

JRPP No.	2014STH028
DA No.	DA-2014/1474
Proposal	Post Graduate Student Accommodation Facility- comprising six (6) and seven (7) storey building totalling 215 units (261 beds), communal area and courtyard, car parking (42 spaces on site plus 25 off site spaces at the iC), landscaping and site infrastructure works
Property	University of Wollongong (UOW) 2 Northfields Avenue, Keiraville/Gwynneville Part Lot 1 DP 1188267 UOW Innovation Campus (iC) 3 Innovation Way, North Wollongong Lot 11 DP 1172135
Applicant	Hutchinson Builders
Responsible Team	Development Assessment and Certification – City Wide Planning Team (JS)

ASSESSMENT REPORT AND RECOMMENDATION

1. Executive Summary

Reason for consideration by Joint Regional Planning Panel

The proposal has been referred to Joint Regional Planning Panel pursuant to Schedule 4A (3) and (5) of the *Environmental Planning and Assessment Act 1979* as the Capital Investment Value (CIV) is greater than \$5 (five) Million for the purpose of Crown Development and the development generally has a CIV of greater than \$20 (twenty) Million.

Proposal

The development application seeks consent for the construction of post graduate student accommodation at the UOW main campus comprising 215 units (261 beds), communal area and courtyard, a 42 space car parking area, landscaping and site infrastructure works. The development comprises a part 6 and part 7 storey building with common kitchen, utility, study and administration facilities proposed on the ground flood and a mix of single, studios, double studios, 2 and 3 bedrooms, visitors rooms and one onsite managers residence on the upper floors. Vehicular access to the development is proposed from Madoline Street. A further 25 off-site long term car parking spaces are to be located within an existing car park at the University's iC.

The proposal is considered Crown development pursuant to Part 4 Division 4 of the *Environmental Planning and Assessment Act 1979*, as Australian Universities are listed as a prescribed person pursuant to Clause 226(1)(C) of the *Environmental Planning and Assessment Regulation 2000*.

Permissibility

There are four (4) separate land use zones which relate to the University landholding. The subject development site exhibits the SP2 Infrastructure zone pursuant to Wollongong Local Environmental Plan (WLEP) 2009. The proposal is categorised as student accommodation which is considered to be ordinarily incidental and/or ancillary to the primary use of the site as an Educational Establishment. Educational Establishments are identified as a purpose on the Land Zoning Map and the proposal is therefore considered permissible in the zone with development consent. The iC site exhibits the SP1 Special Activities – Innovation Campus. The car park is considered to be ordinarily incidental and/or ancillary to that development and was approved via DA-2014/348.

Consultation

Exhibition:

The proposal was exhibited in accordance with Appendix 1 - Public Notification and Advertising Procedures of Wollongong Development Control Plan (WDCP) 2009 and received 34 (thirty four)

submissions. Following the receipt of additional information including amended plans, the proposal was re-exhibited to the first round respondents with 16 (sixteen) submissions received. Submission has been received from Neighbourhood Forum 5. The issues raised are discussed at section 3.9 of the report.

External:

Consultation has also occurred with relevant external authorities, namely the NSW Rural Fire Service (RFS), NSW Roads and Maritime Service (RMS), NSW Office of Water, Sydney Water, NSW Department of Planning and Environment and Endeavour Energy. In each instance, satisfactory referral advice has been received.

Internal:

Details of the proposal were referred to Council's Geotechnical, Stormwater, Traffic, Environment, SCAT, Landscape, Infrastructure and Health Officers for assessment. In each instance, satisfactory referral advice has been received.

Main Issues

The main issues arising from the assessment process include:-

- Car parking and traffic generation
- Scale and character
- Design matters and locational compatibility
- Section 94A Development Contribution Fee exemption
- Typology of development proposed as relates to relevant statutory provisions and controls.

Further discussion of the issues identified is included throughout the report.

Conclusion

This application has been assessed in accordance with Section 79C (i) of the *Environmental Planning and Assessment Act 1979*, the relevant provisions of State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy No. 65, WLEP 2009 and WDCP 2009. The proposal is not considered to be in conflict with the objectives sought by these provisions.

Council has undertaken a merit assessment of the proposal against statutory provisions which relate to comparable land uses due to the typology of the development and limited applicable development standards and controls. In this case, it is considered that the proposal demonstrates reasonable compliance with controls that could be sensibly considered to apply in the circumstance. This is further discussed throughout the report.

The exhibition of the proposal has identified two main community concerns – traffic/parking management and the contextual relationship of the proposal in the locality. It is considered that car parking provision for the proposal at the rate of 1 space per 4.4 beds is appropriate as relates to submitted post graduate student car ownership data. It is also considered the proposal is not out of context in the University precinct having considered design elements, zoning change transition matters and likely future development potential in the immediate area.

Some of the issues raised in submissions though technically unresolved are considered to be adequately addressed either through design, continued commitment by UOW to strategies and/or management and implementation or by way of conditions of consent. Any remaining issues are not considered to be sufficient to refuse the application.

Recommendation

It is recommended that development application DA-2014/1474 be approved pursuant to Section 80 and 89 of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions at Attachment 8.

2. APPLICATION OVERVIEW

2.1 PLANNING CONTROLS

The following planning controls apply to the development:

State Environmental Planning Policies:

- SEPP (State and Regional Development) 2011
- SEPP (Infrastructure) 2007
- SEPP No. 55 – Remediation of Land
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP No. 65 – Design Quality of Residential Flat Development

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan (WDCP) 2009

Other policies

- Wollongong Section 94A Development Contributions Plan 2014

2.2 PROPOSAL

The development will involve the construction of a Post Graduate Student Accommodation facility comprising 215 units and associated facilities including car parking and communal open space areas.

The proposal consists of the following main elements:

- Construction of a part 6 and part 7 storey building to be known as 'Building 120' comprising 215 units totalling 261 beds in a variety of unit sizes and communal facilities including a kitchen and dining area, study rooms, laundry facilities, garbage and other utilities, and administration areas;
- An at grade car park comprising 42 spaces with access off Madoline Street (34 secure car spaces available to residents with 7 visitor and maintenance car parking spaces and 1 car share space) and 25 off-site car parking spaces at the iC;
- Landscaping works, including a communal courtyard with a covered outdoor dining area, tree planting and minor site terracing and
- Site infrastructure works.

The 215 residential units comprise 8x three bed units, 30x two bed units, 57x double studios, 113x single studios, 1x on site managers residence and 6x single visitor rooms with a total of 261 beds.

Pedestrian access to the accommodation facility will be via a secure entry airlock to the north east of the building to Northfields Avenue and two lifts are proposed to service the development.

This proposal is considered Crown development pursuant to Part 4 Division 4 of the *Environmental Planning and Assessment Act 1979*, as Australian Universities are listed as a 'prescribed person' pursuant to Clause 226(1)(C) of the *Environmental Planning and Assessment Regulation 2000*.

The proposal is considered Integrated Development – Special Fire Protection Purpose land use as defined pursuant to Section 100B of the *Rural Fires Act 1997*.

The proposal is considered to be traffic generating development as defined pursuant to Clause 104 of the State Environmental Planning Policy (Infrastructure) 2007 as the development relates to an Educational Establishment which caters for more than 50 students.

The photomontage at Figure 1 depicts the main entry of the proposed development within the context of the site. The view is looking west towards Robsons Road along Northfields Avenue.



Figure 1: Western perspective of proposal

Architectural plans and further perspectives are provided at Attachment 1.

2.3 BACKGROUND

The UOW landholding has had numerous development applications that relate to the current use as a University Campus. More recently, DA-2009/1189 was conditionally approved by the JRPP for a 360 bed student accommodation development known as 'K2' which fronts Robsons Road.

For the current proposal, a prelodgement meeting was held between Council staff and the proponent in October 2014. Matters identified at the meeting have been reasonably addressed within the application submission. Separately the University engaged with the Local Neighbourhood Forum 5 (NF5) via presentations and discussions regarding the proposal prior to lodgement of the application.

Customer service actions

The property does not have any outstanding customer service actions.

2.4 SITE DESCRIPTION

The site is located at 2 Northfields Avenue, Keiraville/Gwynneville and the Title reference is Lot 1 DP 1163615. The site is owned by the UOW and is bounded by Illawarra Escarpment lands West of Robson Road, Madoline Street to the South and Mount Ousley Road to the North and East. The total landholding is approximately 89.39 ha. The subject development site is located between Madoline Street, the Wollongong Botanic Gardens and Northfields Avenue as depicted in Figure 2.

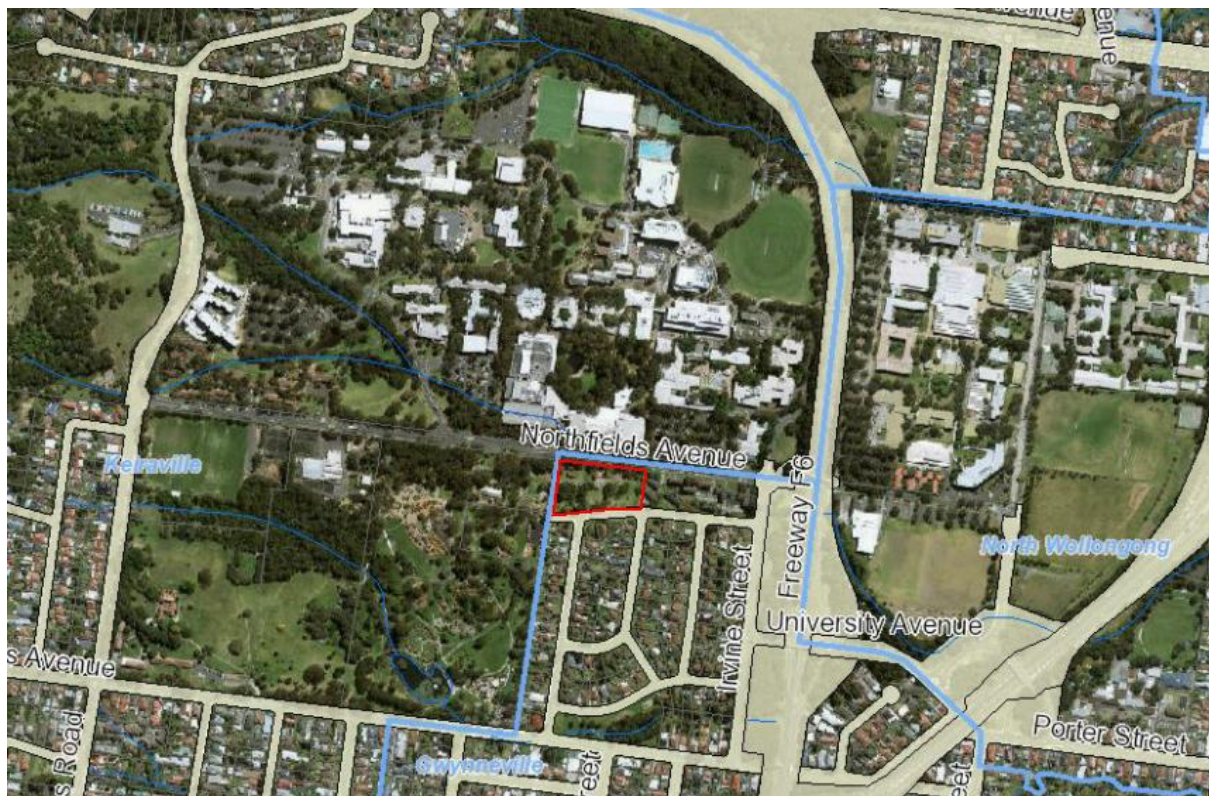


Figure 2: Aerial Photograph- subject development site highlighted

The subject site is currently vacant and was previously comprised of 16 residential lots, each containing a dwelling house. The land was consolidated with the larger University Lot in 2011, concurrently with the eastern portion of land that is currently comprised of 9 buildings known as Graduate House.

The subject site slopes from the South West to the North East and contains a number of established trees. The main pedestrian link to the University Campus from the south traverses the western extent of the development site.

Immediately to the South of the subject site the prevailing land use is low density residential, to the West Wollongong Botanic Gardens and to the North the main University Campus.

Reference to Lot 11 DP 1172135, 3 Innovation Way North Wollongong is also included in the site description due to the association, by way of provision of 25 off-site car spaces within an existing approved and completed car park (DA-2014/348) at the iC to assist in servicing the development. In this regard it is considered there are no further direct assessment issues to be addressed other than the inclusion of the 25 spaces in the draft conditions at Attachment 8.

Property constraints

Council records list the University landholding as being affected by the following constraints:

- Land fill
- Riparian land
- Unstable land
- Acid sulphate soils
- Flood hazard
- Bushfire hazard
- Heritage - Illawarra Escarpment – Conservation Area – Landscape
- Restrictions on the use of land relate to easements for underground cables, padmount substations, drainage, and electricity. It is considered the restrictions on Title do not preclude the proposed development.

Given the extensive area of the University's landholding, the above property constraints are differentiated over the whole site and apply to specific areas only. An investigation of Council's land information system has identified that only the mapped areas for flooding, land fill and unstable land extents apply to the subject development site location.

2.5 CONSULTATION

2.5.1 INTERNAL CONSULTATION

Details of the proposal were referred to Council's Geotechnical, Stormwater, Traffic, Environment, SCAT, Landscape, Infrastructure and Health Officers for assessment. Satisfactory referral advice, comment and/or recommended conditions were provided in each instance. Assessment considerations of internal groups as relates to relevant Chapters of the WDCP 2009 are presented at section 3.3.1 of the report.

2.5.2 EXTERNAL CONSULTATION

NSW Office of Water

The proposal was lodged and initially considered as Integrated Development requiring a controlled activity approval pursuant to Section 91 of the *Water Management Act 2000*. A response received on 4 December 2014 identified that the Office does not consider the proposal integrated as the nearby drainage line is piped and the site is not considered waterfront land. Consequently the proposal is exempt from the requirement to obtain a Controlled Activity Approval.

NSW Rural Fire Service

The proposal is considered to be Integrated Development – Special Fire Protection Purpose land use as defined pursuant to Section 100B of the *Rural Fires Act 1997*. A response received on 2 January 2015 contained a Bushfire Safety Authority subject to one condition requiring that the University's Emergency Evacuation Plan be updated to include the proposed additional Student Accommodation facility.

Roads and Maritime Services

The proposal is considered Traffic Generating Development pursuant to Clause 104 of the *State Environmental Planning Policy (Infrastructure) 2007* as the development is proposed in association with a large educational establishment. A response received on 19 December 2014 indicated no objections in principle as the subject development is considered unlikely to have a significant impact on the classified road network. Further, the RMS consider that there are opportunities to better understand the future traffic demands to and around the University which would assist in informing decisions relating to future infrastructure requirements. The RMS provided a number of comments only to Council which were considered by Council's Traffic Officer as part of the assessment process.

Endeavour Energy

Details of the proposal were referred to Endeavour Energy given the scale of development and proposed new padmount substation. A response received on 17 December 2014 indicated no objections to the proposal and no conditions were recommended in this regard.

Sydney Water Corporation

Given the proposed development contains 215 residential units for student accommodation and the requirements of Section 78 of the *Sydney Water Act 1994*, the consent authority must give the Corporation notice of the application.

A response received on 22 December 2014 indicated that services are available to the site and requested a condition for a Section 73 Certificate to be included within any consent issued.

NSW Department of Planning and Environment

The Department were consulted in relation to SEPP (State and Regional Development) 2011 as relates to the appropriate statutory determination pathway for the proposal. A response received on 2 June 2014 from a delegate of the Director General identified the JRPP as the appropriate determining authority. This matter is further discussed at section 3.1.1 of this report.

Copies of the responses from the external agencies are provided at Attachment 7.

3. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

SECTION 79C ASSESSMENT

Section 79C – Evaluation

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) <i>the provisions of:</i>	
(i) <i>any environmental planning instrument, and</i>	See section 3.1
(ii) <i>any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i>	See section 3.2
(iii) <i>any development control plan, and</i>	See section 3.3
(iia) <i>any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and</i>	See section 3.4
(iv) <i>the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,</i>	See section 3.5
(v) <i>any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),</i>	See section 3.6
<i>that apply to the land to which the development application relates,</i>	
(b) <i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	See section 3.7
(c) <i>the suitability of the site for the development,</i>	See section 3.8
(d) <i>any submissions made in accordance with this Act or the regulations,</i>	See section 3.9
(e) <i>the public interest.</i>	See section 3.10

3.1 SECTION 79C 1(A)(I) ANY ENVIRONMENTAL PLANNING INSTRUMENT

3.1.1 STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011

State Environmental Planning Policy (State and Regional Development) 2011 applies to certain development that is considered to be of significance to the state. For the purpose of clause 89C of the *Environmental Planning and Assessment Act 1979* development is declared to be of state significance if:

- 8 (1)(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*
(b) *the development is specified in Schedule 1 or 2.*

Schedule 1 of SEPP (State and Regional Development) 2011 lists the types of development that are regarded as state significant development. The proposed development is captured by clause 15 of Schedule 1 (below).

15 Educational establishments

Development for the purpose of educational establishments (including associated research facilities) that has a capital investment value of more than \$30 million.

The application submitted to Council nominates the capital investment value of the project at \$31 million.

However, correspondence received from a delegate of the Director General from the NSW Department of Planning and Environment in June 2014 advised that the appropriate determination pathway for the proposed development to be via a development application submission to Council. Further, the Department do not consider the development to be State Significant Development pursuant to the policy with the understanding that application be referred to the JRPP for determination as the proposal is captured within Schedule 4A of the *Environmental Planning and Assessment Act 1979* as "Crown development over \$5 Million" and "Development that has a capital investment value of more than \$20 million" generally.

3.1.2 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

Division 5 Electricity Transmission or Distribution

Clause 45

Before determining an application a consent authority must advise the electricity supply authority of the application where development proposed is within 5m of an exposed overhead electricity power line. Endeavour Energy advised in writing on the 17 December 2014 that they raised no objection to the proposal.

Division 17 Roads and Traffic

Clause 104 Traffic Generating Development

Clause 104 requires certain traffic generating development to be referred to the NSW Roads and Maritime Services (RMS) for comment within 7 days of the application being made. Schedule 3 of the ISEPP lists an application for a new educational establishment or the enlargement of or extension to an existing educational establishment as requiring referral.

The RMS on 19 December 2014 provided the following comments:

RMS has reviewed the information provided. RMS will not object to the development application in principle given the subject development is unlikely to have a significant impact on the classified road network due to the relatively low generation rates.

Notwithstanding the above, RMS considers there are opportunities to better understand future traffic demands to and around the University. This in turn would help inform decisions relating to future infrastructure requirements.

RMS would appreciate the opportunity to continue to work closely with Council and the University to ensure growth at the Wollongong Campus is undertaken in a sustainable manner.

Following the submission of additional information relating to car parking provision and the relationship to the University's Wollongong Campus Transport Strategy – Parking (2014), the proposal was renotified, however, Council elected not to refer the additional information received to the RMS as it was considered no further matters were relevant with regard to impacts on the classified road network.

3.1.3 STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

SEPP 55 requires that, when assessing a development application, the consent authority must give consideration to whether the land to which the development application relates is contaminated. If so, consideration must be given to whether the land is suitable (in either its contaminated state or after remediation), for the purpose for which the development is proposed to be carried out.

The SEPP requires the consent authority to consider a preliminary investigation of the land as there may have been previous land uses which may have resulted in contamination. In this case the subject site was previously comprised of 16 dwelling houses. All dwellings have since been removed via separate development applications lodged and approved in 2007. The southern portion of land to which this application applies was acquired by the University between 2006 and 2007 approximately.

A Preliminary Contamination Assessment prepared by Coffey Geotechnics Pty Ltd formed part of the application submission. Soil sampling and laboratory testing was undertaken as part of the assessment. The assessment found that, based on available information, the likelihood of contamination was low.

The potential for contamination has also been considered by Council's Environment Officer who has advised that the report is satisfactory. Draft conditions are recommended in this regard to account for any unexpected finds.

The site is considered to be appropriate for the land use proposed as relates to contamination matters.

3.1.4 STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

SEPP BASIX applies to the development.

In accordance with Schedule 1 of the Regulations and SEPP 2004 a BASIX Certificate has been submitted in support of the application demonstrating that the proposed scheme achieves the BASIX targets.

3.1.5 STATE ENVIRONMENTAL PLANNING POLICY NO. 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT

The proposal is subject to the provisions of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65).

Clause 3 of the SEPP defines 'Residential flat buildings' as follows:

"Residential flat building" means a building that comprises or includes:

- (a) 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and*
- (b) 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops),*

The SEPP does not provide a definition for 'self-contained dwellings'.

To be deemed as a Residential Flat Building pursuant to this policy, a building must not be classified as a Class 1a or 1b buildings under the Building Code of Australia (BCA).

It is considered the building proposed would be appropriately classified under the BCA as a Class 2 or 3 building. The rooms however, are not considered to be completely self-contained.

Class 2 - a building containing 2 or more sole occupancy units each being a separate dwelling.

Class 3 - a residential building, other than a building of Class 1 or 2, which is a common place of long term transient living for a number of unrelated persons including – a boarding house, guest house, hostel, lodging house, back-packers accommodation; or the residential part of a hotel or motel; or the residential part of a school; or accommodation for the aged or children or people with disabilities; or the residential part of a health-care building that accommodates members of staff; or a residential part of a detention centre.

In this instance, communal laundry facilities and kitchens are proposed. As such, the proposed development may not be considered to include 'self-contained' dwellings and thus would not directly align with the definition of a residential flat building under the SEPP.

Notwithstanding, a merit assessment against this policy has been undertaken demonstrating reasonable compliance with both design principles and relevant controls for a residential flat building, to which the proposed development could be considered as comparable. A copy is provided at Attachment 4.

Clause 50 of the *Environmental Planning and Assessment (EP&A) Regulation 2000* states:

(1A) A development application that relates to a residential flat development, and that is made on or after 1 December 2003, must be accompanied by a design verification from a qualified designer, being a statement in which the qualified designer verifies:

(a) that he or she designed, or directed the design, of the residential flat development, and

(b) that the design quality principles set out in Part 2 of State Environmental Planning Policy No 65-Design Quality of Residential Flat Development are achieved for the residential flat development.

The application was accompanied by a Design Verification Statement. A copy is provided at Attachment 4.

Part 2 Design quality principles

Clauses 9-18 of the SEPP set out ten (10) design quality principles which must be considered in the preparation of the design of the building (Schedule 1(2)(5)(a) EP&A Regulation 2000).

A merit assessment of the proposal against these principles is provided at Attachment 4.

30 Determination of development applications

(1) After receipt of a development application for consent to carry out residential flat development (other than State significant development) and before it determines the application, the consent authority is to obtain the advice of the relevant design review panel (if any) concerning the design quality of the residential flat development.

The proposal was referred to Councils DRP on 19 February 2015. A copy of the DRP comments is provided at Attachment 2. The applicants' response to matters identified by the DRP are included at Attachment 3.

(2) In determining a development application for consent to carry out residential flat development, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration):

(a) the advice (if any) obtained in accordance with subclause (1), and

(b) the design quality of the residential flat development when evaluated in accordance with the design quality principles, and

(c) the publication Residential Flat Design Code (a publication of the Department of Planning, September 2002).

A merit assessment of the proposal against the Residential Flat Design Code (RFDC) is provided at Attachment 4.

In summary

As further discussed within section 3.1.6 below, the proposed postgraduate student accommodation is not considered to directly align with the definition of a 'residential flat building' under the SEPP.

Notwithstanding, a merit assessment has been undertaken demonstrating reasonable compliance with the relevant design principles and controls for a residential flat buildings, to which the proposed development could be considered as comparable.

The proposed development is not dissimilar to recent student accommodation developments at UOW and other tertiary institutions i.e. Sydney University and Monash University. The proposed development is considered to satisfy the provisions of the SEPP to the extent to which they could be considered to reasonably apply. The proposed building is not considered to be inconsistent with the bulk and scale of the locality when considering the development within the context of the larger University site.

Draft condition 131 at Attachment 8 is recommended with regard to the ongoing use of the development for post graduate student accommodation purposes only.

3.1.6 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Clause 1.4 Definitions

Educational establishment means a building or place used for education (including teaching), being:

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

Planning Comment:

Due to the proposed building design and use, the typology of the development can lend itself to both a residential flat building and a boarding house when considered in terms of form, function and management of the proposed facility. This combination of uses is considered to be consistent with the definitions contained within WLEP 2009.

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

Note. Residential flat buildings are a type of **residential accommodation**— see the definition of that term in this Dictionary.

boarding house means a building that:

- (a) is wholly or partly let in lodgings, and
 - (b) provides lodgers with a principal place of residence for 3 months or more, and
 - (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
 - (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,
- but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

Note. Boarding houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.

However, permissibility of the proposed development is established under the definition of an **educational establishment** which is a permissible use in the prevailing SP2 zone for the specific site area. The University is constituted under the *University of Wollongong Act 1989*. Section 7 of this Act deals with the provision of facilities for students and staff which states:

The University may, for the purposes of or in connection with the exercise of its functions, provide such facilities for its students and staff and other members of the university community as the University considers desirable.

As such, the proposed development is considered to provide facilities for students via on campus accommodation within an **educational establishment** as ordinarily incidental or ancillary development to the existing primary land use.

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

There are four (4) separate land use zones which relate to the subject site as follows:

- E2 – Environmental Conservation
- RE1 – Public Recreation
- SP2 – Road
- SP2 – Educational Establishment

The subject development site is wholly zoned SP2 – Educational Establishment as depicted at Figure 3.

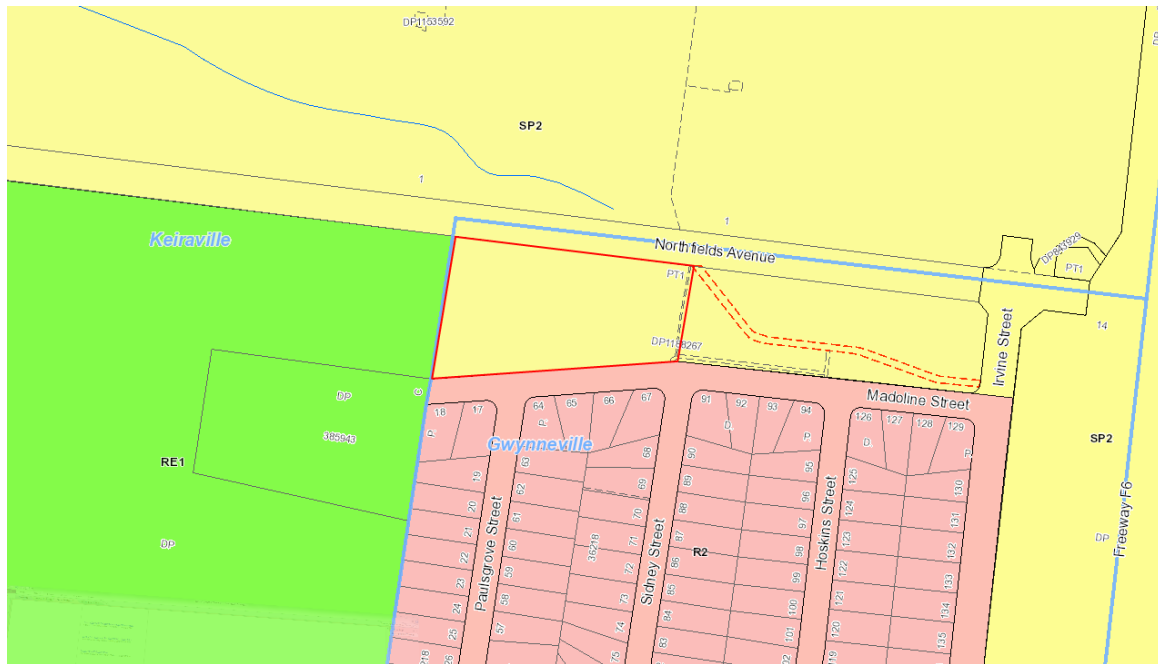


Figure 3: Development Site WLEP 2009 Zoning Map

Clause 2.3 – Zone objectives and land use table

The objectives of the SP2 Infrastructure zone are as follows:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*
- *To provide for key transport corridors.*

The proposal is not considered to be inconsistent with regard to the above objectives as relates to development that is ordinarily incidental or ancillary to an **Educational Establishment**.

The land use table permits the following uses in the zone.

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Advertising structures; Business identification signs; Child care centres; Community facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Roads

The Land Zoning Map identifies the site as for the purpose of an **Educational Establishment**. The proposed use of the building for student accommodation is considered to be development which is ordinarily incidental or ancillary to the primary use as discussed in Clause 1.4 above.

In this respect, the provision of Student Accommodation is considered desirable by the University and is required to provide for the needs of students and as a response to industry trends.

As such, permissibility of the proposal is considered established.

Clause 4.3 Height of buildings

(1) *The objectives of this clause are as follows:*

- (a) *to establish the maximum height limit in which buildings can be designed and floor space can be achieved,*
- (b) *to permit building heights that encourage high quality urban form,*
- (c) *to ensure buildings and public areas continue to have views of the sky and receive exposure to sunlight.*

WLEP 2009 Mapping does not identify a height restriction for the site. Notwithstanding, the maximum height of the proposal at 23.25 metres is not considered to be inconsistent with the other buildings within the University campus. The building has been designed with regard to public areas and is considered to provide for adequate sunlight provision. The design of the building is considered to be

satisfactory, as relates to high quality urban form and as previously discussed at section 3.1.5 of this report (SEPP 65 considerations) and Attachment 4.

As such, the height of the proposed development is not considered to be inconsistent with the objectives of this clause.

Clause 4.4 Floor space ratio

(1) *The objectives of this clause are as follows:*

- (a) *to provide an appropriate correlation between the size of a site and the extent of any development on that site,*
- (b) *to establish the maximum development density and intensity of land use, taking into account the availability of infrastructure to service that site and the vehicle and pedestrian traffic the development will generate,*
- (c) *to ensure buildings are compatible with the bulk and scale of the locality.*

WLEP 2009 Mapping does not identify a maximum floor space ratio for the land/site. The applicant has provided additional information demonstrating the relationship of the proposed building with the existing and future character of the surrounding area. The proposed bulk and scale of the building is considered to be appropriate in this instance due to the articulated design which provides an appropriate correlation between the size of the site, in total being over 89Ha, and the development footprint of 7,720sqm proposed. The proposed building is not considered to be inconsistent with the bulk and scale of the locality when considering the development within the context of the larger University site.

Part 5 Miscellaneous provisions

Clause 5.9 Preservation of trees or vegetation

(1) *The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.*

Council's Environment and Landscape Officers have considered the submitted Arborists Report for tree removal from the site to accommodate the proposed building. The proposal has been designed to retain the large eucalypts that front Northfields Avenue where possible. Significant landscaping works are proposed within the site area and draft condition 118 is recommended requiring compensatory plantings. The proposal is not considered to be inconsistent with the objectives of this clause in that the development has aimed to preserve the amenity of the area through the preservation of significant trees and other vegetation where possible.

Clause 5.10 Heritage conservation

The University's landholding is identified as containing a heritage item due to western portion forming part of the Illawarra Escarpment Landscape Area which is identified within Schedule 5 Environmental Heritage of WLEP 2009. The subject development site is approximately one kilometre from the mapped area and as such, no adverse impacts are expected in this regard. Council's records do not identify other heritage items located in the immediate vicinity of, or visible from the site.

Clause 5.11 Bush fire hazard reduction

The proposal is considered to be Integrated Development – Special Fire Protection Purpose land use as defined pursuant to Section 100B of the *Rural Fires Act 1997*. A response received on 2 January 2015 contained a Bushfire Safety Authority subject to one condition requiring that the University's Emergency Evacuation Plan be updated to include the proposed additional Student Accommodation facility.

It should be noted that the bushfire hazard mapping does not extend to the specific development site within the University landholding.

Any bush fire hazard reduction work that is to be carried out within the site requires consent and is to be authorised by the *Rural Fires Act 1997*.

Part 6 Urban release areas

Not applicable

Part 7 Local provisions – general

Clause 7.1 – Public Utility Infrastructure

Development consent must not be granted on unless the consent authority is satisfied that suitable arrangements can be made for the supply of water, electricity and disposal of sewage. The site is connected to Sydney water and as such has access to water supply and sewage disposal. Electricity is available to the site. Draft conditions are recommended with regard to ensuring that suitable arrangements are in place with the relevant utility provider prior to the issue of the Construction Certificate. This matter was also discussed at section 2.5.2 as relates to external consultations.

Clause 7.3 Flood planning area

The land is identified as being potentially flood hazard affected. The applicant has provided a Flood Study which identifies that the flood affectation mapping of the University landholding does not extend to within the specific development site. Council's Stormwater Officer has assessed the application in this regard and identified no objection to the proposal. Draft conditions are recommended with regard to stormwater and flooding matters.

Clause 7.4 Riparian lands

The Riparian Land Map indicates the University landholding contains riparian land, the nearest being 100m from the subject development site - Category 2 corridor – terrestrial and aquatic habitat.

Council's Environment Officer has reviewed the application in this regard and is satisfied.

Clause 7.5 Acid Sulfate Soils

Whilst the University landholding is mapped as potentially containing Acid Sulfate Soils, the Map does not extend to within the subject development site. Council's Environment Officer has reviewed the application in this regard and is satisfied.

Clause 7.6 Earthworks

The earthworks required for the proposal are considered to be minor in nature. Council's Environment Officer has reviewed the application which included a Site Management Plan in this regard and is satisfied. Draft conditions are recommended with regard to soil erosion and sediment control.

Clause 7.8 Illawarra Escarpment area conservation

The far western portion of the University's landholding is located within the Illawarra Escarpment Area. This area does not extend into the specific development site and as such, has no impact on the proposal. Council's Environment Officer has reviewed the application in this regard and is satisfied.

Clause 7.18 Design excellence in Wollongong city centre and at key sites

The subject development site is not located in the defined Wollongong City Centre area or as being a Key Site on the Key Sites Map. Despite this, considering the scale of the development proposed, it was appropriate for the development to be reviewed by Council's Design Review Panel (DRP) as previously discussed in section 3.1.5.

It is considered a high standard of architectural design and materials have been proposed. The external form and appearance of the development is consistent with that of other University student accommodation developments in the locality and is considered to be satisfactory. Shadow diagrams have been provided with the application submission that demonstrates the proposal will have minimal impacts with regard to overshadowing of adjoining properties and it is considered this is adequate gradation by way of topography and distance of the built form transitioning to residential areas to the south. Architectural plans are provided at Attachment 1.

The proposal is considered to be suitable for the land in the context of the University campus and precinct and may be reasonably expected to result in a positive outcome for the public domain in the locality.

3.2 SECTION 79C 1(A)(II) ANY PROPOSED INSTRUMENT

3.2.1 STATE ENVIRONMENTAL PLANNING POLICY NO. 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT (DRAFT AMENDMENT 3)

An amendment to SEPP 65 was placed on exhibition from 23 September 2014 to 31 October 2014. The amendments to SEPP 65 are still in draft form and have not been formally adopted. The proposal has been assessed against draft SEPP65 and is not considered to be inconsistent as far as could reasonably be considered to apply to the proposed development (also see comments at section 3.1.5).

The proposal is considered acceptable when considering the 9 Design Quality Principles being:

1. Context and Neighbourhood Character
2. Built form and Character
3. Density
4. Sustainability
5. Landscape
6. Amenity
7. Safety
8. Housing Diversity and Social Interaction
9. Architectural Expression

The proposal is also considered acceptable when considering the requirements of the companion Apartment Design Guide.

3.3 SECTION 79C 1(A)(III) ANY DEVELOPMENT CONTROL PLAN

3.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

Section 3.1.6 has identified that the proposed student accommodation facility is considered as a use that is ordinarily incidental or ancillary to the primary use of the site as a University (Educational Establishment) as required by clause 2.3 of WLEP 2009 from which permissibility is established.

Notwithstanding, it is considered that the use of the proposed facility is similar to both a '*residential flat building*' and '*boarding house*' pursuant to WLEP 2009 definitions and that it is appropriate the proposal is assessed on merit against the controls in WDCP 2009 as identified below.

CHAPTER D1 – CHARACTER STATEMENTS

Gwynneville

Desired Future Character:

Gwynneville will remain a low to medium density residential suburb with some new medium density housing likely to occur around North Wollongong railway station, the University of Wollongong and the Wollongong TAFE campuses.

Any new residential building should be designed to be relatively sympathetic with the surrounding residential development in terms of housing style and external finishes. In this respect, face brickwork or a combination of face brick on the ground floor and rendered brickwork on the upper storey is considered most appropriate. New residential buildings should also feature hipped or gabled end roof forms.

The existing retail centre will remain a village centre which provides for the daily convenience needs of the surrounding population. Higher order retailing and business services will continue to be provided by the Wollongong City Centre.

The proposal is considered to be in keeping with the future desired character for Gwynneville when considered in relation to the prevailing SP2 – Educational Establishment zoning of the University

landholding pursuant to WLEP 2009. As the subject site is located adjoining an R2 – Low Density Residential zone it is acknowledged that concerns regarding built form can arise where transitioning occurs between such zones with differentiated planning controls, however, the proposal is considered in keeping with the desired character of the immediate locality in the context of the prevailing zoning and close proximity to the main campus built form. A section plan of the UOW landholding between Northfields Avenue and Madoline Street is included within Attachment 1 demonstrating the intended transitioning of development scale proposed towards the R2 zoned land to the south.

Neighbourhood Forum 5, with the input from the community, UOW, elected Councillors and Council officers have developed a “Keiraville Gwynneville Community Planning Project Report”. The report included 10 vision statements for the area which were endorsed by Council in April 2014.

The 10 vision statements as relates to the proposal are as follows:

1. *Keiraville and Gwynneville are villages*
The proposal is not envisaged to adversely impact the village nature of the area.
2. *Viable shopping centres*
The development site is located approximately 1 kilometre from both Keiraville and Gwynneville village centres. The proposal is not envisaged to adversely impact on the viability of these centres. No additional commercial premises are proposed as part of this current application.
3. *Building styles to reflect village character*
The proposed development is considered to be of high quality and appropriately located within the site. The style of the development is not considered to be out of character with the immediate area of the University precinct.
4. *Managing traffic for safety and access*
Traffic matters are discussed at Chapter E3 below. The proposal is not envisaged to result in unreasonable traffic generation or safety concerns.
5. *Managing parking pressures*
Traffic and car parking matters are discussed at Chapter E3 below as relates to submitted post graduate student car ownership data in combination with the University’s sustainable transport initiatives and commitments identified through the report.
6. *A mix of people*
The proposed building is designed to cater for both domestic and international postgraduate students and in some instances their families, which are expected to contribute to the mix of people in the locality.
7. *A connected community*
The efforts of the community with regard to engagement with the University are acknowledged.
8. *Valuing the University while retaining our character*
The proposed development is not considered to result in adverse impacts upon the village character of the area.
9. *Protected green spaces*
See Chapter E6 below. The proposal has been designed with regard to retaining significant vegetation where possible with sufficient green space curtilage around the built form.
10. *Protected heritage*
See Chapter E11 below. No adverse impacts are expected in this regard.

A subsequent Implementation and Strategy Plan to the Community Planning Project Report is being drafted, within which an Access and Movement Strategy is nominated. This action is expected to include a Traffic Management and Car Parking Study for the locale, however, no budget or timeframe has been committed to.

CHAPTER B1 – RESIDENTIAL DEVELOPMENT

A merit assessment of the proposal against this Chapter has been undertaken demonstrating reasonable compliance with relevant controls and objectives, to which the proposed development could be considered comparable. The assessment is also provided at Attachment 6.

The proposal is not considered to be inconsistent with the objectives of this Chapter.

CHAPTER C3 – BOARDING HOUSES

In addition to the discussion at Chapter B1 above, there is no restriction for a development being considered as both a '*residential flat building*' and a '*boarding house*'.

In this regard, it is considered that the proposal could fall within this definition as each room/dwelling will be wholly or partly let in lodgings and common facilities are provided on the lower ground floor.

A merit assessment of the proposal against this Chapter has been undertaken demonstrating reasonable compliance with relevant controls and objectives, to which the proposed development could be considered comparable. The assessment is provided at Attachment 6.

The proposal is not considered to be inconsistent with the objectives of this Chapter.

CHAPTER E1 - ACCESS FOR PEOPLE WITH A DISABILITY

The proposal has been considered against the requirements of this Chapter and found to be acceptable. A total of 13 of the 216 residential units are nominated as adaptable and two (2) disabled car parking spaces have been allocated on-site. An Access Consultant has provided an Adaptable Housing Statement of Compliance which confirms that the units can comply with the spatial requirements of AS4299 for Adaptable Housing.

The main parts of the BCA which relate to access, mobility and the provision of sanitary facilities for people with a disability are:

- Part D3 Access and Egress for People with Disabilities;
- Part E Lift Installations; and
- Part F Sanitary Facilities for People with Disabilities.

Draft conditions are recommended at Attachment 8 reinforcing compliance with the National Construction Code (NCC), BCA and relevant Australian Standards in regards to disabled access provisions.

CHAPTER E2 - CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

A CPTED Report has been included with the application submission and reviewed by Council's Safe Community Action Team Officer with satisfactory referral advice received.

The following compliance table relates to the controls within this Chapter:

<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
<u>3.1 Lighting</u>	Draft condition 33 requires the car parking areas of the site and the entrance points to buildings to be adequately illuminated.	Draft conditions proposed
<u>3.2 Natural surveillance and sightlines</u>	<p>The design of the site provides a clear pedestrian entry point to the site from Northfields Avenue for visitors and from the adjacent car parking area. The proposed entrance, treatment of the building and retention of several large street trees on the Northfields Avenue frontage create an active street frontage.</p> <p>The lower ground floor communal areas are proposed to be fitted with large doors capable of being opened out onto the open courtyard which will provide for casual surveillance of public areas.</p> <p>No fencing is proposed, rather security and controlled access to the upper floors is proposed to be managed by a swipe tag system. Draft conditions 34 and 35 are recommended in this regard.</p>	Yes

<u>3.4 Building design</u>	The design of the building is considered to be satisfactory. The entrance to the proposal is clearly defined. The at grade car parking area is accessible from Madoline Street. The design of the site provides a clear entry point to the site from Northfields Avenue for visitors. Opportunities for entrapment are considered to be minimal.	Yes
<u>3.5 Landscaping</u>	The Landscape Concept Plan submitted with the application is considered to be appropriate for the site and does not propose landscaping which has the potential to screen entrances to the building. All surfaces are designed in a way that will allow access for disabled and mobility impaired people. Councils Landscape and SCAT Officers have reviewed the application submission and indicated that they do not object to the proposal. Opportunities for concealment are minimal. Several draft conditions are recommended in this regard.	Yes
<u>3.8 Bus stops and taxi ranks</u>	The site is located less than 100m from a major bus stop and taxi rank.	Yes

In response to clarifications requested by Council with regard to the management of the facility, additional information was provided which identified the method of secure access and control, CCTV monitoring and general design aspects. Details of the facilities management arrangements have also been provided. Draft conditions 33-35 inclusive and 125 are recommended at Attachment 8 relating to CPTED provisions including the requirement for an audit report.

CHAPTER E3 - CAR PARKING, ACCESS, SERVICING/LOADING FACILITIES AND TRAFFIC MANAGEMENT

In accordance with part 6 of this Chapter, a Car Parking and Traffic Impact Assessment (TIA) Study was submitted. Modelling of the surrounding intersections and their performance was included within this report. A Construction Traffic Management Plan was also provided with the application submission.

In accordance with part 7 of this Chapter, and as detailed previously in section 3.1.6 the typology of the facility is not considered to directly align with the different land use categories identified within Schedule 1 of the Chapter. Separately car parking and / or other requirements are not defined for a particular land use or in the RTA Guide to Traffic Generating Developments. In conjunction with the TIA the relationship with the University's Wollongong Campus Transport Strategy – Parking (2014) was presented which included the following survey data:

- *Of 185 students surveyed in the University's existing Kooloobong and Graduate House (Student Accommodation facilities) it was found that 54 of the respondents (29%) did not own a vehicle. Accordingly we would expect the other 71% to own a car.*
- *Of 489 resident students surveyed who were living in student accommodation, 316 (65%) owned a motor vehicle. The survey found that of the resident students that owned a vehicle, 97% kept their vehicle in Wollongong.*
- *Of the 65% of students who are expected to own a motor vehicle, 61% of vehicles park in one of the designated accommodation permit area car parks, 3% do not bring their car to Wollongong and 32% park on the street near the accommodation parking (AECOM, 2014, p 12).*
- *The difficulty in requiring all students to utilise the on campus parking when there is free, unrestricted, on-street parking in convenient nearby areas is noted.*

Councils Traffic Officer raised issues relating to the initial car parking provision at the rate of 1 space per 7.6 beds and, based on the car ownership levels, identified a likely shortfall in residential car parking provision which would likely impact on adjacent residential streets.

Following a request for additional information, the applicant provided a detailed supplementary traffic response as presented at Attachment 5 which included:-

- A letter from UOW advising of 5 (five) commitments to provide Council and the community with reassurance that such actions as follows will be undertaken:
 1. Student resident transport information pack
 2. Free bicycle hire
 3. Car share scheme
 4. Off-site long term car parking (initially 25 car spaces at the iC)
 5. Off campus parking survey (ongoing commitment)

The commitment letter has been attached to the draft conditions at Attachment 8. Draft conditions 36, 107 and 123 are recommended to ensure accountability.

- Given the subject development is proposed for post graduate student accommodation only, survey data specifically of postgraduate students has been provided. The following results were presented:
 - *92% of postgraduate students residing within the existing UOW postgraduate student accommodation were international students. Of the international students, 87% did not own a car.*
 - *The percentage of domestic postgraduate students residing in university accommodation was only 8%, however 80% of domestic students own a car.*
- Issues relating to the layout of the car park have been addressed through the removal of the proposed small car spaces and the provision of wheel stops.
- Bicycle parking provision has been increased significantly from 40 spaces to 86 secure covered spaces. This is more than would be required based on University travel data (32 bicycle spaces), and is in line with residential flat building rates. The provision of bicycle parking and the commitment to free bicycle hire (8 bicycles) are likely to assist in mitigating car ownership and providing sustainable travel mode options for student residents.
- The presence of on campus service facilities has been confirmed. The University intends to provide a mini supermarket within the main campus to reduce the need to travel for shopping, groceries and day to day essentials thereby increasing the self-sufficiency of student residents in the precinct.

Notwithstanding the above, reference is also made to cl.7.4 of this Chapter, which states that Council has the discretion to waive or reduce the number of car parking spaces required for a particular site based on an empirical assessment of car parking or proximity to public transport nodes, provided the reduction is justified within a car parking and traffic impact assessment.

7.4 1 (b) The subject site is located less than 100m from the nearest bus stop. This would therefore constitute a 10% reduction in required car parking spaces.

7.4 1(d) A traffic and car parking impact assessment report was provided by the applicant with the application submission. The report provides an empirical assessment of car parking for the facility and considers that the proposed provision of car parking is adequate in the circumstance.

By comparison, car parking rates approved via DA-2009/1189 – Kooloobong Student Accommodation Facility and those required for Boarding Houses (WDCP 2009) are 0.5 car parking space per staff plus 1 car parking space per 5 beds. Applying this rate to the proposed development, 53 car parking spaces would be required. The applicable 10% discretionary reduction discussed above results in the provision of 48 required car parking spaces.

The proposed car share space (to be provided by a car share operator) is also likely to reduce car ownership. In case studies carried out by the City of Sydney Council it was found that a single on-street car share vehicle can replace up to 12 private vehicles that would otherwise compete for local parking.

As provided by the applicant, according to car share provider 'Go Get' a car share space in a residential situation could serve up to 70 residents who would otherwise rely on their own vehicle to make occasional shopping or leisure trips. For this reason the allocation of 1 car share space within the development is supported by Councils Traffic Officer.

Should demand grow for car share, additional spaces could be allocated within the development or on-street (subject to Council concurrence) to further reduce traffic and car parking impacts.

The development therefore makes provision for the following:

- 34 on-site residential car parking spaces;
- 7 visitor car parking spaces (2 pickup/drop off, 3 visitors and 2 maintenance spaces);
- 1 car share space;
- 25 off-site residential car parking spaces at iC; and
- 86 secure bicycle parking spaces

As such, it is considered that the 34 student resident car parking spaces and 25 off site car parking spaces – total of 59 car parking spaces, in conjunction with the proposed car share scheme which can replace up to 12 private vehicles, will be sufficient to provide for the needs of the future post graduate occupants of the facility. This would result in the rate of car parking provision being 1 car space per 4.4 beds excluding the potential reductions in car use facilitated by the introduction of the car share scheme, the 7 visitor, pick up/drop off and maintenance spaces and other commitments as outlined above.

The proposal is therefore not considered to be inconsistent with the objectives of this Chapter and the ongoing efforts by the University to reduce private car use by encouraging a mode shift to alternate transportation through the implementation of a variety of ongoing strategies and strategic actions into the future.

Councils Traffic Officer has reviewed the application submission, comments received from the RMS, additional information submitted along with site/locality conditions and submissions received from exhibition. Satisfactory referral advice has been received subject to conditions as included at Attachment 8.

CHAPTER E6 - LANDSCAPING

A Landscape Concept Plan and Arborist Report have been submitted, considered and found to be conditionally satisfactory by Councils Landscape Officer. The Landscape Plan provides for sufficient planting on the site and the proposal has been designed with regard to integrating and maintaining the existing significant trees fronting Northfields Avenue. Draft condition 118 is recommended requiring compensatory planting.

CHAPTER E7 - WASTE MANAGEMENT

An operational Waste Management Plan formed part of the application submission and identifies the process for the ongoing management of waste generated by the proposed building and recommends waste audit and management strategies to provide support for the building design and promote sustainability. Draft condition 130 is recommended requiring that the recommendations of this report be carried out. Council's Traffic Officer has assessed the application submission and provided satisfactory referral advice subject to conditions for waste servicing arrangements.

CHAPTER E11 - HERITAGE CONSERVATION

The University's landholding is identified as containing a heritage item due to western portion of the site forming part of the Illawarra Escarpment Landscape Area which is identified within Schedule 5 Environmental Heritage of WLEP 2009. The subject development site is approximately one kilometre from the portion of land so labelled and as such, no adverse impacts are expected in this regard.

Council's land information system does not identify other heritage items located in the immediate vicinity of, or visible from the development site.

CHAPTER E12 - GEOTECHNICAL ASSESSMENT

The application submission included a Geotechnical Report which has been reviewed by Council's Geotechnical Officer in relation to site stability and the suitability of the site for the development proposed. Satisfactory referral advice has been received subject to conditions.

CHAPTER E13 FLOODPLAIN MANAGEMENT

The University landholding is identified within Councils land information record system as being located within a low, medium and high flood risk precinct. The application submission included a Flood Study which demonstrates that the flood affectation does not extend to the proposed development area. Councils Stormwater Officer has assessed the proposal and provided a conditionally satisfactory referral response in this regard.

CHAPTER E14 STORMWATER MANAGEMENT

A Concept Drainage Plan incorporating On Site Detention (OSD) was provided with the application submission. Councils Stormwater Officer has assessed the proposal and provided a conditionally satisfactory referral response in this regard.

CHAPTER E15 WATER SENSITIVE URBAN DESIGN

A Water Sensitive Urban Design (WSUD) Report was provided with the application submission and considers the overall management of stormwater quality for the site. MUSIC modelling was used to determine the treatment train so that treated stormwater will achieve the water quality objectives of this Chapter. Councils Environment Officer has reviewed the submitted report and is satisfied. Draft conditions are recommended relating to monitoring and management.

CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

Council's Environment and Landscape Officers have considered the submitted Arborists Report for tree removal from the site to accommodate the proposed building. The proposal has been designed to retain the large eucalypts that front Northfields Avenue where possible. Significant landscaping works are proposed within the site area and draft conditions are recommended requiring compensatory plantings. The proposal is considered to be consistent with the objectives of this clause in that the development has aimed to preserve the amenity of the area through the preservation of significant trees and other vegetation where possible.

CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)

The earthworks required for the proposal are considered to be minor in nature. Councils Environment Officer has reviewed the proposal which included a Site Management Plan. The development site is not identified by Councils land information records as being affected by Acid Sulphate Soils and potential for contamination has been discussed at section 3.1.3 of the report. Draft conditions are recommended with regard to soil erosion and sediment control.

CHAPTER E20 CONTAMINATED LAND MANAGEMENT

See SEPP 55 – Remediation Of Land comments in Section 3.1.3. No issues were identified and the land is considered suitable for the intended use.

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

Council's Environment Officer has considered the application submission which included a Site Management Plan and provided a conditionally satisfactory response.

CHAPTER E23 RIPARIAN LAND MANAGEMENT

The Riparian Land Map indicates the University landholding contains riparian land, the nearest 100m from the subject development site being a Category 2 corridor – terrestrial and aquatic habitat.

Council's Environment Officer has reviewed the application in this regard and is satisfied.

3.3.2 WOLLONGONG SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN (2014)

The estimated cost of works is \$31,666,770.00 and would normally attract a Section 94A levy of 1% or \$316,667.70. However, as this development is for privately funded community infrastructure in the form of facilities for the University of Wollongong, Councils Section 94 Officer has considered a written request and granted an exemption from, paying the contribution levy pursuant to Clause 12 (J) of the Contributions Plan.

3.4 SECTION 79C 1(A)(IIIA) ANY PLANNING AGREEMENT THAT HAS BEEN ENTERED INTO UNDER SECTION 93F, OR ANY DRAFT PLANNING AGREEMENT THAT A DEVELOPER HAS OFFERED TO ENTER INTO UNDER SECTION 93F

There are no planning agreements entered into or any draft agreement offered to enter into under S93F which affect the development.

3.5 SECTION 79C 1(A)(IV) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)

92 What additional matters must a consent authority take into consideration in determining a development application?

The application does not involve demolition and is not located in the coastal zone.

93 Fire safety and other considerations

As the subject development application does not seek consent for a change of use, this clause does not apply.

94 Consent authority may require buildings to be upgraded

As the subject development application does not involve the rebuilding, alteration, enlargement or extension of an existing building, this clause does not apply.

3.6 SECTION 79C 1(A)(V) ANY COASTAL ZONE MANAGEMENT PLAN (WITHIN THE MEANING OF THE COASTAL PROTECTION ACT

There is no Coastal Zone Management Plan currently applicable to the land. The site is not located in the coastal zone.

3.7 SECTION 79C 1(B) THE LIKELY IMPACTS OF DEVELOPMENT

Context and Setting:

In regard to the matter of context, the planning principle in *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191 is relevant in that it provides guidance in the assessment of compatibility. The two major aspects of compatibility are physical impact and visual impact. In assessing each of these the following questions should be asked:

- Are the proposals physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.
- Is the proposals appearance in harmony with the buildings around it and the character of the street?

In response to the first question, matters such as overshadowing, privacy concerns, bulk scale and setbacks are relevant. The development will result in minor overshadowing of a small portion of the adjacent Botanic Gardens to the west. This is not however considered unacceptable given the circumstances of the case. The development site does not have an applicable height or FSR development standard and as such, a merit and design assessment was undertaken as discussed throughout this report. The design of the proposed development is not considered to be unsatisfactory in this instance.

With regard to the visual impact, the development is not considered to be out of context with the character of Northfields Avenue either at present or the desired future character of the University precinct. The proposal is not considered to result in unreasonable impacts on views from surrounding properties. The design of the building has considered the existing large eucalypts and proposes to retain these trees to assist in screening where possible. The University site to the north of Northfields Avenue is characterised by a mixture of developments. The University has presented a Notional Masterplan for the campus which identifies a number of new buildings and buildings to be

redeveloped to form the desired future character of the University precinct.

In summary, the proposal has been assessed with regard to visual amenity impacts, zoning, development standards for the land, the existing and future desired character of the area, and is not considered to be inconsistent with the character of the locality.

Access, Transport and Traffic:

The University of Wollongong has developed a transport strategy relating to the implementation and ongoing funding of sustainable transport alternatives such as buses, bicycle paths and carpooling incentives encouraging mode shift away from private car conveyance to attend the university.

The proposal is not considered to be inconsistent with the objectives of Chapter E3 of WDCP 2009 and the ongoing efforts by the University to reduce private car use by encouraging a mode shift to alternate transportation through the implementation of a variety of ongoing strategies and strategic actions into the future.

It is considered that the 34 resident car spaces directly adjacent to the site, the reservation of an additional 25 student resident car parking spaces at the Innovation Campus accessed by the IC Shuttle and the introduction of a car share scheme, in conjunction with Post Graduate Student occupancy who have been found to have lower car ownership rates, is appropriate in the circumstances.

The proposal is considered Traffic Generating Development pursuant to Clause 104 of the State Environmental Planning Policy (Infrastructure) 2007 as the development is proposed in association with a large educational establishment. A response received on 19 December 2014 from the RMS indicated no objections in principle as the subject development is considered unlikely to have a significant impact on the classified road network.

Council's Traffic Officer has reviewed the application submission, comments received from the RMS, additional information submitted along with site/locality conditions and submissions received from exhibition. Satisfactory referral advice has been received subject to a number of conditions with regard to on site car parking and traffic management as discussed at section 3.3.1 of this report. The applicant's response to Traffic and Car Parking matters which includes further details as to the strategic actions and ongoing implementation is provided at Attachment 5.

Public Domain:

Upon completion, the proposal is expected to contribute positively to the public domain with the upgrading of pedestrian linkages and landscaping incorporating tree retention and a built form of high visual quality.

Utilities:

Existing utility services are available to the subject site and are adequate or able to be augmented to service the proposal. Sydney Water Corporation and Endeavour Energy have provided satisfactory referral responses as discussed at section 2.5.2 of the report.

Heritage:

The specific development site for the development is not located within the mapped heritage conservation area. Council's land information system does not identify other heritage items located in the immediate vicinity of, or visible from the development site. No heritage items are expected to be adversely impacted by the proposal.

Other land resources:

The proposal is not envisaged to impact upon valuable land resources subject to appropriate management being employed during construction.

Water:

The site is presently serviced by Sydney Water. It is expected that services can be extended and/or augmented to meet the requirements of the proposed development.

No adverse water quality impacts are expected as a result of approval of the proposed development subject to soil and water management measures being implemented during construction.

A Water Sensitive Urban Design (WSUD) Strategy formed part of the application submission, which has been reviewed by Council's Environment Officer and found to be satisfactory.

The proposal is not expected to involve excessive water consumption. A BASIX Certificate formed part of the application submission. The applicant indicates that rainwater collection and reuse are proposed, and water efficient fixtures will be used to assist in reducing potable water use.

Soils:

No acid sulfate soils mapped in the location of the proposed building. The proposal is not envisaged to result in adverse impacts on the soil characteristics of the site.

The application submission included a Geotechnical Report which has been reviewed by Council's Geotechnical Officer in relation to site stability and the suitability of the site for the development. Satisfactory referral advice has been received subject to conditions.

Air and Microclimate:

The proposal is not expected to result in negative impacts on air or microclimate.

Flora and Fauna:

The proposal requires the removal of a number of trees as recommended by the submitted Arborists report. An Ecological Report was also provided as part of the application submission and included a number of recommendations. Council's Landscape and Environment Officers have reviewed the proposal in this regard and identified no objection to the proposal, noting that the large eucalypts along Northfields Avenue are to be retained where possible to assist in the screening of the completed development. Substantial new landscaping works are proposed as part of the development application. Conditions are recommended with regard to tree removal and retention and the implementation of the recommendations of the submitted Ecological Report. No adverse impacts on fauna are expected.

Waste:

An appropriate receptacle is required to be in place for any waste generated during the construction for the proposal. A waste storage room is proposed at the lower ground floor area with sufficient capacity and loading area. Waste collection arrangements have been reviewed by Council's Traffic Officer and found to be satisfactory. An operational Waste Management Plan formed part of the application submission and identifies the process for the ongoing management of waste generated by the proposed building and recommends waste audit and management strategies to provide support for the building design and promote sustainability. Draft condition 130 is recommended requiring that the recommendations of this report be carried out.

Energy:

The proposal is not expected to involve unreasonable energy consumption. In accordance with Schedule 1 of the Regulations and SEPP 2004 a BASIX Certificate has been submitted in support of the application demonstrating that the proposed scheme achieves the BASIX targets.

Further detail provided in additional information submitted indicates that the proposal has a maximum embodied carbon intensity rate of 680kg/CO₂/m². This measure flows through the full life cycle of the building and is considered a higher standard than the Green Star rating requirements. There does not appear to be any current relevant guidelines on how embodied carbon intensity rates are to be calculated.

The proposal has been reviewed by Council's Environment Officer with satisfactory referral advice received.

Noise and vibration:

The proposal is not expected to generate unreasonable noise and vibration impacts during construction. These will be limited in duration and can be mitigated through compliance with regulatory standards via consent conditions.

An acoustic report formed part of the application submission. The Noise Impact Assessment Report prepared by Acoustic Logic has determined background noise as per the NSW EPA guidelines and various criteria were considered such as for construction noise, internal living spaces and machinery and equipment on buildings. The report has recommended appropriate glazing for the building to comply with internal living space noise criteria and construction noise and vibration management. Councils Environment Officer has reviewed the submitted report and provided a conditionally satisfactory referral response.

Natural hazards:

There are no natural hazards affecting the site that would prevent the proposal.

The site is identified as being within a low, medium and high flood risk precinct. The application submission included a Flood Study demonstrating that the flood affectation does not extend to the proposed development area. Councils Stormwater Officer has assessed the proposal and provided a conditionally satisfactory referral response.

Technological hazards:

See SEPP 55 – Remediation Of Land in Section 3.1.3. No contamination issues were identified by the submitted Preliminary Contamination Assessment and the land is considered suitable for the intended use.

There are no technological hazards affecting the development site that would prevent the proposal.

Safety, Security and Crime Prevention:

The submitted CPTED Report has been provided and assessed by Council's Safe Community Action Team Officer with conditionally satisfactory referral advice received.

Social Impact:

The proposal is not expected to result in negative social impacts. A Management Arrangement Plan for Student Accommodation has been submitted which identifies the process for managing student behaviour and the behavioural expectations for students whilst on campus. The new facility could indirectly free up other private rental accommodation in the city for other persons to utilise. Condition 125 is recommended with regard to the ongoing management of the facility.

Economic Impact:

The proposal is not expected to result in negative economic impacts. Construction activity and increased student accommodation activity could positively contribute to the local/regional economy.

Site Design and Internal Design:

The application does not result in any exceptions to development standards of WLEP2009. Council has also considered the relevant Chapters of WDCP2009.

Reasonable arrangements appear to have been made in relation to amenity, access/egress, car parking, servicing and waste management for the proposal.

Construction:

A condition will be attached to any consent granted that all works are to be in compliance with the National Construction Code (NCC)/Building Code of Australia (BCA).

Cumulative Impacts:

The proposal is not expected to result in negative cumulative impacts by way of reasonable compliance with relevant controls for comparable development as evidenced throughout the report.

Ecologically Sustainable Development Considerations

Precautionary principle

Means if there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

The environmental impacts associated with proposed development should be accounted for and quantified to an adequate degree of certainty.

Intergenerational equity

Proposed development should ensure that the local environment is maintained or enhanced for future generations in that:

- The proposed development should not produce significant negative impacts on the environment or the surrounding development.
- The proposal is an effective use of the site.

Conservation of biological diversity and maintenance of ecological integrity

Maintenance of biological diversity will ensure life support functions and can be considered a 'minimal' requirement for intergenerational equity.

Improved valuation and pricing of environmental resources

Establishes the need to determine economic values for ecosystem services provided by the natural environment such as the atmosphere's ability to receive emissions, cultural values and visual amenity.

The proposed development is not considered to be inconsistent with ESD principles as evidenced by the assessment commentary provided throughout the report.

3.8 SECTION 79C 1(C) THE SUITABILITY OF THE SITE FOR DEVELOPMENT

Does the proposal fit in the locality?

The proposal is considered appropriate with regard to the zoning of the site and is not expected to result in negative impacts on the amenity of the locality or adjoining developments.

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

3.9 SECTION 79C 1(D) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS

The application was notified to adjacent/adjoining land owners and occupiers and in the Advertiser from 1 December 2014 to the 7 January 2015 in accordance with Appendix 1: Public Notification and Advertising of WDCP 2009. 34 (thirty four) submissions were received. Following the receipt of additional information including amended plans, the proposal was re-exhibited to the first round respondents with 16 (sixteen) submissions received. A submission has also been received from Neighbourhood Forum 5.

Submissions from public authorities

See section 2.5.2 within this report.

Concern	Comment
<p>1. Traffic and Car Parking Matters</p> <ul style="list-style-type: none"> – The rate of 1 car parking space per 7.5 beds is too low for the proposed development and will result in an unreasonable spill over of post graduate student cars spilling out onto the surrounding streets which are already at capacity as evidenced by the submitted Traffic Impact Report. – No further development should occur until sufficient car parking is constructed to meet the current demand. – A number of surrounding streets are already too narrow to allow for cars to be parked on both sides or are restricted by timed parking. – Suggesting that student's park within a 15-20 min walk from the campus is already unsafe as a number of the key walking routes are not provided with formed car parks, forcing pedestrians to walk on the road. – The submitted traffic impact assessment is restricted only to the area immediately surrounding the campus. No consideration has been given to the impact of the increase in cars travelling to the site from Mount Ousley, the M1 off ramp, University Ave, Mount Keira Road etc. – The submitted strategic transport plan is inadequate. The plan outlines a range of strategies which are proposed to be trialled, however gives no alternate solution if they are found to be unsatisfactory or an expected timeframe for the introduction of the methods for student use. One of the main suggestions is the construction of off-site car parking for students at the innovation campus. This does not form part of the current application and its establishment therefore should not be relied upon. – Encouraging an increased use of cycling as a method of transport should not occur until such a time as formal bike paths or cycle lanes are constructed/established. At present, a number of the routes to the University require cyclists to ride on roads that are highly utilised for parking which is not considered to be safe. Further, the cost for the construction of these facilities should be borne by the University and not Council. – The development should not proceed until the Traffic Impact Assessment for the Keiraville/Gwynneville area is carried out as supported by Council in April 2014. This would allow for a more accurate understanding of the traffic and car parking in the area at present. – The construction of the K2 building was approved at a rate of 1 car parking 	<p>See section 3.3.1 commentary for Chapter E3 WDCP 2009 of the report.</p> <p>A Car Parking and Traffic Impact Assessment (TIA) Study was provided with the application submission. Modelling of the surrounding intersections and their performance was included within this report.</p> <p>A construction traffic management plan was also provided with the application submission and a number of conditions are recommended in this regard.</p> <p>In accordance with part 7 of this Chapter, and as detailed previously in section 3.1.6 the typology of the facility is not considered to directly align with the different land use categories outlined within Schedule 1 of Chapter E3 and separately car parking and / or other requirements are not defined for a particular land use or in the RTA Guide to Traffic Generating Developments. In conjunction with the TIA the relationship with the Wollongong University's Campus Transport Strategy was presented with survey data of the existing car ownership rates for students living within University accommodation.</p> <p>Council's Traffic Officer previously raised issues relating to car parking provision (1 space provided for every 7.6 beds) and, based on the car ownership levels, identified a likely shortfall in residential car parking which could impact on residential streets.</p> <p>The applicants' response to Traffic matters is provided at Attachment 5 and Council's considerations included at section 3.3.1.</p> <p>Reference is also made to cl.7.4 of this Chapter, which states that Council has the discretion to waive or reduce the number of car parking spaces required for a particular site based on an empirical assessment of car parking or proximity to public transport nodes, provided the reduction is justified within a car parking and traffic impact assessment.</p> <p>On-street car parking restrictions cannot be altered under this DA. Traffic and parking controls are a matter for Council's Local Traffic Committee.</p> <p>Car Parking Rates approved via DA-2009/1189 – Kooloobong Student Accommodation Facility and required for Boarding Houses (WDCP 2009) are 0.5 car parking space per staff plus 1 car parking space per 5 beds. Applying this rate to the proposed development, 53 car parking spaces would be required. The applicable 10% discretionary reduction discussed above results</p>

<p>space for every 5 beds and was completed approximately 2 years ago. Since this time, there has been a significant increase in on street car parking of students cars that live on campus on Robsons Road (adjacent to the development). This is evidence that a reduced rate of 1:5 was inadequate and therefore a rate of 1:7.5 should not be considered appropriate.</p> <ul style="list-style-type: none"> – The Madoline Street/Irvine Street intersection is already dangerous. Additional traffic should not be encouraged to use this intersection. – Madoline Street is in a state of disrepair and no further development should occur until the road is satisfactorily fixed. – A peer review of the traffic study should be undertaken by a completely independent firm. – More weight should be put on encouraging motorcycle rather than car use. – The applicant should provide more details about the parking of workers vehicles during construction. Reliance on the Gong Shuttle and parking at campus east is not considered adequate as the shuttle does not start until 7am, with many work sites starting before or at this time. – The number of cars parked in surrounding streets does not allow sufficient room for two cars to pass. More restrictions and clear signage is required on several nearby residential streets. <p><u>Additional matters identified as a result of re-notification</u></p> <ul style="list-style-type: none"> – The K2 building was approved at a rate of 1 car parking space per 3 students by the JRPP and a modification was lodged to reduce this rate to 1 car parking space per 5 students. As such, the 1:5 rate should not be used as a baseline. – The development of K2 has had an impact on surrounding streets. The submitted surveys demonstrate that cars parking on the street have not increased, but do not distinguish between commuter and resident cars. Resident cars are different and the proposed development could result in additional overflow of these resident cars which will impact on surrounding properties. – Concerns are identified with regard to the re-categorisation of the 75 car space car park to the north of the Kooloobong precinct to a resident parking area. What would stop these spaces being converted back to general 	<p>in the required number to 48 car parking spaces.</p> <p>The proposed car share space (to be utilised by a car share operator) is also likely to reduce car ownership. In case studies carried out by City of Sydney Council it was found that a single on-street car share vehicle can replace up to 12 private vehicles that would otherwise compete for local parking.</p> <p>As such, it is considered that the 34 student resident car parking spaces and 25 off site car parking spaces – total of 59 car parking spaces, in conjunction with the proposed car share programme which can replace up to 12 private vehicles, will be sufficient to provide for the needs of the future occupants of the facility. This would result in the rate of car parking provision being 1 car space per 4.4 students excluding the potential reductions in car use facilitated by the introduction of the car share scheme and other commitments as outlined above.</p> <p>Draft conditions are recommended with regard to construction management and restricted hours of construction work.</p> <p>Councils Traffic Officer has reviewed the application submission, and additional information submitted along with site/locality conditions. Satisfactory referral advice has been received subject to a number of conditions with regard to on site car parking and traffic management.</p> <p>A rate of 1:5 spaces is the applicable rate for boarding houses to which the proposal could be considered comparable.</p> <p>It is difficult to distinguish between student resident cars, student day trip cars and resident vehicles. It is unclear as to what time of the day the surveys were taken. As discussed at section 3.3.1 of the report, the on and off site car parking and strategic actions proposed are expected to be sufficient to cater for the expected student resident requirements.</p> <p>The University is seeking to address student travel behaviour by providing incentives for sustainable travel, such as a generous supply of secure bicycle parking, a free bicycle hire scheme, car share. Transport Planning Best Practice suggests that continuing to provide high levels of on-site car parking will increase the propensity to drive to the University.</p> <p>The 75 space car park adjacent to the Kooloobong precinct is not proposed or relied upon as part of the current application and will be separately considered</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>parking?</p> <ul style="list-style-type: none"> - The strategy of using long term car parking at Campus East is dependent on approvals and buildings that have not yet been confirmed. - A rate of 1 space per 3 beds is recommended as the minimum rate. - Clarification is sought as to the operating times for the iC shuttle. The shuttle would need to operate at times convenient to the students. - A broader access and movement study should be completed before any additional development in the area. - The applicant's responses to the matters identified by WCC are inadequate. - The impact of the five proposed strategic actions has not been tested or quantified and there is no evidence of consideration of a Plan B. - Council should not assume that the data on post graduate students presented by the University will not change into the future to a more domestic market. - The increase in total enrolments and percentage growth of the University is greater than indicated within the submitted documentation. - Many students park illegally and too close to intersections which cause increased risk for additional accidents. Encouraging additional cars in the area surrounding the University can only worsen the problem. 	<p>as part of the assessment of DA-2014/1510.</p> <p>Off-site car parking is proposed at the Innovation Campus (iC). A designated area has been identified on the submitted plans where parking is in excess of the needs of the iC, and draft conditions recommended with regard to the implementation of all strategic actions identified.</p> <p>Council and Neighbourhood Forum 5 have been working with the Keiraville Gwynneville community to prepare the Vision for the Keiraville Gwynneville Area. This has resulted in the Keiraville Gwynneville Community Planning Project, which included 10 vision statements for the area, being presented. Council endorsed the 10 vision statements in April 2014.</p> <p>A subsequent Implementation and Strategy Plan are being drafted and are to be reported to Council. While an Access and Movement Strategy is nominated which is expected to include a traffic management and car parking study - no budget or timeframe has been committed. It could be considered unreasonable to withhold the determination of development applications for the University precinct in anticipation for this study to be undertaken.</p> <p>Draft conditions 107 and 123 are recommended to ensure that the commitments made by UOW are met and continued with the occupation of the development.</p> <p>The subject application relates to a student accommodation development and is not considered to significantly impact student enrolment numbers.</p> <p>Illegal parking on public streets or road reserve, whilst acknowledged are enforcement and/or police matters and are of limited relevance to the assessment process.</p>
<p>2. The proposal is an overdevelopment of the site and out of character with the surrounding area</p> <ul style="list-style-type: none"> - The proposal does not comply with the Wollongong Local Environmental Plan 2009 or Development Control Plan 2009 controls for height or density. - The height of the building proposed is completely out of character with the surrounding area and other development on the campus. - The application does not give adequate consideration for Council controls - The development proposed is not consistent with the character of the surrounding area, which are predominately single dwelling houses in a low 	<p>The development site does not have an applicable height or FSR development standard as discussed at section 3.1.6 and as such, a merit and design assessment has been undertaken as discussed throughout this report. The scale of the development proposed is considered appropriate in this instance.</p> <p>The development is not considered to be out of context with the character of Northfields Avenue either at present or the desired future character of the University precinct.</p> <p>Chapter D1 of WDCP 2009 states that additional medium density</p>

<p>density environment.</p> <ul style="list-style-type: none"> – The development is non-compliant with the universities own standards and the general character of other buildings on the campus which are mostly 3-4 storeys high. – The location and height of the proposed development will have an unreasonable impact on the views to the escarpment. – The proposal does not meet the desired future character of the area as defined by Chapter D1 of the WDCP 2009. – The suburb vision statement endorsed by Council in April 2014 has not been adequately considered. <p><u>Additional matters identified as a result of re-notification</u></p> <ul style="list-style-type: none"> – The submitted traffic report refers to the campus as a University Town. Concerns have been identified with regard to the development of a town without any master plan or site specific controls. – The proposed development is going to be built virtually on top of a natural watercourse which floods with a minimal amount of rain. 	<p>developments are likely to occur within areas in close proximity to the University and is addressed at section 3.3.1.</p> <p>The 10 Vision Statements outlined within the Keiraville Gwynneville Community Planning Project endorsed and by Council in April 2014 have been considered within the assessment of this application.</p> <p>The proposal is not considered to be inconsistent with the vision statements outlined within this document. The University is acknowledged within the project as being important to the character of the area. The Vision Statement also places emphasis on the retention of the leafy green areas and places where people can gather. The proposed development is not considered to be inconsistent with the Vision Statement. The management of parking pressures is also considered to be of high importance and is discussed at point 1 above. Student Accommodation developments on Northfields Avenue are acknowledged within the Vision Statement. Matters of concern in this regard are identified as car parking and traffic generation which are have been discussed at point 1 above.</p> <p>The proposal is not expected to result in adverse impacts on views to the escarpment with the scale and bulk proposed comparable to other buildings within the University precinct.</p> <p>The proposed development is located almost 1km from the Keiraville village centre area.</p> <p>The University site is not identified as a town centre (existing or emerging) within Councils retail and business centre hierarchy. The facilities and services available at the site and the planned future developments are envisaged to cater predominately to the University students and staff only, rather than becoming a 'town centre'.</p> <p>The proposed development is not proposed in the vicinity of a natural watercourse. Stormwater and flooding related controls have been addressed by the applicant's consulting engineer and conditions. The NSW Office of Water have also provided correspondence outlining that they do not considered the development site waterfront land. A copy of the response is included at Attachment 7.</p>
<p>3. Design</p>	<p>The proposal was referred to Councils Design Review Panel and responses have been provided by the applicant to each identified matter which are</p>

<ul style="list-style-type: none"> - The design of the proposal is not consistent with the character of surrounding buildings - Not enough of the units will receive the required amount of sunlight - Inadequate disabled facilities are proposed - The proposed waste collection requirements need to be further considered - A pedestrian access across Northfields should be provided as part of the application. Encouraging additional people to cross Northfields without a formed crossing or overbridge should not be permitted. - Further work is required to include sustainable technology. The proposal just complies with the BASIX requirements where additional effort should be made by the University to set a higher standard. - The proposal is too close to several Heritage Listed trees on the boundary of the subject site and the Botanic Gardens - The proposal will result in unreasonable overshadowing of the Botanic Gardens, important tree specimens and established gardens. - There should be a site specific development control plan developed for the site as there has been for the innovation campus to control development. - The University of Wollongong Masterplan has not been made available for public comment or consultation and therefore should not be considered by Council to be adequate to replace normal controls. - The development applications DA-2014/1474 and DA-2014/1510 should be assessed jointly and impacts considered cumulatively. <p>Additional matters identified as a result of re-notification</p> <ul style="list-style-type: none"> - The matters identified by the design review panel appear to have been dismissed without adequate justification. 	<p>included at Attachment 3. The design of the proposed development is not considered to be unsatisfactory in this instance.</p> <p>Adequate accessible facilities are proposed for the development as discussed at section 3.3.1 of the report.</p> <p>The proposal is not envisaged to result in a significant increase in the number of people crossing Northfields Avenue at this point.</p> <p>Councils Traffic Officer has reviewed the waste collection arrangements proposed and has provided a conditionally satisfactory referral response as discussed at section 3.3.1. Draft conditions 129 and 130 are recommended with regard to operational waste management.</p> <p>Further discussion with regard to the implementation of sustainable technologies within the design of the development is included within the SEPP 65 discussion at Attachment 4.</p> <p>Council records indicate that there are no heritage listed trees located in the area described. The closest heritage item to the site is "Gleniffer Brae" and the surrounding garden which is located more than 500m from the site specific development site.</p> <p>Whilst the Wollongong Campus Notional Masterplan assists in developing an understanding of the potential future developments on campus it has not been relied upon by Council as the basis for all required statutory assessment considerations.</p> <p>DA-2014/1510, whilst undetermined, has been considered as part of this development application with regard to potential cumulative impact, particularly in regards to traffic and parking matters.</p> <p>The applicant's response to the matters identified by the Design Review Panel (DRP) is provided at Attachment 3.</p>
<p>4. Section 94A Development Contribution Fees</p> <ul style="list-style-type: none"> - The University should not be granted an exemption to the payment of S94A fees for the following reasons: <ul style="list-style-type: none"> o The submitted TIA essentially identifies all the surrounding public roads as car parking designated for the use of University students o The Council already has a huge shortfall in funding for 	<p>As this development is for privately funded community infrastructure in the form of facilities for the University of Wollongong, Councils Section 94 Officer has considered a request and granted an exemption from paying the contribution levy pursuant to Clause 12 (J) of the Contributions Plan.</p>

<p>infrastructure and requiring the payment as a condition of this DA would assist in closing this gap.</p> <ul style="list-style-type: none"> ○ The University operates as a private business and the development application was not lodged by the University and therefore no exemption should be granted. ○ The continuing decline in the provision of facilities and infrastructure as a result of a lack of Council resources is evident across the LGA. ○ The proposal will have a large impact on surrounding utilities and therefore they should be required to pay for this impact. 	
<p>5. Use</p> <ul style="list-style-type: none"> – The proposal, together with DA-2014/1510 will result in a large increase in student numbers on the campus. – Further detail on the use of the units, particularly during University session breaks is required. Other universities sublet the units during session breaks. – Clarification is required on how the codes of conduct will be enforced. – Further details are required on the procedure for handling community complaints. 	<p>A management plan has been submitted detailing code of conduct expectations and complaints handling for the facility. Draft condition 125 is recommended regarding the Accommodation Agreement and My Residence Rules.</p> <p>Sublet comments whilst acknowledged, are of limited relevance to the assessment. Draft condition 131 is recommended to ensure that the ongoing use of the development is for post graduate student accommodation directly associated with the University.</p>
<p>6. Incorrect Description</p> <ul style="list-style-type: none"> – The subject site is stated to be 2 Northfields Ave when the site has an access to Madoline Street. Re-notification with the correct address is required. 	<p>The primary address by Councils land information records is 2 Northfields Avenue. Residents in close proximity to the access point in Madoline Street have been notified directly.</p>
<p>7. Noise</p> <ul style="list-style-type: none"> – The existing on campus accommodation and the surrounding area includes a high density of University age students who regularly throw parties and create noise issues. Further developments would exacerbate this issue. – The submitted acoustic assessment considers construction noise impacts only and not operational. The report should be amended. – Construction hours have not been specified. 	<p>An acoustic report formed part of the application submission. The Noise Impact Assessment Report prepared by Acoustic Logic has determined background noise as per the NSW EPA guidelines and various criteria were considered such as for construction noise, internal living spaces and machinery and equipment on buildings. The report has recommended appropriate glazing for the building to comply with internal living space noise criteria and construction noise and vibration management.</p> <p>Councils Environment Officer has reviewed the proposal and the submitted</p>

	<p>Acoustic Report and provided a conditionally satisfactory referral response. Separately the facility provides for an onsite managers residence and the University has submitted a management plan (See point 5 above).</p> <p>Draft condition 93 is recommended with regard to restricted hours of work and draft condition 77 is recommended to ensure that the recommendations of the submitted acoustic report are implemented as described.</p>
<p>8. Impacts on the Botanic Gardens</p> <ul style="list-style-type: none"> – There is already very little parking available surrounding the botanic gardens and the proposal will increase the issue. – The impacts caused by the proposal will result in a lowering of visitor numbers to the garden. – Council has recently constructed a car park at the Madoline street entry to the Botanic Gardens which will be impacted by the proposal. – Madoline and the surrounding streets are not able to cope with two such large traffic generating developments. 	<p>The proposal is not envisaged to result in unreasonable impacts on the Botanic Gardens.</p> <p>Traffic and Parking issues in the locality have been discussed at point 1 above. The proposal is only considered a traffic generating development as identified at section 2.5.2 of the report by association with the University as an Educational Establishment.</p>
<p>9. Community Consultation</p> <ul style="list-style-type: none"> – The community consultation undertaken throughout the development of the proposal and the notification period has not been reasonable. – The community should have been involved in the preparation of the proposals. – The notification period over the Christmas/new year period should not have been permitted and should therefore be extended. – Consultation that has occurred with the community has been with a select few whose comments should not be considered a representation of the neighbourhood. <p>Additional matters identified as a result of re-notification</p> <ul style="list-style-type: none"> – Notification of the second exhibition period was received only one week before the closing date. 	<p>Community exhibition has been undertaken in accordance with the requirements of Chapter A1 of WDCP 2009. Separately the University engaged with NF5 prior to lodgement of the application.</p> <p>Considerations for the re-notification of any development application are discretionary as identified in Appendix 1 of the Wollongong Development Control Plan 2009.</p> <p>Given the nature of the addition information submitted, it was considered that the potential for new matters to be raised was minimal. Nevertheless, given the public interest and the nature of the development, it was considered appropriate to provide interested parties with a further opportunity to make submission.</p>

Table 1: Submissions

Concern	1	2	3	4	5	6	7	8	9
Round 1 No#	30	25	9	8	3	3	4	9	5
Round 2 No#	15	11	6	6	0	0	0	3	2

Table 2: Submissions Number

Some of the issues raised in submissions though technically unresolved are considered to be adequately addressed either through design, continued commitment by UOW to strategies and/or management and implementation or by way of conditions of consent. Any remaining issues are not considered to be sufficient to refuse the application.

3.10 SECTION 79C 1(E) THE PUBLIC INTEREST

The proposal is not expected to result in unreasonable impacts on the environment or the amenity of the locality. It is considered appropriate with consideration to the zoning and the character of the area and is therefore considered to be in the public interest.

3.11 OTHER LEGISLATIVE REQUIREMENTS

3.11.1 Environmental Planning and Assessment Act 1979 –Crown Development

For the purposes of reviewing this determination, the following matters have been considered pursuant to Section 89 of the Environmental Planning and Assessment Act 1979.

Section 88 of the Act states that:

Crown development application means a development application made by or on behalf of the Crown.

(2) A reference in this Division to the Crown:

- (a) Includes a reference to a person who is prescribed by the regulations to be the Crown for the purposes of this Division, and
- (b) Does not include a reference to:
 - (i) A capacity of the Crown that is prescribed by the regulations not to be the Crown for the purposes of this Division, or
 - (ii) A person who is prescribed by the regulations not to be the Crown for the purposes of this Division.

This development application has been submitted by Hutchinson Builders on behalf of a crown authority, being the University of Wollongong. This proposal is considered Crown development pursuant to Part 4 Division 4 of the Environmental Planning and Assessment Act 1979, as Australian Universities within the meaning of the *Higher Education Act 2001* are listed as a prescribed person pursuant to Clause 226(1)(C) of the Environmental Planning and Assessment Regulation 2000.

Schedule 1 of the *Higher Education Act 2001* identify the University of Wollongong as an Australian University.

Section 89 of the Act states the following:

89 Determination of Crown development applications

- (1) A consent authority (other than the Minister) must not:
 - (a) Refuse its consent to a Crown development application, except with the approval of the Minister, or
 - (b) Impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.

Following finalisation of the assessment, Council provided draft conditions to the applicant and minor amendments were requested. The changes requested were made and provided to the applicant. The applicant has agreed to the draft conditions imposed as presented at Attachment 8.

3.11.2 University of Wollongong Act 1989

The University of Wollongong Act 1989 establishes the University and provides guidelines for its governance. Clause 7 of the University of Wollongong Act 1989 allows the following:

“The University may, for the purposes of or in connection with the exercise of its functions, provide such facilities for its students and staff and other members of the university community as the University considers desirable.”

In this respect, the provision of Student Accommodation is considered desirable by the University to provide for the needs of students. This further supports that Post Graduate Student Accommodation should be considered to be ordinarily incidental or ancillary to the primary use of the site as a University, which is defined as an Educational Establishment and is included as a purpose shown on the Land Zoning Map for the development site.

The University of Wollongong Act 1989 does not include other provisions that are of reasonable relevance to the statutory planning assessment process considerations.

4. CONCLUSION

This application has been assessed in accordance with Section 79C (i) of the *Environmental Planning and Assessment Act 1979*, the relevant provisions of State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy No. 65, WLEP 2009 and WDCP 2009. The proposal is not considered to be in conflict with the objectives sought by these provisions.

Council has undertaken a merit assessment of the proposal against statutory provisions which relate to comparable land uses due to the typology of the development and limited applicable development standards and controls. In this case, it is considered that the proposal demonstrates reasonable compliance with controls that could be sensibly considered to apply in the circumstance. This is further discussed throughout the report.

The exhibition of the proposal has identified two main community concerns – traffic/parking management and the contextual relationship of the proposal in the locality. It is considered that car parking provision for the proposal at the rate of 1 space per 4.4 beds is appropriate as relates to submitted post graduate student car ownership data. It is also considered the proposal is not out of context in the University precinct having considered design elements, zoning change transition matters and likely future development potential in the immediate area.

Whilst the Wollongong Campus Notional Masterplan assists in developing an understanding of the potential future developments on campus, it has not been relied upon by Council in assessing the merits of the proposal.

Some of the issues raised in submissions though technically unresolved are considered to be adequately addressed either through design, continued commitment by UOW to strategies and/or management and implementation or by way of conditions of consent. Any remaining issues are not considered to be sufficient to refuse the application.

5. RECOMMENDATION

It is recommended that development application DA-2014/1474 be approved pursuant to Section 80 and 89 of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions at Attachment 8.

ATTACHMENTS:

- 1 Architectural Plans
- 2 Design Review Panel Comments
- 3 Applicants Response to Design Review Panel Comments
- 4 Design Verification Statement, SEPP 65 and RFDC Merit Assessment Considerations
- 5 Applicants response to Traffic and Car Parking Matters
- 6 WDCP 2009 Merit Assessment – Chapter B1 Residential Development and C3 Boarding Houses
- 7 External Referral Responses
- 8 Draft Conditions