

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	2019NTH014
<b>DA Number</b>	DA-54-2019
<b>LGA</b>	Armidale Regional Council
<b>Proposed Development</b>	Construction of 3 x 2 storey (1 building part 2, part 3 storey) Residential Student Accommodation Buildings (192 bedrooms total) and associated works (car parking, landscaping and tree removal)
<b>Street Address</b>	60 Madgwick Drive ARMIDALE NSW 2350
<b>Applicant/Owner</b>	University of New England
<b>Date of DA lodgement</b>	18 April 2019
<b>Number of Submissions</b>	Nil
<b>Recommendation</b>	Approval, subject to conditions
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)</b>	<p>The estimated Capital Investment Value for the proposed development is \$29,490,102.00.</p> <p>The Northern Region Planning Panel is the determining authority for this DA pursuant to Part 4 and Clause 4 of Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011, based on it being a Crown development over \$5 million.</p>
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy No. 44 - Koala Habitat Protection</li> <li>• State Environmental Planning Policy No. 55 - Remediation of Land</li> <li>• State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li> <li>• Armidale Dumaresq Local Environmental Plan 2012 (LEP)</li> <li>• Armidale Dumaresq Development Control Plan (DCP) 2012</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<p>Appendix 1: Proposed Conditions</p> <p>Appendix 2: Plans of Development</p>

<b>Report prepared by</b>	Simon Vivers, Armidale Regional Council
<b>Report date</b>	4 September 2019

### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

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### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

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### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

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### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not Applicable**

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

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### Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

**Further Application Details:**

<b>DA Lodgement Date:</b>	18-Apr-2019
<b>Additional Information received? / date?</b>	No additional information requested
<b>Estimated Construction Value of Development:</b>	\$29,490,102.00
<b>Capital Investment Value:</b>	\$29,490,102.00

**Glossary of terms used in this report:**

**BCA** – Building Code of Australia

**DA** – Development Application

**DCP** - Armidale Dumaresq Development Control Plan 2012, as amended

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

**SEE** – Statement of Environmental Effects

**SEPP** – State Environmental Planning Policy

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## **Assessment Report and Recommendations**

### **DA-54-2019 / 2019NTH014**

## **Executive Summary**

### **Consideration by Northern Regional Planning Panel**

The Northern Region Planning Panel is the determining authority for this DA pursuant to Part 4 and Clause 4 of Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011, based on it being a Crown development over \$5 million. The applicant has estimated that the CIV of the proposal is \$29,490,102.00.

### **Proposal**

The subject application seeks consent for the following:

- Construction of 3 x 2 storey (1 building part 2, part 3 storey) Residential Student Accommodation Buildings (192 bedrooms total) and associated works (car parking, landscaping and tree removal)

### **Permissibility**

The land is zoned SP2 Infrastructure (Educational Establishment) under the Armidale Dumaresq Local Environmental Plan 2012 (LEP). In accordance with Part 2 of the LEP, the development is permissible with consent.

Any development that is ordinarily incidental or ancillary to development for the zone is permitted with consent. The proposed student accommodation is for use by students of the University of New England, and therefore meets this requirement.

The proposal is consistent with the relevant objectives of the SP2 Infrastructure zone, as it will support the existing university infrastructure on the same land and is compatible with surrounding land uses. At this point it is worth noting that the proposal is essentially for the rebuilding of Robb College, and reinstates previous accommodation buildings. The proposal does not include additional buildings and does not increase the capacity and intensity of the use.

In addition to LEP permissibility, the proposal is consistent with other relevant 4.15(1)(a) matters, including:

- State Environmental Planning Policy No. 44 – Koala Habitat;
- State Environmental Planning Policy No. 55 – Remediation of Land, Clause 7;
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, Part 5 Clause 45, Part 7 Clause 57
- State Environmental Planning Policy (State and Regional Development) 2011, Schedule 7 Clause 4.

### **Key Issues**

The key issues arising from the application are the design and impact on the amenity of surrounding uses. It is again noted that the application is essentially construction of replacement buildings, which reduces the extent of new impacts arising from the proposal.

### **Consultation**

The application has been advertised in accordance with the requirements of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000. No

responses were received.

#### **Recommendation**

- (a) That having regard to the assessment of the Application, DA-54-2019 (JRPP ref: 2019NTH014) be granted conditional consent in the terms set out in Appendix 1 to this report.**

## **Subject site and locality**

### Local Area

The UNE Armidale Campus is approximately 3km north west of the Armidale city centre.

UNE was originally established in 1938 as the New England University College, a College of the University of Sydney. It became fully independent in 1954. The UNE Armidale Campus has one of the most extensive residential college systems in Australia.

The UNE Armidale Campus is comprised of three distinct campuses with a combined area of approximately 182 hectares, set in a rural landscape. The Academic Campus, the Sporting Campus and the Bellevue Campus. The Academic Campus, also known as 'up top', is located in the northern section of the Armidale Campus. The Bellevue Campus is located in the southern section of the University grounds and includes most of the residential colleges and sporting facilities. The colleges are separated by open space consisting of sporting fields and open undulating land.

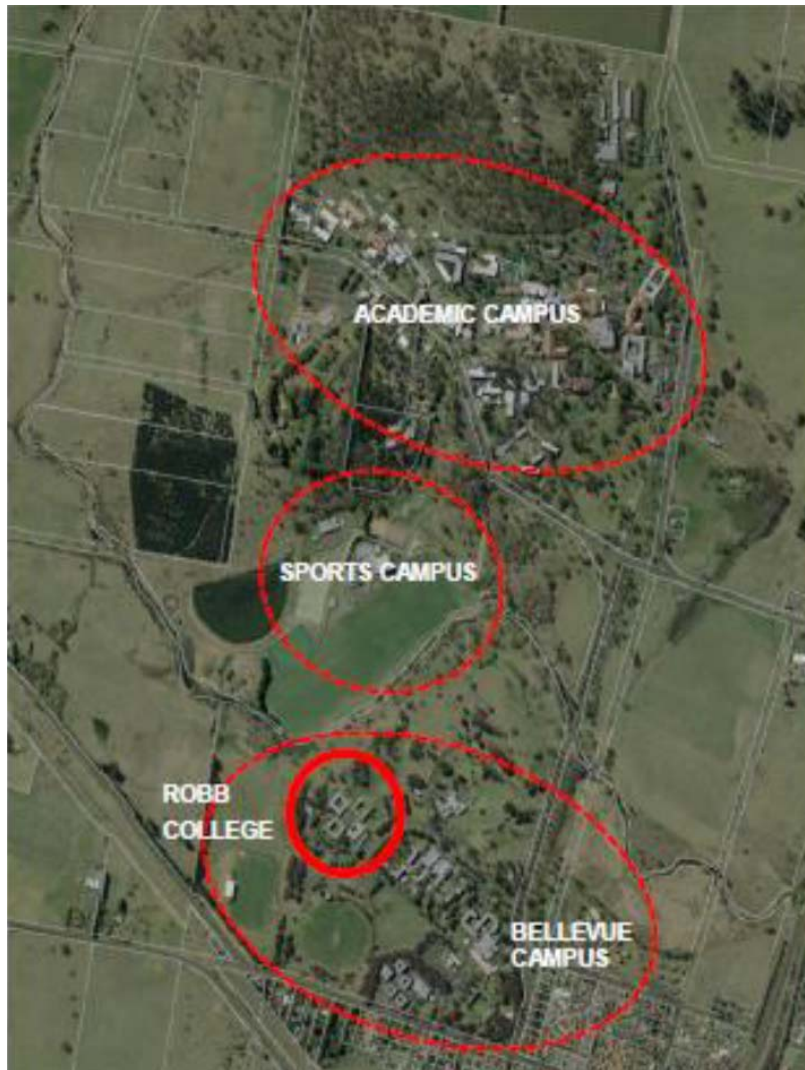
Six (6) residential colleges are located on the UNE Bellevue Campus. Only one college is located on the Academic Campus (up top). The subject development site is known as Robb College and is located on the north edge of the Bellevue Campus.

### Development Site

The subject site, known as UNE Armidale Campus, is legally described as Lot 10, DP1142199. The Robb College site occupies a small portion of the lot. The location of the proposed development is illustrated below:



The development in context with the wider UNE campus is shown below:



Robb College was designed in the late 1950's by Michael Dysart while in the Government's Architect Office and was constructed in the 1960s. It comprised of a Dining Hall with three (3) two (2) storey residential buildings, arranged around it in a 'pinwheel formation'.

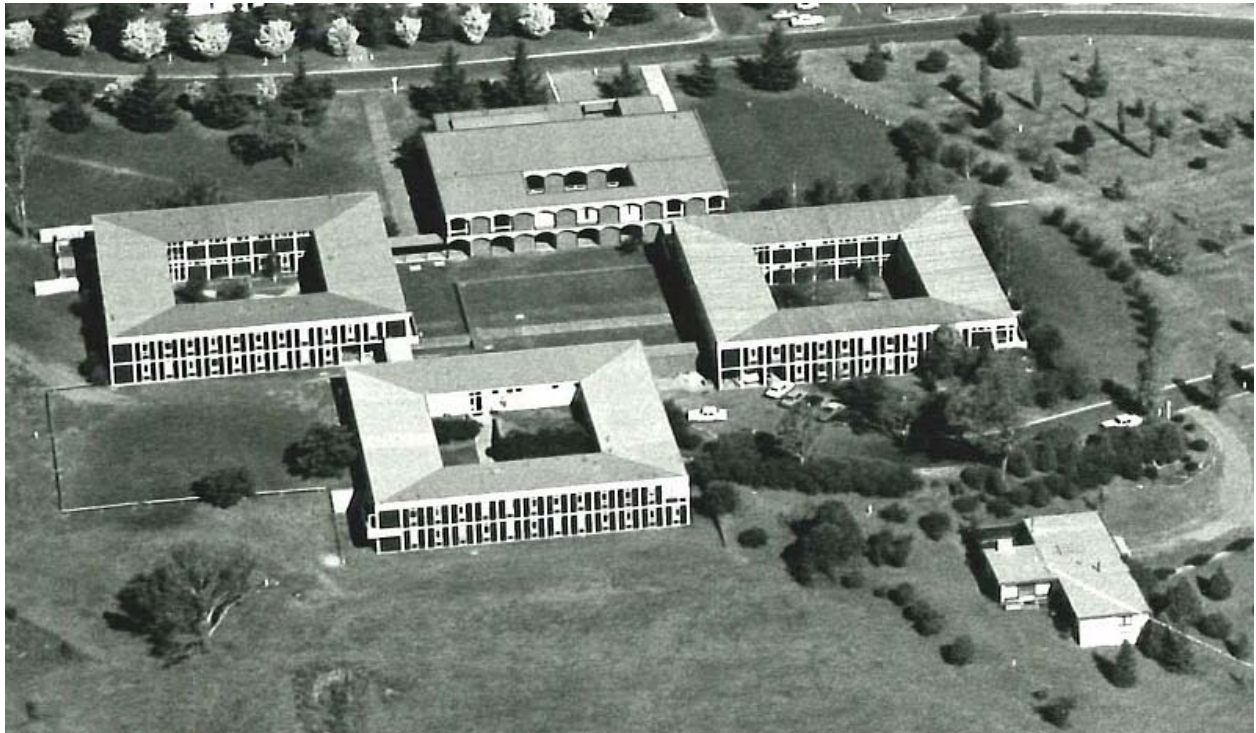
The residential buildings were vacated in 2014 due to poor fabric condition, poor standard of accommodation, safety concerns and non-compliance with contemporary building regulations (particularly regarding fire egress). Consequently, these buildings have since been demolished and the dining hall remains.

Robb College has frontage to Meredith Road, by which it is separated from Earle Page College to the east. Meredith Road is not a Council controlled road.

The site is mostly flat; however, there is a gradual fall to the land to the North West of the site. The land contains significant established vegetation, which is discussed further within this report.



An image of the original Robb College is shown below (source: National Trust):



#### Surrounding Context

The subject site is located within the grounds of the UNE, within the Bellevue Residential Campus. The surrounding area, in close proximity to the site, includes:

- Six (6) separate Colleges for student accommodation (Wright College, Austin College, Duval College, Wright Village, Drummond and Smith Building and St Albert's College) located to the south-east of the site across Meredith Street, which range in height between 2 to 3 storeys.
- Car parking spaces surrounding the abovementioned colleges.
- Two sporting ovals located to the south-east and south-west of the site, which are used by the students of the university.
- A large sporting oval and associated gymnasium and sporting infrastructure (e.g. netball courts) is located to the north of Robb College between the College and the northern university academic campus.
- There are various formal and informal footpaths that connect the college campus to the academic campus, including a recently completed pedestrian path and lighting upgrade to link the colleges.
- Dumaresq Creek is approximately 60m to the north of the development site (the site is not below the Flood Planning Level).

## Proposed development

The subject application seeks consent for the construction of student accommodation, comprised as follows:

- Erection of three (3) new, predominantly two (2) storey buildings for residential student accommodation, comprising of 192 beds across the three buildings (West Court building to include a lower ground level at the rear to accommodate services);
- Provision of six (6) new car parking spaces accessed off Meredith Street;
- Associated landscaping works, external works and footpaths; and
- Retention of the existing Dining Hall.

Robb College originally accommodated 214 students; as such the proposal represents a 10% deduction.

The proposed development is to be undertaken in a single stage.

### Accommodation Mix:

Each of the buildings are generally consistent in design and layout, with exception of the West Court building (which includes a lower ground level at the rear which comprises storage space and services). Each building will contain the following bedroom and layouts:

#### Ground Floor Level:

- 2 x 5-bedroom self-contained apartments (2 x WC and showers, single kitchenette)
- 3 x 5-bedroom accessible self-contained apartments (2 x WC and showers, single kitchenette)
- 3 x 1-bedroom self-contained studio apartments
- 1 x 1-bedroom accessible self-contained studio apartment
- Total: 29 bedrooms

#### First Floor Level 1

- 5 x 5-bedroom self-contained apartments (2 x WC and showers, single kitchenette)
- 10 x 1-bedroom self-contained studio apartments
- Total: 35 bedrooms

### Staff:

2 staff members, who operate during standard business hours.

### Parking:

136 car parking space comprising:

- 130 existing parking spaces to the east and west of the College site retained.
- Six (6) new parking bays (inclusive of one (1) accessible space) are proposed on site
- 60 bicycle spaces

## Submitted Documents and Plans

Supporting documents and plans relied upon for this assessment are as follows:

	<b>Document</b>	<b>Prepared by</b>
1	Statement of Environmental Effects	City Plan
2	Site Survey	New England Surveying & Engineering
3	Architectural Drawings Architectural Design Statement	Billard Leece Partnership
4	Landscape Plan	Arcadia Landscape Architecture
5	Traffic Impact Assessment	TTW Ltd Pty
6	Waste Management Plan	RPS Group
7	Access Report	Design Confidence
8	BCA Report	Design Confidence
9	Acoustic Assessment	Acoustic Logic
10	Geotechnical Investigation Report	Regional Geotechnical Solutions Pty Ltd
11	Civil Report & Stormwater Plans	Bonacci Group (NSW) Pty Ltd
12	Arborist Report	Arborsafe Australia Pty Ltd
13	QS Report	Donald Cant Watts Corke
14	Section J Assessment	Design Confidence
15	Contamination Report	Regional Geotechnical Solutions Pty Ltd
16	Bushfire Assessment Report	PRS
17	Validation Surface Soil Report for Building 1	Hibbs and Associates

## Referrals undertaken

### External

The application did not require referral to any external agencies.

### Internal

#### *Development Engineer*

Council's Development Engineer has provided comment in relation to the proposed development, and has raised no objection subject to the recommended conditions.

#### *Plumbing & Drainage Officer*

Council's Plumbing & Drainage Officer has provided comment in relation to the proposed development, and has raised no objection subject to recommended conditions. It is noted that regardless of the development presenting as a reduction in intensity of the proposal, new trade waste agreements/approvals will be required.

There were no other internal referrals. The self-certifying nature of Crown Development does not warrant the development to be referred to Building Surveying staff.

## Political Donations

At the time of lodging the Development Application the Applicant indicated, pursuant to Section 10.4(4) of the Environmental Planning and Assessment Act 1979, that no reportable political donation or gift had been made by the Applicant or any person with a financial interest in this Application to a local Councillor or employee of Armidale Regional Council

## Assessment - Matters for Consideration

The assessment of this Development Application has been undertaken in accordance with Section 4.15 (1) the Act. In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development application:

**Section 4.15(1)(a) the provisions of the following that apply to the land to which the development application relates:**

**(i) the provisions of any environmental planning instrument**

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

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

State Environmental Planning Policy (State and Regional Development) 2011

Clause	Subject	Comments
Clause 4 of Schedule 7	Regionally Significant Development	<p>The aims of this SEPP are:</p> <ul style="list-style-type: none"><li>(a) to identify development that is State significant development,</li><li>(b) to identify development that is State significant infrastructure and critical State significant infrastructure,</li><li>(c) to identify development that is regionally significant development.</li></ul> <p>The proposed development is identified as being regionally significant development, based on it being a Crown development over \$5 million (Clause 4 of Schedule 7). The proposal is therefore to be assessed by</p>

		Armidale Regional Council and determined by the Northern Regional Planning Panel.
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State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

Clause	Subject	Comments
Clause 45(1)	Permissibility	<p>The Education SEPP contains provisions to facilitate the construction of new and/or the upgrade/expansion of educational establishment including universities.</p> <p>Clause 45(1) of the Education SEPP provides that development for the purpose of a university is permissible with consent in a 'prescribed zone'. Any land within the boundaries of an existing university or that is zoned SP2 Infrastructure is classified as a 'prescribed zone' under Clause 43 of the Education SEPP. The subject site satisfies both these categories.</p>
Clause 45(7)	Permissibility - Accommodation	<p>Clause 45(7) of the Education SEPP states the following:</p> <p><i>(7) Development for the purpose of residential accommodation for students that is associated with a university may be carried out by any person with development consent on land within the boundaries of an existing university.</i></p> <p>Development for the purposes of student accommodation on the university campus is therefore permissible with consent under the Education SEPP (in addition to the LEP).</p>
Part 7	Traffic Generating Development	<p>Part 7 of the Education SEPP relates to traffic generating development. Development for the purposes of an educational establishments that result in the facility being able to accommodate 50 or more additional students and involves either new premises or enlargement of an existing premises is considered Traffic Generating Development.</p> <p>The proposed development would result in a reduction in students on site. Robb College has historically accommodated 214 students on site. The proposal is for accommodation for 192 students on site at Robb College. Consequently, there would be an approximate 10% reduction in students being accommodated as a result of the proposal. Therefore, the proposal is not considered to be Traffic Generating Development.</p>

State Environmental Planning Policy (Infrastructure) 2007

Clause	Subject	Comments
Clause 104	Traffic Generating Development	<p>This Policy provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of</p>

		<p>infrastructure and service facilities along with improved regulatory certainty and efficiency.</p> <p>Clause 104 of the ISEPP ensures that the Roads and Maritime Services (RMS) is given the opportunity to comment on development nominated as 'traffic generating development' in Schedule 3. The proposed development does not trigger the criteria under Schedule 3 of the ISEPP, for the reasons outlined above.</p>
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State Environmental Planning Policy No. 44 - Koala Habitat Protection

Clause	Subject	Comments
Clause 6 -8	Koala Habitat	<p>This Policy aims to encourage the proper conservation and management of natural vegetation that provides potential habitat for Koalas, to ensure a permanent free-living population are maintained over their present range and reverse the current trend of Koala population decline.</p> <p>SEPP 44 applies to this proposal, per cl. 6, as the land has an area of more than 1 ha, or that has, together with any adjoining land in the same ownership, an area of more than 1 ha regardless of whether the DA applies to only part of that land.</p> <p>Under the SEPP, potential Koala habitat means areas of native vegetation where the trees of the types listed in Schedule 2 of the SEPP constitute at least 15% of the total number of trees in the upper or lower strata of the tree component. Core Koala habitat means an area of land with a resident population of koalas, evidenced by attributes such as breeding females (that is, females with young) and recent sightings of and historical records of a population.</p> <p>Part of the University site both to the south east and north of the development site has been previously identified as potential and Core Koala habitat due to the presence of a resident population of koalas within the university grounds and evidence of breeding females and recent sightings.</p> <p>The proposed development site though is located in a previously cleared area of the campus within the Bellevue Campus area.</p> <p>An Arborist Report has been prepared by ArborSafe to support the application. The report confirms that six (6) trees would require removal to facilitate the development, and recommends that a further two (2) trees within the site but not affected by the proposal be removed due to their poor condition. All trees to be removed are identified as having medium to low retention value.</p> <p>The trees to be removed in connection with the proposal are listed as follows:</p>

		<ul style="list-style-type: none"> <li>• 2 x <i>Fraxinus angustifolia</i> ssp. <i>Angustifolia</i> (Desert Ash)</li> <li>• 1 x <i>Populus Nigra</i> (Black Poplar)</li> <li>• 1 x <i>Cupressus torulosa</i> (Bhutan Cypress) (1)</li> <li>• 1 x <i>Hesperocyparis arizonica</i> (Rough-barked Arizona Cypress) (1)</li> <li>• 1 x <i>Cedrus deodara</i> (Himalayan Cedar)</li> </ul> <p>The trees recommended to be removed irrespective of the application are listed as follows:</p> <ul style="list-style-type: none"> <li>• 2 x <i>Paulownia Tomentosa</i> (Royal Paulownia)</li> </ul> <p>The trees to be removed are not identified as being Koala 'feed tree species', as listed in Schedule 2 of the SEPP. Consequently, the proposal is not considered to impact on potential koala habitat. It is noted that the proposal incorporates new plantings adjacent to West Court that are identified as Koala feed tree species under the SEPP, including three (3) <i>Eucalyptus Camaldulensis</i> (River Red Gum) and three (3) <i>Eucalyptus Tereticornis</i> (Forest Red Gum).</p>
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State Environmental Planning Policy No. 55-Remediation of Land

Clause	Subject	Comments
Clause 7	Contamination	<p>SEPP 55 aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.</p> <p>The land is identified on Councils Potential Contaminated Land Information System as potentially contaminated land.</p> <p>Clause 7 requires that a consent authority must not grant consent to a development unless it has considered whether a site is contaminated, and that it is satisfied that the land is suitable (or will be after undergoing remediation) for the proposed use.</p> <p>A Phase 1 Site Contamination Assessment Report has been prepared by Regional Geotechnical Solutions and is provided as Appendix 15 to the SEE. The report has been prepared for development at the UNE Campus in relation to both Robb College and a separate development site near Wright College. In summary, the assessment considers the risks to human health and the environment associated with soil contamination are negligible at the site and as such the site is considered suitable for the proposed use. The report recommends that additional testing should be undertaken around existing floor slabs to assess the extent of any contamination and remediation requirements.</p>

		<p>Building on from the above paragraph, during demolition of the existing buildings (which is currently in progress at the site) the floor slab of the South Court building was removed, and soil tested. A Validation Surface Soil Report for Building 1 has been prepared by Hibbs and Associates and is provided at Appendix 17. Remediation works have already been undertaken and soil is not considered to pose any risk to human health and the environment. Similar testing will be undertaken for the other two buildings at the site to ensure any potential contaminated soils are established, and necessary remediation measures are implemented (if required).</p> <p>Subject to such a condition, the proposal is considered acceptable when considered against the requirements of Clause 7 of this SEPP.</p>
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State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

Clause	Subject	Comments
Clause 10	Clearing of vegetation	<p>This policy aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</p> <p>The policy is relevant to the land given Councils Armidale Dumaresq Development Control Plan 2012 expressly includes Chapter 2.2 which sets the parameters for vegetation removal.</p> <p>Council is satisfied:</p> <ul style="list-style-type: none"> <li>- that in relation to native vegetation to be removed, the removal would not exceed the biodiversity offsets scheme threshold; and</li> <li>- that the tree removal would not would not adversely affect the heritage significance of the any heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.</li> </ul> <p>Commentary the European and Aboriginal heritage of the site is provided further within this report in relation to the LEP and DCP.</p>



### Local Environmental Plans (LEPs):

The **Armidale Dumaresq Local Environmental Plan 2012 (LEP)** has been considered in connection with this development.

Clause	Subject	Comments
Part 2 – Permitted or prohibited development -	Land use table under Part 2 (Permitted or prohibited development)	<p>The objectives of the SP2 Infrastructure Zone are as follows:</p> <ul style="list-style-type: none"> <li>- To provide for infrastructure and related uses.</li> <li>- To prevent development that is not compatible with or that may detract from the provision of infrastructure.</li> </ul> <p>In the context of the wider UNE Educational Establishment, the proposal is fully consistent with the objectives. Further, as the development would effectively reinstate the form and use of the original Robb College, it does not give rise to any unreasonable impacts in terms of compatibility between land uses or provisioning of infrastructure.</p> <p>The proposal is permissible with consent within the SP2 zone.</p>
2.7	Demolition requires development consent	<p>This clause requires for Development Consent to be obtained for demolition, unless expressly stated otherwise by a State Environmental State Environmental Planning Policy.</p> <p>Clause 46(d) of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 allows for the demolition of structures or buildings (unless a State heritage item or local heritage item). The demolition complies with the clause. Heritage is discussed in more detail elsewhere in this report.</p>
4.3	Height of buildings	This clause applied to the Armidale Central Business District and surrounding area, and as such is not applicable to the site.
4.6	Exceptions to Development Standards	The application does not seek to vary any principle development standards of the LEP.
5.10	Heritage conservation	<p>Robb College is not located within a heritage conservation area and is not a listed heritage item in the LEP.</p> <p>A portion of the lot that the development is situated upon does, however, include a number of heritage items, which are related to the buildings to the north of the site as well as the trees along Elm Avenue. Given the distance from these heritage items, it is considered the proposal will not have any impact on these conservation items.</p> <p>This aside, the retention of the existing dining hall is welcomed, given it has historic value to the context and setting of the site.</p>
6.1	Earthworks	This clause seeks to ensure earthworks would not have a detrimental impact on any environmental functions or existing

		<p>built environments. It also prescribes that consent is required for most earthworks.</p> <p>The proposal relies on typical construction methods which are not expected to significantly affect existing environmental functions or surrounding structures. The objectives would be satisfied in this case. A Geotechnical Report prepared by Regional Geotechnical Solutions has been submitted. The report provides various recommendations in relation to the construction of the building and its suitability with regard to the identified soil profiles. The report is recommended to be included as a condition of approval.</p>
6.2	Flooding	The proposed development is not below the flood planning level; therefore, the clause does not apply.
6.6	Essential Services	The proposal is capable of being serviced by water, electricity and sewer as well as direct vehicular and pedestrian access services, as required by the clause.

**(ii) the provisions of any draft environmental planning instrument**

There are no draft instruments which are of relevance to the assessment of this application.

**(iii) the provisions of any development control plan**

The *Armidale Dumaresq Development Control Plan (DCP) 2012* applies to the land.

The following Table outlines the relevant Chapters / provisions of the DCP that have been considered in connection with this assessment. As the proposal is a relatively non-standard form of development, only general chapters of the DCP are relevant. Where relevant chapters mirror considerations captured under part 4.15(1)(a)(i), these have not been repeated in detail.

Chapter	Comment
2.2 Tree Removal	<p>Eight (8) trees are to be removed as part of the proposal. Chapter 2.2 is therefore engaged.</p> <p>As detailed previously within this report, the trees to be removed in connection with the proposal are listed as follows:</p> <ul style="list-style-type: none"> <li>• 2 x <i>Fraxinus angustifolia</i> ssp. <i>Angustifolia</i> (Desert Ash)</li> <li>• 1 x <i>Populus Nigra</i> (Black Poplar)</li> <li>• 1 x <i>Cupresses torulosa</i> (Bhutan Cypress) (1)</li> <li>• 1 x <i>Hesperocyparis arizonica</i> (Rough-barked Arizona Cypress) (1)</li> <li>• 1 x <i>Cedrus deodara</i> (Himalayan Cedar)</li> </ul>

	<p>The trees recommended to be removed irrespective of the application are listed as follows:</p> <ul style="list-style-type: none"> <li>• 2 x Paulownia Tomentosa (Royal Paulownia)</li> </ul> <p>The submitted arborist report demonstrates that all trees to be removed are of medium to low retention value. In context to the overall site, the tree removal is not significant, and would not cause an unreasonably detrimental impact on the local landscape and streetscape or any other matter prescribed by Part 4 of the chapter (Assessment Criteria).</p> <p>It is also noted that the development would be extensively landscaped, and would include compensatory planting which includes the following trees:</p> <ul style="list-style-type: none"> <li>• 7 x Betula pendula (Silver Birch)</li> <li>• 7 x Eucalyptus mellidora (Yellow Box)</li> <li>• 6 x Eucalyptus dalrympleana (Mountain White Gum)</li> <li>• 28 x Liquidambar styraciflua (Sweet Gum or Liquidambar)</li> <li>• 9 x Quercus robur (Common Oak)</li> </ul> <p>The Landscaped Design Application demonstrates that Pot sizes are 200L (which indicates that the trees would be suitably advanced) and includes an adequate maintenance schedule.</p> <p>The proposal complies with this chapter of the DCP. In particular, the proposal would on balance:</p> <ul style="list-style-type: none"> <li>• Retain the environmental heritage of the site; and</li> <li>• Retain healthy trees of environmental and aesthetic value.</li> </ul>
2.3 European Heritage	<p>The subject building site does not relate to any statutorily listed Heritage Item and is not situated within a Heritage Conservation Area, therefore this chapter is not applicable. Refer to previous comments in response to Clause 5.10 of the LEP.</p>
2.4 Aboriginal Heritage	<p>The land is identified on Council's Aboriginal Heritage Land Information System as having low potential for the likelihood of aboriginal sites or areas of significance, owing to the highly disturbed nature of the site through the established residential use.</p> <p>Notwithstanding, it is recommended that advisory notes are attached to the conditions proposed which outline the obligations of the developer, should any artefacts or relics be located on the site during construction.</p> <p>The proposal therefore complies with this chapter of the DCP.</p>
2.5 Contaminated	<p>Refer to discussion under Section 4.15(1)(a)(i) of this report in relation to SEPP</p>

Land	<p>55.</p> <p>The proposal complies with this chapter of the DCP.</p>
2.6 Earthworks and Geotechnical Investigations	<p>Refer to discussion under Section 4.15(1)(a)(i) of this report in relation to Clause 6.1 of the LEP.</p> <p>The proposal complies with this chapter of the DCP.</p>
2.7 Floodplain and Stormwater Drainage	<p>The site is to the south of Dumaresq Creek, but is situated above the flood planning level. A detailed Stormwater Report and Stormwater Plans have been submitted as part of the application. The report demonstrates that:</p> <ul style="list-style-type: none"> <li>• post development peak flows will not increase compared to the existing development;</li> <li>• The proposed development will incorporate water sensitive urban design in the form of bio retention areas for new road pavements and parking areas; and</li> <li>• Erosion and sediment control will meet best-practice “Blue Book” requirements.</li> </ul> <p>The proposal therefore complies with this chapter of the DCP.</p>
2.8 Noise	<p>The submitted Acoustic Report demonstrates that the proposal will have a low noise risk, and will not involve any equipment which causes a noise level greater than 5dBA above ambient LA90 sound level at the property boundary at any time of the day.</p> <p>It is noted that the use itself may generate noise through the comings and goings of residents and general activities, which are expected and consistent with a residential college and the setting. The proposal therefore complies with this chapter of the DCP.</p>
2.9 Parking	<p>Parking provision is to be increased from the existing conditions through retention of the existing car park areas to the south and east (130 spaces), and construction of six (6) new parking spaces adjacent to the Dining Hall building (inclusive of 1 disabled parking space). Parking provision meets and exceeds the requirements of the DCP, which requires a total of 97 car parking spaces for the residential buildings.</p> <p>The proposal includes accommodation for 60 bicycle parking spaces, also in compliance with the requirements of the DCP (as shown in the landscaping document recommended for approval).</p> <p>It is noted that construction related parking is not addressed by the DCP, however this is captured by the recommended condition in relation to the requirement for preparation of a Construction Management Plan.</p> <p>The proposal complies with this chapter of the DCP.</p>

**(iiia) the provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4**

Not applicable.

**(iv) the provisions of the regulations**

The regulations have been taken into consideration where relevant.

**4.15(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

<b>Heads of Consideration</b>	<b>Comment</b>
Natural Environment	<p>The proposal will not cause any unreasonably adverse impacts on the natural environment, subject to the recommended conditions of consent.</p> <ul style="list-style-type: none"><li>• The existing Robb College complex contains a mix of vegetation, including large trees and landscaping around the perimeter of the site. This includes both native and European flora species. The proposed design maximises tree retention and as conditioned, includes adequate measures to ensure protection of retained trees during construction.</li><li>• Eight (8) trees are proposed to be removed, however as a whole these are identified as having a medium to low retention value and are not identified as being Koala “feed tree species”. It is noted that the trees to be removed are not visually prominent and are mostly towards the rear of the site, and would not have a harmful impact on the existing streetscene. Furthermore, it is noted that the site would be extensively landscaped which would on balance counter the tree removal. Refer to previous comments made within this report regarding trees to be planted.</li><li>• The proposal is expected to have a lengthy construction phase, however construction related impacts such as dust and noise suppression and erosion and sediment control are satisfactory subject to the recommended conditions imposed.</li><li>• A detailed Stormwater Report and Stormwater Plans have been submitted as part of the application. The report demonstrates that post development peak flows will not increase compared to the existing development. Refer to previous paragraph in relation to erosion and sediment control. Subject to the recommended conditions, the proposal is acceptable in this respect.</li></ul>
Built Environment	<p>The proposal will not cause any unreasonably adverse impacts on the built environment, subject to the recommended conditions of consent.</p> <ul style="list-style-type: none"><li>• The proposal is predominantly two storeys in height, with the exception of west-court which will be partly three storeys to accommodate services on the lower-ground level. The buildings will be located in a ‘pinwheel’ formation as per the original Robb College design.</li><li>• The detailed design presents as a modern interpretation of the original design, with similarly (vertically) proportioned windows and horizontal banding. The main facing materials will be metal cladding in an upright channel form with inset horizontal banding, which are contemporary and high quality.</li><li>• Building on from the above comments, the reinstatement of the</li></ul>

	<p>accommodation buildings in the proposed (well designed) form would restore and complete the established character and setting of the site.</p> <ul style="list-style-type: none"> <li>• The development would not lead to an increase in operational noise. Construction related noise impacts would be satisfactory subject to recommended conditions.</li> <li>• The proposal would not give rise to any unreasonable impacts in terms of transport and traffic, noting that the proposal represents a reduction in the number of bedrooms together with an increase in parking spaces.</li> <li>• The proposal would not give rise to any unreasonable impacts on adjoining and nearby occupiers in terms of amenity generally.</li> <li>• A waste management plan (WMP) has been submitted as part of the application, which details operational and construction waste management details. The WMP is recommended to be included in the conditions of approval.</li> </ul>
Social & Economic Impact	<p>The proposal will have a positive social &amp; economic impact on the locality.</p> <ul style="list-style-type: none"> <li>• The new buildings will provide a positive economic benefit into the area by providing additional employment opportunities through the construction phase of the development as well as providing an ongoing contribution to the strength and vitality of the UNE.</li> <li>• As the proposal relates to Crown Land, there is no mechanism for the imposition of developer contributions in relation to water and sewerage. Notwithstanding, the proposal represents a reduction in intensity of the use (and would therefore have an existing credit).</li> <li>• The proposal does not warrant the imposition of s7.12 Contributions, given the proposal is complimentary to and contributes to the strength and vitality of the UNE.</li> <li>• The proposal adheres to principles of Crime Prevention through Environmental Design (CPTED). The pin-wheel design of the proposal ensures that all areas of the college are adequately overlooked, providing passive surveillance to all courtyards and entry points. The design proposes informal barriers to the college, with entries to buildings being located within the development itself. The design facilitates active spaces and territorial reinforcement.</li> </ul>

#### **4.15(1)(c) the suitability of the site for the development**

The subject site is considered suitable for the proposed development for the following reasons:

- The land is zoned SP2 Infrastructure (Educational Establishment) in accordance with the LEP and the proposal is permissible with consent. Furthermore, the proposal would reinstate the former Robb College, and thus supports and strengthens the viability of the UNE as a significant educational hub.
- The proposal would remain within the original Robb College footprint, and is equivalent in terms of bulk and scale and intensity, and therefore does not give rise to any unreasonable impacts on the amenity of surrounding land uses, given the status quo is essentially unchanged.
- Impacts arising through the construction phase are relatively short lived and are capable of

being managed through the recommended conditions.

- Essential services as prescribed by the LEP are currently provided to the site. Notwithstanding, conditions are recommended to be applied with regards to plumbing and drainage and trade waste to ensure the ongoing function of council's sewer infrastructure.
- There are no site constraints evident which would preclude the development. Although identified as potentially contaminated land, the applicant has satisfactorily addressed the requirements of SEPP 55 by way of a detailed contamination report. The reports have been included in recommended conditions of approval.

#### **4.15(1)(d) any submissions made in accordance with the Act or the Regulations**

No submissions were made in response to statutory notification of the proposal.

#### **4.15(1) (e) the public interest**

The proposal satisfies relevant planning controls and is not expected to impact on the public interest.

#### **Relevant Plans**

##### State Plan 2021

The proposed development is not considered to contravene the intent of this plan.

##### New England North West Regional Plan 2036

The proposed development is not considered to contravene the intent of this plan.

##### Armidale Regional Council Community Strategic Plan 2027

The proposed development is not considered to contravene the intent of this plan.

#### **Building Code requirements**

The development would ordinarily require the issue of a Construction Certificate certifying design compliance against the BCA. As UNE is considered to be a Crown Authority, the obtaining of Construction Certificates is not mandatory, falling instead to a process of self-certification conducted by the authority. Notwithstanding, the proposed conditions of consent make reference to ensuring compliance with the BCA.

#### **Ecologically Sustainable Development**

The proposal is considered to contribute to broad objectives relating to ecologically sustainable development.

### **Assessment Conclusion - Key Issues**

The proposed development is considered satisfactory. Key issues of the development are inherently limited given the proposal would effectively reinstate the accommodation buildings of Robb College. As a result, the development at hand does not present any significant new impacts, owing to its close consistency to the original development.

In more detail, the proposal would not give rise to any or unreasonable additional impacts on the natural and built environments, and would contribute positively in terms of social and economic impacts. The limited extent of impacts are therefore mostly those arising from construction, and are capable of being managed through the recommended conditions of approval.

The reinstating of a like for like development forms a fundamentally acceptable scheme in principle; however the application also goes further to demonstrate a high quality and functional design, which will also bring the standard of accommodation to modern standards.

No objections were received in response to statutory notification of the proposal, and the UNE has provided concurrence to the proposed conditions of approval.

As a result of this assessment, the proposed development is recommended for approval, subject to conditions detailed within Appendix 1.

## **Recommendation**

That approval be granted for DA-54-2019 on land known as 60 Madgwick Drive (Lot 10 on DP1142199), for Construction of 3 x 2 storey (1 building part 2, part 3 storey) Residential Student Accommodation Buildings (192 bedrooms total) and associated works (car parking, landscaping and tree removal) subject to the conditions set out in Appendix 1.

Simon Vivers

**Town Planner, Armidale Regional Council**

**4 September 2019**



## **Appendix 1 – Proposed Conditions of Consent**

### **PRESCRIBED CONDITIONS**

For the purposes of section 4.17 (11) of the Act, the following condition is a prescribed condition of development consent:

#### **98 EP&A Regs 2000: Compliance with Building Code of Australia**

- (1) For the purposes of section 4.17 (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
  - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,

### **GENERAL CONDITIONS**

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

The approved plans are attached to this consent notice and are listed below:

Plan Drawer	Drawing Numbers / Revision	Date
Billard Leece Partnership Project No: 17116	DA-A-0105, Rev TP3	11/03/2019
	DA-A-0301, Rev TP4	12/03/2019
	DA-A-0302, Rev TP4	
	DA-A-0303, Rev TP4	
	DA-A-0304, Rev TP4	
	DA-N-1001, Rev TP5	08/04/2019
	DA-N-1002, Rev TP5	
	DA-N-1003, Rev TP4	
	DA-N-2001, Rev TP6	
	DA-N-3001, Rev TP6	
	DA-S-2001, Rev TP2	
	DA-W-1001, Rev TP3	05/04/2019
	DA-W-2001, Rev TP5	08/04/2019
	DA-W-3001, Rev TP5	04/08/2019
	DA-A-9601, Rev TP5	
	DA-A-9602, Rev TP4	
Arcadia Landscape Architecture	UNE Robb College, Landscape Design Application, Issue E	March 2019
	400, Issue E	
	401, Issue E	
	402, Issue E	
	403, Issue E	
	404, Issue E	
	405, Issue E	
	406, Issue E	
Bonacci Group Project no: 10611	UNE-BON-RP-RB-SC-0010-Robb SD Report	08/03/2019
AborSafe Project No: C91385	Aboricultural Impact Assessment	22/02/2019
Regional Geotechnical Solutions	Phase 1 Site Contamination Assessment Report RGS30247.3 - AC	27/06/2018
	Geotechnical Report RGS30247.3 – AB	21/06/2018
RPS Group Project No: PR143434	Waste Management Plan, Rev 2	25/03/2019
Acoustic Logic Project No: 20180574.2	Acoustic Specification - New Robb College Building 20180574.2/2106A/R1/GC, Rev 1	08/03/2019

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

2. All Engineering works to be designed by a competent person and carried out in accordance with Council's Engineering Code, unless otherwise indicated in this consent, to ensure that these works are of a sustainable and safe standard.
3. Existing trees on the site are to be retained and protected from damage during work on the site, (unless identified for removal on the approved Aboricultural Impact Assessment), to maintain the visual amenity of the locality and no buildings constructed or utility service mains installed within 3 metres of the trunks of these trees, so as not to prejudice their future retention.

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

4. Any proposed signage that is not considered to be exempt under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 or Armidale Dumaresq Local Environmental Plan 2012, shall be the subject of a separate application to be considered by Armidale Regional Council prior to erection/installation.
5. Any pipes, stack work and vents (below the roof line) are to be concealed to prevent their deterioration and improve the aesthetics of the building.

Any plant/equipment required for the building is not to be installed above the roof line and must be installed so as not to be visible from a public place unless adequately screened from view, to maintain the streetscape of the locality.

## CONDITIONS REQUIRING ACTION BEFORE CONSTRUCTION WORKS COMMENCE

6. The approved plans of development are to demonstrate compliance with the Building Code of Australia (BCA). Compliance with the BCA is to be confirmed by the relevant Certifying Authority.

*Note - Should the configuration of the building be modified as a result of achieving BCA compliance, the plans accompanying this development consent must also be modified.*

*The Building Code of Australia, part of the National Construction Code series, is now available online at [abcb.gov.au](http://abcb.gov.au)*

7. Car parking shall be provided in accordance with the approved plans, except that the development shall also include one (1) accessible car space per 100 car spaces (as per the Building Code of Australia for accessible spaces for a class 3 building).

All new car parking areas and service vehicle facilities are to be designed and constructed in accordance with the approved site plans (unless varied by this condition) and Australian Standards AS/NZS 2890.1 (current edition): Off-street car parking, AS/NZS 2890.2 (current edition): Off-street commercial vehicle facilities and AS/NZS 2890.6 (current edition): Off-street parking for people with disabilities, and Council's Development Control Plan 2012.

Details are to be provided to the relevant Certifying Authority prior to commencement of construction works.

Approved parking bays, including spaces allocated for people with disabilities, are to be clearly identified by appropriate pavement markings prior commencement of the approved use.

Bicycle facilities to serve the proposed development are to be completed prior to commencement of the approved use. Provision of facilities to be in accordance with Council's Parking Code.

8. An Erosion and Sediment Control Plan (ESCP) and accompanying specifications for the construction phase of the works shall be submitted to and approved by the relevant certifying authority prior to commencement of construction work.

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

- Provision for the diversion of runoff around disturbed areas.
- Location and type of proposed erosion and sediment control measures.
- Location of and proposed means of stabilisation of site access.
- Approximate location of site sheds and stockpiles.
- Proposed staging of construction and ESCP measures.
- Clearance of sediment traps on a regular basis and after major storms.
- Proposed site rehabilitation measures, including seeding of all bare un-grassed areas and turfing where erosion or scouring is likely to occur.
- Standard construction drawings for proposed erosion and sediment control measures.

*ADVISING: Failure to take effective action may render the developer liable to prosecution under*

*the NSW Protection of the Environment Operations Act.*

9. A Construction Management Plan (CMP) shall be submitted to and approved by the relevant certifying authority prior to commencement of construction work.

The CMP shall include (but is not limited to):

- Details of off-street parking for employees, contractors, sub-contractors and visitors to the site.
- Details of public parking during construction.
- Details of site access for construction vehicles and equipment.
- Storage and removal strategies for construction wastes.
- A Construction Traffic Management Plan.
- Provision of sanitary amenities and ablution facilities for employees.
- Details of fire precautions during construction.
- Details of dust suppression.
- Control of noise arising from the works in accordance with the requirements of the Protection of the Environment Operations Act 1997 and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.
- Fencing and security details, including site hoardings to be provided, safeguarding both contractors and the public while works are being carried out on any public footpath areas. Contractor should endeavour to minimise disturbance to pedestrian / vehicle traffic in the vicinity of the site. The details shall comply with AS 4687 (current edition) – Temporary fencing and hoardings.
- Public footpath being protected from any paint spillages or other damage while work is being carried out.
- Details of all construction-related signs.
- Careful management of construction activities to prevent any contaminant discharge from the site (including oils, fuels, paints or chemicals), particularly with respect to excess concrete or concrete truck washings.
- Careful management of construction activities to protect workers from potential health hazards, should contamination be determined present
- Location of all public utility facilities and methods of protecting them

*Advising: The chief contractor involved in the development should contact Council's Local Traffic Committee and Rangers Team Leader if they wish to make arrangement for temporary parking arrangements for the duration of the building work.*

10. A commercial assessment of trade waste infrastructure shall be provided to Council, to prevent any adverse impact on the sewerage infrastructure and the environment. Details to be submitted to and approved by Council prior to commencement of construction works.

## DURING CONSTRUCTION WORKS

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

All sewer and drainage works associated with the approval are to comply with the requirements of AS 3500 (current edition) and be completed only by a licensed plumber and drainer.

12. Construction works shall be undertaken fully in accordance with the approved Construction Management Plan (CMP).
13. Any fill which is placed on the site shall be free of any contaminants and placed in accordance with the requirements of AS 3798 (current edition) *Guidelines on Earthworks for Commercial and Residential Developments*. A suitably qualified consultant shall:
  - identify the source of the fill and certify that it is free from contamination; and
  - classify the area within any building envelope on any such filled lot in accordance with the requirements of "Residential Slabs and Footings" AS 2870.1 (current edition).
14. Any excavated material proposed to be removed from the site is to be disposed of at a suitably licensed facility. The contractors are to comply with the requirements of the facility in regard to disposal of any potentially contaminated soil. Any stockpiles of soil on the site are to be stored in an appropriately bunded area within the property during construction, to ensure safe containment of any potential contaminants.
15. The developer is to implement safe work practices for the site, including suitable precautions to protect workers from potential health hazards if contaminated soil is confirmed to be present on the site, to ensure the safety of employees/customers on the site during construction.
16. Non-slip materials complying with AS 3661 (current edition) Slip resistance of pedestrian surfaces - Guide to the reduction of slip hazards and AS 4586 (current edition) Slip resistance classification of new pedestrian surface materials, are to be used for the paving of public areas within the development, to ensure safe public use of these areas.

17. The hours of building work on the development site are to be restricted to between 7.00am and 6.00pm on Monday to Saturday and only non audible building works are permitted between 8.00am to 1.00pm on Sundays, to maintain the amenity of the locality.

Any proposed building work to be undertaken outside these hours or on Public Holidays must be the subject of prior written agreement from Council - consideration may be given to special circumstances and non-audible work if applicable.

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

18. Toilet facilities are to be provided at, or in the vicinity of the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be connected to an accredited sewage management facility approved by the council or some other sewage management facility approved by the council.
19. A Stormwater Management System is to be constructed in accordance with AS3500 standards and the approved civil engineering document and plans (prepared by Bonacci Group Pty Ltd,

Project number 10611; dated 8th March 2019).

A Gross Pollutant Trap (GPT) is also required to be installed at or near the final outlet of the stormwater system. The GPT is to be designed in accordance with Armidale Regional Council's Engineering Code D5: stormwater Drainage Design. The GPT will be the responsibility of the College and is to be maintained at regular intervals by the College for the life of the GTP.

Buildings to be connected to stormwater management system immediately following installation of guttering.

## **BEFORE COMMENCEMENT OF OPERATION**

20. A Fire Safety Certificate covering each of the essential fire and other safety measures installed in the building must be provided to the Certifying Authority prior to the use of the new part of the building, to ensure the safety of the occupants in the case of an emergency.

A copy of the certificate is to be given to the NSW Fire Brigades to [afss@fire.nsw.gov.au](mailto:afss@fire.nsw.gov.au) and an additional copy to be displayed in a prominent location within the building, in accordance with clause 172 of the Environmental Planning and Assessment Regulation 2000.

21. Access/facilities for people with disabilities is to be provided in accordance with the Building Code of Australia before the occupation/use of the building, and maintained thereafter.

*ADVISING: The applicants/property owner should note that the Commonwealth Disability Discrimination Act 1992 provides opportunity for public complaint potentially leading to legal action if access to premises by people with disabilities or their carers is precluded. The Australian Human Rights Commission has released Advisory Notes on current Premises Standards which are available from Council on request. The Commission can also provide further information on this issue (1300 369 711). In addition to human rights considerations, as a substantial proportion of the community suffer from mobility handicaps, provision*

22. All conditions of this consent requiring any of the following to be carried out:

- Earthwork
- Stormwater drainage work
- Landscaping work
- Erosion and sedimentation control work
- Structural work
- Hydraulic work
- Work associated with driveways and parking bays, including road pavement and road finishing, vehicle and cycle parking
- Any matter that relates to the external finish of a building

are to be completed and inspected by the relevant Certifying Authority prior to commencement of operation of the approved development.

## OPERATIONAL CONDITIONS

23. A Fire Safety Statement shall be provided to Council at least once every 12 months as required, to ensure that the required fire safety measures for the building are being properly maintained. A copy of the statement is to be given to the NSW Fire Brigades to [afss@fire.nsw.gov.au](mailto:afss@fire.nsw.gov.au) and a copy to be displayed in a prominent location within the building.
24. Any lighting used on site in connection with the development is to comply with AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting (current version), to protect the amenity of the locality.
25. Storage facilities for waste and recyclables sufficient for the maximum accumulation between collections shall be provided in a secure location screened from public view, to protect the amenity of the locality.

## ADVICE

### Note 1

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

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

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

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

### Note 2

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

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

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



## **Appendix 2 – Plans of Development**