

Joint Regional Planning Panel (Sydney East Region)

JRPP No.	2013SYE095
DA No.	DA/748/2011/B
Local Government area	Randwick City Council
Proposed Development	Section 96 modification of the approved development by the enclosure of stairwells at roof plant level, plant areas enlarged & screen fences increased in height, amendments to balustrades/fences, enclosure of stairwells with glazing, revised facade treatment, operable screens on north & southern elevations, changes to vertical aluminium fixed louvres, glass balustrades changed to vertical aluminium balustrades. <u>Original consent:</u> Redevelopment of the existing UNSW Kensington Colleges including the construction of three buildings comprising 920 beds, 5 Dean's apartments and 23 tutor studios.
Street Address	330 Anzac Parade, Kensington NSW 2033 (UNSW)
Applicant	UNSW
Owner	UNSW
Number of Submissions	Nil
Recommendation	Approval subject to conditions
Report By	Adrian McKeown, Planning Officer

1. Executive Summary:

The subject s96(2) application seeks to modify a Crown development consent having a capital investment value of more than \$5 million. Pursuant to Section 23G and Schedule 4A of the Environmental Planning and Assessment Act 1979, the proposal is referred to the Joint Regional Planning Panel for determination.

The original approval was for the demolition of the Basser College and Goldstein College buildings and the construction of three buildings (varying between 5 and 8 storeys) for the purpose of student accommodation and associated facilities, and for retail 'cold shell' spaces. The buildings are collectively known as the 'Kensington Colleges'.

A subsequent s96(2) application (DA/748/2011/A) was approved for various modifications to the approved college buildings; including the reconfiguration of stairs at the northern end of the development on High Street, the relocation of a substation within the basement level, the provision of 33 additional parking spaces within the basement level of the development. Balconies were redistributed on the college elevations; primarily in the interests of safety, so that students would be less likely to attempt to jump between the balconies.

The subject application involves various modifications to the approved materials for the student colleges; with the aim of increasing the safety of residents and to address perceived building maintenance issues. Materials are proposed to be amended on the northern and southern elevations from timber to anodised aluminium blades; and are to be reoriented from the horizontal to vertical plane in order to discourage students from using them as climbing frames. Similarly, 'hit and miss' brickwork is to be replaced by revised façade treatments, in order to discourage residents from climbing the brickwork.

To the rooftops it is proposed to increase the area of the plant and equipment and to increase the height of the plant and equipment on the rooftops by 0.9m. Fences are proposed to be increased around the plant and equipment to 2m however these works will not be readily visible from surrounding streetscapes. Balustrades surrounding rooftop courtyards are proposed to be amended to discourage dangerous behaviour.

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 zoned SP2 Infrastructure under the Randwick LEP 2012. The development involves the provision of student accommodation with associated car parking and floor space for supporting services, which will be ancillary to the primary educational function of the Kensington Campus. The proposal is considered to be consistent with the zone objectives.

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

2. The Proposal:

Materials are proposed to be amended on the northern and southern elevations of the student colleges. Feature screens are to be changed from timber to anodised aluminium blades and are to be reoriented from the horizontal to vertical plane in order to discourage students from using them as climbing frames. Similarly, 'hit and miss' brickwork is to be replaced by revised façade treatments, in order to discourage residents from climbing the brickwork.

To the rooftops it is proposed to increase the area of the plant and equipment and to increase the height of the plant and equipment on the rooftops by 0.9m. Fences are proposed to be increased around the plant and equipment to 2m however these works will not be readily visible from surrounding streetscapes. Balustrades surrounding rooftop courtyards are proposed to be amended to discourage dangerous behaviour.

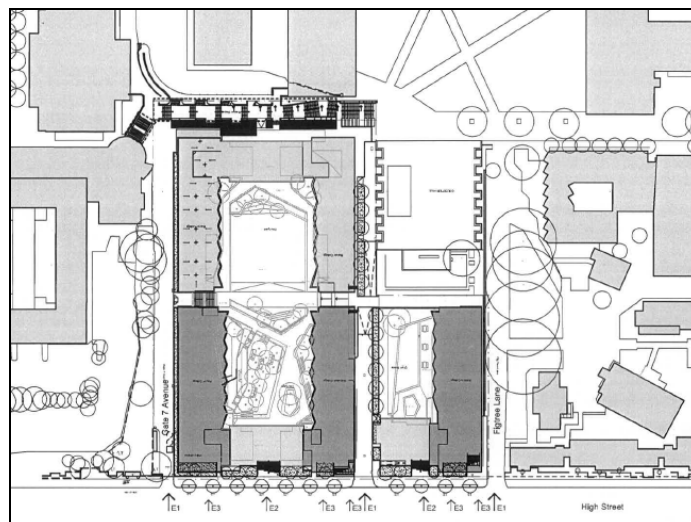


Figure 1: Site map showing the recently constructed Kensington Colleges.





Figures 2 & 3: Rendered image submitted with the application showing the proposed changes compared to the approved development (as viewed from High Street).

3. Site History:

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

DA/739/2011	<p>Site preparation and early works for the Kensington Colleges redevelopment, including demolition of existing buildings, removal of trees, excavation, installation of perimeter piles and capping beams, removal of contaminated fill materials, removal of Gate 6 Avenue, and erection of site hoardings and amenities.</p> <p>The above development proposal is directly related to the subject application and was approved by Council's Planning Committee on 6 December 2011, subject to conditions.</p>
DA/748/2011	<p>Redevelopment of the existing UNSW Kensington Colleges including the construction of three buildings varying between five and eight storeys comprising 920 beds, 5 Dean's apartments and 23 tutor studios, upgrade of Gate 5 Avenue, the construction of 1 level of parking for 107 cars and 48 motorcycle spaces, a new pedestrian link from Old Tote courtyard to Gate 7 Avenue, a new podium level landscape areas and a rooftop communal open spaces across the site.</p>
DA/748/2011/A	<p>A s96(2) application was approved by the JRPP for various modifications to the approved college buildings; including the reconfiguration of stairs at the northern end of the development on High Street, the relocation of a substation within the basement level, the provision of 33 additional parking spaces within the basement level of the development. Balconies were redistributed on the college elevations; primarily in the interests of safety, so that students would be less likely to attempt to jump between the balconies.</p>

4. Zoning and permissibility:

The subject site is zoned SP2 Infrastructure under the Randwick LEP 2012. The development involves the provision of student accommodation with associated car parking and floor space for supporting services, which will be ancillary to the primary educational function of the Kensington Campus. The proposal is considered to be consistent with the zone objectives.

5. Design Review Panel comments:

The original proposal was referred to the Design Review Panel (DRP) for comments. The current application has not been referred to the DRP given that the proposed changes will not significantly alter the approved built form or physical appearance of the development as viewed from neighbouring buildings or from the streetscape.

6. Community Consultation:

The owners of adjoining and neighbouring properties were notified of the proposed development; and the proposed development was also advertised, in accordance with the DCP – Public Notification. No submissions were received following the notification process.

7. Technical Officers Comments:

The application was not required to be referred to any technical officers within Council. The application was referred to one (1) external body as follows:-

7.1 Airspace operations:

The application was referred to Sydney Airport Corporation Limited (SACL) given that there is a proposed increase in the height of the approved student colleges. SACL advised the assessing officer in a letter dated 23 October 2013 that no objection is raised to the increased height of the approved development, subject to recommended conditions of consent.

SACL advised that should construction cranes be required to install the proposed plant and equipment to the rooftop area, that prior approval is required to be obtained. It is noted that a suitable condition was included to this effect in the original consent.

8. Randwick Local Environmental Plan RLEP 2012:

The subject site is zoned SP2 Infrastructure under the Randwick LEP 2012. The proposal development is classified as a residential building which is ancillary to the primary use of the site as an educational institution. The proposal is permissible within the zone.

The zoning objectives are addressed as follows:

Clause Zone SP2 Infrastructure

The proposal will be consistent with the objectives of the zone in that the development will provide for infrastructure and related uses which will not adversely affect the amenity of nearby and adjoining development. The proposal will maintain the ongoing use of land which is currently used for community educational purposes.

Clause 4.3 Height of buildings

The objectives of this clause are to ensure that the size and scale of development is compatible with the desired future character of the locality, that development is compatible with the scale of nearby heritage items; and that development does not adversely impact on the amenity of adjoining and neighbouring land in terms of visual bulk, loss of privacy, overshadowing and views.

The proposal includes a minor increase in the height of the plant and equipment on the roof top of the colleges (0.9m). It is considered that the increase in roof height will not be readily visible from High Street or from within the University given that the plant and equipment is centrally located to the already constructed buildings.

The proposal will exceed the development standard for maximum building height (24m) as specified by the RLEP 2012 by approximately 4.5m. Nevertheless, the applicant is not required to submit an objection to building height development standard under Clause 4.6 of the RLEP 2012 as this is a S96 application. The original application was assessed as being suitable for

the subject site and for the general locality. The original application for the construction of the colleges (DA/748/2011) addressed this issue; with the assessing planner noting at the time that the development would be commensurate in terms of height and visual bulk with existing colleges to the west of the site and with the emerging character of High Street.

There are no proposed changes to the building envelope other than the marginal increase in the height of the plant and equipment on the roof top; and it is considered that the increased height of the plant and equipment will be consistent with the objectives of the clause.

Clause 4.4 Floor space ratio

Gross floor area is defined as the sum of the floor area of each floor of a building however excludes plant rooms, lift towers and other areas used exclusively for mechanical services or ducting. Consequently, the proposal will not increase the approved floor space ratio for the approved development.

Clause 5.10 Heritage conservation

The proposal will result in minor changes to materials and finishes and a marginal increase in the height of the plant and equipment which is located within the central part of the college roof tops. The amendments to the approved development will not impose any significant impacts on the principle values of the nearby heritage item (Old Tote and Figtree Theatre).

Clause 6.8 Airspace operations

The objectives of this clause are to provide for the effective and ongoing operation of Sydney Airport by ensuring that proposed development does not effect the operation of the airport due to the penetration of the Limitation or Operations Surface for that airport; and to protect the community from undue risk from that operation.

The subject application was referred to the Sydney Airports Corporation Limited (SACL), given that there is a marginal increase (0.9m) in the maximum height of the plant and equipment for the roof tops of the approved colleges. SACL advised the assessing officer in a letter dated 23 October 2013 that the amended development will not penetrate the Limitation or Operations Surface and that SACL raises no objection to its construction.

9. Policy Controls:

9.1 Randwick Comprehensive DCP 2013:

Randwick Education and Health Specialised Centre:

The original application was assessed against the objectives and performance requirements of the UNSW Kensington Campus DCP. The amended development will generally be consistent with the objectives and planning controls of the Randwick Comprehensive Development Control Plan in that:

- There will be no distinct change in the apparent scale of the approved colleges as viewed from High Street and from within the university;
- The proposed changes to materials will not detrimentally affect the sense of place which will be provided by the development;
- The proposal will not affect the existing fig trees on High Street and the historical buildings within the Old Tote Courtyard; and
- The proposed changes to the approved development will result in a safer environment for the residents of the student colleges.

9.2 Randwick Section 94A Development Contributions Plan:

A monetary levy was required to be paid under the provisions of the Section 94A Development Contributions Plan, effective from 2 July 2007. The current application does not increase the cost of works and will not further increase the monetary levy which is required to be paid.

10. Environmental Assessment:

10.1 Section 96 Assessment:

Section 96 Assessment:

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

Substantially the Same Development:

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

Notification and Consideration of Submissions:

The subject application was notified to surrounding property owners by letter dated 2 October 2013 and the proposal was also advertised in the local newspaper. The notification period ended on 17 October 2013. No submissions were received at the conclusion of the public notification process.

10.2 Section 79C Assessment:

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

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	Randwick Local Environmental Plan 2012 The proposal is considered to be consistent with the aims of RLEP 2012 and the specific objectives of the zone. The proposed built form will enhance and compliment the aesthetic character, environmental qualities and social amenity of the locality.
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C(1)(a)(iii) – Provisions of any development control plan	The proposal generally satisfies the objectives and planning controls specified by the Randwick Comprehensive Development Control Plan, except where discussed in the key issues section of this report.
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 clauses of the Regulations have been satisfied.
Section 79C(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built	The environmental impacts of the proposed development on the natural and built environment, which are otherwise not addressed in this report, are discussed in the paragraphs below.

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
environment and social and economic impacts in the locality	The proposed development is consistent with the dominant educational/residential character of the locality. The proposal would not considered result in detrimental social or economic impacts on the locality.
Section 79C(1)(c) – The suitability of the site for the development	The site has sufficient area to accommodate the proposed land use and associated structures. Therefore, the site is considered suitable for the proposed development.
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	No submissions were received regarding the application.
Section 79C(1)(e) – The public interest	The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered to be in the public interest.

10.3 Site Suitability:

Built form and urban design:

The proposed modifications to the approved plans will result in a development which is consistent visually to that which was originally approved. Alterations to materials and finishes are proposed in the interest of student safety and will not significantly alter the appearance of the Kennington Colleges.

The proposal includes a minor increase in the height of the plant and equipment on the roof top of the colleges (0.9m) however it is noted that the increase in roof height will not be readily visible from High Street or from within the University. The plant and equipment is centrally located to the already constructed buildings.

The subject application was referred to the Sydney Airports Corporation Limited (SACL), given that there is a marginal increase (0.9m) in the maximum height of the plant and equipment for the roof tops of the approved colleges. SACL advised the assessing officer in a letter dated 23 October 2013 that the amended development will not penetrate the Limitation or Operations Surface and that SACL raises no objection to its construction.

Relationship to City Plan

The relationship with the City Plan is as follows:

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

Conclusion

The development complies with the objectives and performance requirements of relevant State and Local planning controls and it is considered that the proposed changes to the external facades of the approved Kensington Colleges will maintain a satisfactory streetscape outcome for High Street and the internal roads within the campus. The amended development scheme will not result in unreasonable impacts on the amenity of the surrounding areas in terms of visual bulk and scale, solar access, privacy and traffic.

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.

1. DEVELOPMENT CONSENT CONDITIONS:

That the Joint Regional Planning Panel, as the consent authority, grants consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No. DA/748/2011 by the modification of the approved development to enclose stairwells at the roof plant level, plant areas enlarged & screen fences increased in height, amendments to balustrades/fences, enclosure of stairwells with glazing, revised facade treatment, operable screens on north & southern elevations, changes to vertical aluminium fixed louvres, glass balustrades changed to vertical aluminium balustrades, in the following manner:

A. It is recommended that Condition 1 be amended to read:

- The development must be implemented substantially in accordance with the following plans:

Plan / Document Number or Title	Dated	Received	Prepared By
DA0.01(F)	16.12.11	12 Jan 2012	Bates Smart Pty. Ltd.
DA1.01(J)	16/12/11		
DA2.01(G)	16.12.11		
DA2.02(G)	16.12.11		
DA2.03(G)	16.12.11		
DA2.04(G)	16.12.11		
DA2.05(G)	16.12.11		
DA2.06(F)	16.12.11		
DA2.07(F)	16.12.11		
DA2.08(F)	16.12.11		
DA2.09(F)	16.12.11		
DA2.10(F)	16.12.11		
DA2.11(E)	16.12.11		
DA7.01(G)	16.12.11		
DA7.02(F)	16.12.11		
DA8.01(F)	16.12.11		
DA8.02(F)	16.12.11		
DA8.03(G)	16.12.11		
DA8.04(G)	16.12.11		
DA8.05(F)	16.12.11		
DA10.01(D)	16.12.11		
11026-DA-01(E)	08.12.2011	12 Jan 2012	Aspect Studios
11026-DA-02(A)	08.12.2011		
11026-DA-03(E)	08.12.2011		
11026-DA-04(E)	08.12.2011		
11026-DA-05(E)	08.12.2011		
11026-DA-06(E)	08.12.2011		
11026-DA-07(E)	08.12.2011		
11026-DA-08(E)	08.12.2011		

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

Plan / Document Number or Title	Dated	Received	Prepared By
DA2.01(H)	14.09.12	19.10.12	Bates Smart Pty. Ltd.
DA2.02(H)	14.09.12	19.10.12	Bates Smart Pty. Ltd.
DA2.03(H)	14.09.12	19.10.12	Bates Smart Pty. Ltd.
DA2.04(H)	14.09.12	19.10.12	Bates Smart Pty. Ltd.
DA2.05(G)	14.09.12	19.10.12	Bates Smart Pty. Ltd.

DA2.06(G)	14.09.12	19.10.12	Bates Smart Pty. Ltd.
DA2.07(G)	14.09.12	19.10.12	Bates Smart Pty. Ltd.
DA2.08(G)	14.09.12	19.10.12	Bates Smart Pty. Ltd.
DA2.09(G)	14.09.12	19.10.12	Bates Smart Pty. Ltd.
DA2.10(G)	14.09.12	19.10.12	Bates Smart Pty. Ltd.
DA2.11(F)	14.09.12	08.11.12	Bates Smart Pty. Ltd.
DA7.01(H)	14.09.12	19.10.12	Bates Smart Pty. Ltd.
DA7.02(G)	14.09.12	19.10.12	Bates Smart Pty. Ltd.
DA8.05(G)	14.09.12	19.10.12	Bates Smart Pty. Ltd.
11026-DA-03(F)	11.09.12	19.10.12	Aspect Studios

as amended by the following Section 96'B' plans:

Plan / Document Number or Title	Dated	Received	Prepared By
DA0.02(D)	16.09.13	19.09.13	Bates Smart Pty. Ltd.
DA2.01(J)	16.09.13	19.09.13	Bates Smart Pty. Ltd.
DA2.02(J)	16.09.13	19.09.13	Bates Smart Pty. Ltd.
DA2.03(J)	16.09.13	19.09.13	Bates Smart Pty. Ltd.
DA2.04(J)	16.09.13	19.09.13	Bates Smart Pty. Ltd.
DA2.05(H)	16.09.13	19.09.13	Bates Smart Pty. Ltd.
DA2.06(H)	16.09.13	19.09.13	Bates Smart Pty. Ltd.
DA2.07(H)	16.09.13	19.09.13	Bates Smart Pty. Ltd.
DA2.08(H)	16.09.13	19.09.13	Bates Smart Pty. Ltd.
DA2.09(H)	16.09.13	19.09.13	Bates Smart Pty. Ltd.
DA2.10(H)	16.09.13	19.09.13	Bates Smart Pty. Ltd.
DA2.11(G)	16.09.13	19.09.13	Bates Smart Pty. Ltd.
DA7.01(J)	16.09.13	19.09.13	Bates Smart Pty. Ltd.
DA7.02(H)	16.09.13	19.09.13	Bates Smart Pty. Ltd.
DA8.01(G)	16.09.13	19.09.13	Bates Smart Pty. Ltd.
DA8.02(G)	16.09.13	19.09.13	Bates Smart Pty. Ltd.
DA8.03(H)	16.09.13	19.09.13	Bates Smart Pty. Ltd.
DA8.04(H)	16.09.13	19.09.13	Bates Smart Pty. Ltd.
DA8.05(H)	16.09.13	19.09.13	Bates Smart Pty. Ltd.

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

B. It is recommended that Condition 2 be amended to read:

- The colours, materials and finishes of the external surfaces of the buildings are to be consistent with the approved drawings and Section 7.0 **Revision A** Façade Approach (pages 4 to 8 inclusive) of "The Kensington Colleges **Section 96 No. 2** Design Report", document number S11332-R012 Rev **B**, dated September **2013**, prepared by Bates Smart, and stamp-received by Council on **19 September 2013**.

This approval only relates to these conditions (as amended above). Should the Joint Regional Planning Panel, in determining the matter, wish to make any changes to these conditions, the University of New South Wales reserves the right to review such amended conditions prior to any consent being issued.

C. It is recommended that Condition 13 be amended to read:

- The maximum height of the development, inclusive of all lift overruns, vents, chimneys, aerials, TV antennae and etc., must not exceed **RL 72.90 AHD**.