



The University of Sydney - Darlington Terraces

State Significant Development Assessment SSD 7539

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Cover image: Proposed Building B as viewed from Darlington Lane (source AJ+C Architects)

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Glossary

Abbreviation	Definition
ACHP	Redfern Waterloo Authority Affordable Housing Contributions Plan
BCA	Building Code of Australia
CIV	Capital Investment Value
Council	City of Sydney Council
Department	Department of Planning, Industry and Environment
EESG	Environment, Energy and Science Group
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
Heritage	Heritage NSW, Department of Premier and Cabinet
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
RMS	Roads and Maritime Services, TfNSW
RTS	Response to Submissions
RWACP	Redfern Waterloo Authority Contributions Plan
SEARs	Planning Secretary's Environmental Assessment Requirements
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SLEP 2012	Sydney Local Environmental Plan 2012
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SRTS	Supplementary Response to Submissions
SSD	State Significant Development
TfNSW	Transport for NSW

Executive Summary

This report provides an assessment of a State significant development (SSD) application for the development of student accommodation and education facilities, known as the 'Darlington Terraces', within the Darlington Campus of the University of Sydney (SSD 7539). The Applicant is The University of Sydney and the proposal is located within the City of Sydney local government area (LGA).

The proposal, as amended by the Response to Submissions (RtS) and Supplementary RtSs, will not have any significant amenity impacts on the surrounding land uses as it is an appropriate response in terms of height, bulk and scale in the context of the existing locality. Therefore, the Department recommends the proposed development be approved, subject to conditions.

The Department has considered the merits of the proposal in accordance with relevant matters under section 4.15(1), the objects of the *Environmental Planning and Assessment Act 1979*, the principles of Ecologically Sustainable Development, and issues raised in all submissions as well as the Applicant's response to these. The Department has also considered the merits of the proposal in its assessment, along with the requirements of the Campus Improvement Program (CIP) concept proposal approval for the site, including design excellence provisions.

Project Summary

The proposal seeks approval for alterations and additions to a row of terrace houses on Darlington Road and to Darlington House, and construction of new buildings at the rear of the terraces to provide accommodation for:

- 336 students accommodated in
 - 143 single rooms (new buildings)
 - 124 single rooms (terraces)
 - seven double bed (single occupancy) rooms (terraces)
 - 31 twin rooms (terraces).
- visiting academics in eight rooms in two dwellings (terraces).

The project has a Capital Investment Value (CIV) of \$40 million and would generate 95 construction jobs and six operational jobs.

The proposal is SSD under clause 15 of Schedule 1 of the State and Environmental Planning Policy (State and Regional Development) 2011, as it is development for the purpose of a tertiary institution with a CIV of more than \$30 million. Therefore, the Minister for Planning and Public Spaces is the consent authority.

Engagement

The application was publicly exhibited between 17 May until 15 June 2018 (30 days). The Department received a total of 16 submissions, including nine from public authorities (including an objection from City of Sydney Council) and seven from the public (including six objections). The key issues raised in the submissions include neighbour amenity (including noise, privacy and overshadowing impacts), heritage, tree removal, and construction impacts.

Assessment

The Department identified urban design and landscaping (including tree removal), heritage, neighbour amenity, internal amenity and noise impacts as the key assessment issues.

The Department's assessment concludes that the proposal exhibits design excellence and is consistent with the built form controls in the approved CIP concept proposal. The Department considers the proposal exhibits a high-quality design that is suitable for the site and would make a positive contribution to the site and the adjoining public domain and would not result in any significant adverse environmental or amenity impacts.

The proposed landscaping within the site, the pocket park and within the laneway adjacent to the site will make a significant improvement to the public domain. Tree removal has been addressed through the provision of replacement plantings that would result in a greater number of trees, greater canopy cover and greater proportion of native indigenous plantings compared to that provided within the existing site.

Heritage impacts arising from alterations to the existing terraces have been appropriately mitigated in the design of the proposal, having regard to its intended use for student accommodation and the need to meet current safety and access requirements. Mitigation measures including adaptive reuse of significant elements, measures to allow for interpretation of the original fabric, and archival recording would enable interpretation of the affected original structures and elements.

The proposal would not result in unacceptable privacy or overshadowing impacts to neighbours and has also been designed to ensure acceptable levels of internal amenity. Noise impacts can be satisfactorily mitigated during construction and operation, subject to further acoustic measuring, monitoring and verification.

The development would deliver educational infrastructure and accommodation facilities to address the needs of the Sydney Central Region. The facilities provide further investment in social infrastructure and support new construction and operational jobs.

Contents

1	Introduction	1
1.1	The Site	1
1.2	Previous Approvals: Campus Improvement Program Concept Proposal	5
1.3	Surrounding development	7
2	Project.....	8
3	Strategic context.....	13
4	Statutory Context.....	14
4.1	State significance	14
4.2	Permissibility	14
4.3	Other approvals.....	14
4.4	Mandatory Matters for Consideration.....	15
4.5	Biodiversity Development Assessment Report	18
5	Engagement.....	19
5.1	Department's engagement.....	19
5.2	Summary of submissions	19
5.3	Submissions	19
5.4	Applicant's Response to Submissions	22
6	Assessment	25
6.1	Built Form and Urban Design.....	25
6.2	Landscape Design, Tree Removal and Public Domain Improvements	30
6.3	Non-Indigenous Heritage Impacts.....	39
6.4	Neighbour Amenity.....	42
6.5	Internal Amenity	45
6.6	Noise	48
6.7	Development Contributions.....	52
6.8	Other issues	53
7	Evaluation.....	60
8	Recommendation.....	61
9	Determination.....	62
	Appendices	63
	Appendix A – List of documents	63
	Appendix B – Statutory Consideration.....	64
	Appendix C – Recommended Instrument of Consent	75
	Appendix D – Community Views for Draft Notice of Decision	76

1 Introduction

This report provides an assessment of a State significant development (SSD) application (SSD 7539) for development within the Merewether Precinct at the University of Sydney, Darlington Campus (**Figure 1**).

The proposal seeks approval for alterations and additions to a row of terrace houses on Darlington Road and to Darlington House, and construction of new buildings at the rear of the terraces to provide student accommodation, educational facilities and other accommodation.

The application has been lodged by The University of Sydney (the Applicant). The site is located within the City of Sydney local government area (LGA).

1.1 The Site

The University of Sydney is located approximately three kilometres south-west of the Sydney central business district. The University campuses in Camperdown and Darlington cover a combined area of approximately 49 hectares and are divided by City Road. The University has been developed progressively since its inception in the early 1850's, with the wider campus now containing over 230 buildings of varying architectural styles that house the University's 16 educational faculties. The campus is characterised by various low-scale and multi-storey education and ancillary buildings and expansive open space areas.

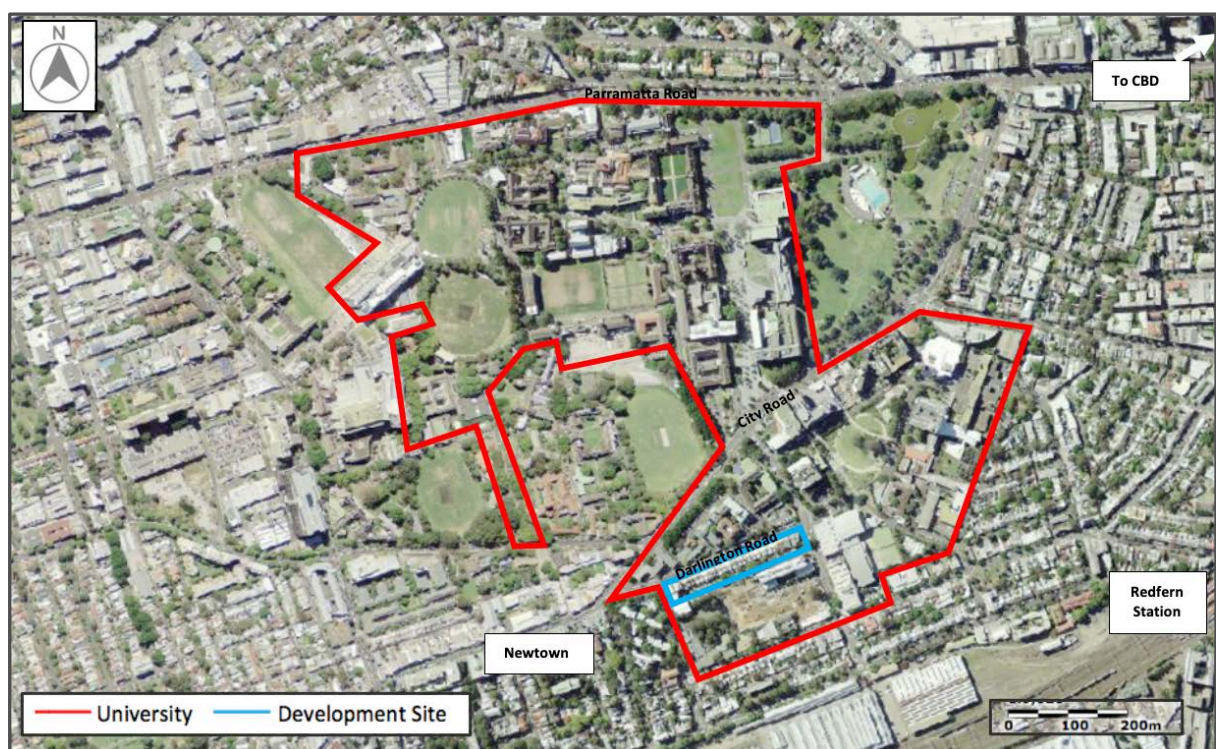


Figure 1 | Area Context Map (Source: Six Maps)

The development site is located within the Darlington campus within the Merewether Precinct of the University (see **Figures 1** and **7**). It consists of four groups of properties, incorporating 38 lots along Darlington Road, separated by seven privately owned terraces.

The development lots include:

- Darlington House and 121-131 Darlington Road.
- 98-119 Darlington Road.
- 94-96 Darlington Road.
- 86-87 Darlington Road.

An area of publicly accessible open space owned by the University fronting Codrington Street is also included in the proposal.

The privately-owned terraces between these lots include 88-93, 97 and 120 Darlington Road and are not part of the proposed development (**Figure 2**).

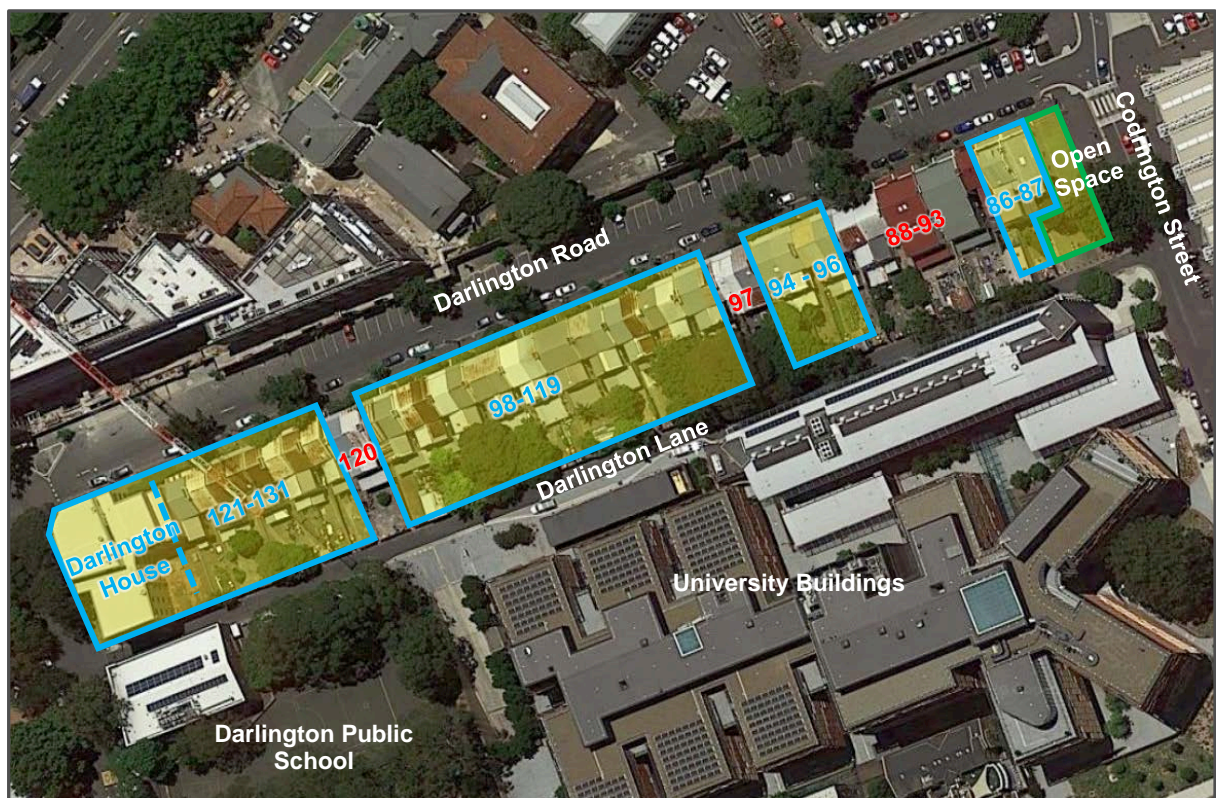


Figure 2 | Site Layout (Base Image Source: Google Earth)

The site is bounded by Darlington Road to the north, Golden Grove Street to the west, Darlington Lane and Abercrombie Business School to the south (the lane is also included in the project works) and Codrington Street to the east. Darlington Lane is owned by the City of Sydney Council.

The overall site area is approximately 5,765sqm. The land slopes from west to east and the terraces follow the fall of the land in a staggered form. A small pocket park is located on Codrington Street on the eastern edge of the development site.

The site is occupied by terrace houses with small garden beds/planting areas within the rear courtyards. The terraces are being used for student housing. Darlington House is a five-storey residential building, also used for student accommodation. Images of the site are shown in **Figures 3 to 6**.



Figure 3 | Terraces and Darlington House at western end of the site (Base Image Source: Google Earth)



Figure 4 | Terraces and small open space area at eastern end of the site (Base Image Source: Google Earth)



Figure 5 | Typical terraces / streetscape on Darlington Road (Base Image Source: Google Earth)

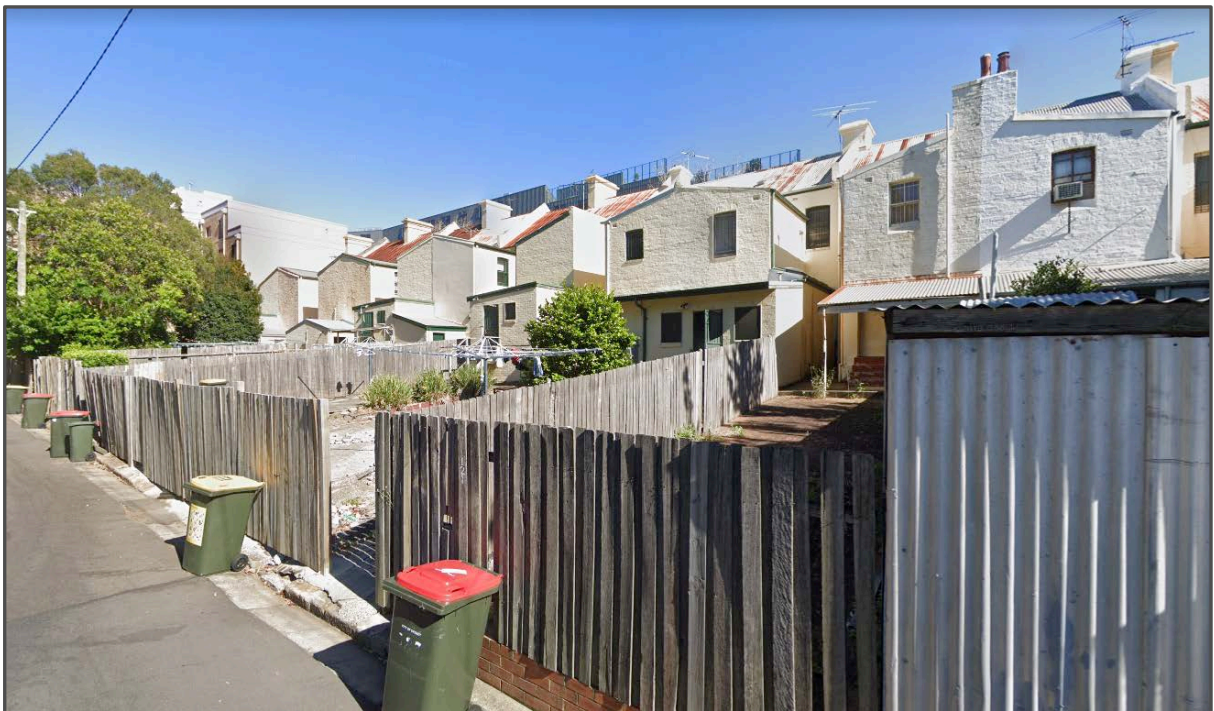


Figure 6 | Rear of terraces as viewed from Darlington Lane (Base Image Source: Google Earth)

1.2 Previous Approvals: Campus Improvement Program Concept Proposal

On 16 February 2015, the then Minister for Planning approved an SSD application (SSD 6123) for the University's Campus Improvement Program (CIP) concept proposal. The CIP concept proposal approved new educational establishment building envelopes of varying height and scale within six identified precincts. Any new built form within these precincts requires detailed development applications to be lodged with, and assessed by, the relevant consent authority.

The CIP concept proposal approval allows for a maximum additional gross floor area (GFA) of 264,650sqm within the approved building envelopes and an increase of approximately 10,000 new students and 400 new staff.

The subject application is within Precinct A (Merewether Precinct) of the approved CIP precincts plan. The CIP concept proposal approval allows for construction of new buildings at the rear of the existing terraces to a maximum height equivalent to 200mm less than the ridge line of the terraces (see **Figures 7 to 9**).

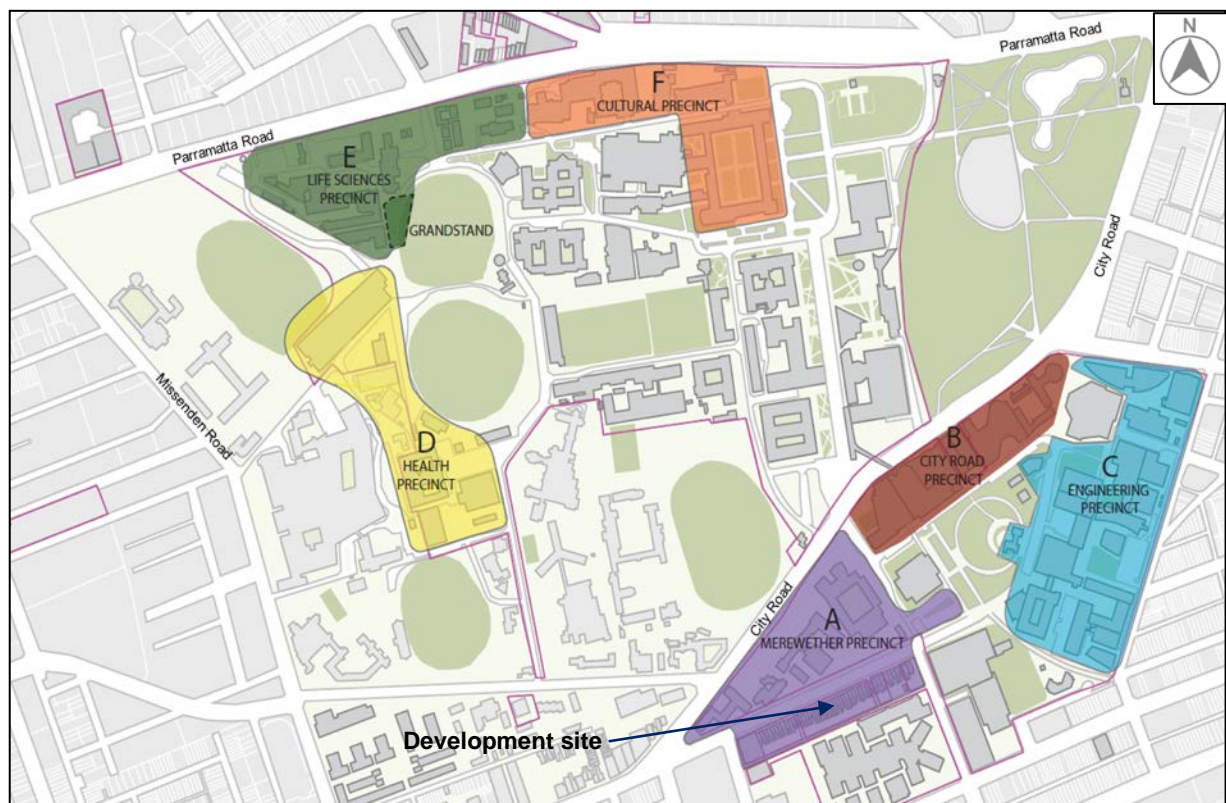


Figure 7 | CIP Approved Precincts (Source: SSD 6123)

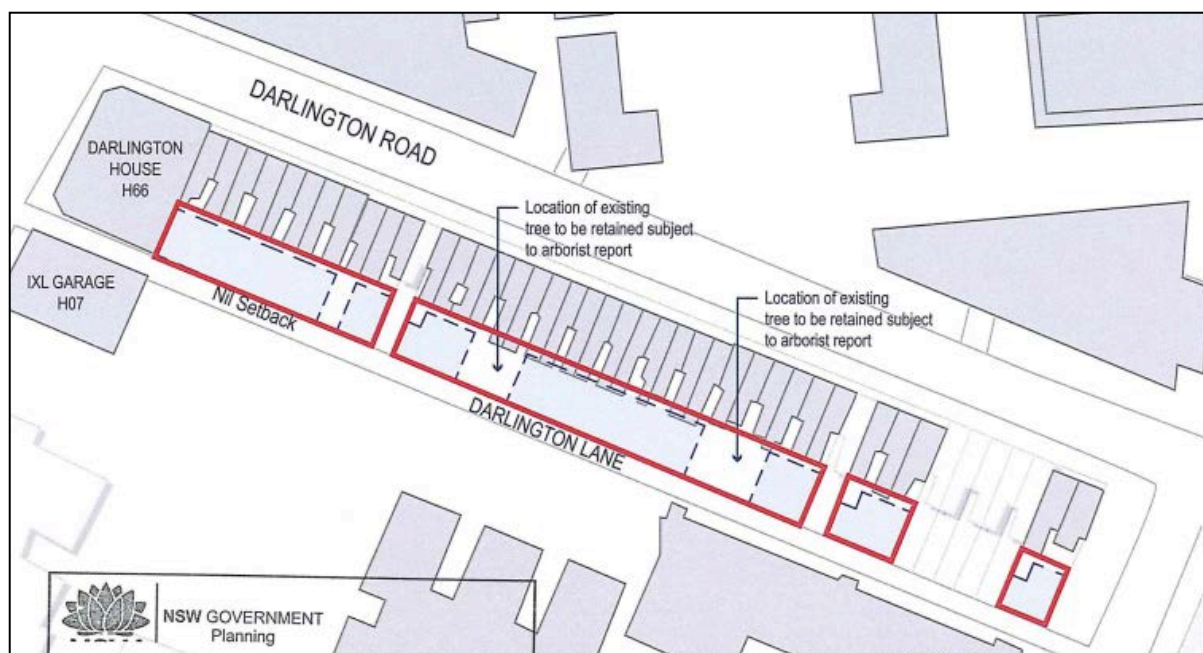


Figure 8 | CIP approved building envelopes (Source: SSD 6123)

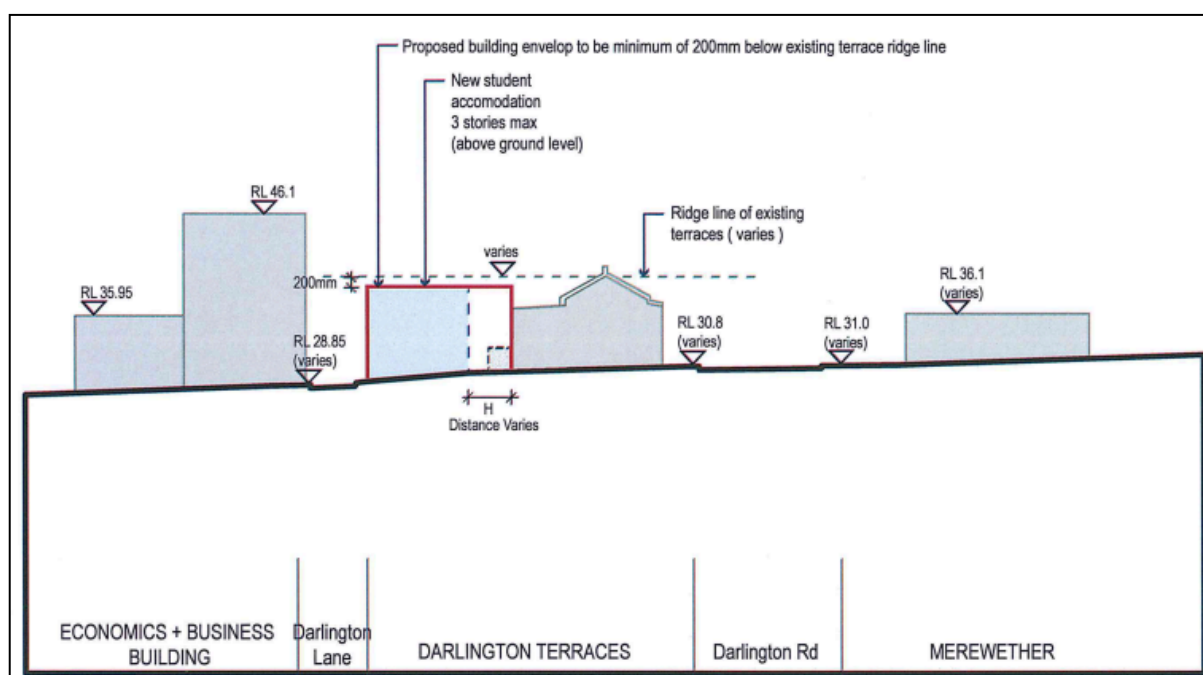


Figure 9 | CIP approved building envelopes (Source: SSD 6123)

The CIP concept proposal approval has been modified on one occasion. On 9 June 2015, the then Director, Infrastructure, as delegate of the then Minister for Planning, approved a modification which clarified that approved additional GFA is contained within the approved precinct building envelopes and that the consent does not preclude other minor development within CIP precincts outside of the building envelopes.

1.3 Surrounding development

The site adjoins privately owned terrace houses at 88-93, 97 and 120 Darlington Road. Darlington Public School is located opposite the site on Darlington Lane (**Figure 2**), which was recently approved for redevelopment. The redevelopment includes construction of a three storey school building for the school and pre-school and associated reconfiguration of the existing on-street pick-up / drop-off zones, landscaping, signage, fencing and public domain improvements. The redevelopment also includes demolition, tree removal, excavation works and lot consolidation.

Otherwise the site is predominantly surrounded by University buildings. On the opposite side of Darlington Lane is the Sydney University Business School including recently constructed Abercrombie and Codrington Buildings, presenting façades of three to four storeys to the lane (**Figure 10**).

On the opposite side of Darlington Road, at the western end of the site is the recently constructed four to nine storey Regiment Student Accommodation Building (**Figure 11**).

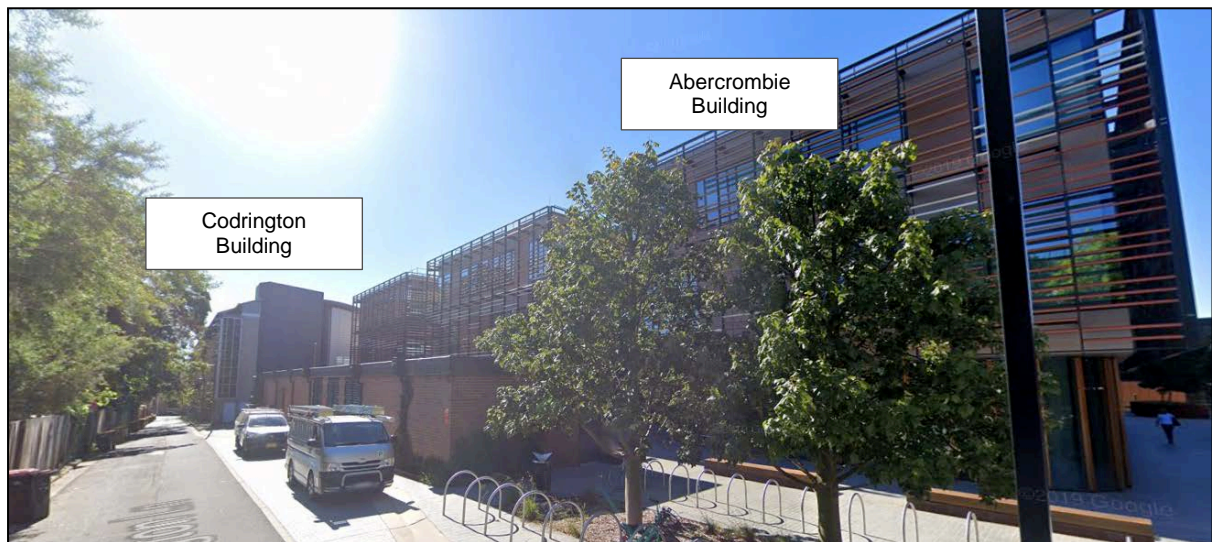


Figure 10 | Buildings opposite the site on Darlington Lane (Source: Google Earth)

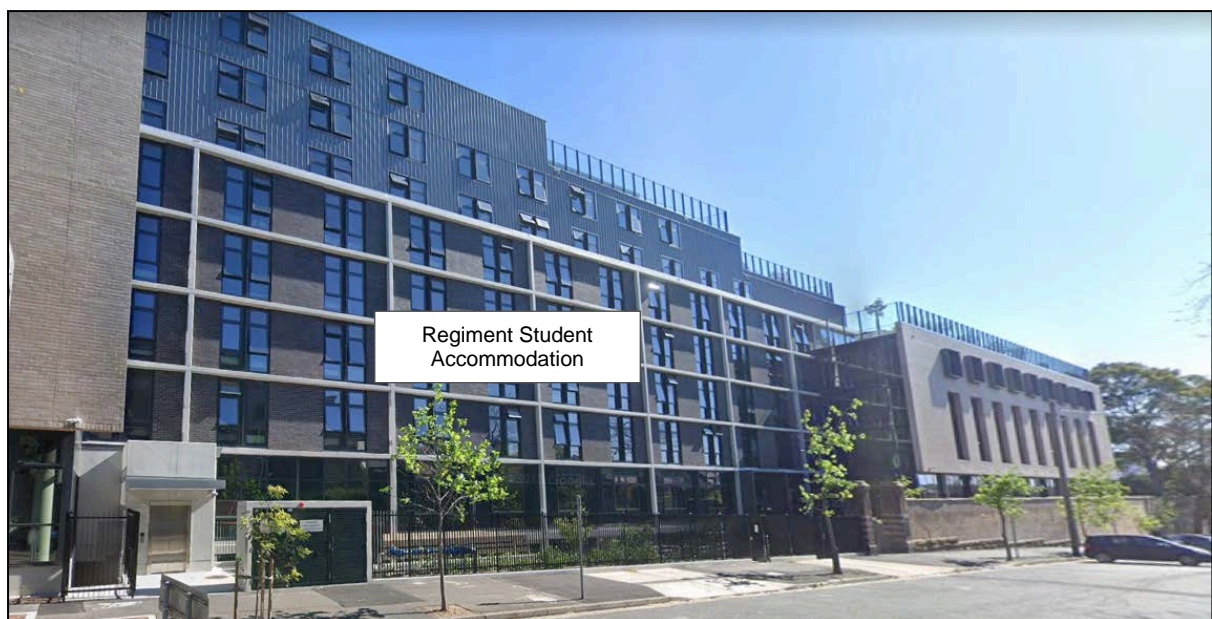


Figure 11 | Buildings opposite the site on Darlington Road (Source: Google Earth)

2 Project

It is proposed to develop the site predominantly for student accommodation, in conjunction with some accommodation for visiting academics, associated administration and new education facilities as well as upgrades to open space and Darlington Lane. Key aspects of the proposal are detailed in **Table 1** and shown in **Figures 12 to 18**.

The development application also includes a request for the Department to modify the CIP concept proposal approval to omit the requirement to retain Tree 25 from the approved plans.

Table 1 | Main components of the project

Aspect	Description
Project summary	Alterations and additions to the Darlington Road Terraces and Darlington House including new buildings at the rear of the terraces to provide accommodation and education facilities.
Alterations to Terraces	<p>Partial demolition of rear additions and internal alterations to terraces including demolition of some stairwells, internal walls, bathrooms and kitchens, construction of new internal walls, new bathrooms and kitchens to create seven student accommodation buildings:</p> <ul style="list-style-type: none"> 94-96 Darlington Road: student accommodation for up to 18 students with shared communal facilities 98-103 Darlington Road: student accommodation for up to 29 students with shared communal facilities and administration offices 104-107 Darlington Road: student accommodation for up to 23 students with communal facilities 108-113 Darlington Road: student accommodation for up to 36 students with communal facilities 114-119 Darlington Road: student accommodation for up to 35 students with communal facilities 121-123 Darlington Road: student accommodation for up to 17 students with communal facilities 124-131 Darlington Road: student accommodation for up to 43 students with communal facilities. <p>Internal alterations to upgrade two terraces including demolition of some stairwells, internal walls, bathrooms and kitchens, construction of new internal walls, new bathrooms and kitchens for use by visiting academics:</p> <ul style="list-style-type: none"> 86-87 Darlington Road: 8 bedrooms.
New Buildings	<p>Four new buildings at the rear of the sites:</p> <p>Building A – 3 to 4 storey student accommodation building for 51 students including:</p> <ul style="list-style-type: none"> Level 1: foyer, music / study rooms, laundry, garbage, plant and storage Level 2: bedrooms, bathrooms, dining, kitchen, study space Level 3: bedrooms, bathrooms Level 4: bedrooms, bathrooms, games lounge, roof terrace. <p>Building B – 3 to 4 storey student accommodation building for 77 students including:</p> <ul style="list-style-type: none"> Level 1: foyer, communal learning, laundry, garbage, plant and storage

- Level 2: bedrooms, bathrooms, dining, kitchen, study / tutorial spaces
- Level 3: bedrooms, bathrooms, study / reading / tutorial spaces
- Level 4: bedrooms, bathrooms, study / reading / tutorial spaces.

Building C – 2 storey lecture theatre and learning space including:

- Level 1: lecture theatre, storage and bathroom
- Level 2: multipurpose learning space, storage and bathroom.

Building D – 3 to 4 storey student accommodation building for 15 students including:

- Basement: garbage, plant
- Level 1: dining, kitchen, laundry, bedrooms, bathrooms
- Level 2: bedrooms, bathrooms
- Level 3: bedrooms, bathrooms.

Gross floor area (GFA)	New Buildings: 3,724sqm Total GFA: 7,151sqm
Total population / rooms	<ul style="list-style-type: none"> • 336 students accommodated in: <ul style="list-style-type: none"> ○ 143 single rooms (new buildings) ○ 124 single rooms (terraces) ○ 7 double bed (single occupancy) rooms (terraces) ○ 31 twin rooms (terraces) • 8 rooms in two dwellings for visiting academics.
Operational staff	<ul style="list-style-type: none"> • 6 staff.
Open space, public domain and landscaping	<ul style="list-style-type: none"> • New landscaped central courtyard and communal open space areas connecting the existing terraces to the new buildings • Landscaped roof terraces on Buildings A and B • Landscape planters and upgrade to Darlington Lane • Upgrade to Codrington Street Park • Upgrades to the front yards of existing terraces. <p>Removal of 38 trees and replacement planting with 44 trees, shrubs and groundcovers.</p>
Parking and loading	<ul style="list-style-type: none"> • No on-site car parking • 90 bicycle spaces provided in Darlington House • Service vehicles to use existing University spaces on Darlington Lane.
Jobs	<ul style="list-style-type: none"> • 95 construction jobs • Additional 6 full time operational jobs.
CIV	\$40 million.

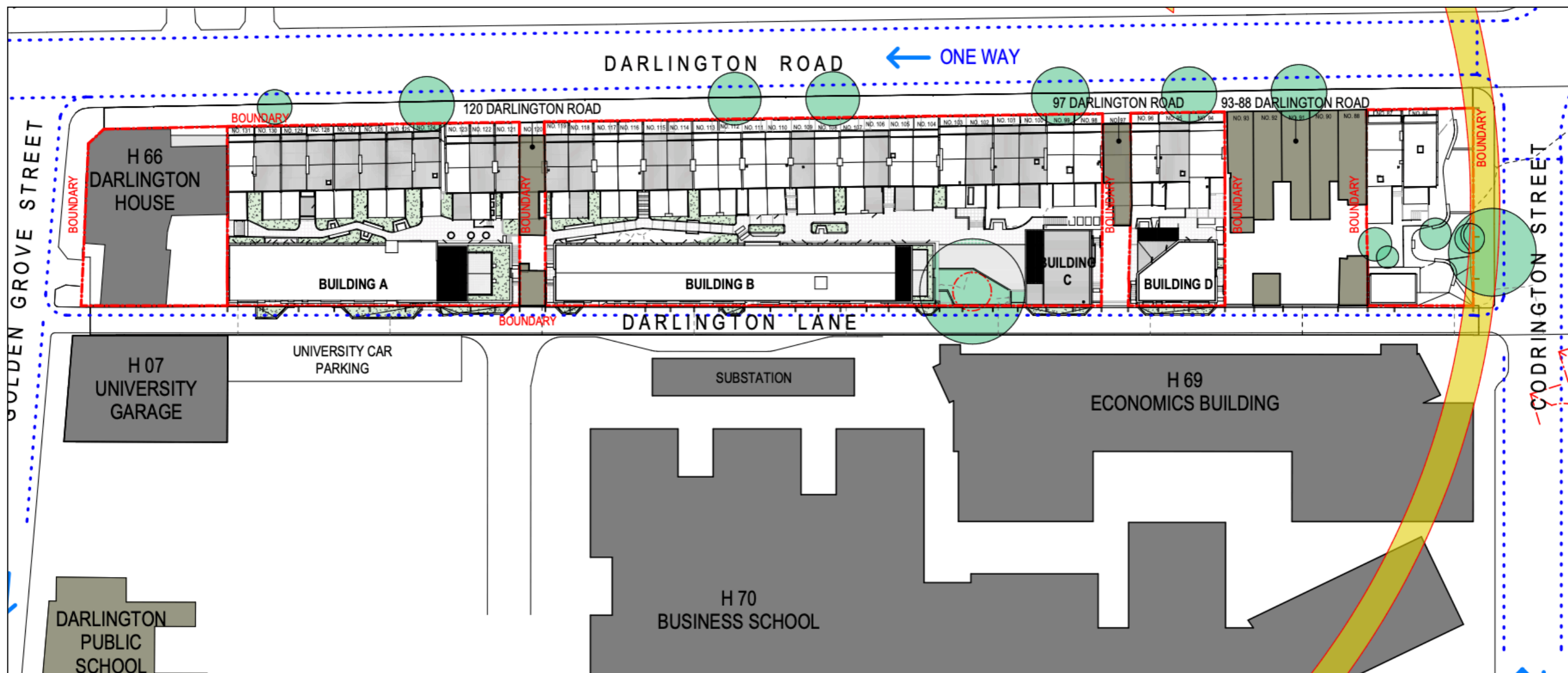


Figure 12 | Extract from Site Analysis Plan indicating proposed site layout (Base source: RtS)



Figure 13 | Proposed southern elevation fronting Darlington Lane (Base source: RtS)

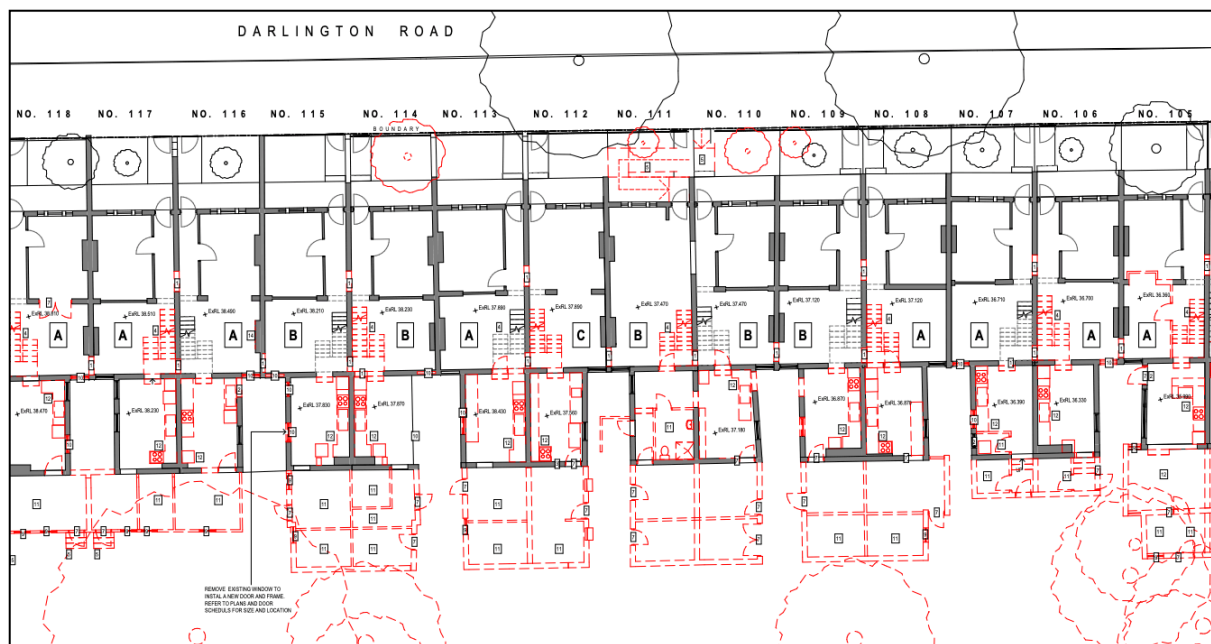


Figure 14 | Extract from architectural plans showing typical extent of demolition proposed for existing terrace buildings (Base source: RtS)

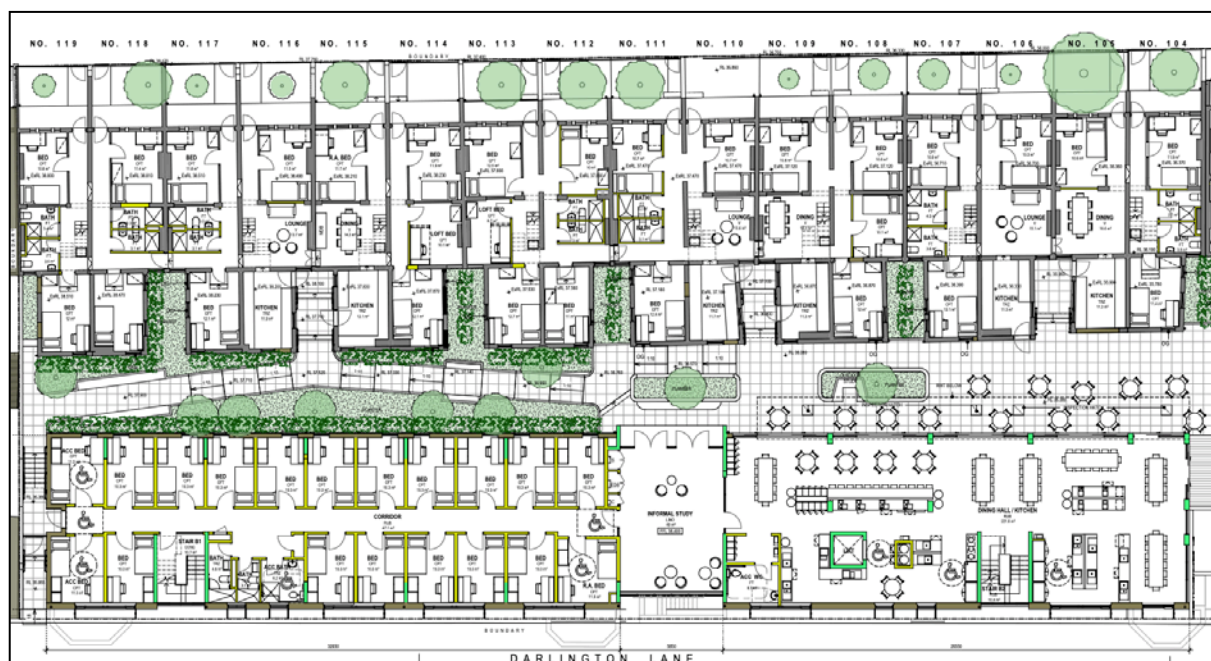


Figure 15 | Extract from architectural plans ground floor plan for Building B and terraces at 104 to 119 Darlington Road (Base source: RtS)

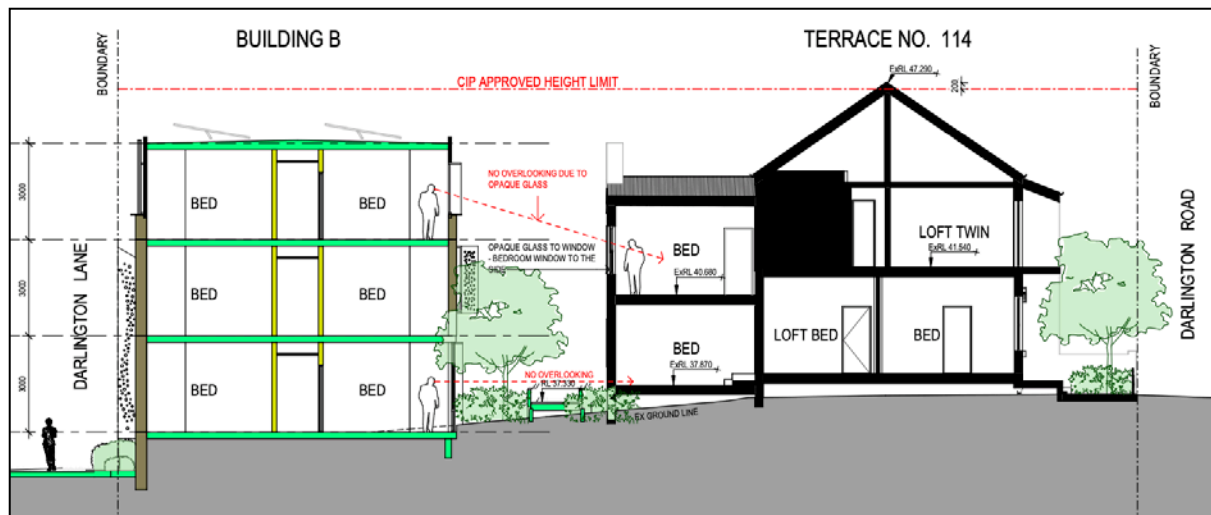


Figure 16 | Extract from architectural plans showing typical north-south cross section through the site (Base source: RtS)



Figure 17 | Proposed Building A on Darlington Lane (Base source: RtS)



Figure 18 | Proposed Buildings B, C and D on Darlington Lane (Base source: RtS)

3 Strategic context

The Applicant states that the proposed development will address the undersupply of University affordable housing within the campus by delivering affordable student housing on the main campus, with easy access to campus educational, cultural and open space facilities. The proposal would also enable refurbishment of aged, but heritage listed buildings, to contribute to the character of the area and enhance the public realm through improved open space and the upgrade of Darlington Lane.

The proposal would strengthen the University's role in contributing to the growth of the Sydney Education and Health Precinct within the Central Sydney subregion.

The Department considers that the proposal is appropriate for the site given:

- it is consistent with the Greater Sydney Region Plan *A Metropolis of Three Cities*, as it seeks to enhance education-related facilities at the University of Sydney, a key asset of the Innovation and Eastern Economic Corridors identified under the plan. The proposal will increase the supply of housing and improve affordable rental housing options for students in the locality.
- it is consistent with the relevant priorities of the Greater Sydney Commission's Eastern City District Plan, as it would as it would support strengthening the international competitiveness of the Innovation Corridor and the continuing growth of the Camperdown-Ultimo Health and Education Precinct, supporting the university by providing well-located housing for students.
- it is consistent with NSW *Future Transport Strategy 2056*, as it locates students on campus, removing the need for travel to the University, provides facilities to support active transport travel options and does not provide on-site parking thereby encouraging the use of public transport.
- it would provide direct investment in the region of approximately \$40 million and would support 95 construction jobs and 6 new operational jobs.

4 Statutory Context

4.1 State significance

The proposal is SSD under section 4.36 (development declared SSD) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as the development has a CIV in excess of \$30 million (\$40 million)) and is for the purpose of a tertiary institution, being an educational establishment, under clause 15 of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).

The Department has formed the view that the development of student accommodation facilities by the University, located on the University campus and for the use of the University students is development for the purpose of a tertiary institution (being an educational establishment) or is, at least, for a purpose ancillary to an educational establishment. Consequently, the proposal is considered to meet the requirements of SSD, as defined under the SRD SEPP.

The Minister for Planning and Public Spaces is the consent authority under section 4.5 of the EP&A Act.

4.2 Permissibility

The site is zoned SP2 Infrastructure (Educational Establishment) under SLEP 2012. The objectives of the zone are to provide for infrastructure and related uses.

Educational establishments, including any development which is ordinarily incidental or ancillary to educational establishments, in this case student and visiting academic accommodation, are permitted with consent. The development is consistent with the objectives of the zone as it seeks to provide new infrastructure and related facilities for students that would be compatible with the existing functions of The University of Sydney.

4.3 Other approvals

Under Section 4.41 of the EP&A Act, a number of other approvals are integrated into the State significant development approval process, and consequently are not required to be separately obtained for the proposal.

Under Section 4.42 of the EP&A Act, a number of further approvals are required, but must be substantially consistent with any development consent for the proposal (e.g. approvals for any works under the *Roads Act 1993*).

The Department has consulted with the relevant public authorities responsible for integrated and other approvals, considered their advice in its assessment of the project, and included suitable conditions in the recommended conditions of consent (see **Appendix C**).

4.4 Mandatory Matters for Consideration

Environmental planning instruments

Under section 4.15 of the EP&A Act, the consent authority is required to take into consideration any environmental planning instrument (EPI) that is of relevance to the development the subject of the development application. Therefore, the assessment report must include a copy of, or reference to, the provisions of any EPIs that substantially govern the project and that have been taken into account in the assessment of the project.

The Department has undertaken a detailed assessment of these EPIs in **Appendix B** and is satisfied the application is consistent with the requirements of the EPIs.

Objects of the EP&A Act

The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent/ approval) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects. Therefore, in making an assessment, the objects should be considered to the extent they are relevant. A response to the objects of the EP&A Act is provided at **Table 2**.

Table 2 | Response to the objects of section 1.3 of the EP&A Act

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources	The development would ensure the proper management and development of suitably zoned land for the social welfare of the community and State through the adaptive re-use of heritage buildings for education and ancillary purposes.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal includes measures to deliver ecologically sustainable development as described below.
(c) to promote the orderly and economic use and development of land,	The development would meet the objectives of the zone and deliver improved facilities for tertiary education infrastructure for the State. The development would economically serve the community through new jobs and infrastructure investment.
(d) to promote the delivery and maintenance of affordable housing,	The provision of student housing provides an affordable accommodation option for students and will also assist with relieving pressure on the local rental housing market.

(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The proposed development would not result in the loss of any threatened or vulnerable species, populations, communities or significant habitats.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposal will promote the sustainable management of the heritage listed terrace houses – see Section 6.4 . The proposal has also been designed having regard to local Aboriginal cultural heritage – see Section 6.8 .
(g) to promote good design and amenity of the built environment,	The proposal has evolved from a competitive design process and been reviewed by the Government Architect NSW (GANSW) throughout the assessment of the proposed development. The Department considers the application would provide for good design and amenity of the built environment – see Section 6.1 .
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The Department has considered the proposed development and has recommended conditions of consent to ensure the construction and maintenance is undertaken in accordance with legislation, guidelines, policies and procedures (Appendix C)
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposal (Section 5.1), which included consultation with Council and other public authorities and consideration of their responses (Sections 5.2, 5.4 and 6).
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal as outlined in Section 5.1 , which included notifying adjoining landowners, placing a notice in newspapers and displaying the proposal on the Department's website and at Council during the exhibition period.

Ecologically sustainable development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle.
- inter-generational equity.
- conservation of biological diversity and ecological integrity.
- improved valuation, pricing and incentive mechanisms.

The development has been designed in accordance with The University of Sydney Sustainability Framework as described in the EIS and is targeting a 'Silver' level under that framework.

ESD initiatives and sustainability measures proposed to be incorporated into the design include:

- structures designed to optimise natural heating, cooling, lighting and ventilation and minimise mechanical heating and cooling.
- installation of energy and water efficient fixtures and fittings.
- solar photovoltaic system to be located on the roof.
- roof mounted solar hot water system.
- water conservation measures, rainwater harvesting, recycling and reuse.
- water sensitive urban design.
- support facilities for sustainable travel.
- adaptive reuse of existing buildings and selection of sustainable new materials.

BASIX certificates have also been submitted for the upgraded dwellings at 86 and 87 Darlington Road to demonstrate improvements in energy and water efficiency.

The development would not result in the loss of any threatened or vulnerable species, populations, communities or significant habitats. A total of 38 trees are proposed for removal as part of the application. New landscaping forms part of the proposal and would offset the loss of vegetation across the site.

The Department has considered the proposed development in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision-making process via a thorough and rigorous assessment of the environmental impacts of the proposed development. The proposed development is consistent with ESD principles as described in Section 5.12 of the EIS, which has been prepared in accordance with the requirements of Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

Overall, the proposal is consistent with ESD principles and the Department is satisfied the proposal has satisfactorily incorporated ESD principles in the design, construction and operation of the development as required by condition B26 of the CIP concept proposal approval, and in accordance with the objects of the EP&A Act.

Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for Notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with.

Planning Secretary's Environmental Assessment Requirements

The EIS is compliant with the Planning Secretary's Environmental Assessment Requirements (SEARs) and is sufficient to enable adequate consideration and assessment of the proposal for determination purposes.

Section 4.15(1) matters for consideration

Table 3 identifies the matters for consideration under section 4.15 of the EP&A Act that apply to SSD in accordance with section 4.40 of the EP&A Act. The table represents a summary for which additional information and consideration is provided for in **Section 6** (Assessment) and relevant appendices or other sections of this report and EIS, referenced in the table.

Table 3 | Section 4.15(1) matters for consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. The Department's consideration of the relevant EPIs is provided in Appendix B of this report.
(a)(ii) any proposed instrument	Satisfactorily complies. The Department's consideration of relevant draft EPIs is provided in Appendix B of this report.
(a)(iii) any development control plan (DCP)	Under clause 11 of the SRD SEPP, DCPs do not apply to SSD. Notwithstanding, consideration has been given to relevant DCPs at Appendix B .
(a)(iia) any planning agreement	Not applicable.
(a)(iv) the regulations Refer Division 8 of the EP&A Regulation	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6 of the EP&A Regulation), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	Appropriately mitigated or conditioned - see Section 6 .
(c) the suitability of the site for the development	The site is suitable for the development as discussed in Sections 3 and 6 .
(d) any submissions	Consideration has been given to the submissions received during the exhibition period. See Sections 5 and 6 .
(e) the public interest	Refer to Section 6 of this report.

4.5 Biodiversity Development Assessment Report

Under section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act), SSD applications are “to be accompanied by a biodiversity development assessment report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values”.

The proposed works are not likely to have a significant impact on biodiversity values. The relevant Agency heads have determined that the application for the Darlington Terraces development is not required to be accompanied by a BDAR.

5 Engagement

5.1 Department's engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application from 17 May until 15 June 2018 (30 days). The application was exhibited at the Department and on its website, at NSW Service Centres and at the City of Sydney Council's office.

The Department placed a public exhibition notice in the Sydney Morning Herald and Daily Telegraph on 16 May 2018 and in the Inner West Courier on 15 May 2018. Adjoining landholders and relevant State and local government authorities were also notified in writing. Department representatives visited the site to provide an informed assessment of the development.

The Response to Submissions (RtS) was exhibited in the Department's website, NSW Service Centres and notified to Council and public authorities from 19 June to 2 July 2020.

The Department has considered the comments raised in the public authority and public submissions during the assessment of the application (**Section 6**) and/or by way of recommended conditions in the instrument of consent at **Appendix C**.

5.2 Summary of submissions

During the exhibition period, the Department received a total of 16 submissions on the proposal. Of the submissions received, eight were from public authorities, one was from the City of Sydney Council (Council), and seven were from the community.

A summary of the issues raised in the submissions is provided at **Section 5.3** and **5.4**. Copies of the submissions may be viewed at **Appendix A**.

5.3 Submissions

Public Authority Submissions

The key Issues raised in submissions from Council and public authorities are summarised in **Table 4**.

Table 4 | Public authority submissions

City of Sydney Council (Council)

Council objects to the proposal and raised the following concerns:

- Council should be the consent Authority as the application is not considered to be SSD (it is a residential development rather than an educational establishment), and as it affects Council land, Council is best placed to provide a coordinated assessment of the application.
- Council has not granted landowners consent to the works in Darlington Lane.

- the plans should be revised to minimise heritage impacts. More detail is needed in the heritage assessment and the drawings. The proposed three storey buildings would have an overbearing impact on the adjoining dwellings, resulting in adverse heritage outcomes.
- The City of Sydney Development Contributions Plan applies to the proposal rather than the Redfern-Waterloo Contributions Plan and development contributions should not be waived.
- better consideration to the interface between the public domain and the pocket park is required.
- the on-street 'loading zone' will require a separate application to RMS and Council.
- a significant oak tree should be retained; further information and amendments to plans are required to ensure appropriate tree protection and to ensure the courtyard areas can achieve circulation, security amenity and longevity of plantings.
- room layouts should be revised to ensure bedrooms are at least 10sqm (single) and 15sqm (double).
- further information is required to demonstrate solar access to communal living rooms and adjoining premises and that internal overlooking will be mitigated.
- additional laundry facilities should be provided.
- a public art strategy was not submitted with the proposal.

Transport for NSW (TfNSW)

TfNSW does not object to the proposal and provided the following comments:

- bicycle parking should be provided in each of the residential buildings (not just in Block 1).
- a Construction Pedestrian and Traffic Management Plan (CPTMP) should be prepared in consultation with TfNSW (Sydney Coordination Office).
- the builder's contact number must be provided to TfNSW and businesses impacted by the construction work.

The former Roads and Maritime Services (now TfNSW) also provided the following comments:

- a Construction Traffic Management Plan (CTMP) be prepared.
- all works associated with the development are to be at no cost to RMS.
- further information is required to demonstrate if the criteria are met for a 10km/h shared zone.

Environment, Energy, and Science Group of the Department of Planning, Industry and Environment (EESG)

EESG does not object to the proposal and made the following comments:

- a biodiversity assessment report (BDAR) is required or a BDAR waiver must be provided.
- an archaeological assessment of Aboriginal Heritage is required.
- EESG encourages green roofs or cool roofs to be incorporated into the design.
- EESG is satisfied that drainage and flood management have been appropriately addressed.

Heritage Division, Department of Premier and Cabinet (Heritage NSW)

Heritage NSW does not object to the proposal and provided the following comments:

- the site is not on the State Heritage Register, and would not negatively affect items on the SHR.

- as the buildings are local heritage items, input from the City of Sydney Council should be sought.
- an archaeological monitoring strategy should be developed to ensure appropriate action is taken in the case of unexpected finds.

Urban Growth NSW Development Corporation (UGDC)

UGDC does not object to the proposal, and provided the following comments:

- UGDC supports the request to provide an exemption to affordable housing contributions, in recognition that the application is on behalf of the Crown for the provision of lower cost accommodation.
- contributions should be paid in accordance with the requirements of the Redfern-Waterloo Authority Contributions Plan but a credit could be applied for public domain improvement works undertaken by the Applicant.

NSW Environment Protection Authority (EPA)

The EPA does not object to the proposal, and provided the following comments:

- Contamination - ensure:
 - the remedial action plan (RAP) is implemented.
 - identified contamination is notified as required, does not result in a change of risk and identified processes for assessing the suitability of land and remediation are followed.
 - an unexpected find protocol is developed for asbestos, lead-based paint and other contaminants.
 - asbestos waste removal is undertaken in accordance with guidelines and in consultation with Safework NSW and an Asbestos Works Management Plan.
- Noise:
 - further information including background noise monitoring at Darlington Public School and assessment of construction and operational noise impacts on the school is required.
 - a quantitative assessment of operational noise impacts on surrounding residences and the school is required, mechanical plant must not exceed 5 dBA above background noise levels.
 - use of the terrace recreation areas should be restricted to minimise noise impacts.
 - waste and garbage collection hours should be restricted to minimise noise impacts.
 - construction hours should be amended to be consistent with the EPA's Interim Construction Noise Guideline and should include intra-day respite periods.
 - measures to reduce noise from idling / queuing construction vehicles and reversing or movement alarms are recommended.
- measures to reduce dust, sediment and waste from the site are recommended.

Sydney Water

Sydney water does not object to the proposal and recommended standard conditions in relation to building plan approval and a Section 73 certificate required for connection with Sydney Water Infrastructure.

Ausgrid

Ausgrid does not object to the proposal and notes the Applicant has made an application for connection to Ausgrid, including removal of existing infrastructure and installation of new connections.

Sydney Airport

Sydney Airport does not object to the proposal and notes:

- approval is given to development to a maximum height of 50m AHD.
- separate approval is required for any temporary structures which exceed 45.72m in height.

Community Issues

Seven public submissions were received, of which six objected to the proposal and one made comments. Key concerns included:

- amenity impacts to neighbours – privacy, overshadowing, visual impacts (43%).
- heritage and character impacts (43%).
- operational noise impacts (43%).
- operational management: safety and noise (43%).
- impacts of increased population (29%).
- road, traffic and parking impacts (29%).
- construction impacts (dust, property damage, rear lane access) (29%).
- contamination and asbestos (14%).
- safety of cladding material (14%).
- stormwater impacts (14%).
- development contributions (14%).
- wind impacts (14%).

5.4 Applicant's Response to Submissions

Following the exhibition of the application, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions.

On 9 June 2020, the Applicant provided a Response to Submissions (RtS) (**Appendix A**) on the issues raised during the exhibition of the proposal.

The RtS made the following changes to the proposed new buildings:

- overall design refinements to the floor plans and layouts of the buildings and minor associated change in GFA (from 3,717sqm to 3,724sqm).
- change to envelope of Building D – increase in building height (from RL 41.95 to RL 42.3) but reduction in floor space and splayed footprint of upper levels to improve solar access to neighbour.
- amendments to facade design fronting Darlington Lane.
- privacy screening.
- landscaping improvements to terraces and Codrington Park.
- additional washing machines and dryers added to laundry.
- changes to design of Darlington Lane.

No further changes were made to the proposed alterations to the existing terraces. The RtS also included additional information in relation to heritage, the laneway upgrade and biodiversity.

The RtS was placed on the Department's website and referred to Council and public authorities. An additional 11 submissions were received including seven from public authorities and four from the public. The submissions are summarised in **Table 5** and copies of the submissions at **Appendix A**.

Table 5 | Summary of submissions to the RtS

Council

Council advised it maintains its objection to the proposal and reiterated concerns relating to:

- Council being the consent Authority as the application is not SSD.
- adverse heritage impacts as a result of the alterations to the existing terraces.
- development contributions under Council's Development Contributions Plan.
- landscaping and trees.
- residential amenity and proposed room sizes.
- shadow impacts to neighbouring premises.

TfNSW

TfNSW recommended conditions reflecting its earlier comments in relation to the need for a CPTMP and builders contact number.

EESG

EESG initially advised:

- a biodiversity assessment report (BDAR) waiver request is currently being assessed and must be determined prior to the issue of any development consent.
- there are no further comments in relation to flooding.

EESG later confirmed that a BDAR was not required.

Heritage NSW

Heritage NSW provided the following comments:

- since providing its earlier comments to the Department, 'The University of Sydney, University Colleges and Victoria Park' has been formally listed as an item of State Heritage Significance. However, the proposed development retains a physical and visual separation with the listed item and no concerns are raised with respect to heritage impacts.
- previous advice in relation to the need for an archaeological monitoring strategy is reiterated.

EPA

EPA:

- does not support the Applicant's request for extended construction hours as no clear justification for the extended hours has been provided.
- raises no objection to the Applicant's proposed hours for use of the rooftop terraces.

Sydney Airport

As overall height remains unchanged, Sydney Airport advised earlier advice still stands.

Civil Aviation Safety Authority (CASA)

CASA advised that as the building are two to three storeys and smaller than surrounding development, it has no objections to the proposal.

Public Submissions

Four additional public submissions were received, all of which objected to the proposal. Key concerns included:

- heritage impacts.
- impacts to neighbours – privacy, overshadowing, safety, noise.
- potential for damage to adjoining premises.
- tree removal and replacement.
- the development is not for educational purposes and the proposal should be assessed by Council.
- the existing concept proposal approval has lapsed.
- building maintenance costs are not a relevant matter for assessment.

Supplementary RtSs (SRtS) were submitted on 6 October 2020 and 15 October 2020, which included:

- changes to envelope of Building B – a small reduction in floor area at upper levels of the north-west corner to improve solar access to neighbour.
- a BASIX certificate for Nos 86 and 87 Darlington Road as these terraces can be used as separate dwellings for visiting academics.
- further details regarding internal amenity for future residents.
- bat survey for biodiversity waiver request.

6 Assessment

6.1 Built form and urban design

This section considers the design of the proposed new buildings. **Section 6.2** contains an assessment of landscape design, tree removal and public domain improvements. Alterations to the existing terraces are considered in **Section 6.3** under European heritage.

Campus Improvement Program (CIP) Building Envelopes

Built form across the University and the Merewether Precinct was carefully considered in the assessment of the CIP concept proposal approval, which included approval of building envelopes and design principles for the site. The CIP concept proposal approval requires future development to be undertaken generally in accordance with the approved CIP plans and documents, including the approved building envelopes.

The CIP concept proposal approval established four building envelopes for the site with a maximum height equivalent to 200mm below the ridgeline of the adjacent terrace building. The proposed new buildings are located entirely within the approved maximum building envelopes as shown in **Figures 19 and 20**.

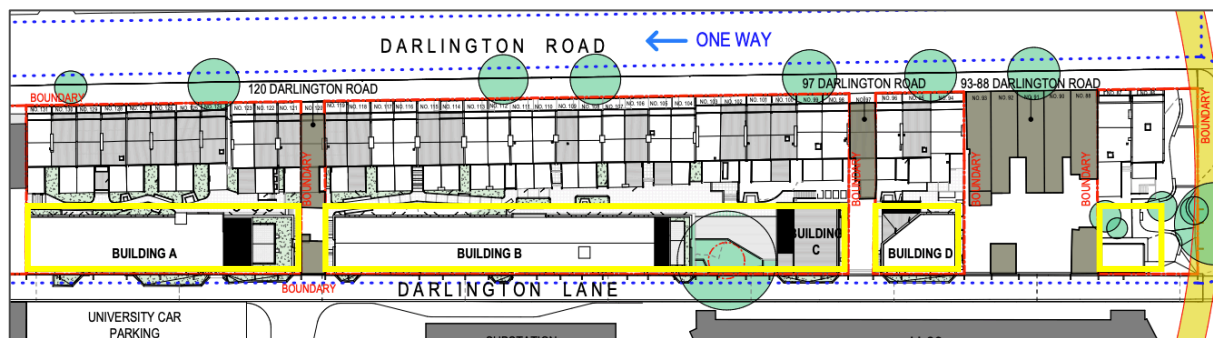


Figure 19 | Site plan with approved CIP envelopes in yellow (Base image source: Amended RtS)

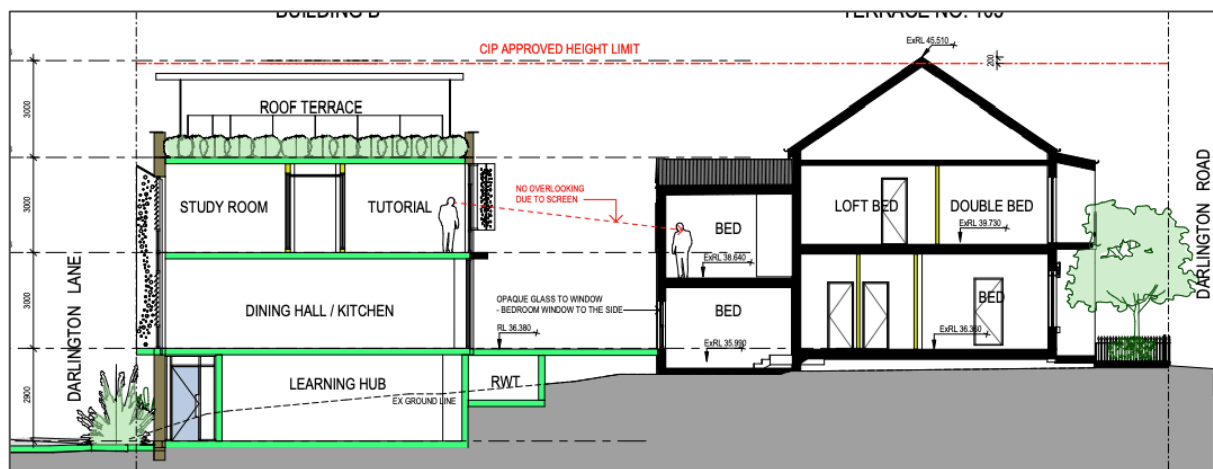


Figure 20 | Typical section showing building height below terrace ridge (Source: Amended RtS)

The approved envelope plans also include notations that future buildings would have a maximum height of three storeys above ground level. Buildings A, B and D include a sub-basement level that would be located predominantly below ground level, but would result in some parts of the buildings having a technical height of four storeys above ground level. The extent of the variations are considered to be minor and arise due to the topography of the site. As viewed from the heritage listed terraces, the basement level will not be perceptible, ensuring the development maintains an appropriate visual relationship with the scale of the terraces. Given the proposed buildings fully comply with the building envelope height established by the ridgeline of the adjacent terraces, and given the sub-basement level is predominantly below ground level and not perceptible as viewed from the heritage items, the Department is satisfied the intention of the notations on the building envelope plans has been met and the proposal is generally in accordance with the terms of the CIP concept proposal approval.

The approved envelope plans also include notations and indicative future-built forms that indicate that future buildings would not occupy the entire envelope but would be designed to enable tree retention and solar access to adjacent properties. This is discussed further in **Sections 6.2** and **6.4**.

Council raised concerns that the approved envelopes were overly generous and that the buildings should be reduced in scale or set back further from the existing terraces to reduce impacts on the heritage values of the terraces. Following the submission of the RtS, GANSW also raised concern with the overall density and scale of the development, with the limited separation between the new buildings and the terraces, and advised that consideration could be given to partially increasing building height if it would reduce building footprints and improve tree retention.

The Department considers the building envelopes, including building height and footprint, were carefully assessed in the CIP concept proposal approval, and the approved envelopes were found to be appropriate having regard to the heritage values of the adjacent terraces. This included consideration and control of building heights to ensure the new buildings would sit below the ridgelines of the heritage listed terraces. The Department notes the proposal results in greater setbacks between the new and old buildings on the site than envisaged by the CIP concept proposal approval. As seen in **Figure 8**, the approved envelopes extend to the rear building line of the existing terraces, while the proposed development results in substantial building separation due to the removal of rear building elements from the terraces. This improves outcomes for the setting and interpretation of the rear of the terraces. Privacy outcomes relating to building separation are considered in more detail in **Section 6.5** and the proposal is not considered to result in unacceptable privacy impacts. The Department is satisfied that as the proposed buildings sit well within the approved building envelopes, overall bulk, scale and building separation outcomes are consistent with those envisaged by the CIP concept proposal approval.

In addition to the building envelope controls, the CIP concept proposal approval also sets out requirements in relation to design excellence, presentation to the public domain, sustainability, amenity, safety, heritage and landscaping. The Department has carefully considered the proposed buildings against those requirements throughout this report. The Department is satisfied the proposal is consistent with the built form and urban design requirements of the CIP concept proposal approval.

Building design and design excellence

The CIP concept proposal approval requires development to demonstrate design excellence, having regard to:

- standard of architectural design, materials and detailing appropriate to the building type and location.
- the form and external appearance impact on the quality and amenity of the public domain.
- incorporation of sustainable design principles.
- competitive design process requirements.

Clause 6.21 of SLEP 2012 also requires the proposal to demonstrate design excellence to ensure that the highest standard of architectural, urban and landscape design is achieved. Similar matters to those outlined above are required to be considered. Consideration is given to the design excellence provision of SLEP 2012 in **Appendix B**.

Throughout the assessment process, input has also been sought from GANSW. Following submission of the application, GANSW advised it strongly supports the proposal for student accommodation and provided recommendations in relation to expression of the original subdivision pattern, interpretation of stairs to be removed from the terraces, privacy, tree retention and landscaping.

The RtS scheme was developed and refined having regard to design advice provided by GANSW, including:

- further consideration of expression of the original subdivision pattern (discussed below).
- expression of stairs profiles for stairs removed from the terraces (**Section 6.3**).
- incorporation of windows, screening and landscaping to maximise privacy (**Section 6.5**).
- amendments to landscaping to interpret the heritage subdivision pattern (**Section 6.2**).

Following the submission of the RtS, GANSW noted outstanding concerns related to building scale and impacts to open space, landscaping quality and tree retention. These issues have been considered and discussed in this report, and the Department is satisfied the proposal has responded to the advice of GANSW where appropriate.

The Department considers that architecturally, the new buildings and associated landscaping have been designed to respond to the site constraints, the heritage values of the adjoining terraces, the future development of the precinct as envisaged by the CIP, and to interface with the surrounding area. Overall the new buildings present as contemporary residential accommodation and educational facilities, suitable to their location within the University and the Merewether Precinct.

The building massing and façades were amended in the RtS to respond to comments from GANSW that the buildings should express the original subdivision pattern and the requirements of Condition B2 of the CIP concept proposal approval that:

“Future built form within the Darlington Terrace building envelopes (No 3) shall ensure that the original terrace row subdivision pattern is satisfactorily interpreted within its Darlington Lane elevation and does not appear as single large built form mass.”

The buildings incorporate a variety of façade elements including the main base, the metal clad top and regular pop-outs (**Figure 21**) designed to reference the rhythm and pattern of the rear of the existing terraces. As seen in **Figures 21** and **22**, these elements are distinguished by a variety of building materials, articulation and variation in massing which add visual interest to the buildings and ensure they do not present ‘as a single large form mass’.

The pop-outs reflect the pop-outs on the existing terraces, which are the dominant feature on the south façade of the terraces, providing a regular rhythm as viewed from the laneway. The new pop-outs will not mimic the terraces, but rather will provide a modern interpretation, having a similar proportion but composed of lightweight steel and providing a regularity to the façades, interspersed by breaks and subtle changes along the way.

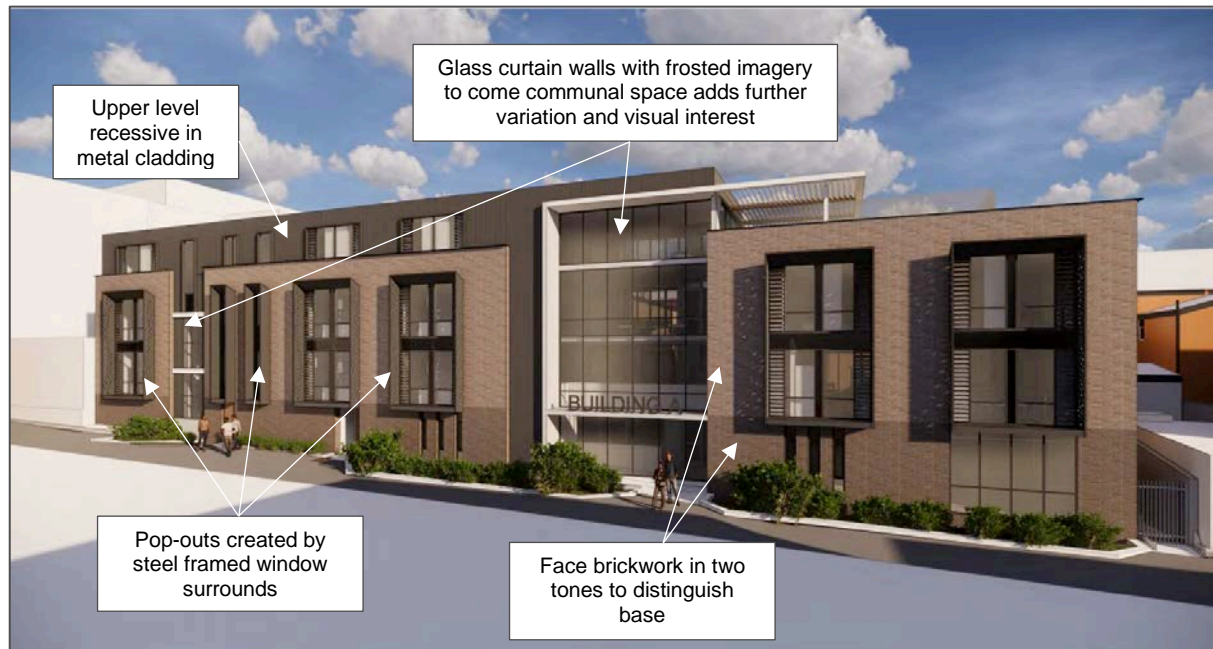


Figure 21 | Building A presentation to Darlington Lane (Source: RtS)

To further ensure the original subdivision pattern is interpreted on Darlington Lane, steel markers are proposed to be inset into the paving, matching the location of the original lot boundary fences with the lot numbers etched or laser cut into the markers, enabling an easily recognisable reference to the memory of the lot boundaries (**Figures 22 and 23**).

Following the amendments made in the RtS, GANSW did not raise any further concerns with the presentation of the buildings to the laneway.

The Department is satisfied the proposal would enable interpretation of the original terrace row subdivision pattern as required by the CIP concept proposal approval.



Figure 22 | Building B presentation to Darlington Lane (Source: RtS)

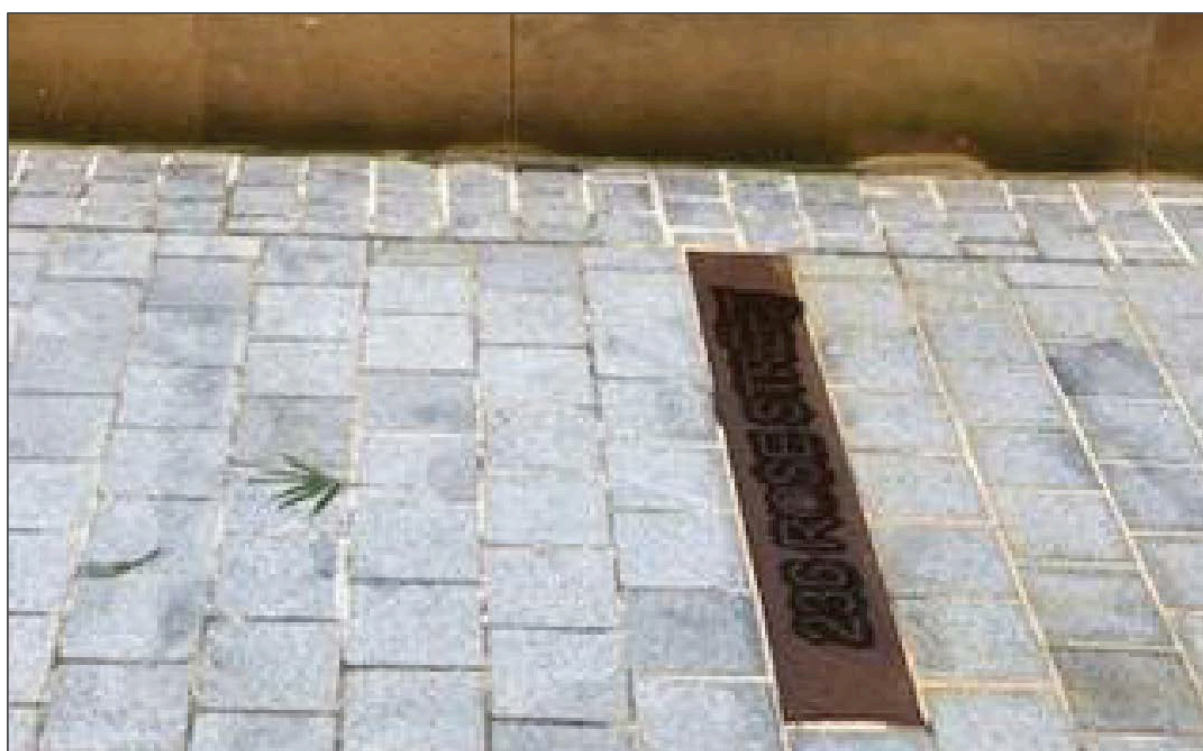


Figure 23 | Example of steel markers proposed to be laid into paving at each existing lot boundary (Source: RtS)

The proposed façade designs also promote activation through transparent façades and large openings to entries, common areas and educational spaces, which express the internal activities and enable surveillance of the public domain. Windows of private bedrooms add articulation and enable casual surveillance of the laneway. This results in a substantial improvement from the existing arrangement which presents backyard fences to the laneway. Other safety measures include

controlled key card entry to all entrances fronting the laneway, and CCTV of the laneway and entrances monitored by staff.

As required by Condition B4 of the CIP concept proposal approval, rooftop plant and equipment has been designed to be set back from the building edge and located behind parapets to minimise its visual impact.

The Department is satisfied that a high standard of architectural design has been incorporated into the proposal and that the external appearance of the buildings, in conjunction with the proposed upgrades to the laneway itself (discussed in **Section 6.2**), would substantially improve the quality and amenity of the public domain.

The proposal also integrates ESD measures into its design and operation, such as environmentally responsive measures to improve the energy efficiency of the building's functions. Such measures include rooftop solar photovoltaic panels, solar hot water, passive design principles (including orientation of new communal spaces to maximise solar access), natural ventilation and the selection of energy efficient equipment and fixtures. The design also incorporates water conservation measures, including recycling and reuse as well as water sensitive urban design.

A design competition was not required for the proposed development as the proposal is less than 55m in height and has a capital value of less than \$100million. As required by Condition B1 of the CIP concept proposal approval, the Applicant undertook a design process having regard to the University's Competitive Design Process which, after review of a number of design schemes by the University's Design Review Panel, resulted in the selection of Allen Jack & Cottier Architects. The Department is satisfied a competitive design process was undertaken, consistent with the objectives of the CIP concept proposal approval and the objectives of clause 6.21 of SLEP 2012.

The Department is satisfied that: the proposed building exhibits design excellence with a high architectural design standard achieved; the buildings and associated landscaping (discussed below) will improve the quality and amenity of the public domain within the University; the buildings incorporate design initiatives to ensure an acceptable level of sustainability is achieved; and an appropriate competitive design process has been held.

6.2 Landscape design, tree removal and public domain improvements

Landscape design

The landscape design for the buildings and surrounds has been developed having regard to the approved CIP concept landscape plan and The University of Sydney Grounds Conservation Management Plan as required by conditions B8 and B9 of the CIP concept proposal approval. Proposed landscaping aims to incorporate Aboriginal values, culture and art through the implementation of principles found in the University's 'Wingara Mura Strategy' including timber elements, native plants and trees reflective of the site's historic use as a Turpentine Ironbark Forest and indigenous naming on places and spaces.

Key landscape areas are shown in **Figure 24** and include:

- central courtyard areas connecting the exiting terraces to the new buildings.
- landscaped roof terraces on Buildings A and B.
- landscape planters and upgrade to Darlington Lane.

- upgrade to Codrington Street Park.
- upgrades to the front yards of existing terraces.

Upgrades to Darlington Lane and Codrington Street Park are considered later under 'Public Domain'.

Council raised concerns with the landscape design in the central courtyards, including a lack of detail on tree planting, potential issues with longevity of trees due to apparent tree planting on slabs, conflicts between plantings and stormwater devices, heavy overshadowing in the central courtyards, and conflicts between circulation and use for outdoor amenity space.

GANSW recommended landscaping in the courtyards be designed to interpret the terrace subdivisions and convey a sense of the original backyard configuration. It also recommended the provision of additional landscaping to this area to improve the quality of the space and raised concerns that the courtyard is on a suspended slab that would not support significant landscaping.

In response, the Applicant provided detailed landscape plans to demonstrate trees in the courtyards will be planted in deep soil with sufficient soil volumes to support their growth, will not conflict with stormwater devices and appropriate species are provided for the level of shading. The revised landscape plan also delineates the individual terrace subdivisions by a lineal paving feature banding (**Figure 25**) and it is proposed that this is also reinforced by variety in planting (texture, colour scale).

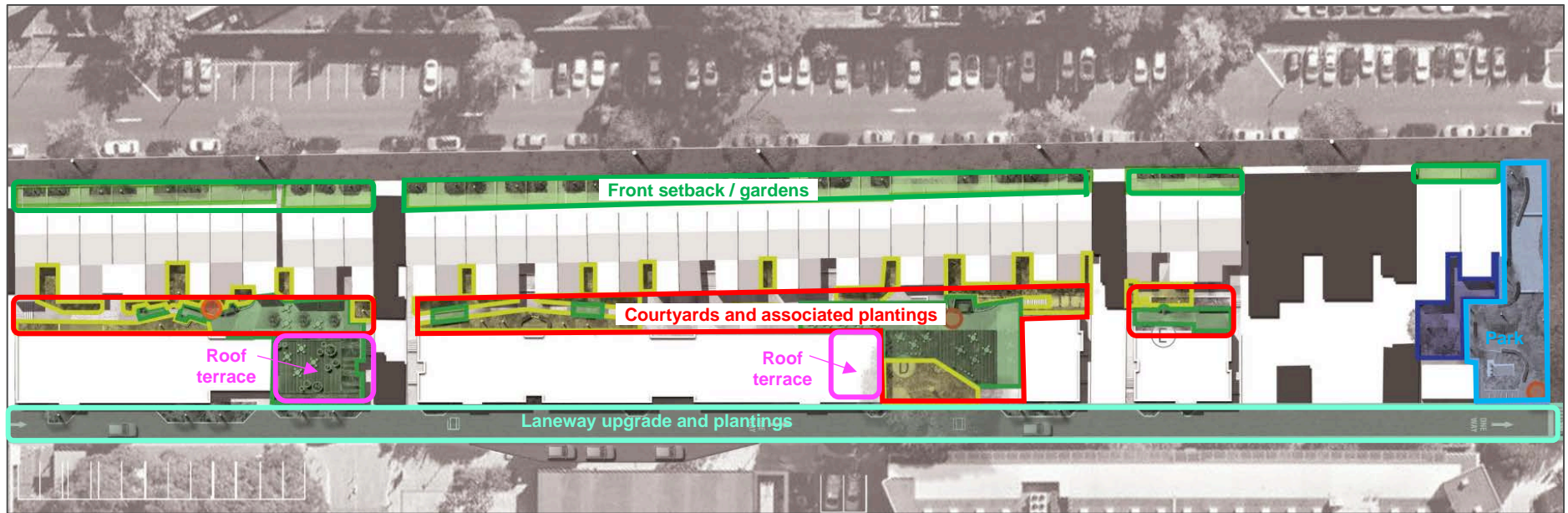


Figure 24 | Key Landscape Areas (Source: Landscape Design Report)

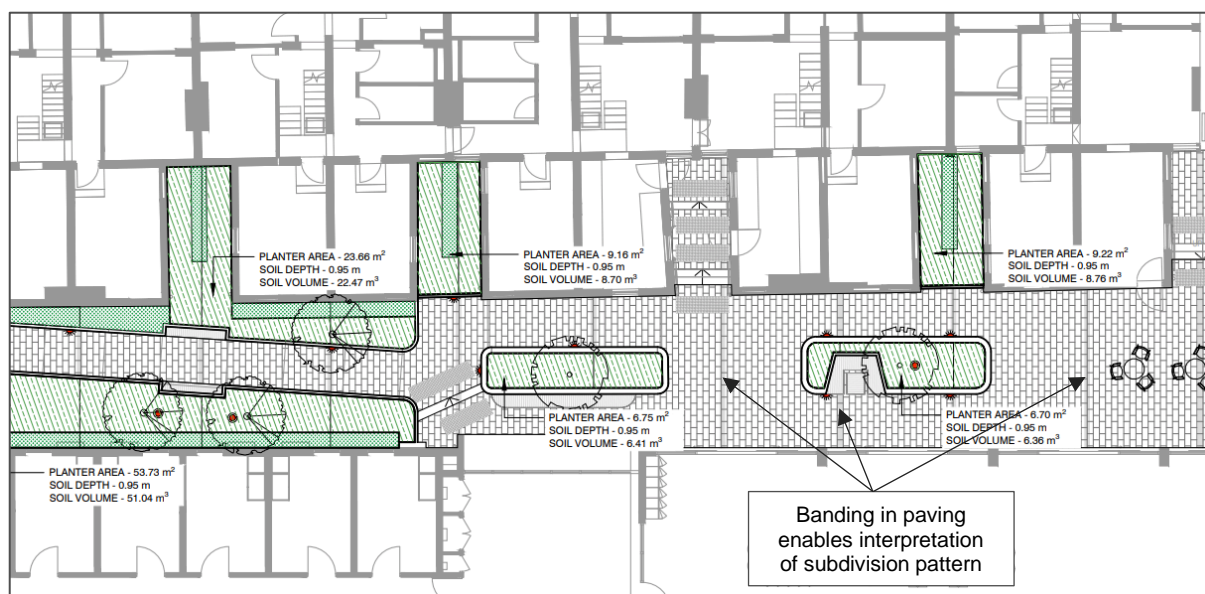


Figure 25 | Extract from landscape plans (Source: RtS)

The Department considers the proposed courtyard areas are well designed and enable a variety of functions to be served, despite the limited space available between the existing and the proposed new buildings. The courtyards will provide circulation space, connecting the new buildings with the existing terraces as well as providing outdoor space for students to sit, gather, eat and study. A variety of plantings including new trees will provide amenity to the spaces and provide privacy to bedrooms fronting the spaces. Overall, tree plantings will be improved across the site (discussed below) as will the proportion of native indigenous species. The Department also considers the landscape scheme will appropriately respect the heritage values of the site and enable interpretation of the existing subdivision pattern.

Landscaping is also proposed to upper level terraces to provide amenity to the spaces while reducing the potential for overlooking from these areas. Proposed landscaping to the front gardens of the terraces will provide an upgraded and more unified presentation to the street, as well as incorporating significant additional new tree plantings that will provide a more landscaped presentation.

Tree removal and replacement

It is proposed to retain 57 existing trees and remove 38 trees from the site and surrounding public domain, while 44 new replacement trees are proposed.

One of the trees to be removed (Tree 25) is assessed as having a high retention value. It is a mature Oak tree, 15m high with a canopy diameter of 15m. Two other trees proposed for removal (an 8m Mango tree and a 10m Illawarra Flame tree) have moderate retention values. All other trees proposed for removal have low or no retention values.

Of the trees to be retained, one tree (Tree 11, a 25m tall Sydney Blue Gum) has a high retention value, and another nine have moderate retention values.

Council, GANSW and the Department raised concerns with the removal of Tree 25, noting its significant contribution to the landscape character of the area and that it was identified for retention on in the CIP concept proposal approval plans. Council also raised concern that the proposed buildings

would encroach into the tree protection zone (TPZ) and structural root zone (SRZ) of Tree 11, which may impact the longevity of that tree.

The Applicant advised that careful consideration was given to the retention of both of the significant trees. Ultimately, the proposal was designed to enable retention of Tree 11 (assessed as having the highest retention value of the two trees), but the Applicant advised it was not possible to also retain Tree 25 without losing a significant proportion of proposed Building B and significantly affecting the development potential and economic viability of the project (**Figure 26**).



Figure 26 | Extract from Block B floor plans showing impact retention of the tree would have on the floor plans (the building must not encroach within the red circle to ensure the longevity of the tree) (Base source: RtS)

The loss of Tree 25 is proposed to be offset by replacement planting of mature trees within the Codrington Street Park and the proposal includes replacement planting of 44 trees in total to offset the loss of the 38 removed trees.

To enable the removal of the tree, the Applicant has requested that the Department modify the concept proposal approval (SSD 6123) to delete the notation on the approved plans that specifies retention of Tree 25. In support of the modification and the removal of Tree 25, the Applicant advises:

- the proposal results in an overall increase in tree plantings to the area, with replacement planting of 44 trees (an increase of six trees).
- tree canopy cover on the development site will increase from 1,194sqm (20.7 per cent of the site area) to 1,356sqm (23.5 per cent site area), consistent with Council's 23 per cent target under The City of Sydney's Urban Forest Strategy.
- there will be a significant improvement to tree planting in the public domain, including two Red Bloodwoods and one Turpentine (mature heights of 25 to 30m) in Codrington Street Park and nine Blueberry Ash trees (mature height 15m) in Darlington Lane, more than offsetting the landscape character impacts from the loss of Tree 25.

- the proposal has been designed to ensure the most significant tree would be retained.
- new plantings will be predominantly native species, improving the existing ecological value of the site and adding to the future biodiversity and ecological resilience of the site.

In relation to Tree 11, the Applicant confirmed that the development has an eight per cent encroachment into the TPZ of the tree, and this was assessed to be acceptable by the Applicant's arborist. The arborist has made several recommendations for protection of the tree, including oversight and approval of works in proximity to the tree by an arborist, as well as recommendations in relation to the design and construction of structures in proximity to the tree. These recommendations have been incorporated as recommended conditions of consent and the Department is satisfied that subject to the recommended conditions, the development would not adversely impact the health or life expectancy of Tree 11.

The Department acknowledges that Tree 25 makes a significant contribution to the landscape character of the area, however the proposed replacement planting of native trees in the public domain that will grow to taller heights than the Oak tree will ultimately result in a better outcome for the landscape character of the area, as well as improved biodiversity and ecological outcomes. The Department also notes that the CIP concept proposal approval included an additional building envelope at the rear of the terraces adjacent to the Codrington Street Park. Despite the approval, proposed building works are limited to a small pump room in this area, enabling a much greater area to be retained as publicly accessible park than envisaged by the CIP concept proposal approval and enabling the provision of the larger trees on this part of the site. The Department is therefore satisfied that despite the removal of Tree 25, overall the proposal will result in improved tree canopy cover and improved tree plantings across the site and surrounding public domain compared to the concept proposal approval and can therefore be supported.

The Department notes that although the CIP approved plans envisaged building envelopes would be designed to enable retention of tree 25 subject to arborist report, the plans incorrectly located the centre of the tree and did not account for the extensive low canopy of the tree which would materially affect the potential for future development. Further investigations at the detailed DA stage have shown it would not be possible to retain the tree and provide any building between the tree and number 120 Darlington Road as envisaged by the CIP concept proposal approval (**Figure 27**). There is also a discrepancy between the approved plans and approved elevations that form part of the CIP, with the elevations indicating retention of Tree 11, but not Tree 25 (**Figure 28**).

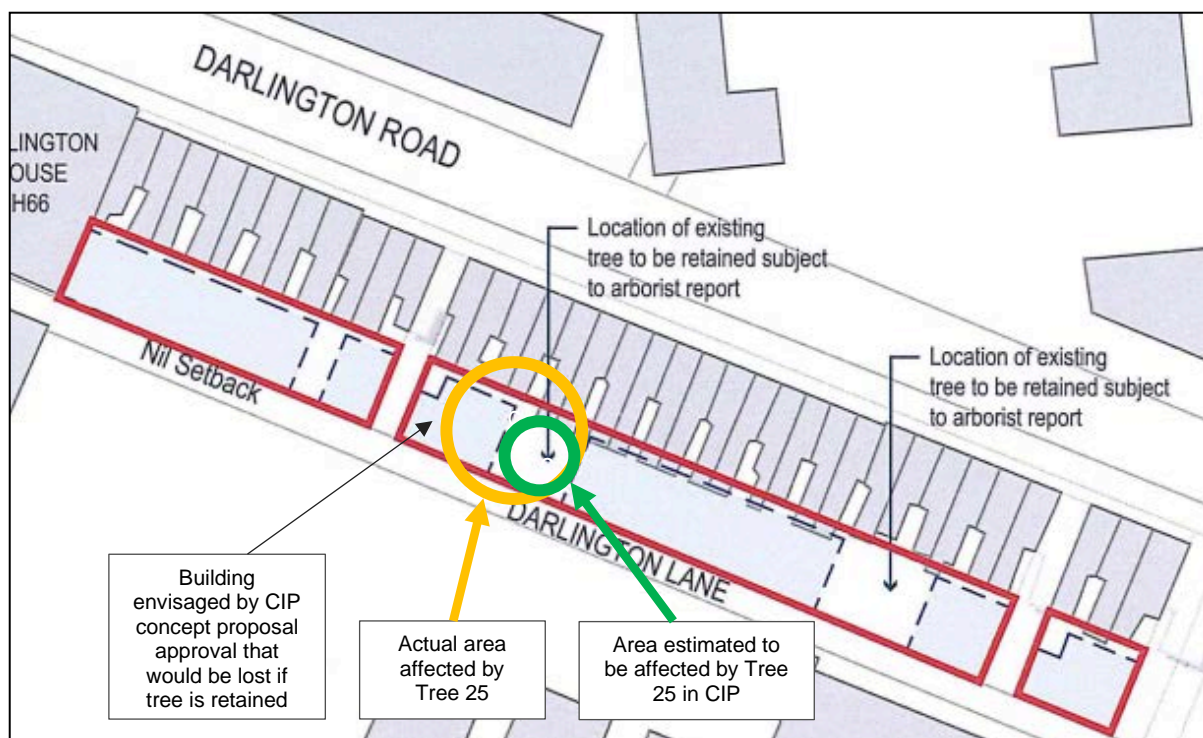


Figure 27 | Extract from CIP approved building envelopes showing approximate location and extent of Tree 25 (Base image source: SSD 6123)

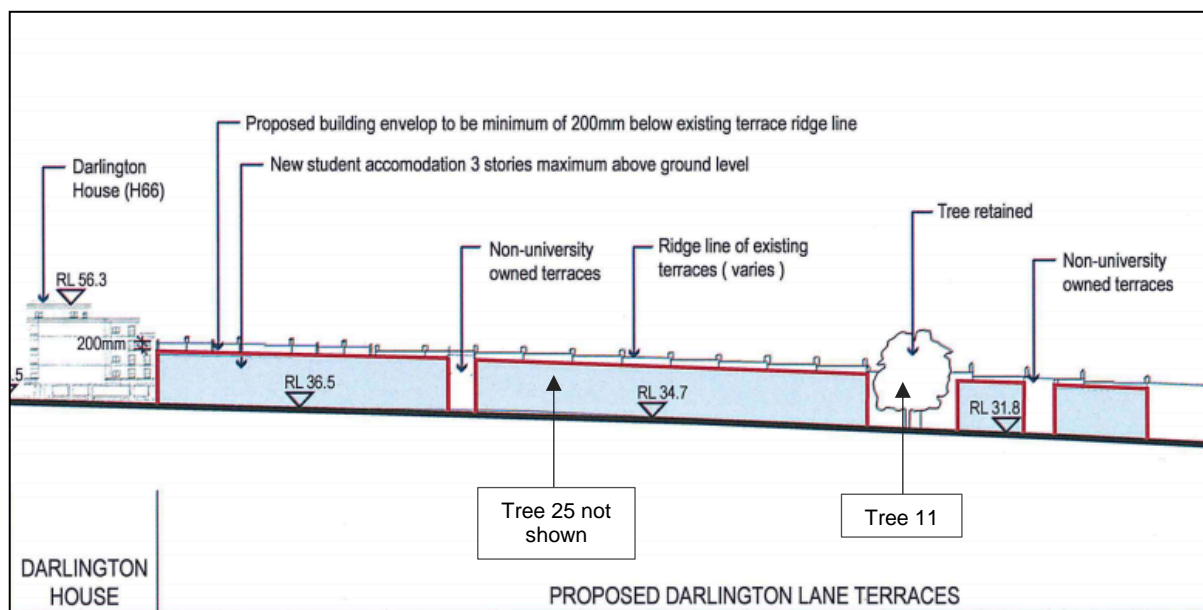


Figure 28 | Extract from CIP approved building envelope elevations showing retention of Tree 11 but not Tree 25 (Base image source: SSD 6123)

The Department therefore considers it is appropriate to amend the CIP concept proposal approval to remove the notation identifying retention of the tree to ensure there is consistency between the approved plans and between the concept proposal approval and the development proposal. A condition has been included in the recommendation requiring the Applicant to deliver a notice of modification to the CIP concept proposal approval (SSD 6123) under clause 97 of the Environmental Planning and Assessment Regulation to reflect this change.

Public domain improvements: Codrington Street Park and Darlington Lane

Codrington Street Park

As seen in **Figure 4** and **Figure 29**, land at the end of the row of terraces adjacent to Codrington Street is undeveloped and currently functions as a small pocket park. It includes no landscaping other than one tree, degraded turf and some bike racks. The land is owned by the University but is publicly accessible.

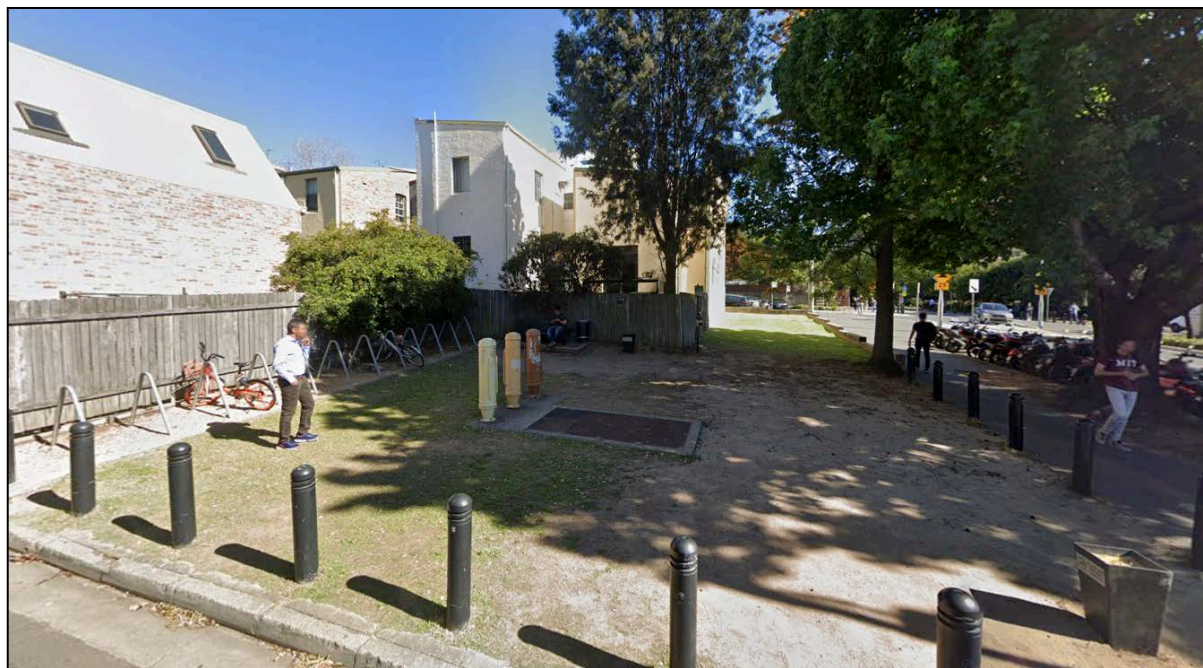


Figure 29 | Existing view of Codrington Street Park from Darlington Lane (Source: SSD 6123)

The subject proposal includes substantial upgrades to the park, including rearrangement of the boundary of the park, increasing its overall size, substantial new tree plantings, incorporation of seating, paving and new turf areas and provision of bike parking.

Council recommended further consideration be given to the design of the park, particularly the use of more durable finishes and appropriate edge treatments at the Darlington Road and Codrington Street corner, which is a well utilised meeting space. It also requested more information to confirm the number of trees, appropriate tree protection zones in relation to existing trees and deep soil provision for the proposed new trees.

The Applicant submitted updated and additional information to address Council concerns, including a reconsidered northern corner interface and protection of existing trees. The revised layout of the upgraded park is shown in **Figure 30**.

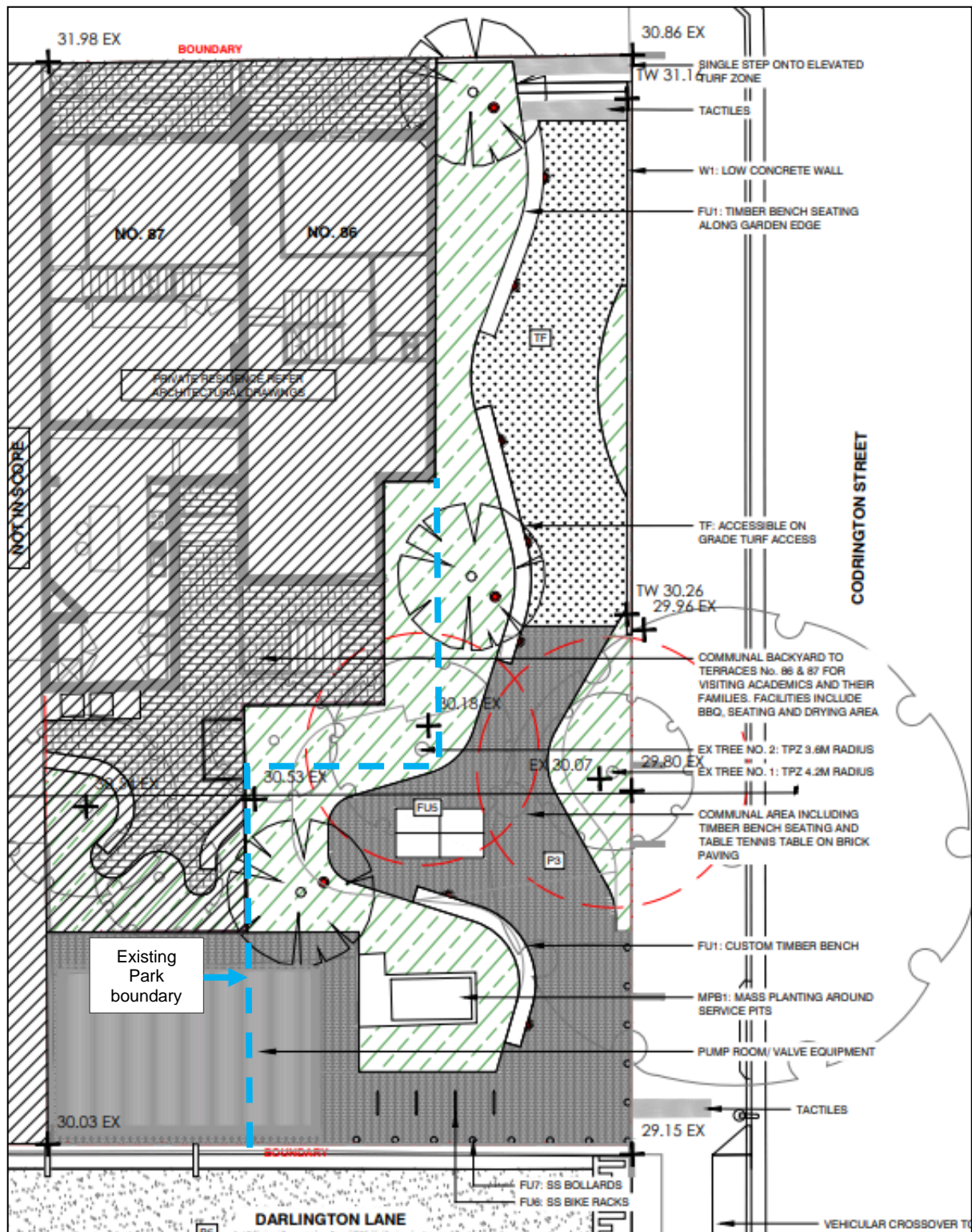


Figure 30 | Extract from Landscape Plans showing upgrades to Codrington Street Park (Base source: RtS)

The Department considers the upgrades to the park are appropriate and provide a significant public benefit. In addition to the benefits of the proposed trees, the landscaping scheme will improve the utility and amenity of the park, providing pleasant spaces for seating and gathering and the Applicant has demonstrated the landscape design would be consistent with the University's 'Wingara Mura

Strategy' including timber elements, native plants and trees reflective of the site's historic use as a Turpentine Ironbark Forest.

Darlington Lane

Darlington Lane is owned by Council. The southern side of the laneway includes some off-street parking owned by the University and includes public domain improvements and landscaping associated with the development of the Abercrombie and Codrington Buildings (**Figure 10**).

The Applicant proposes to upgrade the laneway with the provision of planters on the northern side of the laneway to incorporate nine new Blueberry Ash trees and other plantings, as well as provide upgraded paving with inset steel markers to identify the existing lot boundaries (as discussed in **Section 6.1**). The laneway would become a shared zone and would only permit one-way vehicle movements.

Council initially advised it did not give owners consent to the proposed changes to the laneway, but Council's Local Pedestrian, Cycling and Traffic Calming Committee subsequently endorsed the proposed changes. Public submissions did not raise concerns with the public domain improvements to the laneway. Traffic impacts associated with the laneway are discussed in **Section 6.8**.

The Department considers the proposed upgrades result in a significant improvement to the public domain. In conjunction with the proposed buildings that will activate and provide casual surveillance of the laneway, the proposed landscaping and surface treatments will create a pleasant and attractive space that will provide improved pedestrian connections through the campus and contribute to the landscape character of the area.

6.3 Non-Indigenous heritage impacts

The existing terrace houses on the site are all heritage items under SLEP 2012. The Statement of Significance for each heritage listing generally describes them as *'two storey Victorian terraces associated with the development of the Golden Grove Estate and the expansion of workers housing related to the development of the Eveleigh Railway Workshops in the 1880s and 1890s'*. The site is not in a heritage conservation area, nor is it in proximity to any State Heritage items that could be affected by the proposal.

Concerns were raised in Council and public submissions that the proposal would have adverse impacts on the heritage significance of existing terraces and the area generally, due to the scale and design of the new buildings and their proximity to the existing terraces, and the proposed physical alterations to the existing terraces. Heritage NSW also made recommendations with respect to potential archaeological remains.

Impact of new buildings

The impacts of the new buildings have been considered in **Section 6.1**. The Department finds the proposed buildings are appropriate and would not result in unacceptable heritage impacts noting the:

- buildings comply with the building envelopes that were approved under the concept proposal approval, having regard to the heritage values of the site, including building heights which all sit below the ridge line of the adjacent terraces.

- proposal results in an increased level of building separation between the proposed building and the existing terraces compared to that expected under the approved concept proposal, enabling better interpretation and views of the rear of the heritage listed items.
- new buildings provide a modern interpretation, but complementary built form, to the existing terraces and the laneway design enables interpretation of the original terrace row subdivision pattern.

Alterations to existing terraces

Significant alterations are proposed to the existing terraces to enable their conversion to the proposed form of student accommodation. A wide range of conservation and restoration works are proposed including repairs, replacement of missing or damaged elements, removal of intrusive items and repainting. Key changes include:

- demolition of skillion roofed single storey additions at the rear of most of the buildings
- changes to three front entrances (94, 102, and 124/125) to provide equitable access (widening of front doors and provision of ramped access).
- internal demolition of 17 sets of stairs and modifications to the remaining stairs for BCA compliance.
- internal alterations, including creation of new openings between the terraces to enable them to function as a joined development rather than as individual dwellings, removal of some internal walls, removal of existing kitchens and bathrooms, new internal partition walls and new bathrooms. Some new works would screen off existing fireplaces and subdivide the original room layouts.

In support of the application, the Applicant prepared a Statement of Heritage Impact (SHI) assessing the impact of the proposal on the heritage significance of the items. The SHI was updated in the RtS to reflect changes to the plans as well as respond to matters raised by the Department and Council. The SHI assessed the impact of the proposed changes, having regard to the Conservation Management Plans for the items and the schedules of conservation works proposed for the items. The assessment found that:

- demolition of the single storey rear skillion roofed additions, which are not part of the original buildings, and have been assessed as having low significance, is supported and is in accordance with the Conservation Management Plans for the site.
- while changes are required to three front entrances to enable accessible access, all other front gardens and their palisade fences and gates will be retained and restored.
- the original cast iron gates of the affected sites will be retained with a small section of the palisade fence removed to provide a wider, accessible, entrance and a releveling of the garden paths to provide the required accessible gradient. The three widened doors will be detailed to replicate the original, in accordance with the Conservation Management Plans. The visual impact of these alterations across the full length of the Darlington Road terrace houses is relatively minor, and acceptable.
- the removal of 17 staircases is a significant impact and is not in accordance with the Conservation Management Plans, which recommend the retention of the staircase in each dwelling. However, those policies did not contemplate that the houses might function in the future as a group rather than individual houses. The SHI recommends an archival record be made of the staircases prior to their removal. As recommended by GANSW, the RtS also proposes to apply an outline of the demolished stairs as a graphic on the adjacent wall to enable the original stairs to be easily

interpreted. The remaining stairs, to be modified for BCA compliance, will be detailed to replicate the original details, in accordance with Conservation Management Plans.

- remaining proposed internal works are considered acceptable, noting the:
 - cutting of doorways through the party walls will result in the loss of some original brickwork, but the thickness of the openings will interpret the change.
 - removal of some internal walls in the ground floor of the terraces will be interpreted through the retention of nibs, consistent with the Conservation Management Plans recommendations.
 - existing fixtures and fittings in the bathrooms and kitchens are not original. Their removal and replacement will not result in the loss of significant fabric.
 - fireplaces and mantelpieces required to be removed from rooms adapted to create new bathrooms will be reused to replace missing elements elsewhere in the houses.
- overall, the proposed development will continue the historic residential use of the terrace houses, retain their overall architectural character and improve the character of the Darlington Road streetscape.

The Department recommends an external and internal archival recording of all the terrace houses, prepared in accordance with the requirements of Heritage NSW, is completed prior to the commencement of works. In addition, an interpretation strategy should be prepared and implemented prior to the completion of the development.

Following submission of the updated SHI, Council advised it still had concerns that the proposed works would result in adverse heritage impacts on the significant fabric and space of the buildings. GANSW did not raise any further concerns with regard to heritage.

The Department acknowledges the proposal would result in some adverse impacts to the heritage fabric of the buildings but considers that overall, heritage impacts have been appropriately mitigated in the design of the proposal, having regard to its intended use for student accommodation and current safety and equity of access requirements.

In addition, the Department considers the adaptive reuse of significant elements (some fireplaces and mantels) and proposed measures to allow for interpretation of the original fabric (retention of wall nibs, outline of demolished stairs), in conjunction with an archival recording of all buildings and heritage interpretation strategy, would ensure that adverse heritage impacts will be partially mitigated by measures to enable interpretation of the original structures and elements.

The Department has recommended conditions requiring an archival recording of all buildings and heritage interpretation strategy for the buildings. Subject to these conditions, and conditions requiring conservation works as identified in the application, the Department is satisfied that the heritage impacts of the proposal would be satisfactorily addressed and mitigated where possible.

Non-Indigenous archaeology

The SHI also considered potential archaeology on the site. It advised that the potential for non-indigenous archaeological relics within the site is low. On this basis, the SHI recommended that ground disturbance could proceed without any archaeological supervision, however it recommended an archaeological watching brief is maintained for the duration of the development.

Heritage NSW advised that an archaeological monitoring strategy should be developed to ensure appropriate action is taken in the case of unexpected finds. The Department has recommended a condition requiring the development of an archaeological monitoring strategy and unexpected finds protocol, and is satisfied that subject to these conditions, appropriate action would be taken with regard to non-indigenous archaeology on the site, should any be encountered.

6.4 Neighbour amenity

The proposed development will predominantly impact on the remaining private terrace houses in the row. Owners and residents of those terraces have raised concerns with the amenity impact of the proposal, including noise impacts, overshadowing, privacy, and visual impacts. Noise has been considered in **Section 6.6**. Other impacts are considered below.

Overshadowing

As the approved building envelopes have the potential to result in overshadowing impacts to 88, 97 and 120 Darlington Road, the CIP concept proposal approval provided that future buildings adjacent to these terraces were to be designed to ensure adjoining premises would receive adequate solar access to their rear yards.

The application did not include measures to protect sunlight access to 97 and 120 Darlington Road as envisaged by the concept proposal approval however during the assessment process the Applicant subsequently amended the plans.

Under the revised proposal, the upper floors of Building D have been designed with a chamfered edge (**Figure 31**), to allow for sunlight to the rear garden of 97 Darlington Road to be retained at mid-winter. Overall, the level of sunlight to no. 97 at mid-winter would be similar to the level of sunlight currently received at mid-winter on that site and the proposal would not have a discernible impact on solar access.

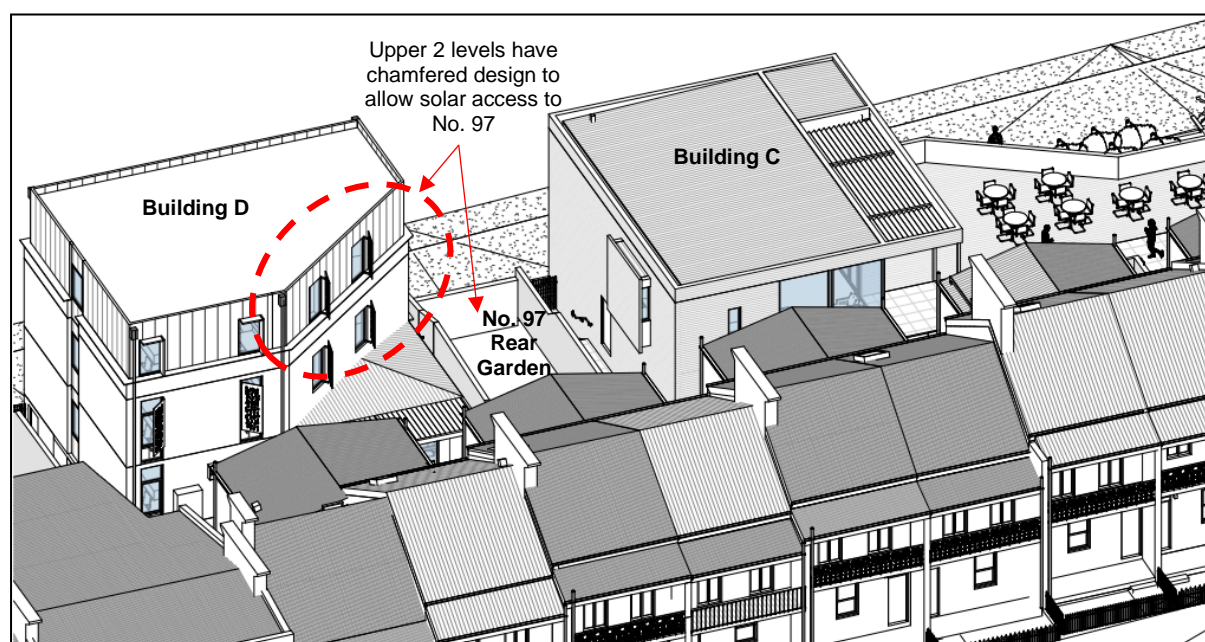


Figure 31 | Sun's Eye View at noon mid-winter of development adjacent to 97 Darlington Road (Base source: SRtS)

The upper floors of Building B were also amended to provide a setback to 120 Darlington Road to improve solar access to that property (**Figure 33**). Compared to no. 97, solar access to 120 Darlington Road is significantly more constrained as the rear of the site is occupied by a shed (**Figure 32**). The private open space area is therefore limited and being located immediately adjacent to and south of the house, it is self-shadowed for most of the day.

As such, the private open space of 120 Darlington Road currently does not have any solar access at mid-winter and it is not possible to achieve year round solar access to the private open space with the shed at the rear of the site. However, the setting back of the upper floors of Building B as proposed would reduce the shadowing impacts of the proposal, ensuring at least two hours of solar access daily to the private open space from September to May.

The proposed design also ensures reasonable levels of solar access would be retained to the rear part of the site at no. 120 (in excess of two hours at all times of the year), so that should the owner demolish the shed, it would enjoy good solar access to this part of the site year round.

Building envelopes to achieve appropriate solar access to the neighbours were considered as part of the assessment of the concept proposal approval. The proposal as amended fully complies with the envelopes recommended as part of that analysis, and therefore would deliver a level of solar access that is consistent with that envisaged by the original concept proposal approval.

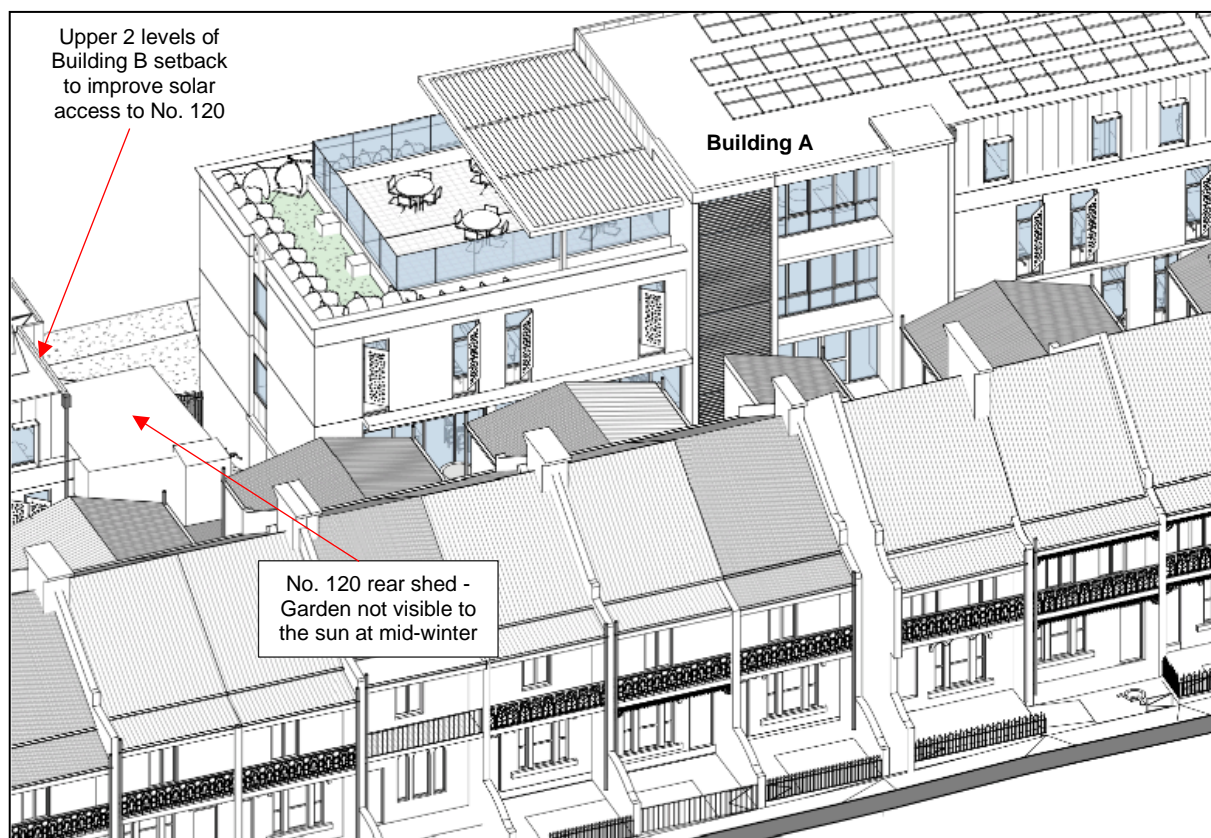


Figure 32 | Sun's Eye View at noon mid-winter of development adjacent to 120 Darlington Road
(Base image source: SRtS)



Figure 33 | Shed at 120 Darlington Road occupies the rear half of the rear garden (Base image source: Google Maps)

The Department therefore considers the proposal has been appropriately designed to minimise shadowing impacts to the neighbouring premises and the proposal results in acceptable shadowing impacts, in the context of the constraints of the adjoining site.

The proposed development does not materially affect overshadowing of any other premises and in fact improves outcomes for 88 Darlington Road compared to the concept proposal approval, as only a small plant room is proposed adjacent to that site where the concept proposal approval would have permitted a building up to three storeys in height.

Overall, the Department is satisfied the proposal would not result in any unacceptable overshadowing impacts to adjacent residential properties.

Privacy

The Department considers the proposed development has been well designed to minimise opportunities for overlooking of adjacent private terraces. New windows facing towards adjacent premises are limited and where the windows could result in potential privacy concerns, they are proposed to be fixed closed and constructed of obscure glazing or incorporate privacy screening. The proposed upper floor roof terrace of Building A incorporates privacy screening and landscape plantings which would prevent overlooking of the adjoining private terrace at 120 Darlington Road.

The Department notes that a number of external egress paths are provided adjacent to adjoining properties, and due to elevated ground levels adjacent to the boundary fence in some locations, there may be some opportunities for overlooking of the neighbouring properties. However, these areas are expected to be used infrequently given main access to buildings is along the frontages and people are not likely to stay for prolonged periods along these pathways.

Visual impacts

Neighbours also raised concerns that the scale of the new buildings, in conjunction with their proximity to the neighbouring premises, would result in adverse visual and overbearing impacts.

The Department notes that since the submissions were made, the visual impacts of the proposal have been reduced by the changes to built form described above to reduce overshadowing.

Otherwise, the Department notes that the scale of the buildings was previously determined by the CIP concept proposal approval, where it was determined that building envelopes with a maximum height below the ridgeline of the existing terraces and a nil side setback would be acceptable on the site. The Department considers the proposed buildings would have less visual impact on the adjoining properties than expected by the CIP concept proposal approval, noting they would sit below the maximum height permitted and would be set back from the side boundaries of adjoining premises. The Department considers the proposed scale of the buildings to be acceptable and is therefore satisfied the proposal would not result in any unexpected or unacceptable visual impacts.

6.5 Internal amenity

The proposal has been assessed against Sydney Development Control Plan (SDCP) 2012 requirements for boarding houses and student accommodation and the Draft Housing Diversity SEPP (**Appendix C**). The proposal would generally meet all amenity recommendations of those controls, except variations in dorm room sizes, provision of balconies, the level of communal space provided to some of the individual terraces and solar access to those spaces, as discussed below. The Department has also considered building separation between the new and existing buildings and resulting privacy outcomes as discussed below.

Dorm room sizes

Sydney Development Control Plan 2012 (SDCP 2012) recommends a minimum room size of 12sqm for single student accommodation rooms and 16sqm for twin rooms. The Draft Housing Diversity SEPP recommends a minimum room size of 10sqm but allows for smaller rooms if they have adequate internal amenity and shared facilities to compensate for the smaller room sizes. Rooms in the new buildings would all be single rooms and would be generally be 10.3sqm in size (up to 11.3sqm for accessible rooms) and rooms within the existing terraces would range from 7.9sqm to 15.5sqm for singles (including single occupancy double bed rooms) and 14.1sqm to 19.9sqm for twins.

Council acknowledged that single rooms as small as 10sqm could be supported, and have been previously found to be acceptable, but raised concern that the provision of rooms smaller than 10sqm for singles or 15sqm for twins would result in unacceptable internal amenity outcomes for those occupants.

In response, the Applicant advised:

- all rooms in the new buildings exceed 10sqm which is acceptable by Council.
- rooms in the existing terraces smaller than 10sqm (single) or 15sqm (twins), of which there are 24 and six respectively, are due to the constraints of the existing room layouts in these buildings. A greater degree of compliance could not be achieved without adverse impacts to the heritage fabric of these buildings.

- the smaller size rooms have been designed to take advantage of the generous ceiling heights in the terraces by providing loft beds with the desk underneath, reducing the need for floor space within the room while still providing an acceptable level of amenity.
- the provision of other spaces and programs in the accommodation and the University generally means the focus of the student is not on the room and students tend to spend their time utilising other supporting infrastructure and facilities.

The Department considers that rooms in the new buildings are well designed and would provide good levels of internal amenity, despite the variation from the minimum size recommended by Council's DCP. The new buildings also incorporate generous communal break out / study / living spaces that contribute to student amenity ensure student have access to good levels of internal living space.

The Department notes the smaller size rooms within the terraces would generally not be considered acceptable for newly constructed student accommodation, however in this case it is acknowledged that the proposal is constrained by the need to retain the existing heritage fabric of the buildings as far as possible. The incorporation of loft beds over desks ensure the rooms would function adequately and provide students with a space that would serve their sleeping, storage and studying needs, despite the small size of the rooms. The affected rooms all have windows that provide light and ventilation in accordance with Council recommendations, and twin rooms generally all have a private north facing balcony which further adds to the amenity of the rooms.

Students would also have use of communal spaces provided within each terrace group, as well as generous spaces for communal use within Buildings A and B for studying, socialising and recreation purposes. The Department therefore considers that overall, the level and quality of living space provided to each student would be acceptable and provides an appropriate outcome in light of the heritage constraints of the site.

Communal kitchens and living space

SDCP 2012 recommends communal kitchens and communal internal living space be provided at the rate of 1.2sqm and 1.25sqm respectively for each resident and that living spaces receive at least two hours of solar access at mid-winter. Based on 336 residents, this equates to 403sqm of kitchen space and 420sqm of common living space required. The Draft housing Diversity SEPP recommends 15sqm of communal indoor area per 12 students, also equating to a requirement for 420sqm.

The proposal includes a total of 565sqm of kitchen space and 606sqm of living space across all student accommodation, easily exceeding the communal space requirements when considered holistically. Most of the communal space is provided in the new buildings. These are generous, well designed spaces, with good solar access and with direct access to adjoining external communal open space.

Proposed communal space within the terraces is more limited. If considered in terms of terrace groups that would function as a single boarding house (one set of interconnected terraces where all rooms have access to the same internal communal facilities), there are seven separate boarding houses. The size of the communal spaces in each of these groups has been assessed against the DCP and draft SEPP recommendations in **Table 6**.

Table 6 | Kitchen and living room areas within proposed altered terraces

Terrace Nos	No. Residents	DCP requirement kitchens (sqm)	Proposed kitchens (sqm)	DCP / Draft SEPP requirement living (sqm)	Proposed living (sqm)	Solar access to living space?
94 - 96	16	19.2	13.4	20	40.8	Yes
98-103	29	34.8	51.3	36.3	55.4	No
104-107	18	21.6	22.6	22.5	33.7	No
108-113	35	42	23	43.8	27.8	No
114-119	35	42	24	43.8	28	No
121-123	17	20.4	16	21.3	18.2	No
124-131	43	51.6	37	53.8	75.2	Yes

Note: red denotes potential amenity issues

Although **Table 6** demonstrates that a number of the terrace groups would not provide adequate internal communal space if considered individually, the University advises the buildings will not function as separate boarding houses, and students within the terraces would have access to all of the facilities within all of the other student accommodation buildings.

The Department acknowledges that, given the heritage constraints of the terraces, it is not possible to provide large internal communal spaces within those buildings consistent with the recommendations of the controls without additional impacts to the heritage fabric of those buildings. The Department notes that all affected terrace groups have some communal space within them but also have access to the generous communal facilities of the adjacent new buildings, which are generally only a few metres away. On this basis, and given total internal communal space across the entire development easily exceeds the recommendations of the controls, the Department is satisfied the proposal would provide good levels of internal amenity to meet the needs of future residents while maintaining the existing heritage fabric of the terraces.

A condition has been recommended to ensure that all communal facilities are shared and access can't be restricted in the future.

Provision of balconies

SDCP 2012 recommends that 30 per cent of bedrooms have access to private open space / balconies. In this case, 13 per cent of bedrooms would have private balconies. The Department considers this is acceptable, noting that the proposal provides significant areas of communal open space, well in excess of the recommendations of the DCP, offsetting the variation from the private balcony requirement, and providing a good level of amenity for all future occupants.

Building separation and privacy

Council and GANSW raised concerns that the proposal may result in adverse internal privacy concerns due to the limited separation between the new buildings and the existing terraces. GANSW notes the proposal does not comply with the guidance for separation under the Apartment Design Guide.

In response, the RtS scheme included detailed consideration of internal privacy protection and included the following measures:

- mature planting to the courtyards to screen views of bedroom windows.
- privacy screening added to windows facing the central courtyard to direct views away from any bedroom windows opposite.
- all bedroom windows will have two layers of blinds installed, including a blackout blind and a semi-opaque blind which will let in light but reduce views into the room.

Building separation between the new and existing buildings will generally be between 4.4 and 5.5 metres. While this is less than what would be required for a residential flat building development, the Department notes that there are no applicable standards for internal building separation within a student housing development. In accordance with clause 4 of State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development (SEPP 65), the policy for residential flat buildings, including the Apartment Design Guide, cannot be applied to boarding houses.

As discussed in **Section 6.1**, the Department also notes that building separation is determined by the approved building envelopes and the proposed development in fact results in a much greater level of building separation than was envisaged by the CIP concept proposal approval.

The Department considers the proposed building separation is acceptable and the proposed design, including landscaping, window treatments and screening, would reduce internal overlooking and provide an appropriate level of privacy to the bedrooms. The few ground level bedrooms which face directly onto the internal courtyard space without the benefit of any setback or landscape screening also benefit from a dual orientation, with alternate windows that will provide light and ventilation to the room without significant privacy impacts.

Overall, the Department is satisfied the proposal would not result in any unacceptable internal privacy outcomes.

6.6 Noise

A Noise Impact Assessment (NIA) was submitted with the EIS that assessed the potential construction and operational noise and vibration impacts on nearby sensitive land receivers, including residential premises, and Darlington Public School (**Figure 32**). The NIA satisfies the requirements of conditions B20 to B22 of the CIP concept proposal approval in relation to noise and vibration.

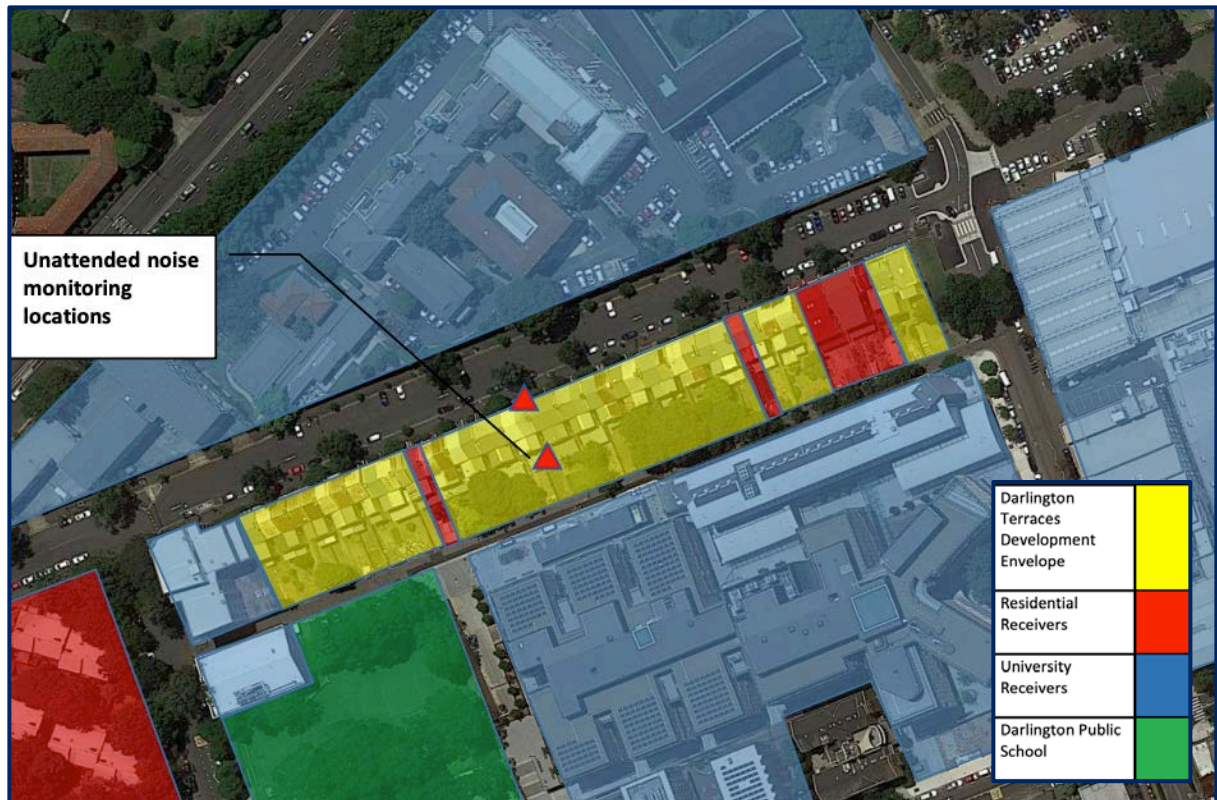


Figure 34 | Monitoring locations and sensitive receivers (Base image source: NIA)

Construction impacts

The EPA's *Interim Construction Noise Guideline* (ICNG) outlines the process of establishing construction noise management levels for surrounding sensitive receivers. Based on the established background noise levels and ICNG recommended daytime noise management levels (NMLs), the construction noise and vibration management levels for residential colleges, dwelling houses, educational land uses and recreation areas have been established for construction activities, which are outlined in **Table 7**.

Table 7 | Summary construction noise management levels

Sensitive Receiver	NMLs (dB(A) Leq(15 min))
Residential	59 (external noise level)
	75 (external noise level for highly noise affected receivers)
Darlington Public School	45 (internal classrooms)
	65 (external recreation areas)

The NVA identified construction vibration was expected to comply with criteria for the surrounding sensitive receivers, but that noise generated from all works except internal works is expected to result in an exceedance of the NMLs at adjoining sensitive receivers.

It is expected that immediate residential neighbours would experience noise levels above the recommended level of 59 dB(A) during demolition, excavation and general construction, with some

exceedances above the 'highly noise affected' level of 75 dB(A) when demolition and excavation works are being carried out in close proximity to neighbouring dwellings, or if noisy equipment such as the concrete pump is located near affected dwellings.

Noise exceedances at Darlington Public School (above 45 dB(A) for classrooms and 65 dB(A) for outdoor areas) are also expected to occur during excavation works and general construction works, when works / noisy equipment is being used near the school and classroom windows are open.

To manage noise impacts, the NIA recommends a number of mitigation measures, including:

- use of augured rather than driven or vibratory piling.
- location of the crane toward the centre of the site, around 110 Darlington Road, to maximise proximity to residential terraces.
- location of the concrete pump away from residential terraces or temporary screening of the pump.
- concrete agitator trucks only to arrive during approved construction hours.
- notification to neighbours of noisy activities.
- implementation of a noise monitoring during construction to ascertain whether construction noise goals are being exceeded and determine additional management strategies.

The EIS also identified that the Applicant proposes to carry out construction from 7am to 7pm weekdays and 7am to 5pm on Saturdays.

The EPA advised that construction hours should be limited to 7am to 6pm weekdays and 8am to 1pm on Saturdays in accordance with the ICNG. It also recommended the Applicant schedule intra-day respite periods for construction activities identified as annoying to sensitive receivers, ensure construction related vehicles and associated activities do not arrive on-site prior to the designated construction hours and incorporate less intrusive reversing alarms on construction vehicles, where possible.

In response, the Applicant amended the requested construction hours to comply with the ICNG on weekdays, but requested extended hours on Saturdays (7am to 3.30pm). It also requested that standard hours be extended to 10pm on weekdays for quiet trade activities. No additional or updated noise assessment was provided to support the request. It advised that it could comply with other EPA recommended measures, except a requirement to limit audible movement / reversing alarms was not practicable.

The Department recommends conditions requiring the Applicant to implement the mitigation measures outlined in the NIA, respite periods, as well as the preparation and implementation of a detailed Construction Noise and Vibration Management Plan (CNVMP) which is to:

- be prepared in consultation with the affected sensitive receivers.
- identify appropriate measures to mitigate the noise impacts.
- monitor noise and vibration impacts.
- establish a complaints management system.

The Department considers that, subject to the preparation and implementation of a CNVMP that incorporates all mitigation measures and is prepared in consultation with the closest sensitive receivers, day time construction noise and vibration impacts can be satisfactorily managed and mitigated as far as possible. On this basis, the Department is satisfied that the proposed general day time construction hours, including Saturday hours of 7.30am to 3.30pm would not result in

unacceptable impacts to adjoining premises, noting the extended hours enable the overall construction timeframe and its associated noise impacts to be expedited.

However, insufficient information has been submitted to enable an assessment of other out of hours work in the evenings. The request in the RtS to extend construction hours to 10pm was not accompanied by any acoustic assessment of the potential noise generated by the proposed evening works to demonstrate whether they would be audible at adjoining premises. Given the proximity of adjoining residences, the additional construction hours cannot be supported, especially in the absence of detailed acoustic assessment of the impacts on neighbours.

Operational impacts

Operational noise generated from the proposal would be associated with the operation of mechanical plant and noise from students on the roof terrace and courtyard terraces.

The NIA finds that subject to recommended acoustic treatments, noise from plant could comply with the relevant acoustic criteria. The NIA also finds that subject to the roof terrace incorporating 1.8m high privacy screens, not being used after 10pm, and not being used for playing music, predicted noise levels from these areas would not exceed noise emission criteria, and therefore would not result in unacceptable noise impacts to adjacent residential receivers.

No assessment was made in relation to operational noise impacts to Darlington Public School.

Public submissions raised concerns with potential noise impacts from students at the premises.

The EPA raised concerns with the acoustic assessment and recommended the Applicant:

- undertake further background noise monitoring.
- provide a noise impact assessment of the impact of the proposed development on the school.
- provide a more detailed assessment of the operational noise impacts on surrounding noise receivers.
- ensure mechanical plant does not exceed 5 dB(A) above background noise levels.
- restrict use of the terrace recreation areas to certain hours and prohibit use of amplified sound equipment.

Council recommended that a more detailed operational plan of management should be provided closer to occupation that would include house rules and measures to deal with noise complaints.

The Applicant advised that as the RtS was being prepared during COVID-19 shutdowns of the University and the school, it was not possible to undertake additional background noise testing that would be representative of the site. The Applicant therefore requested that further acoustic measurements be undertaken prior to occupation of the new buildings.

Due to the special circumstances arising from the COVID-19 pandemic restrictions, and noting there is nothing in the Applicant's acoustic assessment which would suggest that operational noise impacts could not be appropriately mitigated, the Department considers that the issue could be resolved through additional measurement and testing prior to occupation. Conditions have been recommended requiring the Applicant to:

- establish updated background noise levels in relation to both residential premises and the school.
- design mitigation measures to ensure plant does not exceed 5dB(A) above background noise levels at the site boundaries.

- undertake a noise monitoring program of the mechanical plant within three months of occupation of the building to verify that the measured noise levels of the mechanical plant and use of the student terraces do not exceed the established noise criteria.
- prepare an updated Operational Management Plan to ensure appropriate actions are taken to manage student behaviour and noise complaints.

Conditions restricting use of the terraces are also recommended.

The Department is satisfied that, subject to recommended conditions, the potential noise generated from operation of the proposal can be managed to comply with the relevant criteria.

6.7 Development Contributions

The Redfern-Waterloo Authority Contributions Plan 2006 (RWACP) and the Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006 (AHCP) allow the Minister to impose conditions on developments within the Redfern-Waterloo Operational Area, and require contributions to be allocated toward public facilities and provision of affordable housing within the area.

Urban Growth NSW Development Corporation (UGDC) was the administrator of both the RWACP and AHCP. Infrastructure NSW is the current administrator. UGDC advised that based on a development cost of \$44,220,000 and additional floor space of 3,748sqm, contributions payable under the RWACP and AHCP would be \$884,400 and \$325,626 respectively.

The Applicant originally sought an exemption to the payment of contributions under both the RWACP and AHCP on the basis that it is a Crown development, provides a public service and public infrastructure and the proposal includes student housing as a form of affordable housing.

Council advised that it considers that the City of Sydney Development Contributions Plan 2015 applies to the site, rather than the RWACP and AHCP. It also advised that regardless of which contributions plan/s apply, development contributions should be levied in accordance with the relevant plans given the development would more than double the student population on the site and therefore increase demand for local services and infrastructure.

The Department has confirmed that the RWACP and AHCP are the applicable development contributions plans for all SSD proposals within the Redfern-Waterloo Operational Area.

UGDC has advised that it supports waiving payment of affordable housing developer contributions under the AHCP in recognition that the application is on behalf of the Crown for the provision of lower cost accommodation. However, it advises that contributions towards public infrastructure and facilities should be paid in accordance with the RWACP, but suggested inclusion of a condition which would allow the Applicant to undertake public domain works in lieu of monetary contributions under the RWACP (as has been done for other SSD approvals in the area).

The Applicant subsequently advised that it agreed to conditions requiring payment of the contributions with a credit for public domain works as suggested by UGDC. It advised that it has met with Council to discuss appropriate public domain and infrastructure improvements within the Darlington Precinct, as an offset to direct monetary contributions under the RWACP.

The Department agrees with UGDC that it is appropriate to waive contributions under the AHCP as the application delivers affordable rental accommodation for students, and the Applicant is the Crown.

This approach would be consistent with the approach taken on other student accommodation developments by the University, including The Regiment Student Accommodation Development (SSD 7417) across the road and approved under the same concept proposal approval and planning controls.

Infrastructure NSW as the current administrator raised no issues with the previous recommendations and confirmed that they would now be the relevant authority for payment of contributions if public domain improvements are not provided.

The Department also considers that, subject to the public domain works being agreed to by Council and Infrastructure NSW, the development will result in appropriate contributions to local infrastructure, either through monetary contributions or direct provision of public domain works.

6.8 Other issues

Table 8 | Consideration of other issues

Issue	Findings	Recommendations
Consistency with CIP Concept proposal approval	<p>The CIP concept proposal approval (SSD 6123) sets the parameters for all future development on the site and conditions that are to be met in future applications.</p> <p>Key parameters include building envelope controls and GFA requirements. As discussed in Section 6.1, the proposal complies with the building envelopes. The proposed additional GFA on the site would comply with the maximum 63,400sqm permitted within the Merewether Precinct under the CIP concept proposal approval. Only one other development has been carried out within the Precinct under the CIP concept proposal approval to date, being the Regiment Student Building (15,092sqm).</p> <p>Conditions relate to design and built form, landscaping, heritage, traffic and access, noise, internal amenity, disabled access, contamination, stormwater and flooding, ESD, utilities, and waste management. Consideration has been given to the requirements of SSD 6123 under each of the corresponding relevant headings throughout this report. With the exception of a variation from plans requiring retention of a tree (Section 6.2), the Department is satisfied the proposal is generally consistent with the terms of the CIP concept proposal approval.</p> <p>One submission raised concern that the CIP concept proposal approval had lapsed. The Department notes that although works on this part of the site have not commenced, works under a number of other applications approved under the CIP concept proposal approval were carried out within five years of the CIP concept proposal approval. Therefore, the CIP concept proposal approval is operative and continues to apply to the site.</p>	<p>A condition is recommended to amend the CIP concept proposal approval SSD to remove an inconsistency with the proposed development (refer to Section 6.2).</p>

Issue	Findings	Recommendations
Traffic, access and parking	<p>As required by condition B16 of the CIP concept proposal approval, the application is accompanied by a traffic and transport assessment, which demonstrates that as the proposal includes no parking spaces, it will not generate adverse traffic impacts or affect the operation of the local road network.</p> <p>The assessment also demonstrates that the surrounding pedestrian footpath network can safely accommodate the increased pedestrian movements associated with the proposal.</p> <p>The University's sustainable travel plan was also submitted with the application in satisfaction of condition B19 of the CIP concept proposal approval. The proposal improves sustainable travel outcomes by:</p> <ul style="list-style-type: none"> - removing existing parking from the site resulting in reduced opportunities for car access. - improving bicycle parking and associated facilities for residents and staff. - co-locating residential accommodation within the University to reduce the need for travel. - improvements to Darlington Lane to make it more pedestrian friendly, improving safety, and walkability and permeability within the campus. <p>Public submissions raised concerns with pedestrian safety, the lack of pick-up and drop-off areas on the site as well as access to private property from the laneway. One submission suggested traffic control measures at the intersection of Darlington Lane and Codrington Street to prevent traffic jams.</p> <p>In response, the Applicant confirmed existing access to neighbouring properties fronting the laneway will be retained under the proposal. Existing service bays along Darlington Lane on University land will provide for drop-off areas, in addition to existing bays on Codrington Street. The traffic assessment estimates the need for service vehicles to access the site would be relatively insignificant. There is no need to upgrade any intersections, noting the proposal does not result in increased traffic impacts.</p>	<p>No additional conditions required.</p>
Bicycle parking	<p>The proposal includes parking for 90 bicycles in the ground floor car park of the neighbouring property to the north of the site (Darlington House), accessible from Golden Grove Street and the communal open space between Building A and Terraces 121-131. In addition, the University provides bicycle storage adjacent to the site, including numerous racks on Darlington Lane.</p> <p>Subject to a condition requiring 1.8m wide access (including any openings) between the parking and the adjoining street, the bicycle parking would generally be in</p>	<p>A condition is recommended requiring the access from the parking to the street (including any openings) be at least 1.8m wide.</p>

Issue	Findings	Recommendations
	<p>accordance with guidance in the City of Sydney's DCP 2012 as required by condition B18 of the CIP concept proposal approval.</p> <p>TfNSW advised bicycle parking should be provided in each of the residential buildings, rather than only being directly accessible from one part of the site.</p> <p>The number of spaces was designed to comply with the recommendations for boarding houses in State Environmental Planning Policy (Affordable Rental Housing) 2009 (which does not apply to the site), being 1 space for every 5 residents, being the only guidance for bicycle parking at the time of the application.</p> <p>The number of spaces would fall slightly short of the recommendations of the Draft Housing Diversity SEPP (1 space per 3 bedrooms) but given the Draft SEPP was only exhibited at the end of the assessment process, little weight can be given to this requirement. The Department therefore considers the number of spaces to be appropriate.</p> <p>The Department also considers the location of the parking to be acceptable, requiring only a short walk from remaining terraces and blocks to access the parking.</p>	
Access and circulation	<p>As required by condition B30 of the CIP concept proposal approval, the application is accompanied by a Disability Access Review which demonstrates new Buildings A, B and C will meet all access requirements and will exceed requirements for provision of accessible sole occupancy rooms. Building D, which provides accommodation for nine students, would not be accessible from Darlington Lane but could be accessed via 94 Darlington Road.</p> <p>Disabled access will also be provided from Darlington Road to the ground floor of nos. 94, 102 and 124 Darlington Road, enabling access to the ground floor common area facilities, including external common open space areas and access through to all new buildings on the site. This will require changes to the terraces, including widened doorways and entry gates, and provision of access ramps. Due to heritage constraints of the terraces, it is not proposed to make changes to enable the upper floor levels or any of the remaining terraces to be accessible.</p> <p>Council acknowledged that while some level of alteration to the terraces was necessary to facilitate equitable access, it should be limited to only what is absolutely necessary. It also raised concerns with the gradient of some of the access ramps.</p>	<p>A Standard Advisory note requiring compliance with the access requirements of the Building Code of Australia has been included in the consent.</p>

Issue	Findings	Recommendations
	<p>The Department considers that overall the proposal would provide appropriate levels of accessibility. Accessible rooms exceed minimum requirements and all students with accessible needs could be accommodated in Buildings A and B.</p> <p>The Department considers it is also necessary to provide equitable access through terrace numbers 94, 102 and 124 as these will provide the primary access to all buildings on the site from Darlington Road and include the main administration area and residential services. The Department considers the benefits for equity of access outweigh the adverse heritage impacts to the affected terraces (Section 6.3).</p> <p>The gradient of the access ramps has been confirmed as an acceptable performance solution in the Access Report. Overall, the Department is satisfied the proposal provides a good level of accessibility given the heritage constraints of the site.</p>	
Flooding and stormwater	<p>The site is not within a flood hazard area but is affected by an overland flow path. A Stormwater Management Report and Plan has been prepared for the development as required by condition B29 of the CIP concept proposal approval, which considers the impact of the development and mitigation measures on stormwater and overland flows. It demonstrates that the new buildings would have habitable floor levels above surrounding ground levels, in accordance with Council requirements for sites affected by overland flow. It also demonstrates that the proposal would result in improved stormwater management outcomes for the site as it would:</p> <ul style="list-style-type: none"> • provide stormwater drainage pipes, not currently provided to the site. • introduce rainwater reuse tanks and on-site detention to capture and reuse rainwater on the site, significantly reducing overland flows. • incorporate water sensitive urban design measures including landscaping and pits / filters to significantly improve the quality of water discharge from the site. <p>Council did not raise any concerns with the proposed stormwater management arrangements. EESG advised it was satisfied that drainage and flood management have been appropriately addressed. One public submission raised concern that the proposal may result in change to water flows that could affect foundations of existing buildings on the site.</p> <p>The Department is satisfied that as overland flows would be reduced on the site as a result of the proposal, there would be no adverse impacts to existing buildings. Subject to standard conditions, the proposal would not result in any adverse impacts for stormwater management or flooding.</p>	<p>Standard conditions requiring a detailed stormwater management system plan prior to construction, works as executed plans following construction, and a stormwater quality management plan are proposed.</p>

Issue	Findings	Recommendations
Contamination and asbestos	<p>The EIS includes a Stage 2 Contamination Assessment for the site, as required by condition B25 of the CIP concept proposal approval. Soil sampling found some contaminants in fill on the site (including lead, hydrocarbons, copper, and zinc) but concluded that the site can be made suitable for the proposed development, subject to mitigation works including removal and disposal of shallow impacted fill materials. A Remedial Action Plan (RAP) was prepared which proposes to remove the impacted fill, followed by validation and importation of clean fill. The RAP also includes an unexpected finds procedure to ensure any contamination subsequently discovered can be appropriately assessed and dealt with.</p> <p>One submission raised concern with the potential for asbestos on the site. The Department notes the Contamination Assessment found no evidence of asbestos, but the RAP includes measures to deal with contaminants, including asbestos, if encountered.</p> <p>The EPA recommended conditions requiring further investigation within building footprint areas following demolition, asbestos removal in accordance with guidelines, an unexpected finds protocol is in place and contamination is remediated as required.</p> <p>The Department is satisfied that, subject to the imposition of conditions including remediation in accordance with the RAP, the site can be made suitable for the proposed use and intended purpose and will not result in unacceptable contamination risks.</p>	<p>The Department recommends conditions requiring additional investigations, implementation of the RAP and verification following remediation works.</p>
Aboriginal archaeology	<p>Aboriginal cultural heritage was considered as part of the assessment of the CIP. This part of the University site was assessed as being “heavily disturbed” and having “low” archaeological potential for Aboriginal heritage. The Applicant advised that the University’s Aboriginal Cultural Heritage Management Plan (August 2018) concluded the likelihood of finding Aboriginal relics on the Darlington Terraces site is low and no further archaeological mitigation measures are required, other than an unexpected finds protocol. The ACHMP includes a process for monitoring of works and dealing with unexpected finds.</p> <p>EESG advised that if an Archaeological Assessment for Aboriginal Heritage has not been specifically undertaken for this site, it should be done.</p> <p>The Department is satisfied that, based on the previous assessments, additional archaeological assessment in relation to Aboriginal Heritage is not required. Subject to appropriate procedures for unexpected finds on the site, the proposal would not result in unacceptable archaeological Aboriginal Cultural Heritage impacts.</p>	<p>The Department has recommended a condition requiring a protocol for identifying and dealing with unexpected finds and works are to stop if any objects are found and appropriate strategies developed to manage unexpected finds.</p>

Issue	Findings	Recommendations
Construction impacts	<p>Concerns were raised in public submissions on potential construction impacts, including dust, damage to adjoining properties and potential loss of rear lane access to dwellings.</p> <p>TfNSW has recommended the preparation of a Construction Pedestrian and Traffic Management Plan (CPTMP) prior to commencement of works, and the EPA recommended standard conditions to control noise and dust.</p> <p>Some disruption to neighbours as a result of the construction activities, including some disruptions to rear lane access during the reconstruction of Darlington Lane, is inevitable. However, it is considered that impacts can be appropriately minimised and managed with standard conditions to minimise disruptions. Dilapidation surveys would ensure any inadvertent damage to neighbouring premises is recorded and rectified.</p>	<p>Standard conditions of consent are recommended requiring dilapidation surveys, CPTMP, management of dust and other emissions and management of construction practices on site.</p>
Behaviour and management of students	<p>Concerns were raised in public submissions regarding the potential for anti-social behaviour by students living in the accommodation.</p> <p>The application was accompanied by an Operational Plan of Management (OPM), which sets out staffing arrangements, safety and security measures and house rules. Staff and management will be present on site 24 hours a day.</p> <p>Council recommended that a more detailed OPM should be provided closer to occupation that would include house rules and measures to deal with noise complaints.</p> <p>The Department considers the OPM provides appropriate guidance to enable the site to be managed to ensure any antisocial behaviour is minimised and addressed. The Department notes the OPM is incomplete and some details will need to be provided closer to occupation once known.</p>	<p>A condition is recommended requiring compliance with an updated version of the OPM, which incorporates the additional information as identified by Council.</p>
Public art	<p>Council raised concern that a Public Art Strategy has not been submitted with the proposal. The Applicant responded that Public Art would be developed for the site but provided no details of the nature of the art to be provided, although there is one notation on the plans indicating art may be provided to the walls of the pumphouse in the Codrington Street Park.</p> <p>The Department notes that the Public Art Strategy approved by the CIP concept proposal approval did not include a public art site within the Darlington Terraces development but did provide a notation that each future project will contain public art within the scope of their design. Further, enhancement of the public realm through</p>	<p>A condition is recommended to provide updated plans with details of incorporation of Public Art within the Codrington Street Park, designed and delivered in accordance with the University's Art in the Public Realm Strategy.</p>

Issue	Findings	Recommendations
	<p>improved public art is one of the key objectives of the proposal, as identified in the EIS.</p> <p>The Department considers there is a good opportunity to provide public art as part of the design of the Codrington Street Park. This would ensure consistency with the CIP concept proposal approval and the proposal objectives.</p>	
Waste management	<p>As required by condition B31 of the CIP concept proposal approval, the application was accompanied by an Operational Waste Management Plan. Waste storage areas have been designed to be directly accessible from Darlington Lane and waste will be collected regularly by the University from the laneway which is consistent with existing arrangements for the terraces and other development fronting the laneway.</p> <p>The Department considers the waste management arrangements to be appropriate.</p>	<p>A standard condition requiring a detailed Operational Waste Management Plan prior to operation has been recommended.</p>
Utilities	<p>As required by condition B28 of the CIP concept proposal approval, the application was accompanied by an Infrastructure Management Plan, which outlined utility connections and augmentation. Utility providers including Sydney Water and Ausgrid raised no concerns with the proposed arrangements.</p> <p>The Department is satisfied the proposal is capable of being serviced in accordance with utility provider requirements.</p>	<p>A standard condition requiring a s73 certificate from Sydney Water and standard advisory note requiring relevant approvals from service providers have been recommended.</p>

7 Evaluation

The proposed SSD application seeks approval for accommodation and education facilities within The University of Sydney. The Department has reviewed the EIS, RtS, SRtSs and assessed the merits of the proposal, taking into consideration advice from the public authorities, including Council, and all environmental issues associated with the proposal have been thoroughly addressed. The Department recommends that the proposal be approved, subject to the recommended conditions.

The Department's assessment of the project concludes that:

- the proposed new buildings are consistent with the built form controls in the approved CIP concept development application, exhibit design excellence, having evolved through a competitive design process and include high quality design that is suitable for the site and would make a positive contribution to the locality.
- proposed landscaping within the site, the pocket park and the laneway adjacent to the site will make a significant improvement to the public domain. Tree removal has been addressed through replacement plantings that would result in a greater number of trees, greater canopy cover and greater proportion of native indigenous plantings compared to the existing site.
- heritage impacts to the existing terraces have been appropriately minimised, having regard to the intended use of the buildings and current safety and access requirements. Impacts will be mitigated through adaptive reuse of significant elements, measures to allow for interpretation of the original fabric, archival recording and a heritage interpretation strategy.
- the proposal would not result in unacceptable privacy or overshadowing impacts to neighbours and has been designed to ensure acceptable levels of internal amenity.
- noise impacts can be satisfactorily mitigated during construction and operation, subject to further acoustic measuring, monitoring and verification.
- the proposal is consistent with key government strategic plans and policies, including the Greater Sydney Region Plan, Eastern City District Plan, and *Future Transport 2056*.

The proposal is considered to be in the public interest as it would provide public benefits, including:

- additional investment in educational infrastructure and housing within a highly accessible location.
- assisting the State to remain competitive in attracting students, staff and researchers in the tertiary education sector, strengthening the international competitiveness of the Innovation Corridor and the continuing growth of the Camperdown-Ultimo Health and Education Precinct.
- improved outcomes for traffic and transport by locating students on campus, providing facilities to support active transport travel options and removing on-site parking.
- public domain upgrades that will improve the amenity and safety of Darlington Lane and the Codrington Street Park.
- delivery of approximately 95 new construction jobs and six operational jobs.

Based on its assessment, the Department considers that the project is justified and in the public interest, and that the site is suitable for the proposed development. Recommended conditions of approval and the implementation of measures detailed in the EIS, RtS and SRtSs would ensure that the project would minimise and mitigate the residual environmental impacts of the project.

8 Recommendation

It is recommended that the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report.
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to grant consent to the application.
- **agrees** with the key reasons for approval listed in the notice of decision.
- **grants consent** for the application in respect of SSD 7539, subject to the conditions in the attached development consent.
- **signs** the attached development consent and recommended conditions of consent.

Recommended by:

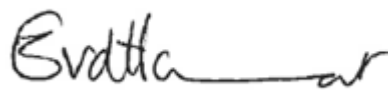


Karen Harragon

Director

Social and Infrastructure Assessments

Recommended by:



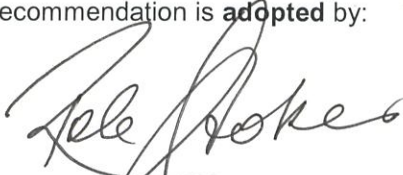
Erica van den Honert

A/Executive Director

Infrastructure Assessments

9 Determination

The recommendation is **adopted** by:

A handwritten signature in black ink, appearing to read 'Rob Stokes', is written over the printed name below.

The Hon. Rob Stokes MP

Minister for Planning and Public Spaces

Appendices

Appendix A – List of documents

1. Modification Report

<https://www.planningportal.nsw.gov.au/major-projects/project/9981>

2. Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/9981>

3. Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/9981>

4. Supplementary Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/9981>

Appendix B – Statutory Consideration

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the EP&A Act, this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment.

Controls considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)
- Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) (Draft Education SEPP)
- Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP)
- Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP)
- Draft State Environmental Planning Policy (housing Diversity) (Draft Housing Diversity SEPP)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SHC SREP)
- Sydney Local Environmental Plan (SLEP) 2012.

Consideration has also been given to relevant sections of Sydney Development Control Plan (SDCP) 2012.

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

Table 1 | SRD SEPP compliance table

Relevant Sections	Consideration and Comments	Complies
3 Aims of Policy The aims of this Policy are as follows: (a) to identify development that is State significant development	The proposed development is identified as SSD.	Yes
8 Declaration of State significant development: section 4.36 (1) Development is declared to be State significant development for the purposes of the Act if: (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and	The proposed development is permissible with development consent and the proposal is for the purpose of an educational establishment with a capital investment value (CIV) in excess of \$30 million, under clause 15 (3) of Schedule 1.	Yes

- (b) the development is specified in Schedule 1 or 2.
-

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

The Education SEPP aims to simplify and standardise the approval process for child care centres, schools, TAFEs and universities while minimising impacts on surrounding areas and improving the quality of the facilities. The Education SEPP includes planning rules for where these developments can be built, which development standards can apply and constructions requirements. The application has been assessed against the relevant provisions of the Education SEPP.

Clause 45(1) of the Education SEPP provides that development for the purpose of a university may be carried out by any person with development consent on land in a prescribed zone. The site is within land zoned SP2 Infrastructure under SLEP 2012, which is identified as a prescribed zone in clause 43 of the Education SEPP. As the proposed student accommodation is part of the function of the university, or at least ancillary to the university, it is permissible with consent under the SEPP.

Clause 57 requires traffic generating development that involves addition of 50 or more students to be referred to the RMS. Although the proposal is unlikely to generate any significant traffic movements, the application was referred to RMS in accordance with this clause.

Environmental Planning Policy No. 55 - Remediation of Land

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. The EIS includes a contamination assessment for the site which concludes that the site can be made suitable for the proposed development, subject to mitigation works including removal and disposal of shallow impacted fill materials and / or retention of contaminated fill materials beneath a suitable cover layer to restrict future users from being exposed to the soils. On this basis, a Remedial Action Plan (RAP) was prepared which proposes to remove all of the impacted fill, followed by validation and then importation of clean fill. The RAP also includes an unexpected finds procedure to ensure any contamination subsequently discovered can be appropriately assessed and dealt with.

The Department is satisfied that subject to the imposition of conditions, including remediation in accordance with the RAP, the site can be made suitable for the continued use and intended purpose and will not result in unacceptable contamination risks.

The Department recommends conditions relating to implementation of the RAP and other associated conditions as recommended by the EPA.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)

In accordance with the requirements of the SEARs, the Applicant has considered SEPP 33. SEPP 33 aims to identify proposed developments for the purpose of industry or storage with the potential for significant off-site impacts, in terms of risk and or offence (odour, noise). A development is defined as potentially hazardous and / or potentially offensive if, without mitigating measures in place, the development would have a significant risk and/ or offence impact on off-site receptors. The Applicant provided a preliminary hazard analysis (PHA). The PHA provides a preliminary screening of the proposal and indicates that subject to appropriate management, risks associated with the Development would be low.

The Department notes that as the proposed use does not fall within the definition of industry or storage establishment, the provisions of SEPP 33 do not apply. The Department is satisfied the proposed use as student accommodation would not be potentially hazardous or offensive as defined by the SEPP and therefore no further assessment under SEPP 33 is required.

Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) (Draft Education SEPP)

The Draft Education SEPP will retain the overarching objectives of the Education SEPP to facilitate the effective delivery of educational establishments and child care facilities across the State.

The provisions of the Draft Education SEPP aim to improve the operation, efficiency and usability of the Education SEPP and to streamline the planning pathway for schools, TAFEs and universities that seek to build new facilities and improve existing ones. The exhibited Explanation of Intended Effects (EIE) also proposes changes to the thresholds for SSD under the SRD SEPP, specifically for schools and tertiary institutions.

One of the key amendments is to provide a clearer planning pathway for student housing to be built on existing schools, universities and TAFE sites. Standalone student housing development applications within the boundaries of an existing educational establishment will not be State significant development, irrespective of the CIV.

The Department is satisfied that the proposal is consistent with the objectives of the Draft Education SEPP.

Draft State Environmental Planning Policy (Remediation of Land)

The Draft Remediation SEPP will retain the overarching objective of SEPP 55 promoting the remediation of contaminated land to reduce the risk of potential harm to human health or the environment.

Additionally, the provisions of the Draft Remediation SEPP require all remediation work carried out without development consent to be reviewed and certified by a certified contaminated land consultant. Remediation work is to be categorised based on the scale, risk and complexity of the work. Environmental management plans relating to post-remediation management of sites, including the ongoing operation, maintenance and management of on-site remediation measures (such as a containment cell) are to be provided to Council.

The Department is satisfied that the proposal will be consistent with the objectives of the Draft Remediation SEPP.

Draft State Environmental Planning Policy (Environment)

The Draft Environment SEPP is a consolidated SEPP which proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. Once adopted, the Draft Environment SEPP will replace seven existing SEPPs, including the Sydney Harbour Catchment REP (discussed below). The proposed SEPP will provide a consistent level of environmental protection to that which is currently delivered under the existing SEPPs. Where existing provisions are outdated, no longer relevant or duplicated by other parts of the planning system, they will be repealed.

Given that the proposal is consistent with the provisions of the existing SEPP that is applicable, the Department concludes that the proposed development will generally be consistent with the provisions of the Draft Environment SEPP.

Draft State Environmental Planning Policy (Housing Diversity)

The Draft Housing Diversity SEPP was exhibited from 29 July to 9 September 2020. It introduces a new definition for student housing and provides controls for Student Housing Development. The proposed development would constitute Student Housing under the draft SEPP and would no longer be an educational facility once the SEPP is made. **Table 2** provides an assessment of the proposal against the key development standards for Student Housing.

Table 2 | Consideration of student housing development standards under Draft Housing Diversity SEPP

Housing Diversity SEPP Development Standard	Department Comment / Assessment
Height of Buildings: in accordance with the LEP	Building height is determined by the CIP concept proposal approval and the proposal complies. See Section 6.1 .
Floor Space Ratio: in accordance with the LEP	There is no applicable FSR control.
Car Parking: No minimum spaces required	No spaces provided.
Bicycle Parking: 1 space minimum per 3 bedrooms	115 spaces required and 90 spaces proposed. This is considered acceptable (Section 6.8).
Motorcycle parking: 1 space per 5 bedrooms	No Motorcycle parking provided. The proposal did not include motorcycle parking as there were no applicable planning controls which required motorcycle parking throughout the design and assessment process. The Draft SEPP which recommends provision of parking was only exhibited at the end of the assessment process and therefore little weight can be given to the recommendations for motorcycle parking.
Room Size: Minimum 10sqm but smaller areas permitted where there is adequate internal amenity and shared facilities	Most rooms comply. There are 24 rooms below 10 sqm. As discussed in Section 6.5 , this is considered acceptable due to the heritage constraints of the building and as rooms retain reasonable levels of internal amenity.
Communal Area Indoor: 15sqm per 12 students	420sqm required, and 606sqm proposed. See Section 6.5 .
Communal Area Outdoor: No requirement where located within a University Campus with other outdoor space	Communal outdoor areas are provided.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

SHC SREP provides planning principles for development within the Sydney Harbour catchment. The site is located within the Sydney Harbour Catchment area. The SHC SREP does not include any matters for consideration in the assessment of development applications within the Sydney Harbour Catchment. Nevertheless, the proposal is consistent with the Planning Principles for the Sydney Harbour Catchment and will not have any significant adverse impact on the catchment as does not result in any adverse ecological impacts and includes measures to improve stormwater management and runoff from the site.

Sydney Local Environmental Plan (SLEP) 2012

The SLEP 2012 aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the Sydney LGA. The SLEP 2012 also aims to conserve and protect natural resources and foster economic, environmental and social wellbeing.

The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the SLEP 2012 and matters raised by Council in its assessment (**Section 5**). The Department concludes the development is consistent with the relevant provisions of the SLEP 2012. Consideration of the relevant clauses of the SLEP 2012 is provided in **Table 3**.

Table 3 | Consideration of SLEP 2012

SLEP 2012	Department Comment / Assessment
Clause 2.1 Land Use Zones	The site is zoned SP2 Infrastructure - Educational Establishment. The proposed student accommodation is permissible as it is development for the purposes of an educational establishment or is ordinarily incidental or ancillary to that purpose. The proposal is consistent with the objectives as it is related to and supports the educational facilities and functions of the University.
Clause 5.10 Heritage conservation	The terrace houses on the site are all locally listed heritage items. The heritage impact of the proposal has been assessed – see Section 6.3 .
Clause 5.12 Infrastructure development and use of existing buildings of the Crown	The clause provides that the LEP cannot restrict or prohibit the carrying out of development by a public authority that is permitted to be carried out with development consent. As the development is permissible and is being carried by a public authority, the LEP controls cannot be used to restrict the development.
Clause 6.21 Design excellence Consent must not be granted unless the proposal exhibits design excellence. Matters for consideration:	<p>The proposal is considered to exhibit design excellence, as discussed in Section 6.1, having regard to the matters for consideration in the LEP as follows:</p> <p>(a) The proposed new buildings exhibit a high-quality architectural design that incorporates materials and detailing appropriate for a contemporary residential facility, suitable to its location within the University, and is integrated with retained adjoining heritage buildings.</p>

SLEP 2012	Department Comment / Assessment
<p>(a) design, materials and detailing appropriate to building type and location,</p> <p>(b) external appearance impact on public domain,</p> <p>(c) impacts on view corridors,</p> <p>(d) the following matters:</p> <p>(i) the suitability of the land for development,</p> <p>(ii) the existing and proposed uses and use mix,</p> <p>(iii) heritage issues and streetscape constraints,</p> <p>(iv) location of any tower and relationship with other towers,</p> <p>(v) bulk, massing, modulation of buildings,</p> <p>(vi) street frontage heights,</p> <p>(vii) impacts, including solar access, shadowing, sustainable design, privacy, noise, wind and reflectivity,</p> <p>(viii) ecologically sustainable development,</p> <p>(ix) access, circulation, pedestrian network,</p> <p>(x) impact on /improvements to public domain</p> <p>(xi) special character areas</p> <p>(xii) ground level interface between the building and the public domain</p> <p>(xiii) excellence and integration of landscape design.</p> <p>A competitive design process is required for certain development.</p>	<p>(b) The buildings present a high quality design to the public domain of Darlington Lane, incorporating a variety of facade elements and variation in massing which add visual interest and promote activation. The buildings and associated landscaping will significantly improve the amenity and character of the laneway.</p> <p>(c) There are no view corridors affected by the proposal</p> <p>(d)</p> <p>(i) Being part of the University, zoned for educational uses and previously identified under the CIP concept proposal approval as appropriate, the land is suitable for the proposed educational facility development</p> <p>(ii) The proposed use as residential accommodation ancillary to an educational establishment is unchanged from the existing use.</p> <p>(iii) Heritage issues are considered in Section 6.3. Impacts to streetscape are discussed in Section 6.1 and the Department is satisfied the proposal responds appropriately to the heritage values of the site and will not result in any adverse streetscape or heritage character impacts.</p> <p>(iv) N/A</p> <p>(v)-(vi) The location, bulk and massing of the buildings and their height at the street frontage is considered appropriate and consistent with the CIP concept proposal approval. The buildings incorporate appropriate modulation to provide visual interest and reflect the heritage subdivision pattern.</p> <p>(vii) Impacts are considered throughout the assessment. Subject to conditions to mitigate and manage noise, and to reduce opportunities for overlooking, the proposal is not considered to result in any adverse environmental impacts.</p> <p>(viii) See Section 4.4. The development is designed in accordance with the University's Sustainability Framework and incorporates ESD initiatives.</p> <p>(ix) Access and circulation are acceptable and the proposal improves the amenity of the laneway, improving pedestrian links through the campus.</p> <p>(x) The proposal will not result in adverse impacts to the Public Domain or public areas within the campus. Publicly accessible open space and the amenity of the laneway will be improved, and developer contributions will enable other local public domain improvements.</p> <p>(xi) N/A.</p> <p>(xii) The ground level interface is appropriate for residential buildings. Transparent façades at ground level to common areas and educational spaces express the internal activities and enables surveillance of the</p>

SLEP 2012	Department Comment / Assessment
	<p>public domain. Windows of private bedrooms also add articulation and enable casual surveillance.</p> <p>(xiii) Landscape design would provide a high-quality landscape setting for the buildings and make a positive contribution to the character of the Campus.</p> <p>As the proposal is less than 55m in height, has a capital value of less than \$100million and does not require a DCP, a design competition is not required.</p>
Clause 7.14 Acid sulfate soils	The development site is classified as Class 5 acid sulphate soils under the LEP. The proposal is not within 500m of land classed 1 to 4, nor is it below 5m AHD and therefore no further assessment is required under the clause.
Clause 7.15 Flood Planning	The site is located outside of the flood hazard zone. The proposal has been designed to address overland flow impacts and reduces flows with on-site detention as discussed in Section 6.8 .
Clause 7.16 Airspace Operations	In accordance with the clause, the application was referred to Sydney Airport and the Civil Aviation Safety Authority (CASA). Approval was granted by CASA having regard to the height of the proposed buildings.
Clause 7.20 Development requiring or authorising preparation of a DCP	The approval of the staged development application for the CIP (SSD 6123) meets the requirements of preparation of a DCP. The proposal is generally consistent with the staged development approval.

Sydney Development Control Plan (SDCP) 2012

In accordance with Clause 11 of the SRD SEPP, Development Control Plans do not apply to State significant development. Notwithstanding, consideration of the relevant general development controls contained within Council's DCP is provided in **Table 4**. Consideration of specific controls relating to student accommodation is provided in **Table 5**.

Table 4 | Consideration of SDCP 2012 Sections 2 and 3

SDCP 2012	Department Comment / Assessment
2.3.5 Locality Statement – University of Sydney/Royal Prince Alfred Hospital	The development is consistent with the locality statement and associated principles applicable to the University of Sydney, as it complements the existing heritage items, maintains and improves the university's landscaped setting, maintains and improves the pedestrian network.
3.1 and 3.2 Public domain	The proposal results in improvements to the public domain and the proposed changes to the laneway have been approved by the Council's Local Pedestrian, Cycling and Traffic Calming Committee. See Section 6.2 .

SDCP 2012	Department Comment / Assessment
3.3 Design excellence and competitive design processes	The proposal demonstrates design excellence, see Section 6.1 .
3.5 Urban ecology	The development maintains a landscaped setting, including replacement trees and landscaping that utilises locally indigenous species and will achieve appropriate canopy coverage. Impacts to trees and biodiversity are discussed in Section 6.2 .
3.6 Ecologically sustainable development	Addressed at Sections 4.4 and 6.1 .
3.7 Water and flood Management	Addressed at Section 6.8 .
3.8 Subdivision and Lot Consolidation	The proposal includes lot consolidation, but the heritage subdivision pattern will remain apparent by the retention of the terrace houses fronting Darlington Road and lot boundary markers to reflect the subdivision pattern in the rear laneway (Section 6.1)
3.9 Heritage conservation	The terrace houses on the site are all locally listed heritage items. The heritage impact of the proposal has been assessed – see Section 6.3 .
3.11 Transport and parking	No parking is proposed or required. Bike parking is considered at Section 6.8 . By locating students on campus, the proposal reduces the need for travel and reduced impacts on the public transport network.
3.12 Accessible design	Disabled access and accessible rooms are provided by the development in accordance with Australian Standards and reinforced by recommended conditions of consent. Upgrades to the heritage listed terraces to improve accessibility are discussed in Sections 6.3 and 6.8 .
3.13 Social and environmental responsibilities	The proposed development provides improved residential accommodation and facilities for the University of Sydney which would have an overall positive social impact. Further, safety of the public domain areas will be significantly improved through the incorporation of principles of CPTED into the building design and improved natural surveillance.
3.14 Waste	Construction and operational waste management plans have been submitted that minimise waste and are consistent with the objectives of this section.
3.17 Contamination	See Section 6.8 .

Table 5 | Consideration of SDCP 2012 Section 4.4.1 Boarding houses and student accommodation

Summary of Control	Department Comment / Assessment	Complies?
4.4.1.1 Subdivision		
<ul style="list-style-type: none"> Subdivision is not permitted 	<ul style="list-style-type: none"> Subdivision is not proposed 	✓
4.4.1.2 Bedrooms		
<ul style="list-style-type: none"> Minimum size: 12sqm single, 16sqm twin 	<ul style="list-style-type: none"> Room sizes range between 7.9sqm and 13.4 sqm for single and 13.6 to 19.9sqm for twins. Room sizes are discussed in detail in Section 6.5 and are considered to provide a good level of amenity for future occupants despite the variation from the DCP. 	✗
<ul style="list-style-type: none"> Must have windows exceeding 10% of the floor area 	<ul style="list-style-type: none"> Window sizes exceed 10% of the floor area in the new buildings. Existing windows are retained in the heritage buildings and the Department is satisfied the windows would provide good levels of light and ventilation to each room. 	✓
<ul style="list-style-type: none"> Ceiling height must be 2.7m if there are bunkbeds 	<ul style="list-style-type: none"> No bunkbeds are proposed. 	✓
<ul style="list-style-type: none"> Must meet fire safety standards of the BCA. 	<ul style="list-style-type: none"> A BCA report was submitted with the application which demonstrates fire safety standards of the BCA can be met. Standard conditions requiring compliance with the BCA are also recommended. 	✓
4.4.1.3 Communal kitchens		
<ul style="list-style-type: none"> Minimum size 1.2sqm per resident and 1 sink and 1 stove per 6 people. 	<ul style="list-style-type: none"> Equates to 403sqm required (336 residents). 565.6sqm of common kitchen space proposed. See Section 6.5. 	✓
<ul style="list-style-type: none"> Minimum 0.13m³ fridge, 0.05m³ freezer and 0.3m³ storage space per resident. 	<ul style="list-style-type: none"> Equates to 56 sinks and stoves, 44m³ fridge space, 17m³ freezer space and 101m³ storage space. 57 sinks and stove cookers are proposed. There is enough room in the common kitchens to provide storage in accordance with these requirements. 	✓
4.4.1.4 Communal living areas and open space		
<ul style="list-style-type: none"> Internal 1.25sqm per resident 	<ul style="list-style-type: none"> Equates to 420sqm. 606.3sqm of common living space proposed. See Section 6.5. 	✓
<ul style="list-style-type: none"> Be located near commonly used areas, if appropriate on every level, and to have minimal impact on bedrooms. 	<ul style="list-style-type: none"> In the new buildings, communal spaces are generally located adjacent to the entrances and positioned to minimise impacts to bedrooms. 	✓
<ul style="list-style-type: none"> Receive 2 hours of solar access to windows at mid-winter 	<ul style="list-style-type: none"> Most communal space adjoins the northern facades to take advantage of optimal solar access. In the existing terraces, some communal space is centrally located due to the constraints of the existing layout and will not receive direct solar access but will have access to natural light. The Department considers this acceptable given the constraints of the heritage listed buildings. 	✗
<ul style="list-style-type: none"> Minimum 20sqm of communal open space 	<ul style="list-style-type: none"> 1436sqm proposed. 	✓
<ul style="list-style-type: none"> Open space to be generally north facing and receive 2 hours of sunlight mid-winter 	<ul style="list-style-type: none"> Key outdoor spaces, including roof terraces and ground level open space between Buildings B and C will receive good levels of solar access. 	✓
<ul style="list-style-type: none"> Be provided at ground level where possible 	<ul style="list-style-type: none"> Open space is provided at ground level. 	✓

Summary of Control	Department Comment / Assessment	Complies?
<ul style="list-style-type: none"> Provide partial cover from weather 	<ul style="list-style-type: none"> Some cover is provided to the roof terraces. 	✓
<ul style="list-style-type: none"> Incorporate porous surfaces for 50% of the area 	<ul style="list-style-type: none"> Ground level open space includes porous surfaces. 	✓
<ul style="list-style-type: none"> Be connected to communal indoor spaces 	<ul style="list-style-type: none"> Open space connects directly with communal indoor spaces in the new buildings. 	✓
<ul style="list-style-type: none"> Contain communal facilities such as BBQ's and seating 	<ul style="list-style-type: none"> Communal facilities are provided. 	✓
<ul style="list-style-type: none"> Be screened from adjoining properties and the public domain 	<ul style="list-style-type: none"> Spaces are screened from view. 	✓
<ul style="list-style-type: none"> 30% of bedrooms to have access to private open space. 	<ul style="list-style-type: none"> 13% have private balconies: see Section 6.5. Generous communal spaces are provided and better suit student needs. 	✗
4.4.1.5 Bathroom, laundry, drying facilities		
<ul style="list-style-type: none"> One washbasin, toilet and shower / bath for every ten residents. 	<ul style="list-style-type: none"> Results in requirement for 34 basins toilets and showers. The proposal includes 37 bathrooms, exceeding the requirement. 	✓
<ul style="list-style-type: none"> One communal washing machine (5kg+) and one dryer for every 12 residents 	<ul style="list-style-type: none"> Results in a requirement for 28 washing machines and dryers. 29 machines and dryers proposed. 	✓
<ul style="list-style-type: none"> One large laundry tub with hot and cold running water 	<ul style="list-style-type: none"> Will be provided. 	✓
<ul style="list-style-type: none"> Drying facilities such as clotheslines to be provided. 	<ul style="list-style-type: none"> Clothes dryers are provided, as the constraints of the site do not easily enable provision of clotheslines and is considered satisfactory. 	✗
4.4.1.6 Amenity Safety and Privacy		
<ul style="list-style-type: none"> Communal spaces to be in safe and accessible locations 	<ul style="list-style-type: none"> Communal spaces are all designed to be safe and accessible. 	✓
<ul style="list-style-type: none"> Bedrooms located separate from noise sources. 	<ul style="list-style-type: none"> Internal design separates communal spaces from bedrooms as far as possible. 	✓
<ul style="list-style-type: none"> Structural fixtures designed to maximise nonchemical pest management 	<ul style="list-style-type: none"> Can comply, with details provided at detailed design phase. 	✓
<ul style="list-style-type: none"> All appliances to achieve 3.5 or higher energy star rating 	<ul style="list-style-type: none"> Can comply. Appropriate energy saving measures are included in the proposal. 	✓
<ul style="list-style-type: none"> Main entry located away from neighbouring premises 	<ul style="list-style-type: none"> Main entries to new buildings are provided where they would have the least impacts for adjoining residential premises. 	✓
<ul style="list-style-type: none"> Communal areas and bedroom windows 	<ul style="list-style-type: none"> Communal areas and windows are predominantly oriented where there would be no amenity impacts to neighbours: see Section 6.4. 	✓

Summary of Control	Department Comment / Assessment	Complies?
located to minimise amenity impacts to adjoining premises		
<ul style="list-style-type: none"> Screen fencing, plantings, acoustic barriers and double glazed windows provided where necessary to protect neighbour amenity 	<ul style="list-style-type: none"> Appropriate measures provided: see Section 6.4. 	✓
<ul style="list-style-type: none"> An acoustic assessment may be requested. 	<ul style="list-style-type: none"> An acoustic assessment is provided, and noise impacts are considered in Section 6.6. 	✓
<ul style="list-style-type: none"> Private arrangements for waste collection 	<ul style="list-style-type: none"> Waste will be collected by the University's contractor 	✓
<ul style="list-style-type: none"> A traffic assessment is required. 	<ul style="list-style-type: none"> A traffic assessment was provided and traffic impacts are considered in Section 6.8. 	✓
4.4.1.7 Plan of Management		
<ul style="list-style-type: none"> An Operating Plan of Management is to be submitted detailing staffing, rules, occupancy, measures to minimise impacts to neighbours, waste management, cleaning arrangements, safety and security measures. 	<ul style="list-style-type: none"> The proposal is accompanied by an Operational Plan of Management. As discussed in Section 6.5, a condition is recommended requiring a more detailed plan of management prior to operation. 	✓

Appendix C – Recommended Instrument of Consent

The recommended instrument of consent can be found on the Department's website as follows:

<https://www.planningportal.nsw.gov.au/major-projects/project/9981>

Appendix D – Community views for Draft Notice of Decision

Issue	Consideration
Amenity impacts <ul style="list-style-type: none"> that the size of the new buildings and proximity to the neighbours would result in adverse amenity impacts including privacy, overshadowing, visual impacts noise impacts. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> Building size and proximity to neighbours is in accordance with the building envelopes established by the CIP concept proposal approval. During the assessment process, the Applicant amended the plans to improve solar access outcomes for nos. 97 and 120 Darlington Road. The Department is satisfied the amended proposal would not result in unacceptable overshadowing impacts. Privacy impacts are addressed through design, including window treatments and screening. Since the submissions were made, visual impacts have been reduced due to changes to built form to reduce overshadowing. The Department is satisfied the proposal would not result in any unexpected or unacceptable visual impacts. The Noise Impact Assessment demonstrates that, subject to conditions to manage noise from the roof terraces and appropriate acoustic treatment of plant, the proposal will not result in any unacceptable operational noise impacts. <p><i>Conditions include</i></p> <ul style="list-style-type: none"> where external ground levels including access paths or stairs adjacent to private properties would afford views of the neighbouring premises, their use is to be restricted to fire egress purposes only, with appropriate physical design, signage and management measures prior to occupation. undertake a noise monitoring program of the mechanical plant within three months of occupation of the building to verify that the measured noise levels of the mechanical plant and use of the student terraces do not exceed the established noise criteria. prohibit use of the terraces / outdoor areas after 10pm and prohibit music being played in these areas. prepare an updated Operational Management Plan to ensure appropriate actions are taken to manage student behaviour and noise complaints.

Issue	Consideration
<p>Heritage and character</p> <ul style="list-style-type: none"> that the new buildings are out of character with the heritage values of the area and would have adverse impacts on the adjoining heritage listed terrace houses heritage impacts due to the changes to the front of the terraces. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department considers the new buildings would not result in unacceptable heritage impacts noting: <ul style="list-style-type: none"> the buildings comply with the building envelopes that were approved under the concept proposal approval, having regard to the heritage values of the site including building heights which all sit below the ridge line of the adjacent terraces. the proposal results in an increased level of building separation between the proposed building and the existing terraces compared to that expected under the approved concept proposal approval, enabling better interpretation and views of the rear of the heritage listed items. the new buildings are considered to provide a modern interpretation, but complementary built form to the existing terraces and the laneway design enables interpretation of the original terrace row subdivision pattern. The Department notes while changes are required to three front entrances to provide equitable access, all other front gardens and their palisade fences and gates will be retained and restored. The original cast iron gates of the affected sites will be retained with a small section of the palisade fence removed to provide a wider, accessible, entrance and a levelling of the garden paths to provide the required accessible gradient. The three widened doors will be detailed to replicate the original. The visual impact of these alterations across the full length of the Darlington Road terrace houses is relatively minor, and is considered acceptable.
<p>Safety and operational management</p> <ul style="list-style-type: none"> potential anti-social behaviour associated with the use of the premises safety associated with accessing the site from the rear laneway. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Application was accompanied by an Operational Plan of Management which sets out staffing arrangements, safety and security measures and house rules. Staff and management will be present on site 24 hours a day. The Department considers the site would be able to be appropriately managed to ensure antisocial behaviour is minimised and addressed and considers a more detailed Operational Plan of Management should be provided prior to occupation. Safety in the laneway would be significantly improved through the provision of a shared zone and traffic calming, incorporation of principles of CPTED into the building design, improved natural surveillance of the laneway and continuous CCTV monitoring the laneway entrances. <p><i>Conditions include</i></p> <ul style="list-style-type: none"> a requirement to prepare and comply with an updated and more detailed Operational Plan of Management to ensure appropriate actions are taken to manage student behaviour.

Issue	Consideration
<p>Parking and traffic</p> <ul style="list-style-type: none"> increased traffic congestion on roads, increased on street parking, increased pedestrian movements affecting traffic. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The application is accompanied by a traffic and transport assessment, which demonstrates that as the proposal includes no parking spaces, it will not generate adverse traffic impacts or affect the operation of the local road network. The assessment also demonstrates that the surrounding pedestrian footpath network is able to safely accommodate the increased pedestrian movements associated with the proposal. The Department considers that by co-locating residential accommodation within the University, the need for travel is reduced resulting in improved outcomes for traffic and transport.
<p>Impacts to rear laneway</p> <ul style="list-style-type: none"> concerns with one way movement of cars – direct all traffic towards the high traffic area the need for a pick-up area in the laneway the need for lighting to the laneway. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department considers the proposed one-way movement of cars in the laneway is appropriate and would result in reduced potential for traffic conflicts. Existing service bays along Darlington Lane on University land will provide for drop-off areas, in addition to existing bays on Codrington Street. Existing street lighting in the laneway will be retained and lighting from the proposal will improve light and visibility within the laneway.
<p>Construction impacts</p> <ul style="list-style-type: none"> including dust, damage to adjacent property, the need for a dilapidation report and lane and potential loss of rear lane access to dwellings. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> Some disruption to neighbours as a result of the construction activities, including some disruptions to rear lane access during the reconstruction of Darlington Lane, is inevitable. However, impacts can be appropriately minimised and managed with conditions of approval. <p><i>Conditions include</i></p> <ul style="list-style-type: none"> standard conditions to ensure control of dust and emissions during construction. requirements for noise mitigation and management during construction. a requirement for a Construction Pedestrian and Traffic Management Plan that addresses how rear lane access to adjacent properties will be managed including communication with affected neighbours. a requirement for dilapidation reports to be prepared prior to and post construction and to repair the full costs for repair of any damage caused by the development.

Issue	Consideration
<p>Tree removal</p> <ul style="list-style-type: none"> concerns with removal of trees, including Tree 25. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department acknowledges that the Oak tree (Tree 25) makes a significant contribution to the landscape character of the area. However, the proposed replacement planting of additional native trees in the public domain that will grow to taller heights than the Oak tree will ultimately result in a better outcome for the landscape character of the area as well as improved biodiversity and ecological outcomes. Despite the removal of Tree 25 overall the proposal will result in improved tree canopy cover and improved tree plantings across the site and surrounding public domain, compared to the approved concept proposal approval and therefore can be supported.
<p>Hazardous materials and safety</p> <ul style="list-style-type: none"> concerns with contamination, asbestos and safety of cladding material. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The application was accompanied by a Contamination Assessment which found no evidence of asbestos and concluded the site can be made suitable for the development subject to mitigation works including removal and disposal of shallow impacted fill material. A Remedial Action Plan (RAP) was prepared which sets out how contaminated material would be removed and includes an unexpected finds procedure to ensure any contamination subsequently discovered, including asbestos, can be appropriately assessed and dealt with. The Department is satisfied that subject to the imposition of conditions, the site can be made suitable for the proposed use and intended purpose and will not result in unacceptable contamination risks. The safety of cladding material is also addressed by a standard condition. <p><i>Conditions include</i></p> <ul style="list-style-type: none"> conditions relating to implementation of the RAP and verification following remediation works that the site has been made suitable for the development. an advisory note in relation to handling of any asbestos waste if encountered during construction. requirements to demonstrate all cladding complies with Building Code of Australia requirements both prior to construction and on completion.

Issue	Consideration
Stormwater <ul style="list-style-type: none"> concerns with stormwater impacts. 	<p><i>Assessment</i></p> <p>A Stormwater Management Report and Plan has been prepared for the development which demonstrates that the proposal would result in improved stormwater management outcomes for the site as it would:</p> <ul style="list-style-type: none"> provide stormwater drainage pipes not currently provided to the site. introduce rainwater reuse tanks and on-site detention to capture and reuse rainwater on the site, significantly reducing overland flows. incorporate water sensitive urban design measures including landscaping and pits / filters to significantly improve the quality of water discharge from the site. <p><i>Conditions include</i></p> <ul style="list-style-type: none"> requiring a detailed stormwater management system plan prior to construction, works as executed plans following construction, and a stormwater quality management plan.
Developer contributions <ul style="list-style-type: none"> that contributions should be paid. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> Following advice from Urban Growth NSW Development Corporation (UGDC) that contributions or works in kind towards public domain and infrastructure improvements should be provided, the Applicant did not seek an exemption to payment of these contributions. Contributions towards affordable housing provision have been waived, consistent with advice from UGDC in recognition that the application is on behalf of the Crown for the provision of lower cost accommodation. <p><i>Conditions include</i></p> <ul style="list-style-type: none"> a requirement to pay contributions towards public domain and infrastructure upgrades in accordance with the Redfern-Waterloo Authority Contributions Plan 2006, or provide public domain works to the same value.
Wind impacts <ul style="list-style-type: none"> concerns with wind impacts in the laneway. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department is satisfied that due to the low scale of the development, as all new buildings will be lower than surrounding development, and as the proposal incorporates new tree planting in the laneway, the proposal will not result in significant wind tunnel impacts to the laneway.

Issue	Consideration
<p>Consent Authority and Validity of CIP concept proposal approval</p> <ul style="list-style-type: none"> • Council should be the consent authority as the development is not for educational purposes • the CIP concept proposal approval has lapsed and therefore the proposal is not valid. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department has formed the view that the development of student accommodation facilities by the University, located on the University campus and for the use of the University students is development for the purpose of a tertiary institution (being an educational establishment) or is, at least, for a purpose ancillary to an educational establishment. • Consequently, the proposal is considered to meet the requirements of SSD, as defined under the SRD SEPP and therefore the Minister for Planning and Public Spaces is the consent authority under section 4.5 of the EP&A Act. • Works under several other applications approved under the CIP concept proposal approval were carried out within five years of that approval. Therefore the CIP concept proposal approval is operative and continues to apply to the site.