

<b>ITEM</b>	<b>2 Bullecourt Avenue, Milperra</b>
	<b>Construction of a New Teaching Facility Comprising a Three Storey Building Above Partial Service Basement with Associated Landscaping, Utilising Vehicular Access from Bullecourt Avenue</b>
<b>JRPP REF.</b>	<b>2012SYW055</b>
<b>FILE</b>	<b>DA-305/2012 - West Ward</b>
<b>ZONING</b>	<b>5 – Special Uses – Educational Purposes</b>
<b>DATE OF LODGEMENT</b>	<b>30 April 2012</b>
<b>APPLICANT</b>	<b>Mr Charles Vella</b>
<b>SITE AREA</b>	<b>3,200m<sup>2</sup></b>
<b>OWNERS</b>	<b>Department Of Education</b>
<b>ESTIMATED VALUE</b>	<b>\$14,700,000</b>
<b>AUTHOR</b>	<b>Development Services (Daniel Bushby)</b>

### **SUMMARY REPORT**

Development Application No. DA-305/2012 is lodged on behalf of the University of Western Sydney (UWS) and is a Crown development. The value of the proposed development is \$14.7million. Accordingly the application is reported to the Sydney West Joint Regional Planning Panel for determination.

The development application proposes to construct a three (3) storey teaching building within the UWS Bankstown Campus for six-hundred (600) students and seventy (70) staff, and involves the following works:

- A three (3) storey teaching building comprising teaching facilities, amenities, staff facilities, student lounges, and administration facilities;
- A partial basement area accommodating plant, substation, garbage storage and collection, and services;
- Removal of twenty-one (21) existing mature trees; and
- Landscaping and civil works around the periphery of the development site.

The application has been assessed against section 79C of the *Environmental Planning and Assessment Act, 1979* and is considered to be satisfactory with respect to the relevant matters for consideration.

The application was advertised and notified for twenty-one (21) days. Three (3) submissions were received, raising concerns relating to traffic, access and parking.

### **POLICY IMPACT**

This matter has no direct policy implications. The proposed development is within the zoning and land use framework established for the site, and the relevant planning controls have been satisfied.

### **FINANCIAL IMPACT**

This matter has no direct financial implications.

### **RECOMMENDATION**

It is recommended that DA-305/2012 be supported, and:

1. A draft consent be forwarded to the applicant in accordance with section 89 of the *Environmental Planning and Assessment Act, 1979*. Such a draft consent would be on a "deferred commencement" basis, subject to preparation of a Phase 2 Detailed Site Investigation, and the attached foreshadowed conditions of consent.
2. Upon satisfaction of Item 1 of this resolution, and the requirements of section 89 of the *Environmental Planning and Assessment Act, 1979*, the Sydney West Joint Regional Planning Panel determine the development application

### **ATTACHMENTS**

- A - Section 79C Assessment Report
- B - Conditions of Consent
- C - Locality Plan
- D - Objectors Map \*
- E - Site Plan
- F - Elevations

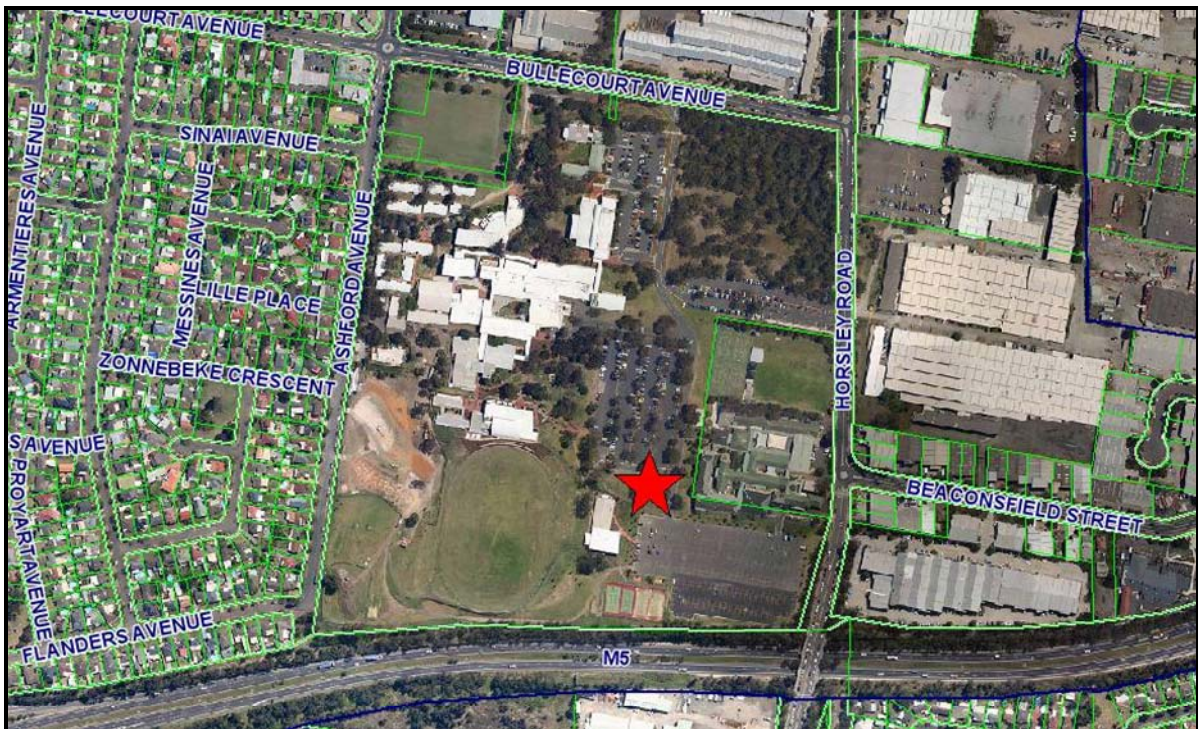
## **DA-305/2012 ASSESSMENT REPORT**

### **SITE & LOCALITY DESCRIPTION**

The subject site is known as 2 Bullecourt Avenue, Milperra. The site is zoned 5 - Special Uses - Educational Purposes, and comprises the University of Western Sydney (UWS) Bankstown Campus. The overall UWS site has an area of approximately 23.34 hectares, and has frontages to Bullecourt Avenue to the north, Ashford Avenue to the west, and Horsley Road to the east. The M5 Motorway is located south of the site.

The proposed development area (referred to hereafter as the "development site") is located in the south-eastern precinct of the University Campus, and has an area of approximately 3,200sq.m. It is located between the P3 and P4 Carparks and can be accessed via existing University roads and driveways to both Bullecourt Avenue (to the north) and Horsley Road (to the east). The development site primarily comprises a large grassed mound that contains twenty-five (25) mature trees.

Adjacent to the development site is an existing primary school. The buildings at the school's western boundary (where it adjoins the University) are two- and three-storeys high, and present either blank walls or high-sill windows to the proposed development. Neighbouring the UWS Campus on a broader scale are industrial developments to the north and east, and a residential precinct to the west and north-west. Beyond the M5 Motorway to the south is a Council Depot, and some open space areas. The context of the site is illustrated in the aerial photo below.



## **PROPOSED DEVELOPMENT**

The development application proposes to construct a three (3) storey teaching building within the UWS Bankstown Campus, and involves the following works:

- A three (3) storey teaching building comprising teaching facilities, amenities, staff facilities, student lounges, and administration facilities;
- A partial basement area accommodating plant, substation, garbage storage and collection, and services;
- Removal of twenty-one (21) existing mature trees; and
- Landscaping and civil works around the periphery of the development site.

The new facility would cater for up to six-hundred (600) students and seventy (70) staff and would accommodate the UWS College. The applicant's Statement of Environmental Effects explains that the purpose of the UWS College is to provide a pathway to University for local and international students who have not secured the ATAR required for direct entry into their preferred course.

## **SECTION 79C ASSESSMENT**

The proposed development has been assessed pursuant to section 79C of the *Environmental Planning and Assessment Act, 1979*.

### **Environmental planning instruments [section 79C(1)(a)(i)]**

#### **State Environmental Planning Policy No. 55 - Remediation of Land**

SEPP No. 55 requires Council to consider whether the development site is contaminated and, if it is, whether it is suitable for the proposed development either in its contaminated state or following remediation works.

The applicant has undertaken an Environmental Site Screening (ESS) to investigate any potential contaminants at the site, in particular in the mounded hill that is to be disturbed by the proposed works. This mound is understood to contain imported fill material. The ESS identified that "*Elevated concentrations of contaminants were not encountered in the soil samples analysed for the investigation. All results were below the SAC adopted for this assessment. Based on the results... the potential for significant widespread soil contamination at the site is relatively low*".

It is concluded in the ESS that "*the site is suitable for the proposed development provided that the site is inspected by experienced environmental personnel during excavation works to assess any unexpected conditions or subsurface facilities that may be discovered between investigation locations*". The requirements of SEPP No. 55 have therefore been met, subject to a condition requiring monitoring during excavation works.

### State Environmental Planning Policy (Infrastructure) 2009

The proposed development would cater for 600 students and qualifies as a 'traffic generating development' under the ISEPP. Accordingly the application was referred to Roads and Maritime Services (RMS) for concurrence.

The RMS have raised no objection to the proposed development, subject to matters including on-site parking provision being addressed to Council's satisfaction. A number of conditions of consent were recommended by the RMS, which have been included in Attachment B to this report.

### Bankstown Local Environmental Plan 2001

The following clauses of the Bankstown Local Environmental Plan 2001 (BLEP 2001) were taken into consideration:

#### *Clause 2 Objectives of this Plan*

- The relevant objectives of the Bankstown Local Environmental Plan 2001 are:
  - (a) *to regulate development in accordance with the following principles:*
    - (i) *new buildings should be designed to achieve:*
      - (A) *good urban design, and*
      - (B) *public and private safety, and*
      - (C) *energy and resource efficiency, and*
    - (ii) *remnant bushland, natural watercourses and threatened species should be protected, and*
    - (iii) *intensive trip generating activities should be concentrated in locations most accessible to rail transport, and*
    - (iv) *new development should not diminish the role of the Bankstown CBD as a sub-regional centre, and*
    - (v) *new development in or affecting residential areas should be compatible with the prevailing suburban character and amenity of the locality of the development site.*

The proposed development is not inconsistent with these objectives. The matters raised in each are discussed in more detail in this report.

#### *Clause 11 Development which is allowed or prohibited within a zone*

- The site is located in Zone 5 - Special Uses (Educational Purposes), which permits development for the purposes of 'educational establishments'.

An 'educational establishment' is defined by the LEP as '*a building or place used for education (including teaching) and includes a tertiary institution, including a university... whether or not accommodation for staff or students is provided there and whether or not it is used for the purpose of gain*'. The

proposed development falls within this definition and is therefore permitted at the subject site.

*Clause 13 Other development which requires consent*

- Development within Zone 5 - Special Uses may only be carried out for the purpose indicated in red lettering on the zoning map. At this site the lettering on the zoning map reads '*Educational Purposes*'. As discussed above, the proposed development falls within the definition of an '*educational establishment*' and is therefore permitted at the site.

*Clause 16 General objectives of these special provisions;*

*Clause 17 General environmental considerations;*

*Clause 19 Ecologically sustainable development; and*

*Clause 20 Trees*

- Council's Development Engineer has reviewed the proposed stormwater concept and advises that it is satisfactory, subject to conditions. The recommended stormwater conditions are included at Attachment B to this report.
- It is proposed to remove twenty-one (21) existing trees from the development site, which are a mix of planted and endemic specimens. The proposed tree removal has been supported by a report from a qualified arborist, and is intended to be offset by inclusion of compensatory tree, shrub and understorey planting. The proposal has been reviewed and endorsed by Council's Tree Management Officer.

*Clause 24 Airports*

- The obstacle limitation surface plan prepared by Bankstown Airport Limited prescribes a maximum building height at the subject site of 15.24m. The proposed development would not exceed this maximum.

*Clause 30 Floor space ratios*

- The BLEP 2001 Floor Space Ratio Map does not prescribe a maximum floor space ratio at the subject site.

*Clause 55 Objectives of the Special Uses zone*

- The objectives of the 'Special Uses' zone are:
  - (a) *to identify land owned, used or required to be used by, or under the authority of, a public authority or for other semi-public purposes, and*
  - (b) *to permit a range of uses which are compatible with the locality.*

The proposed development of new teaching facilities is in accordance with these objectives. The proposal would complement the existing facilities already established within the University, and has been designed in a

manner that it is compatible with the neighbouring land uses, in particular the adjoining primary school.

**Draft environmental planning instruments [section 79C(1)(a)(ii)]**

There are no draft environmental planning instruments applicable to the proposed development.

**Development control plans [section 79C(1)(a)(iii)]**

The *Bankstown Development Control Plan 2005* supports the *Bankstown Local Environmental Plan 2001* by providing additional objectives and development controls. These objectives and controls are divided into separate Parts according to the type of proposed development.

Part D11 of the DCP applies to the design and function of schools. However it does not apply to educational facilities within a University Campus, and therefore cannot be reasonably applied in this case.

Part D8 of the DCP prescribes the minimum car parking rates for educational establishments, and requires that 1 car space be provided per employee or classroom, whichever is the greater. The proposed development involves thirty-eight (38) classrooms with seventy (70) staff. A minimum of seventy (70) car parking spaces would therefore be required by the DCP rates. However the DCP rates are geared toward a primary and high school, and do not necessarily reflect the parking demand for a University where car ownership is potentially higher. The parking demand for the proposed development has therefore been determined by examining likely car usage and comparing this to the parking facilities available on-site.

The Assessment of Parking and Traffic Implications submitted by the applicant projects a parking demand of 1 space per 2-3 staff, and 1 space per 20 students. This is on the basis that the proposal would cater for students with a low car ownership potential. To further justify the assumption of low car ownership, the applicant has reviewed the characteristics of existing UWS College facilities that operate from their Westmead and Nirimba (Blacktown) Campuses, and submit that:

- *Our students come from a lower socio-economic background.*
- *Our students are generally younger in age. Most of our students are first year school leavers while at UWS (i.e. general University population) students are up to 4 years older and more likely to utilise cars for transportation.*
- *Our semester utilises parking during periods when not used by the University (July, December and January).*
- *Bankstown Campus is located only a 15min walk from Panania Railway Station and has several bus routes that drive past the main entrance to the campus.*

- *Large percentage of our current students utilise public transport to attend our two existing campuses (Westmead and Nirimba).*

These characteristics are such that the demand projected in the parking and traffic report can be taken as a reasonable estimate of the requirements for the proposal. These projected demands would require up to 65 spaces for the proposed new teaching facility, which is comparable to the prescribed DCP rate of 70 spaces. Combined with the 21 existing spaces lost from the P3 carpark, a total of 86 car parking spaces are required to support the proposed development.

The University's P4 carpark, located immediately south of the proposed development, was expanded in 2011 to provide 200 additional spaces for future building works within the University Campus. These additional spaces were provided over and above the existing parking arrangements that were in place for the operation of the University at the time.

The student accommodation development approved by the Sydney West Joint Regional Planning Panel in June 2011 (2011SYW005) required the use and permanent allocation of 90 of these additional spaces in the P4 carpark. A balance of 110 spaces therefore remains. This spare capacity is capable of accommodating the demands of the proposed new UWS College teaching facility, and would ensure that car parking associated with the proposal can be accommodated on-site. It is recommended that conditions of consent be imposed that require the allocation of these spaces within the P4 carpark to the UWS College facility.

#### **Planning agreements [section 79C(1)(a)(iia)]**

There are no planning agreements applicable to the proposed development.

#### **The regulations [section 79C(1)(a)(iv)]**

The proposed development is not inconsistent with the relevant provisions of the Environmental Planning and Assessment Regulation, 2000.

#### **The likely impacts of the development [section 79C(1)(b)]**

It has been demonstrated that the proposed development would not have any unreasonable or unacceptable environmental, social, or economic impacts on the surrounding locality.

#### **Suitability of the site [section 79C(1)(c)]**

The proposed development is permitted by the Bankstown Local Environmental Plan 2001. The proposal has been assessed largely on merit as there are no specific DCP controls that apply, and it has been found to be satisfactory with respect to building design, site layout, traffic management, car parking provision, environmental considerations, and likely impacts on neighbouring land uses.

#### **Submissions [section 79C(1)(d)]**



The application was advertised and notified for a period of twenty-one (21) days. Three (3) objections were received during this period, which raise the following concerns.

**Objection:** *Staff and students are parking in larger numbers in the surrounding industrial and residential area. We are concerned this proposed development will attract further visitation to the site and there is no plan for catering for these vehicle movements.*

**Comment:** As discussed earlier in this report, sufficient on-site car parking is allocated to cater for the demands of the proposed development.

**Objection:** *We are concerned the applicant will ignore Council direction and will install any development as they wish.*

**Comment:** The applicant is bound by the legislative provisions of the Environmental Planning and Assessment Act 1979 to comply with the approved development plans and the conditions of consent.

**Objection:** *The University should lead the way in green transport by providing a bike exchange, green mini bus dedicated shuttles to the University and green ways for students to safely make their own way from Panania and East Hills stations to the University.*

**Comment:** This is a matter for consideration by the applicant, which is outside the scope of this assessment report.

**Objection:** *The applicant's traffic report is misleading and inaccurate.*

**Comment:** The applicant's Assessment of Parking and Traffic Implications report has been reviewed by the RMS and Council's Traffic Engineers, and is regarded as capable of being relied upon for the purposes of this development assessment.

**Objection:** *75 car spaces for 670 people is inadequate.*

**Comment:** As discussed earlier in this report, sufficient on-site car parking is allocated to cater for the demands of the proposed development.

**Objection:** *The 80 car parking spaces in the P4 car park for the student accommodation should be designated for that use.*

**Comment:** Determination Notice DA-1285/2010, which was granted on 30 June 2011 for the construction of the student accommodation, requires that ninety (90) car parking spaces within the P4 Carpark are to be designated for use only by student residents, and that they be physically separated from the remainder of the P4 Carpark.

**Objection:** *UWS should invest in transport or parking solutions that would benefit themselves and the community. For example, a multi-storey car park where this DA is proposed, or bike tracks and footpaths.*

Comment: This is a matter for consideration by the applicant, which is outside the scope of this assessment report.

**Objection:** *There should continue to be no entry to the campus from Ashford Avenue. If this is ever changed, it will only further impede on the community on the western side of the campus as the streets will become burdened with parking and traffic chaos.*

Comment: The application does not propose any access from Ashford Avenue. A condition of consent is included at Attachment B that requires access for students, staff, and construction vehicles, to be from Bullecourt Avenue or Horsley Road.

**Objection:** *Bullecourt Avenue has vehicle congestion back to Henry Lawson Drive in the mornings, and this in turn causes a backlog of traffic coming onto Bullecourt Avenue from Ashford Avenue and in the afternoons the congestion is extensive backing up into Horsley Road at the round-a-bout and this is in both directions.*

Comment: The Assessment of Parking and Traffic Implications report submitted by the applicant examines the projected traffic generation of the proposed development. The report projects an additional 22 – 26 vehicle trips per hour (vtp), which would be spread over the access road system including Bullecourt Road, Henry Lawson Drive, Beaconsfield Street, Milperra Road and Horsley Road. The report concludes that “*with such a wide and multiple distribution the 22 – 26 additional vtp will be quite imperceptible and will not result in any adverse traffic capacity or safety implications*”.

### **The public interest [section 79C(1)(e)]**

Based on the assessment, it is considered that the proposed development would not contravene the public interest.

## **CONCLUSION**

The Development Application has been assessed in accordance with the provisions of Section 79C of the *Environmental Planning and Assessment Act 1979*, *Bankstown Local Environmental Plan 2001* and *Bankstown Development Control Plan 2005*.

The proposed development is within the zoning and land-use framework established for the UWS Bankstown Campus, and the new UWS College teaching facility can be accommodated on the subject site without resulting in any adverse off-site impacts. There are no matters identified in this development assessment or raised in public submissions that would warrant refusal of the application.