it is considered that the development will also provide a transition to the adjoining hospital building. The development is consistent with the objectives of the LEP and is unlikely to have any implications on State related issues or the broader public interest.

As per Planning Circulars PS 08-003 & 08-014, Council can assume the Director's Concurrence for variations to height limits. The application is not being determined by Council staff, which ensures transparency in the decision.

In accordance with clause 4.4, the floor space ratio of the proposal is 0.37:1.0 which complies with the maximum 0.65:1 floor space ratio applying to the site.

In accordance with clause 5.9, 47 trees are proposed to be removed, including 12 koala browse species. The removal of the trees was considered by an arborist and ecologist. As a result, the design has retained as many trees as possible. In addition, 24 koala browse species are proposed to compensate for the loss.

Based on the above, it is considered that the amenity and biodiversity values of the area will not be compromised by the proposed development.

In accordance with clause 5.10, the site does not contain any known heritage items or sites of significance. The site also shows signs of past disturbance via the existing residential use.

In accordance with clause 5.12, the development is permissible with consent under SEPP (Infrastructure) 2007 and Council has accepted the application for consideration.

In accordance with clause 7.2, the following comments are provided with regard to the likely earthworks proposed to be undertaken as part of the proposal:

- the works will unlikely lead to any significant identifiable adverse effects upon existing drainage patterns, soil stability of the site or adjoining/adjacent sites, any nearby water course or known environmental sensitive area within the immediate locality;

- the works will be unlikely to adversely affect potential additional future landuses on the site;
- the existing soil quality and structure will not present an identifiable constraint to the construction of the proposal on the site;
- the likely change in levels associated with the proposed development will not have any identifiable adverse effect on the amenity of adjoining/adjacent properties to the site;
- the site does not contain any known items of aboriginal or other cultural significance,
- conditions will be imposed to reinforce the above requirements.

In accordance with clause 7.13, satisfactory arrangements are in place for provision of essential public utility infrastructure including stormwater, water and sewer infrastructure to service the development.

Any draft instruments apply or on exhibition pursuant to Section 47(b) or 66(1) (b):

None relevant.

(iii) any Development Control Plan in force under Section 72:

Port Macquarie-Hastings Development Control Plan 2011

DCP 2011 Requirement	Proposed	Complies
Signage		
DP1.1 Signage complies with SEPP 64	Refer to comments on SEPP 64 above in this report.	Yes
Notification/Advertising		
Development has been notified in accordance with DCP 2011	The development was notified in accordance with the DCP for a minimum of fourteen (14) days. During the exhibition period three (3) submissions were received and are discussed later in this report.	Yes
DP 6.1 Social Impact Assessment required	Refer to comments on Social Impact in the main body of the assessment report.	Yes
Crime Prevention		
DP 1.1 CPTED principles considered.	Refer to comments on Safety, Security and Crime Prevention in the main body of the report.	Yes
Environmental Management		
DP 1.1-3.1 Heritage considerations	Refer to comments on Heritage in the main body of the report.	Yes
DP 4.1-7.4 Cut & Fill & Retaining Wall requirements	The development includes both cut and fill to approximately 1.5m. A geotechnical report was been prepared in support of the works subject to recommendations, which are to be adopted. This will ensure the cut and fill has no adverse impact on adjoining properties. There are also no privacy or	Yes

	drainage issues that will be created as a result of the cut/fill.	
DP 10.1 Habitat offset requirements where vegetation removed. VMP required for any environmental land.	The applicant submitted an ecological assessment in support of the proposed tree clearing. The report concluded that there would be no significant impact, subject to retention of a 10m eastern corridor, retention of some of the existing vegetation within the corridor, further replanting of the corridor and installation of nest boxes. The site also lacked any roosting/denning/nesting habitat for the hollow obligate species. The ecological assessment was reviewed by Council's Natural Resources Section, who accepted the report, subject to conditions enforcing the recommendations.	Yes
DP 11.1- 12.5 Hollow Bearing Tree Requirements & Offsets	The ecological report identified limited hollows that would be affected by the development. Installation of additional nesting boxes are proposed within the eastern corridor.	Yes
Tree Management		
DP 1.1-3.9 Management of trees and associated removal.	Conditions will be imposed to manage tree removal in accordance with the ecological assessment and arborist report.	Yes
Hazards Management		
DP 3.1-4.1 Development within Clause 7.7 LEP area not to be bird attracting, dust etc emission producing.	Development is not within a Clause 7.7 area.	N/A
DP 5.1 Lighting requirements within Clause 7.7 LEP area	Development is not within a Clause 7.7 area.	N/A
DP6.1 – Development to comply with Planning for Bushfire Protection Guidelines 2006	Property is not bushfire prone.	N/A
DP 7.1 APZ's outside environmental zones and contained within private property.	Property is not bushfire prone.	N/A
DP 7.2-7.3 Perimeter roads to all urban areas	Development does not adjoin environmental zone.	N/A

adjoining environmental zones and design requirements		
DP 10.1 Development complies with LEP flood clauses and Floodplain Management Plan.	The property is not flood prone.	N/A
DP 12.1 Stormwater complies with Auspec	Will be conditioned.	Yes
Transport, Traffic Management, Access and Car Parking		
DP 1.1-1.3 New roads are designed in accordance adopted specifications.	No new roads proposed.	N/A
DP 2.1-2.3 New direct access to arterial or distributor road not permitted and existing accesses rationalised where possible.	Direct access to an arterial or distributor road is not proposed. Furthermore, the number of driveways will be reduced from three to one.	Yes
DP 3.1-3.3 Off street parking is provided in accordance with Table 2. Where a use does not fall within a listed definition a parking demand study will be required. Credit can be provided as per DP 4.1 and 5.1.	Educational Establishments are not specifically listed in the DCP. As a result, the applicant provided a parking report & smart travel plan and also a transport impact statement. These reports assessed a number of issues including bus services, pedestrian & bicycle linkages, mock timetabling, consideration of DCP's and parking for other similar areas/universities etc. The results showed that parking rates for educational facilities varied from 1 space per 5 students to 1 space per 8 students plus varying allowances for staff. The study advised that these rates would result in the demand for around 88 spaces to serve the development. The results were compared with similar education facilities in Port Macquarie which showed a rate of 1 space per 2 students. The proposal includes 85 vehicle parking spaces and parking for approximately 110 bicycles. There is also a degree of crossover/dual use with the hospital (ie a medical student/lecturer may park and utilise the hospital site for part of their study/day and then walk to this education facility). This dual	Yes

	<p>use has been acknowledged by the hospital in their parking provisions (ie parking for the hospital caters for students etc)</p> <p>Overall, the parking study was reviewed by Council's Engineering Section and the parking numbers considered acceptable.</p>	
<p>DP 7.1-9.3 Visitor parking must be:</p> <ul style="list-style-type: none"> • Identifiable from the street. • Line marked. • Behind the building line unless stacked in driveway (or as per DP 7.5), results in improved open space or screened by minimum 3m landscape. • Designed in accordance with AS 2890 1&2 and AS 1428 (disabled) • Include bicycle & motorcycle parking. 	<p>The car park is located at the rear of the development and for the most part is setback off the boundaries allowing for screening. A sign will need to be installed at the front of the premises advising that parking is located at the rear of the building. Bicycle and motorcycle parking has also been accommodated onsite.</p>	Yes
DP 10.1 Heritage item incentives	No known heritage onsite.	N/A
DP 11.1 Contributions for parking	Parking acceptable.	N/A
<p>DP 12.1-12.5 Landscaping of parking areas should:</p> <ul style="list-style-type: none"> • Include tiered landscaping design. • Provided throughout the car park and perimeter. • Provide shade. • Provide screening. • Not affect sight lines, especially near entry/exit points. 	<p>The site allows for landscaping along all boundaries. The size of the car park does not allow for major vegetation throughout. However, perimeter vegetation and the building will provide shade to parts of the car park during different parts of the day.</p>	Yes
DP 13.1-13.2 Landscaping requirements on Council land.	No landscaping proposed on Council land.	N/A

DP 14.1-14.2 Car parking seal requirements.	To be conditioned.	Yes
DP 15.1-15.2 Driveway grades for the 6m shall not exceed 1 in 20 (5%) with transitions being minimum 2m long.	Compliance achieved.	Yes
DP 17.1 & 18.1 Parking areas should avoid concentrated runoff and be drained to swales, rain gardens etc..	The application included a Stormwater Design Statement, which proposed a number of measures to deal with stormwater. Such measures include a new drainage pit, onsite detention, rainwater tanks etc. Council's Stormwater Engineer has assessed the stormwater system for the site and supports the proposal subject to some minor technical changes being made as part of the s68 application.	Yes
DP 17.2 Vehicle washing facilities are provided on permeable or grassed areas. Where there is risk of runoff/pollution a roofed and bunded wash bay will be required.	Vehicle washing not relevant to this application (ie educational establishment).	N/A
DP 19.2-20.3 Loading bays: <ul style="list-style-type: none"> • Min 3.5m wide x 6m long & 5m high. • Separate from visitor parking. • Limited number of employee parking may be utilised. • Must allow vehicles to stand onsite and not impact on surrounding area. • Must ultimately be designed to suit the vehicles intended to use them. • External bays require 1 bay for 500m² floor space or 1 bay for 1000m² site area. • Commercial 	The site has included a loading area within the proposed car park. The loading bay meets the dimensional requirements of the DCP and is considered suitable for the type and scale of development.	Yes

<p><500m2 do not require bay.</p> <ul style="list-style-type: none"> Commercial 1 bay for first 1000m2 floor space and 1 bay for every 2000m2 after. Integrate into the design and be setback/screened. 		
DP 21.1-21.3 Detailed plans of turning areas are to be provided to show that the site can accommodate the vehicles that use it	Compliance achieved	Yes
DP 21.4-21.5 Driveways 6m from tangent point of kerb radius, 1.5m from another lot and not in intersection.	Access to the site is only available along a kerb radius. The new driveway has been located towards the end of the curvature and is considered to still retain suitable and safe access/egress from the property.	No, but considered acceptable.
Business & Commercial		
DP 1.1 Heights comply with LEP	Refer to comments on LEP above in this report.	No, but considered acceptable.
DP 2.1 & 3.1 Zero setback or if car parking is provided between building and street a 3m setback is required from the car park to the building to create a connecting pedestrian link.	The development is setback over 10m from the front boundary. The setback is consistent with other buildings in the area.	Yes
DP 3.2 Steps etc need to be setback a further 1.2m.	Steps to the student courtyard are setback over 5m.	Yes
DP 3.3 ATM's setback 1.5m in addition to building line and well illuminated.	None proposed.	N/A
DP 4.1-4.8 Roof design = Variations to design, parapets & flat roofs avoided, consistency in established streets, conceal plant, interesting skyline, outdoor roof areas landscaped, shaded and screened.	Roof design will provide interest, is consistent with other medical buildings in the area and will help conceal plant.	Yes
DP 5.1-5.2 Building facades contain pale	The exterior colours contain pale finishes. The appearance is also	Yes

finishes. Material and colour palette required with DA.	conducive to a educational establishment.	
DP 6.2-6.4 Maximum length of façade treatment is 22m. Front to use contemporary materials and glazing. Side and rear materials to match front façade.	Requirement is more relevant to a commercial area.	N/A
DP 7.1-9.1 Architectural dealing is to promote articulation, character etc, while reflecting environmental constraints (ie sun & shade). Security grilles inside the building. Infill reflects but does not imitate existing.	Design provides articulation and character. The development has also positively responded to the environmental features of the site.	Yes
DP 10.2 Appropriate pavement design.	Pavement design are conducive to an educational establishment. Paving is provided throughout courtyard and footpath areas.	Yes
DP 11.1 Min 50% ground floor clear glazed.	Requirement is more relevant to a commercial area.	N/A
DP 11.2-11.5 Active frontages consist of shop, commercial, café etc. Need to be accessible at footpath level. Restaurants consider operable frontages. Colonnade structure avoided.	Design is consistent with other educational development. The courtyard will provide an active and engaging frontage that is accessible from the footpath.	Yes
DP 17.1—19.2 Landscaping requirements, including street plantings.	Landscaping will be conditioned. There are no street tree planting required.	Yes
DP 19.3 Where car parking cannot be provided under or behind building a 3m landscape strip is required for the frontage.	Parking is provided at the rear of the building.	N/A
DP 21.1-22.1 No fencing between building and front boundary unless landscaping screens the fence.	No front fence proposed.	N/A
DP 23.1-24.3 Street furniture, disabled access,	Disabled access has been incorporated into the design and	Yes

ramps etc incorporated into the design	does not burden the public domain.	
DP 25.1-25.5 Corner and focal points should be emphasised in the design. Increased height, wrap around corners etc	The property is not a corner site but rather located on the bend. The development has tried to remain consistent with the height and bulk and scale requirements of the existing residential zone.	N/A
DP 26.1 Waste management facilities provided, not visible from the street, serviceable, does not adjoin sensitive receivers etc	Waste facilities have been provided at the rear of the development in an enclosed area. The nearest sensitive receiver would be Vicki's Swim Centre to the east, approximately 18m away. A condition is proposed to be imposed requiring that waste areas not be visible, create odour or pests impacts. The condition, plus the distance, should afford suitable protection to surrounding developments.	Yes
DP 29.1 and 29.5 No direct access to at grade or basement carpark on active frontages. Access should be off minor street, max 6m crossover, signposted and lit, clear sight lines.	Parking is proposed at the rear of the building via a 6m driveway.	Yes
DP 29.2 Crossovers kept to a minimum.	The development will reduce the number of crossovers from three to one.	Yes
DP 29.3 Car park ramps within the building footprint.	A minor ramp will be provided to the rear car park to account for the slope of the land. The ramp is to accommodate a 1.5m change in levels and will have no adverse impact on the streetscape or building appearance.	No, but acceptable.
DP 29.4 Carpark to allow vehicles to enter and exit in a forward direction.	The carpark design allows for vehicles to enter and exit the site in a forward direction.	Yes
DP 29.6 At grade should be avoided or at the least softened by landscape.	Car park is located at the rear of the building and not visible from the street. Furthermore, landscaping will be used to soften the carpark.	Yes
DP 29.7 Stairs & elevators clearly visible from within carpark.	Access to the building can be seen from the carpark.	Yes
DP 30.1 Street level	The carpark is at the rear of the	N/A

frontage to any car parking structure shall present an active frontage along the entire frontage less any entry point.	building.	
DP 31.1-31.4 Car park finishes to be consistent with external and shall be naturally ventilated/ screened with doors to be min 25% transparent.	Standard more applicable to a built form car park.	N/A
DP 32.1 Complies with AS 1428 Design for access & mobility.	The development included an Access Review and was checked by Council's Disabled Access Officer. The proposal was deemed to generally comply. Conditions will be further imposed to ensure compliance.	Yes
DP 33.2-34.2 Pedestrian areas identifiable, useable and do not create conflict.	The entrance to the building from the car park will be identifiable from most spaces. Pedestrian links are provided around the key carpark intersection areas to avoid conflict.	Yes
DP 35.1-35.5 Businesses identifiable and well lit during opening hours. Signage used to direct users through the site and to facilities.	Limited signage and lighting detail has been provided with the application, but it is envisaged that like all university and educational buildings, signage and lighting of the premises will be provided during operating hours.	Yes
DP 36.1 Secure bike parking/storage area close to entrance with good surveillance.	An enclosed bike rack area is provided within the carpark area. The bike rack area is close to the entrance of the building and is afforded surveillance from adjoining rooms.	Yes
DP 38.1-38.2 Vehicle movement & servicing areas located away from residential areas/receivers or visual and acoustic measures adopted.	Vehicle movement and building service areas are located away from residential areas. The southern movement area of the carpark is the closest to a residential area and is also screened by vegetation.	Yes
DP 38.3 – Building elevations adjoining residential must be articulated with changes in setback every 10m, variety of materials used and be setback a min of half the height of the proposed	The building design provides articulation through varied setbacks and materials every 10m. The building is also setback over 8m from the nearest residential property.	Yes

building wall or 3m whichever is the greater.		
DP 38.4 Waste areas managed to minimise pests, odour and noise.	Refer to DP 26.1 comments	Yes

(iiia) 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:

None relevant.

iv) any matters prescribed by the Regulations:

None relevant.

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality:

Context & Setting

The proposal will facilitate the education and training of medical students and is considered to represent a logical development within the Highfields Circuit/Hospital precinct. The proposal is not considered to result in any adverse privacy, overshadowing or view impacts. Impacts resulting from operational aspects of the development are considered capable of being managed through conditions of consent.

The proposal satisfies relevant planning controls and is not considered to be at odds with the context and setting of the locality.

Access, Transport & Traffic

The road fronting the development (Highfields Circuit) is a bitumen sealed Council road with a road reserve width of 20m.

The applicant has provided a Traffic Impact Statement (TIS) and Smart Travel Plan (March 2013) for the proposal, from Traffic Engineering Consultants "Better Transport Futures". The TIS notes that the low level of current traffic in Highfields Circuit combined with the traffic generated by the development will be adequately catered for by the current road configuration. It is noted that there are currently vehicles parking on the street, therefore the issue of on-site parking needs to be assessed - see comments below on parking. Letter from RMS dated 17th May requests the following matters are addressed and included in conditions of development consent

- Traffic generation associated with the development proposal is to be included in Council's traffic investigation currently being undertaken for the John Oxley Drive precinct, with particular consideration given to any impact on Wrights Road roundabout. (It should be noted that discussion with Council's Traffic Engineer has confirmed that this development and traffic generation is being considered in the John Oxley Drive Traffic Impact Statement).

- RMS supports the proposals intention to provide for alternative transport modes. All identified pedestrian and bicycle facilities, including associated connections to public transport facilities are to be provided prior to the operation of the subject development.

The Traffic Impact Statement and Smart Travel Plan (STP) notes that the development does not fall under the guidelines of the Council DCP 2011 or RTA Guide to Traffic Generating Developments. The developer has provided 85 spaces on-site and nominates that there are a further 35 spaces available for students use at the Base Hospital. Additional information was provided by the applicant on parking matters on 2 July 2013 and it was considered that this information is acceptable, particularly when viewed in line with the Parking Reduction Initiatives to be implemented by UNSW.

There is an existing parking problem in Highfields Circuit in relation to vehicles parking within the road reserve and thereby restricting the road to one way. Part of Highfields Circuit has no parking and this appears to have relieved the issue in that section of Highfields. As a larger precinct issue, the no parking needs to be applied to the whole street to maintain two (2) way traffic.

It is noted from the TIS that all vehicles enter and exit the site in a forward direction. Driveway and internal roadways to be designed and constructed in accordance with AS 2890 Parking Facilities - Off Street Parking.

There is expected to be a high level of pedestrian movements associated with the development. The TIS notes that these movements will be catered for in the on-site paths and the existing and planned footpaths throughout the hospital precincts. The developer has provided a Pedestrian Access Plan as part of the STP, which shows pedestrian paths within the Base Hospital complex and has indicated that there will likely be pedestrian desire lines between the two facilities. It is recommended that the current Pedestrian Access Plan be extended to include this site. A footpath connection will be provided between this development and the main hospital precinct.

Public Domain

No adverse impacts on the public domain. Positive public impact can be attributed to the creation of the new pedestrian linkage.

Utilities

Telecommunications and electricity are available and can be extended as required in accordance with the utility provider.

Stormwater

Lot 12 has an easement to drain water along the northern boundary to the east of the site. It is intended to retain this easement. The developer has provided a stormwater report and plans from Cardno as part of the application. On-site detention calculations have been provided showing storage of 150m³, additionally the report outlines WSUD requirements and nominates usage of available treatment products. Stormwater proposals from the consultants were discussed with Councils Stormwater Engineer who has been in discussion with Cardno as part of the development application and indicated that the detail provided is satisfactory to date.

Further consideration needs to be given to the issue of overland flow from Highfields Road and through the site, but it is considered that this can be resolved as part of the s68.

Water

Records indicate that the existing Lots 11 & 12 each have a 20mm metered water services from the 100mm AC water main on the same side of Highfields Circuit. An application will be required for disconnection when these are no longer required.

The proposed development plans indicate the upgrading of the existing 100mm AC water to a 150mm PVC main. Council's standard AC water main replacement does not involve the removal of the original AC pipe from the ground. Thus no "break out" is required. The plans also indicate the location of an additional hydrant at the southern road frontage of an adjacent driveway. The new hydrant is to be located at least one metre from the proposed driveway. The water main plan is not acceptable in its present form, but can be resolved as part of the s68 application.

Final water service sizing is to be determined by a hydraulic consultant to suit the requirements of the development, fire services generally and to AS2419 as well as backflow protection. With laboratory areas indicated in the proposed development, the minimum containment backflow protection is an RPZD at the property boundary. Individual and zone backflow protection device requirements are to be assessed by the hydraulic consultant.

Sewer

Sewer is available from a 150mm main that traverses the site. The preliminary application details show partial relocation of the main clear of the proposed building. The plan also shows a proposed sewer junction from a new manhole to be built at the lower connection of the main deviation. The strategy is satisfactory in principle and can be further developed with S68 application

Soils

Earthworks are required at the site for construction of the buildings. According to Council records, the site is classified at risk of extreme soil erosion loss. Council shall require appropriate settlement controls to be in place prior to commencement of earthworks and for controls to be maintained until the site is stabilised, as per the Erosion and Sediment Control Plans provided by Cardno.

Air & Micro-climate

Potential exists for dust to be generated onsite during demolition and construction works. Standard dust control consent conditions will be recommended.

Flora & Fauna

Construction of the proposed development will require the removal of 47 of the 71 trees onsite, 12 of which are koala food trees.

The applicant submitted an ecological assessment in support of the proposed tree clearing. Overall, the report concluded that there would be no significant impact, subject to retention of the eastern corridor, retention of some of the existing vegetation within the corridor, further

replanting of the corridor and installation of nest boxes. The report also concluded that the site lacked any roosting/denning/nesting habitat for the hollow obligate species.

The ecology assessment was subsequently reviewed by Council's Natural Resources Section, who accepted the findings, subject to conditions enforcing the recommendations on replanting, nesting boxes etc.

Section 5A of the Act is considered to be satisfied.

Waste

Satisfactory arrangements are available to the development for the storage and collection of waste and recyclables. Clinical wastes will be generated onsite and as indicated in the application, these specific wastes must be collected and transported by a NSW licensed waste contractor.

Council's Trade Waste Officer has also provided conditions to deal with trade waste from the development.

Energy

The development application included an energy efficiency assessment. The design was deemed to be in accordance with Section J of the Building Code of Australia. No adverse impacts anticipated.

Noise & Vibration

Potential exists for construction noise and noise from mechanical plant and equipment to impact on nearby residential receivers during construction phase as well as during occupation of the building.

A Noise Impact Assessment (NIA) was submitted as part of the proposal. The NIA concludes that as long as the suggested recommendations are adopted, it is unlikely that noise from mechanical plant and equipment installed on the skillion roofed open plant platform will adversely impact on residential receivers. Standard noise control consent conditions and special conditions requiring compliance with the NIA recommendations are required.

The NIA did not establish the Rating Background Level (RBL's) for the project and has not determined the Project Specific Noise Level (PSNL's) for the proposed education facility. The NIA does not consider any other noise sources except mechanical plant and equipment. The impact of noise from the use of the proposed building (eg traffic) on other residential receivers in Highfield Circuit was originally not considered nor the potential for industrial noise to adversely impact on students/staff within the building.

For reference, the NSW Industrial Noise Policy (INP) Acceptable Noise Levels (ANL) for "School classroom" & "Hospital" is 35dB(A) Internal during the busiest 1-hour period. As the noise generated by the industrial uses in the adjoining general industrial area is unknown, the potential to adversely impact on occupants of the proposed health education building was unknown and no recommendations can be made to ameliorate potential detrimental effects on learning capacity of students. It also could not be determined whether the INP ANL or recommended maximum noise levels can be met during occupation of the proposed building.

As a result, the applicant provided additional information through PKA Acoustic Consulting. The additional information showed that the required internal noise levels [AS2017-2000: Acoustic-Recommended design levels & NSW INP Internal Amenity criteria for a school classroom of 35-40dB(A)] can be achieved by building design including:

- Acoustic rated windows;
- Acoustic rated facades, in particular internal lining plasterboard;
- Acoustic rated ceiling to the upper levels; &
- Acoustically treat outside air vents/openings and the like.

Details of compliance will be conditioned to be provided at the design phase.

Based on the above, it is unlikely that the proposed development will create any adverse noise impact on the adjoining area nor will the development be affected by external noise sources.

Natural Hazards

The site is not affected by any natural hazards.

Safety, Security & Crime Prevention

The development has clear entry points and lacks any concealment or entrapment areas. The various rooms within the building are provided windows that overlook the site and provide suitable surveillance. The site footprint will also be clearly defined through signage, vegetation and pathways, which will provide suitable territorial reinforcement.

Based on the above, the development is unlikely to create any crime spots that would result in a loss of safety or security in the area.

Social Impact in the Locality

The proposed development is considered to have the following positive social impacts:

- Improved teaching and learning facilities to the area.
- Employment opportunities during constructions and operationally in the medical/teaching industry.
- Positive broader and long term impacts of medical skills development.
- Improved tertiary education opportunities for the area in a specific field that has importance in an aging local population.
- The location allows linkages to the hospital and other medical centres.

Negative issues such as noise, car parking, visual impact, short term loss of vegetation etc have been considered throughout the statement of environment effects and this assessment report and either deemed acceptable or can be resolved through conditions.

Economic Impact in the Locality

As detailed above in the social impacts, the proposed development will also create an overall positive economic impact through expansion of the education/medical industry and maintenance of the construction industry within the area. This can create and maintain employment opportunities, which in turn lead to flow on effects such as expenditure and investment in the local economy.

Site Design and Internal Design

The proposed development design satisfactorily responds to the site attributes and will fit into the locality. No adverse impacts likely.

Construction

No potential adverse impacts identified to neighbouring properties with the construction of the proposal. Erosion and sedimentation controls will be conditioned and construction works will be limited to reasonable hours.

Cumulative Impacts

The proposed development is not expected to have any adverse cumulative impacts on the natural or built environment or the social and economic attributes of the locality.

(c) The suitability of the site for the development:

The proposal will fit into the locality and the site constraints have been adequately addressed and appropriate conditions of consent recommended.

(d) Any submissions made in accordance with this Act or the Regulations:

Three (3) written submissions were received following completion of the required public exhibition of the application.

Key issues raised in the submissions received and comments in response to these issues are provided as follows:

Submission Issue/Summary	Planning Comment/Response
Issue of cars parking along Highfields Circuit and making it a one way road. Suggest the no parking be extended along Highfields Circuit.	The issue of car parking along Highfields Circuit is an existing problem. It is agreed that the no parking should be extended and this will need to be followed up with the Local Traffic Committee.
Noise from up to 180 people associated with the university and the affect it will have on amenity, especially if they are allowed to attend after 6pm and on Sundays.	Refer to comments on Noise and Vibration above in this report. In addition, other factors that will help limit impact of noise include: <ul style="list-style-type: none">• The wrap around design of the building will ensure the majority of noise from students is contained within the site.• Larger setbacks and vegetation will also help reduce noise impacts.• Hours of operation will also be restricted to 8am to 8pm weekdays, which will further reduce any period of noise impact.• The area has to be acknowledged as going through a transition from residential to a medical based precinct and that noise and traffic is planned to change.
Noise from cars leaving the site after hours and impact on residences in Highfields Circuit.	The hours of operation will limit any after hours traffic and associated impacts on existing residences. The area also has to be acknowledged as going through a transition

	from residential to medical based uses and that noise and traffic conditions will change.
How many stories/what is the height of the building?	The building is two (2) storeys and will be 12.5m high.
Hours of operation?	Hours of operation will be 8am to 8pm weekdays. While the main use of the premise will occur between the nominated hours, there will be the occasional out of hours events. Staff will also have 24 hour access.
Will there be off street parking?	Yes, 85 spaces.
The condition of Highfields Circuit pavement is in bad condition and in need of repair. What is proposed to be done to repair the road?	No works are proposed as part of this application. In particular, the condition of the road predates the development. Repair of the road will form part of Council's works program.
Council is approving more development in the area without considering the parking problems being created. There is also spill over parking from the hospital.	Refer to comments on Parking above in this assessment, which shows consideration of parking associated with this application. Other medical use development applications would have been assessed in accordance with Council's DCP.
Lot 18 DP 1053173 has been omitted from the surrounding development section in the SoEE and is not listed as an adjoining owner. In this regard, the potential impacts have not been appropriately been addressed.	The impacts on lot 18 have been considered as part of this assessment report
Solar access and overshadowing of the solar heating system for the adjoining indoor pool swim centre caused by the trees/proposed vegetation has not been considered. Solar access is required to help heat the pool and keep down expensive heating costs.	The issue of access to solar for electricity and heating is a relatively untested issue. There are two sides to the argument. The first being, should a person's solar facilities be allowed to be impacted by a development? The other argument is, should a sites development potential be restricted due to adjoining solar facilities? If the answer to the second argument is yes, in theory, a person could potentially use solar panels to restrict their neighbour developing. In this case it is noted that that the solar facilities of the subject property, do not become affected until the afternoon. This means that the property would still have access to solar for the majority of the day. It is additionally noted that the proposed building does not affect the solar facilities. The submission is based on trees impacting the solar facilities to which there is already overshadowing being created from the existing trees onsite. The tree replanting associated with this development will create a minor increase in overshadowing in the long term as the trees mature. However, planting trees does not require Council approval.

	<p>In The Benevolent Society v Waverley Council [2010] NSWLEC 1082, Moore SC published changes to a planning principle first published in Parsonage v Ku-ring-gai [2004] NSWLEC 347; (2004) 139 LGERA 354, Roseth SC concerning access to sunlight. One of the principles states that overshadowing by vegetation should be ignored, except that vegetation may be taken into account in a qualitative way, in particular dense hedges that appear like a solid fence. In this case, the vegetation will not be a dense hedge</p> <p>Based on the above, the development is unlikely to adversely affect the solar panels to a point that would justify refusal of the application.</p>
The impacts of stormwater and groundwater runoff onto the adjoining swim centre, including sedimentation flowing into the pool and requiring expensive lay off and cleaning requirements.	<p>Stormwater will be required to not exceed pre development flows and not result in a concentrated flow on any property. This will result in no additional stormwater to that which occurs at present. It is more likely that the development will improve the capture and disposal of stormwater and thereby also leading to no change in ground water or possibly a reduction.</p> <p>Standard conditions will be imposed to manage stormwater runoff during construction.</p>
Updated acoustic assessment is required to take into consideration the caretakers residence within the swim centre.	<p>Council's Environmental Health Officer assessed the noise information provided by the applicant. It was concluded that the development will create limited adverse noise and conditions will be imposed to reinforce this. Being in an industrial area, the caretakers residence is more likely to be affected by industrial uses rather than a tertiary educational establishment. The main noise source for the educational facility will most likely be from traffic/car parking. This will occur within reasonable working hours.</p>
Impacts associated with the proposed bin storage location.	<p>The location of the bin storage is well located in the carpark, behind the building and will be screened from the street. The bin storage is also located on the industrial zone frontage, rather than the more sensitive residential zones. Also being next door to an industrial area, the caretakers residence/swim centre is more likely to be affected by industrial use odours rather than a tertiary educational</p>

	establishment. Regardless, the bin storage area will be enclosed and conditioned to be maintained so that odour and pest issues are managed.
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(e) The Public Interest:

The proposed development satisfies relevant planning controls and is expected to provide a public benefit by providing additional educational facilities based on the medical industry.

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

- Development contributions will be required towards augmentation of town water supply and head works and sewer services headworks under Section 64 of the Local Government Act 1993.
- Development contributions will be required under Section 94A of the Environmental Planning and Assessment Act 1979.

Refer to recommended contribution conditions.

5. CONCLUSION

The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

Issues raised during assessment of the application have been considered and where relevant, conditions have been recommended to manage the impacts attributed to these issues.

The site is suitable for the proposed development, is consistent with the Part 3A Concept Plan Approval, is not contrary to the public's interest and will not have a significant adverse social, environmental or economic impact. Consequently, it is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment section of this report.

ATTACHMENTS

Plans

Recommended conditions