

Memo to: SECPP panel
From: Randwick City Council
Date: 30 July 2019
Subject site (SECPP reference): 1 Cowper Street, Randwick (2018SCL034)
Subject site and proposal: Conditions in contention and resolved.
Proposal: The proposal is for additional building to the "Mulwarree Apartments" at 1 Cowper Street. The new building faces King Street and contains 152 boarding rooms (student housing) arranged in clusters of between 4-7 rooms with a communal living room per cluster.

Dear Panel members,

The following conditions have been the subject of discussions with the applicant Urbis on behalf of UNSW – Crown. Certain matters of contention have been resolved however the following conditions require discussion and determination by the panel:

- Condition 5 requiring Contributions under S7.12 of the Act;
- Conditions 19 and 20 requiring submission of a Parking Management Statement and additional parking;
- Condition 93 requiring Councils Landscape Development officer to attend a joint site visit prior to pruning works to the Hills Weeping Fig trees on site.

Details:

1. Condition 4 sought to delete 2nd paragraph of requirement for external colours and materials to be submitted to Council.

Council agrees to deletion of 2nd paragraph of condition 4; condition 1 is amended to reference schedule of external colours and materials (DA060 Revision A dated 06.04.18);

2. Condition 5 sought to delete requirement for Contributions under S7.12; Council requests its retention;

Condition 5:

Section 7.12 Development Contributions

5. In accordance with Council's Development Contributions Plan effective from 21 April 2015, based on the development cost of \$25,380,640 the following applicable monetary levy must be paid to Council: \$253,806.40.

*The levy must be paid in **cash, bank cheque** or by **credit card** prior to a construction certificate being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment. Please contact Council on telephone 9399 0999 or 1300 722 542 for the indexed contribution amount prior to payment.*

To calculate the indexed levy, the following formula must be used:

$$IDC = ODC \times CP2/CP1$$

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

CP2 = the Consumer Price Index, All Groups, Sydney, as published by the ABS in respect of the quarter ending immediately prior to the date of payment

CP1 = the Consumer Price Index, All Groups, Sydney as published by the ABS in respect of the quarter ending immediately prior to the date of imposition of the condition requiring payment of the levy.

Council's Development Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at www.randwick.nsw.gov.au.

Applicant requests deletion of condition 5 as the proposal provides affordable housing and has been assessed under the provisions of SEPP (Affordable Rental Housing). Clause 13.1.13 of Council's Section 94A Plan provides an exemption 'for the sole purpose of providing affordable housing'. Hence this condition should be deleted.

Council response is that the condition remain for the following reasons:

The contributions plan in exempting affordable housing is aimed at exempting a form of long-term in-fill development and where tenants are vetted as qualifying for affordable housing as part of an established system rather than merely general development for boarding houses or infill development sought under SEPP Affordable Rental Housing 2009.

The applicant states that student housing (boarding houses) are a form of affordable housing and should be exempt from a S94A levy as prescribed by a Ministerial Direction by the Minister of Planning (on the 6 December 2006). This Ministerial Direction exempts a levy under since replaced S94A with S7.12 of the EP&A Act for the sole purpose of affordable housing.

The submission does not however, demonstrate how the student housing units are to be made affordable, to be affordable to those people in need (very low, low and moderate income groups as defined in the EP&A Act) and importantly, how the rooms will be made affordable for the long term. In other words, there is no indication of the rental rates and whether they will fall within this affordability criteria.

Whilst it is acknowledged student housing is a vital type of housing contributing to the diverse housing of the LGA, in our view, it is not considered as affordable housing as intended in the direction.

It is also noted that the applicant has not sought as part of their application to seek an exemption under Section 13.3 of the S94A contributions plan which clearly demonstrates how the proposed development falls within one of the development types defined above, prior to the Council determining whether such an exemption applies. In considering any application for an exemption the Council will take into account: (13.3.1) the extent to which the proposed development comprises or includes the provision, extension or augmentation of public amenities or public services that provide a public benefit,

In respect to public benefit, Council recognises the significant value the UNSW contributes to the LGA however the Council cannot ignore the impact of additional accommodation on site and its impact on local, infrastructure, service and public domain. It is also noted that the UNSW only pay waste services and not rates.

3. Conditions 15 & 16:

Applicant seeks to insert reference to *new building works* in conditions for BCA and access.

Council response is that amendments to condition 15; 16 inserting reference to new building work: These aren't necessary as they relate to prescribed requirements.

4. Condition's 18, 19 & 20 (vehicles access, parking management plan and additional parking):

Traffic conditions

18. Adequate provisions are to be made to provide pedestrian visibility and safety. All new walls (and/or landscaping) adjacent to vehicular crossings should not exceed a height of 600mm above the internal driveway level for a distance of 1.5m within the site or new walls (including landscaping) should splayed 1.5 metres by 1.5 metres. Details of compliance, to the satisfaction of the certifying

authority, are to be included in the Crown construction certificate documentation.

Council response: No objections to changes

19. New works to the vehicular access driveways, internal circulation ramps and the carpark areas, (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of AS2890.1:2004. The Crown construction certificate plans must demonstrate compliance with these requirements.

Council response: Proposed deletion of condition 19 replacing it with the requirement for a Green Travel Plan and subsequent deletion of condition 20:

Councils Development Engineer objects to proposed change to condition 19 and deletion of condition 20 for the following reasons:

If the applicant wants to prepare both a Green Travel Plan (GTP) and a Parking Management Strategy (PMS) that can be supported. The GTP is not a replacement for the PMS.

All documents need to be prepared in consultation with Council and need to be approved by Council prior to the issuing of a Crown CC.

The applicant does not appear to understand Council's concerns about the proposed parking provision and the potential impact of the development.

Condition 20 was not intended to be in conflict with Condition 19 (the applicant wants deletion). The condition was included to provide additional onsite parking spaces given Council's concerns about the low number of car, motorbike and bicycle parking spaces.

20. Prior to the issuing of a Crown Construction Certificate the applicant must submit to Council for approval, and have approved, a Car Parking Management Plan / Strategy. The primary purpose of the Car Parking Management Plan / Strategy is to ensure that car and motorbike numbers of residents within the proposed development are minimised and that all vehicles of residents are accommodated onsite (not in the streets surrounding the development site). The Car Parking Management Plan / Strategy shall focus on minimising vehicle numbers, alternate transport options, (e.g. shuttle bus operation), staff and visitor parking arrangements and must be prepared in full consultation with Council. The Car Parking Management Plan / Strategy must include a review mechanism and the approved Car Parking Management Plan / Strategy must form part of the development consent and must be complied with at all times.

Council response: Proposed replacement (not supported by Council):

Prior to issuing of a Crown Construction Certificate the applicant must submit to Council a Green Travel Plan. The primary purpose of the Green Travel Plan is to ensure that private vehicle usage by the proposed development is minimised and that vehicles of residents are accommodated on-site (not in the streets surrounding the development site). The Green Travel Plan shall focus on minimising vehicle numbers, alternate transport options (e.g. shuttle bus operation), staff and visitor parking arrangements, and active transport facilities. The Green Travel Plan must include a review mechanism to be reviewed and updated on a regular basis.

21. Prior to the issuing of a Crown Construction Certificate the applicant must submit to Council for approval, and have approved, a detailed parking layout of the entire development site, (including all the proposed bicycle parking areas). The parking layout must consider relocation of the proposed additional bicycle spaces from the basement and must provide for a minimum of 1 additional carspace and 5 additional motorbike spaces, (i.e. to provide an absolute minimum of 34 carspaces and 10 motorbike spaces in the basement). The detailed parking layout must be prepared in consultation with Council.

Council response: Proposed deletion of condition 20 not supported:

5. Condition 69: Applicant seeks deletion of heading *site seepage and stormwater*;

Council response: No objection

Commented [RG1]:

TTW recommend deletion.

- This will be covered by the sight distance requirements of Figure 3.3 of AS2890.1, which is addressed in draft condition 19.

- AS2890.1 in fact has more onerous requirements than this condition, but as per the below query this is part of the existing condition.

Commented [RG2]:

TTW request confirmation and modification of condition

TSA amended condition as per **TTW's request for confirmation and amendment of the draft condition to note that this will apply to the new works only.**

The driveway and most parking spaces are existing, and we have not confirmed whether this is currently compliant or not.

Commented [RG3]:

TTW recommend modification of condition.

TTW notes:

TTW modified this to reflect a Green Travel Plan rather than a Car Parking Management Plan / Strategy. This is essentially the same document but provides a more appropriate naming to reflect a holistic approach to complement the parking management. Council's focus is obviously on reducing car parking, and the conditions and associated documents should reflect the alternative options to be taken.

TTW removed references to approval by, or consultation with, Council. Unlike something like a Construction Traffic Management Plan which actively and negatively impacts council assets and the local community, the Green Travel Plan does not impact Council in the future (rather it will improve things) and should not need to be approved or consulted with them. By approving the DA, the development as it currently stands is considered acceptable by Council, and hopefully the provision of a GTP which will maintain and improve conditions in the future is considered better.

The last couple of sentences of the draft conditions about forming part of consent, complied with at all times etc., are very vague and tricky to enforce and are best to be removed.

Urbis to advise: references to 'issuing of certificate' vs 'issuing of the relevant certificate', 'submit to council' vs 'submit to the PCA' etc. but TTW comments could be incorporated regardless.

Commented [RG4]:

TTW recommend deletion.

TTW suggest deletion as it seems contradictory to Condition 20.

Urbis recommends no change, noting:

This condition has been previously discussed with Council and UNSW has provided its approval in principle to have it imposed (in the interests of achieving consent).

UNSW to review.

6. Condition 93: Applicant seeks to delete condition.

Council Certification

93. Prior to the completion of site works/any Occupation Certificate, written certification must also be obtained from Council's Landscape Development Officer (9093-6613), confirming that the requirement for a joint site inspection was performed, prior to the commencement of pruning works, and that the end result is satisfactory to Council.

Council's response is to retain this condition as it goes to the heart of ensuring that certain stages of inspection are carried out in conjunction with Council's Landscape Officer.

7. Housekeeping: Applicant seeks to delete condition s 105 and 107 as they are irrelevant.

Council has not objection to deleting these conditions;