

<b>JRPP No.</b>	2015STH025
<b>DA No.</b>	DA-2015/1254
<b>Proposal</b>	Multi-storey carpark and pedestrian bridge
<b>Property</b>	University of Wollongong (UOW), 2 Northfields Avenue, Keiraville Pt Lot 1 DP 1188267
<b>Applicant</b>	University of Wollongong (UOW)
<b>Responsible Team</b>	Development Assessment and Certification – City Wide Planning Team (AK)

## 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 (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.

#### Proposal

The development application seeks consent for the construction of a multi-storey carpark and pedestrian bridge located within the Kooloobong Accommodation Precinct. A total of 359 car parking spaces will be provided in the proposed multi-storey carpark.

The multi-storey carpark consists of 6 split levels and will accommodate 275 car parking spaces for residents in the proposed undergraduate accommodation buildings 73, 74 and 75 (DA-2014/1510) and a further 84 car spaces to replace the lost 'at grade' spaces within the south western carpark (P3). 150 car spaces displaced during construction will also be situated in a temporary location until works are completed.

A pedestrian bridge and pathways are also proposed to provide a direct pedestrian linkage between the multi-storey carpark and the undergraduate student accommodation facility.

#### 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 university related infrastructure 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.

#### 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 3 (three) submissions. A submission has also 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. 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, and Strategic Officers for assessment. In each instance, satisfactory referral advice has been received.

## **Main Issues**

The main issues arising from the assessment process include:-

- How 150 displaced car parking spaces are to be provided whilst construction is carried out.
- Stormwater and flooding impacts within the UOW landholding.
- S94A exemption request.
- Consistency with draft master planning.

## **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. 55, WLEP 2009 and WDCP 2009. The proposal is not considered to be in conflict with the objectives sought by these provisions.

The exhibition of the proposal has identified three main community concerns – traffic/parking management, consistency with the draft master planning process, and S94A exemption. It is considered that the provision of temporary parking for 150 spaces during construction is also adequately dealt with via a deferred commencement condition. It is also considered the proposal is not out of context in the University precinct having considered design elements, and likely future development intent in the immediate area by the University.

The preparation of a masterplan for the University landholding and a Keiraville/Gwynneville Access and Movement Strategy have both progressed with commitments of support made by both Council and the University. In terms of preparation of a masterplan the matter has been discussed at executive level and a project brief prepared for future engagement of consultants via a University tender process. The Access and Movement Strategy is currently proposed in Council's Revised Delivery Program to commence in the 2016/17 financial year. Within this process the local community can be actively engaged and ambiguity mitigated with regard to future development intent, thereby assisting development assessment activities and considerations via adopted guidelines and controls. This situation, however, should not prejudice the assessment and determination of this current application on merit.

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**

DA-2015/1254 be determined by way of deferred commencement, pursuant to Section 80 and 89 of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions at Attachment 4.

## 2 APPLICATION OVERVIEW

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### 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

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan 2009

Other policies

- Wollongong Section 94A Development Contributions Plan 2015

### 2.2 PROPOSAL

The development application seeks consent for the construction of a multi-storey carpark and pedestrian bridge located within the Kooloobong Accommodation Precinct. A total of 359 car parking spaces will be provided in the proposed multi-storey carpark.

The multi-storey carpark consists of 6 split levels and will accommodate 275 car parking spaces for residents in the proposed undergraduate accommodation buildings 73, 74 and 75 (DA-2014/1510) and a further 84 car spaces to replace the lost 'at grade' spaces within the south western carpark (P3). 150 car spaces displaced during construction will also be situated in a temporary location until works are completed.

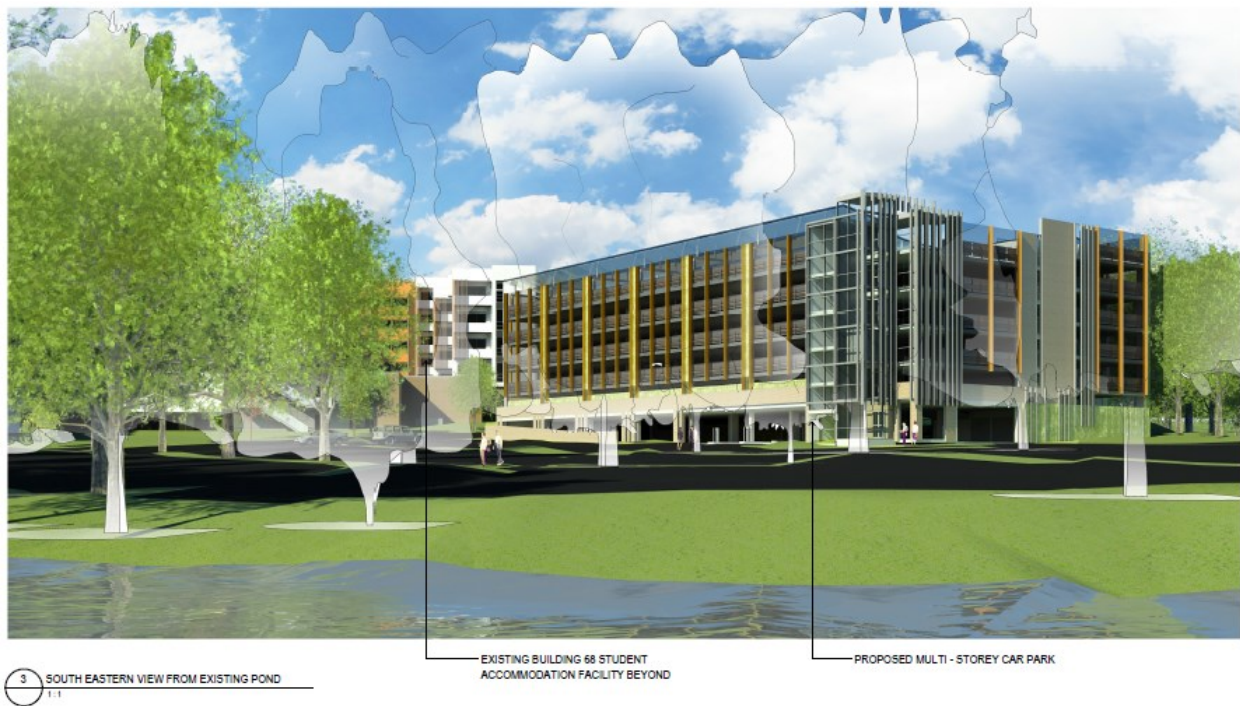
A pedestrian bridge and pathways are also proposed to provide a direct pedestrian linkage between the multi-storey carpark area and the undergraduate student accommodation facility.

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 as Integrated Development requiring a controlled activity approval pursuant to Section 91 of the *Water Management Act 2000*.

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 area used exclusively for parking of 200 or more vehicles.

The photomontage at Figure 1 depicts the anticipated development outcome.



**Figure 1 – View to the Northwest**

## 2.3 BACKGROUND

The UOW landholding has had numerous development applications that relate to the current use as a University Campus. Most recently, DA-2014/1474 was conditionally approved by the JRPP for a post graduate student accommodation development located toward the eastern end of Northfields Avenue. DA-2014/1510 is also currently under assessment for the construction of undergraduate student accommodation for 802 beds across three buildings designated 73, 74 and 75.

During the assessment of DA-2014/1474 the JRPP deferred the matter to further consider, amongst a number of matters, the cumulative impact of both student accommodation applications (DA-2014/1474 & DA-2014/1510) to determine if traffic and parking matters can be resolved in relation to the local road network.

In addressing the Panel's concerns the Applicant provided a revised Cumulative Transport Initiatives Plan which provided a parking rate for DA-2014/1474 of 1 space per 3 student accommodation agreements. The application was subsequently determined by way of approval on 30 July 2015.

This revised plan also committed UOW to design and construct a multi-storey carpark to service the undergraduate student accommodation proposed via DA-2014/1510. This commitment requires UOW to provide a minimum of 275 secure car spaces for the residents of the undergraduate student accommodation facility at a rate of 1 space per 3 students in a multi-storey carpark format.

This application (DA-2015/1254) has been lodged consistent with the commitment made by UOW to provide a cumulative response to student accommodation parking, in this instance stage 2 being the proposed undergraduate student accommodation for buildings 73, 74 and 75.

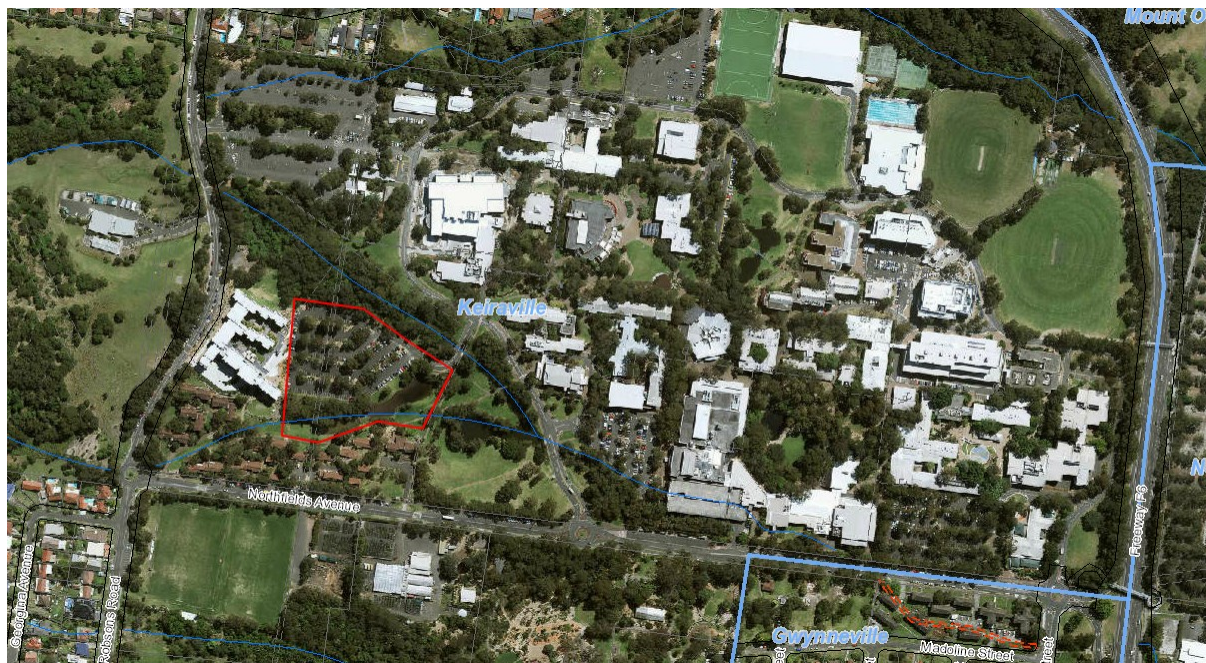
Separately it is understood that the University engaged with the Local Neighbourhood Forum 5 (NF5) via presentations and discussions regarding both proposals.

### 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, the Botanic Gardens 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 at the western end of Northfields Avenue, within the campus grounds as depicted in Figure 2.



**Figure 2 - Development Area**

The existing P3 'at grade' carpark is located on the development site which currently provides 241 car spaces. The development site generally slopes from north to south terminating at an overland flow path and ponds within the university campus. There is also a small portion of the site which has fallen to the riparian corridor located adjacent to the northern boundary of the development area.

As the development area is located within the campus grounds the surrounding area consists predominately of student accommodation buildings, landscaped areas and carparks.

### Property constraints

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

- Land fill
- Riparian land
- Unstable land
- Acid sulphate soils
- Natural Resource - Biodiversity
- Flood hazard
- Bushfire hazard
- Heritage - Illawarra Escarpment – Conservation Area – Landscape
- Restrictions on the use of land relate to easements for underground cables, pad-mount 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, riparian land, Biodiversity 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, and Strategic 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 is considered as Integrated Development requiring a controlled activity approval pursuant to Section 91 of the *Water Management Act 2000*. A response received on 20 November 2015 provided General Terms of Agreement which are recommended as part of the draft conditions recommended at Attachment 4.

#### NSW Rural Fire Service

The proposal is located on bushfire prone land and as such a referral was sent to the NSW RFS and a response was received on 22 October 2015. The response raised no objection to the proposed development.

#### 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 parking for more than 200 vehicles. A response received on 11 November 2015 indicated no objections in principle as the subject development is unlikely to significantly impact the classified road network.

#### Sydney Water Corporation

Given 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 19 October 2015 indicated that services are available to the site and requested a condition for a Section 73 Certificate to be included within any consent issued.

## 3. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

### SECTION 79C ASSESSMENT

#### (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 2.1
(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 2.2
(iii) <i>any development control plan, and</i>	See section 2.3
(iiia) <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 2.4
(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 2.5

(v) <i>any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),</i>	See section 2.6
<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 2.7
(c) <i>the suitability of the site for the development,</i>	See section 2.8
(d) <i>any submissions made in accordance with this Act or the regulations,</i>	See section 2.9
(e) <i>the public interest.</i>	See section 2.10

### 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 \$7.88 million.

As such, the appropriate determination pathway for the proposed development is to be via a development application submission to Council.

#### 3.1.2 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

##### **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 greater than 200 motor vehicle parking spaces as requiring referral.

The RMS on 11 November 2015 provided the following comments:

*RMS notes the development application (DA-2014/1510) for the undergrad student accommodation has been lodged concurrently with (DA-2015/1254) for a multi-storey carpark in order to address Council concerns with parking shortfalls with DA-215/1510 previously lodged 2 December 2014.*

*RMS has reviewed both development applications in conjunction. RMS notes a total of 359 spaces (a rate of approximately 1 space per 3 students) have been reserved for the proposed student accommodation facilities to mitigate long term parking impacts on local roads. Based on the information provided, this is likely to result in an additional 21 vehicles per hour in the*

*AM peak and 88 vehicles per hour in the PM utilising the M1 Princes Motorway Ramps. This minor increase is unlikely to have a significant impact on the classified road network. Therefore, RMS does not object to the development applications in principle.*

As such, it is considered the provisions of clause 104 are satisfied in this instance.

### 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 potential for contamination has also been considered by Council's Environment Officer who has raised no objection in relation to contamination matters.

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

### 3.1.4 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:

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 parking infrastructure in direct support of the proposed student accommodation facility consistent with an *educational establishment* as ordinarily incidental or ancillary development to the existing primary land use.

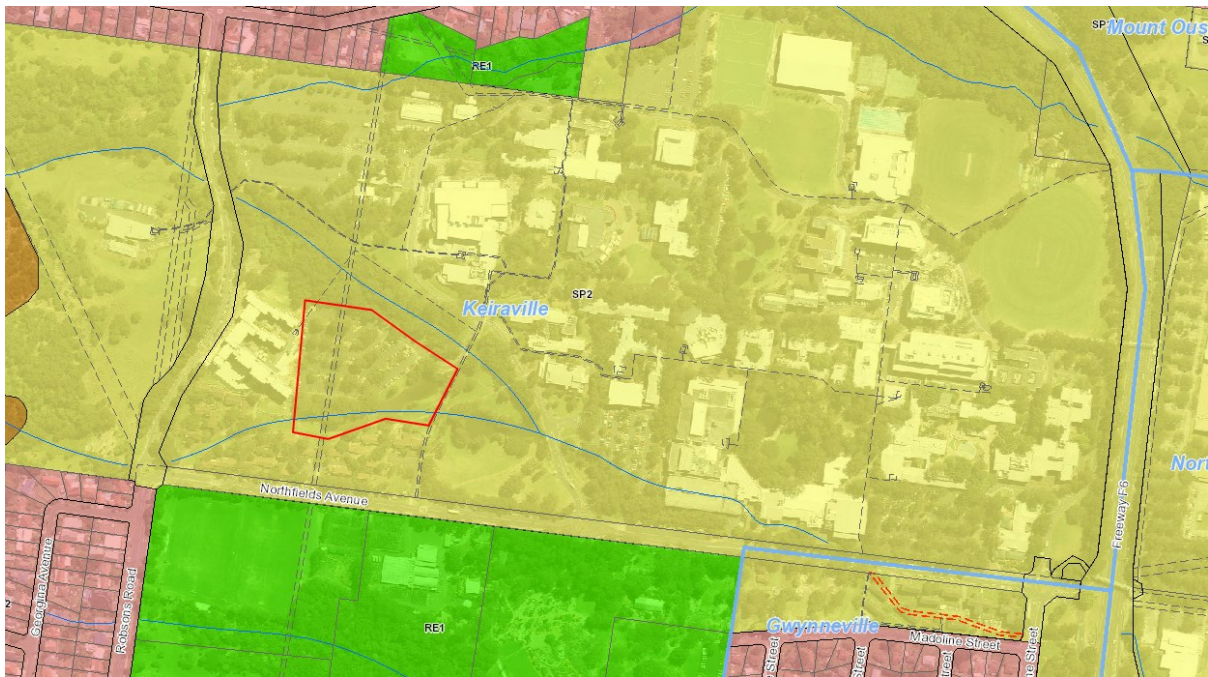
#### **Part 2 Permitted or prohibited development**

#### 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 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 parking infrastructure in support of the undergraduate student accommodation development is considered to be development which is ordinarily incidental or ancillary to the primary use as discussed in Clause 1.4 above.

As such, permissibility of the proposal is considered established.

### **Part 4 Principal development standards**

#### 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 17.83 metres is not considered to be inconsistent with the other buildings within the University campus and the desired future context of the immediate area. The building has been designed with regard to public areas and is considered to have minimal adverse impact on the

surrounding local area. The design of the building is considered to be satisfactory, as relates to high quality urban form, materials and finishes.

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 site. 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 approximately 2,000sqm proposed. The proposed carpark 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 and future development within the immediate area.

### **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 multi-storey carpark. Significant landscaping works are proposed within the site area. 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 300m 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 located on bushfire prone land and as such a referral was sent to the NSW RFS and a response was received on 22 October 2015. The response raised no objection to the proposed development.

### **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.

#### Clause 7.2 Natural resource sensitivity – biodiversity

Council records indicate the site is affected by "Natural Resource Sensitivity – Biodiversity". The application was referred to Council's Environment Officer to assess likely impacts of the proposal in this regard. No objection was raised and appropriate conditions of consent have been recommended.

### 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 that a riparian corridor is located directly adjacent to the proposed multi-storey carpark. This riparian corridor is identified as a Category 2 corridor – terrestrial and aquatic habitat. Council's Environment Officer has reviewed the application in this regard and is satisfied.

It is also noted that due to the proximity of the proposal to this watercourse a controlled activity approval pursuant to Section 91 of the *Water Management Act 2000* is required. As such, this application was referred to the NSW Office of Water and a response received on 20 November 2015 provided General Terms of Agreement which are recommended as part of the draft conditions at Attachment 4.

### 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.

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

Not applicable.

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

### **3.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009**

#### **CHAPTER D1 – CHARACTER STATEMENTS**

##### Keiraville

*Keiraville will remain a leafy suburb with a mix of housing types ranging from detached dwelling-houses, boarding-houses, villas, townhouses and some residential flat buildings. In this regard, additional medium density developments are likely to occur within reasonable walking distance to the University of Wollongong, especially in residential precincts directly to the east and south of the Wollongong Botanic Gardens.*

*The Keiraville retail and business centre will remain a village centre and will continue to provide for the daily retailing and business service needs of the surrounding residential population and workforce. Higher order retailing and business services will continue to be obtained from Wollongong City Centre and the Fairy Meadow and Figtree town centres.*

The proposal is considered to be in keeping with the future desired character for Keiraville when considered in relation to the prevailing SP2 – Educational Establishment zoning of the University landholding pursuant to WLEP 2009. The proposal is located well within the UOW landholding and will have a negligible built form impact on adjoining land.

It is also noted that 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 campus grounds. 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 parking provisions for the proposed student accommodation, in combination with the University's sustainable transport initiatives and commitments identified through the report.

6. *A mix of people*

The proposed multi-storey carpark is proposed in support of a student accommodation building catering for both domestic and international undergraduate, 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 located within an existing at grade car parking area and has been designed with regard to retaining significant vegetation where possible with a sufficient landscaped curtilage around the built form.

10. *Protected heritage*

See Chapter E11 below. No adverse impacts are expected in this regard.

Masterplan / Access and Movement Strategy

The preparation of a masterplan for the University landholding and a Keiraville/Gwynneville Access and Movement Strategy have both progressed with commitments of support made by both Council and the University. In terms of preparation of a masterplan the matter has been discussed at executive level and a project brief prepared for future engagement of consultants via a University tender process as outlined at Attachment 3. The Access and Movement Strategy is currently proposed in Council's Revised Delivery Program to commence in the 2016/17 financial year. Within this process the local community can be actively engaged and ambiguity mitigated with regard to future development intent, thereby assisting development assessment activities and considerations via adopted guidelines and controls.

## **CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY**

The proposal has been considered against the requirements of this Chapter and found to be acceptable. An Access Consultant has provided a report considering access arrangements for the multi-storey car park in accordance with AS1428 series, Building Code of Australia (BCA), DDA Access to Premises Standards (including DDA Access Code) and ultimately the Commonwealth Disability Discrimination Act (DDA).

Draft conditions are recommended at Attachment 4 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>	Adequate illumination will be available for all areas of the carpark.	Yes
<u>3.2 Natural surveillance and sightlines</u>	The design of the multi-storey carpark provides clear pedestrian entry point to the site from the existing at grade carpark. The existing at grade carpark is well lit and benefits from good passive surveillance from the existing student accommodation facility located on the western edge of the development site.  The development area already benefits from CCTV which can be readily extended to the proposed multi-storey carpark.	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. 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.	Yes
<u>3.8 Bus stops and taxi ranks</u>	The site is located a short walk along designated pathways from a major bus stop and taxi rank.	Yes

### **CHAPTER E3: CAR PARKING, ACCESS, SERVICING/LOADING FACILITIES AND TRAFFIC MANAGEMENT**

The multi-storey carpark proposes a total of 359 car spaces with 275 spaces reserved for student residents of buildings 73, 74 and 75. A further 84 spaces are allocated for pay and display to replace those spaces lost in the existing at grade carpark. A total of 24 motorbike spaces are also proposed with 16 reserved for student residents and 8 allocated for pay and display.

The 275 car spaces reserved for student residents of buildings 73, 74 and 75 results in a ratio of 1 space per 3 beds which is consistent with the UOW commitment made in the revised Cumulative Transport Initiatives Plan at Attachment 3 (presented to the JRPP at the determination of DA-2014/1474).

It has been identified that during construction of the multi-storey carpark on the existing 'at grade' carpark that 150 car spaces will be temporarily displaced during this time. As such, a deferred commencement condition has been recommended (and accepted by UOW) requiring that an alternate location for the 150 displaced car spaces must be provided to the satisfaction of Council prior to an operational consent being issued. This deferred commencement condition includes a requirement that the alternate location cannot include any on-street car parking.

The deferred commencement condition recommended is as follows:

**a Temporary Parking**

*The Developer/Applicant must demonstrate, to the satisfaction of Council, a location/s where the 150 car spaces displaced during the construction of the proposed development will be accommodated.*

*Note: Reliance on the public road network to accommodate the 150 car spaces will not be acceptable.*

Notwithstanding the Universities acceptance of the temporary carparking deferred commencement condition above, it is noted that the University could undertake carpark construction without development consent as per Division 3, Clause 29 of the Infrastructure SEPP as outlined below:

**29 Development permitted without consent**

*(1) Development for any of the following purposes may be carried out by or on behalf of a public authority without consent on land in a prescribed zone if the development is in connection with an existing educational establishment:*

- (a) construction, operation or maintenance, more than 5m from any property boundary, of:*
  - (i) a library or an administration building that is not more than one storey high, or*
  - (ii) a portable classroom that is not more than one storey high, or*
  - (iii) a permanent classroom that is not more than one storey high to replace an existing portable classroom and that is used for substantially the same purpose as the portable classroom, or*
  - (iv) a tuckshop, cafeteria or bookshop to provide for students and staff that is not more than one storey high, or*
  - (v) a sporting field, tennis court, basketball court or any other type of court used for sport, and associated awnings or canopies, if the development does not involve clearing of more than 2 hectares of native vegetation, or*
  - (vi) a car park that is not more than one storey high, or***
  - (vii) a toilet block, or*
  - (viii) if the development is on bush fire prone land or if the educational establishment is, or contains, a heritage item—an outdoor learning or play area and associated awnings or canopies,*

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 4.

**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 retaining as many trees as possible within the existing 'at grade' carpark.

**CHAPTER E7: WASTE MANAGEMENT**

Appropriate conditions in relation to waste management are recommended at Attachment 4.

**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 300m 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. 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 was provided with the application submission. Councils Stormwater Officer has assessed the proposal and provided a conditionally satisfactory referral response in this regard.

## **CHAPTER E16 BUSHFIRE MANAGEMENT**

The proposal is located on bushfire prone land and as such a referral was sent to the NSW RFS and a response was received on 22 October 2015. The response raised no objection to the proposed development.

## **CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION**

A Landscape Concept Plan and Arborist Report have been submitted, considered and found to be conditionally satisfactory by Councils Landscape and Environment Officers. The Landscape Plan provides for sufficient planting on the site and the proposal has been designed with regard to retaining as many trees as possible within the existing at grade carpark.

## **CHAPTER E21 DEMOLITION AND ASBESTOS MANAGEMENT**

Minor demolition works are required to the 'at grade' carpark to make way for the multi-storey carpark. As such, conditions of consent with regard to demolition are recommended.

## **CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL**

Draft conditions of consent have been recommended at Attachment 4 of this report.

## **CHAPTER E23: RIPARIAN LAND MANAGEMENT**

The Riparian Land Map indicates that a riparian corridor is located directly adjacent to the proposed multi-storey carpark. This riparian corridor is identified as a Category 2 corridor – terrestrial and aquatic habitat. Council's Environment Officer has reviewed the application in this regard and is satisfied.

It is also noted that due to the proximity of the proposal to this watercourse a controlled activity approval pursuant to Section 91 of the *Water Management Act 2000* is required. As such, this application was referred to the NSW Office of Water and a response received on 20 November 2015 provided General Terms of Agreement which are recommended as part of the draft conditions recommended at Attachment 4.

### **3.3.2 WOLLONGONG SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN (2015)**

The estimated cost of works is \$11,412,523.00 and would normally attract a Section 94A levy. However, Councils Section 94 Officer has considered a written request and granted an exemption from paying the contribution levy pursuant to Clause 13 (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 involve demolition and draft conditions of consent are imposed at Attachment 4.

The proposal is not located within 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 not result in adverse levels of overshadowing of any key landscapes or habitable spaces of adjoining of student accommodation buildings. 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 present or desired future character of the University precinct owing to its location well within the University landholding resulting in negligible impact on adjoining lots. The proposal is not considered to result in unreasonable impacts on views from surrounding properties. The design of the building has considered the existing riparian corridors, high value trees and adjoining built form.

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.

The multi-storey carpark is proposed consistent with the revised Cumulative Transport Initiates Plan at Attachment 3 (as presented to the JRPP via approval of DA-2014/1474) which was required to consider the cumulative impact of the two student accommodation applications (DA-2014/1474 & DA-

2014/1510). This application (DA-2015/1254) has been lodged consistent with the commitment made by UOW to provide a cumulative response to student accommodation parking, in this instance stage 2 being the proposed undergraduate student accommodation for buildings 73, 74 and 75.

The multi-storey carpark proposes a total of 359 car spaces with 275 spaces reserved for student residents of buildings 73, 74 and 75. A further 84 spaces are allocated for pay and display to replace those spaces lost in the existing 'at grade' carpark. A total of 24 motorbike spaces are also proposed with 16 reserved for student residents and 8 allocate for pay and display.

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 parking for more than 200 vehicles. A response received on 11 November 2015 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.

Councils Traffic Officer has reviewed the application submission and the comments received from the RMS. 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.

Public Domain:

Upon completion, the proposal is expected to contribute positively to the university campus 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 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. The proposal is not expected to involve excessive water consumption.

The proposal is considered as Integrated Development requiring a controlled activity approval pursuant to Section 91 of the *Water Management Act 2000*. A response received on 20 November 2015 provided General Terms of Agreement which are recommended as part of the draft conditions recommended at Attachment 4.

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

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.
<u>Air and Microclimate:</u> The proposal is not expected to result in negative impacts on air or microclimate.
<u>Flora and Fauna:</u> The proposal requires the removal of a number of trees as recommended by the submitted Arborists report. Councils Landscape and Environment Officers have reviewed the proposal in this regard and identified no objection to the proposal. 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 Arborists Report. No adverse impacts on fauna are expected.
<u>Waste:</u> An appropriate receptacle is required to be in place for any waste generated during the construction for the proposal, see draft condition 43 at Attachment 4.
<u>Energy:</u> The proposal is not expected to involve unreasonable energy consumption. The proposal has been reviewed by Council's Environment Officer with satisfactory referral advice received.
<u>Noise and vibration:</u> 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. Councils Environment Officer has reviewed the application submission and provided a conditionally satisfactory referral response.
<u>Natural hazards:</u> 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 which was reviewed by Councils Stormwater Officer who was satisfied subject to conditions.
<u>Technological hazards:</u> See SEPP 55 – Remediation Of Land in Section 3.1.3. No contamination issues were identified by Council's Environment Officer and the land is considered suitable for the intended use. There are no technological hazards affecting the development site that would prevent the proposal.
<u>Safety, Security and Crime Prevention:</u> The proposal has been reviewed in regards to CPTED principles by Council's Safe Community Action Team Officer with conditionally satisfactory referral advice received.
<u>Social Impact:</u> The proposal is not expected to result in negative social impacts.
<u>Economic Impact:</u> The proposal is not expected to result in negative economic impacts. Construction activity and related increased student accommodation activity could positively contribute to the local/regional economy.
<u>Site Design and Internal Design:</u> The application does not result in 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 have 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 in the Wollongong Advertiser from 19 October 2015 to 20 November 2015 in accordance with Appendix 1: Public Notification and Advertising of WDCP 2009. 3 (three) submissions were received and the issues identified are discussed below.

**Table 1: Submissions**

Concern	Comment
<b>1. Fauna Impacts</b> <ul style="list-style-type: none"><li>A study should be provided indicating that lighting of the development will</li></ul>	The application has been assessed by Council's Environment Officer who has raised no objection to the proposal subject to conditions. The application was also assessed by the NSW Office of Water who raised no

Concern	Comment
not impact fauna.	objection to the proposal when issuing General Terms of Agreement.
<p><b>2. Parking Arrangements</b></p> <ul style="list-style-type: none"> <li>A condition of consent should be imposed that car parking provided to student residents be reserved for them, that they be prevented from on-letting their allocated spaces, and in the event that not all spaces are taken charges be reduced until demand equals supply.</li> <li>How will the 150 car spaces displaced during construction be dealt with to ensure no adverse impacts will occur on the local road network?</li> <li>The proposal should be deferred until UOW has provided publically available information on details of alternate carpark spaces (on campus) during the construction period.</li> <li>Due to the potential for significant detrimental impact on nearby residents, depending on the strategy adopted, the further information must be publically available before submissions close.</li> <li>If UOW don't come up with 150 car spaces onsite the local streets will be used even more for parking.</li> </ul>	<p>Draft condition 75 at Attachment 4 has been imposed requiring that a minimum of 275 car spaces must be reserved for student residents of buildings 73, 74 &amp; 75 at all times.</p> <p>The management of these designated student resident spaces will be in accordance with the Universities parking policies.</p> <p>The 150 displaced spaces during construction have been dealt with via a deferred commencement condition which requires that 150 car spaces are to be provided in an alternate location to the satisfaction of Council. It is further noted in this deferred commencement condition that reliance on the public road network to meet this requirement will not be acceptable (See section 3.3.1 of this report). Re-exhibition of this matter is not considered necessary in this instance.</p>
<p><b>3. Section 94A Exemption</b></p> <ul style="list-style-type: none"> <li>Council should require full payment of the Section 94A Development Contribution for this application.</li> </ul>	<p>The University has requested an exemption to S94A contributions. Council's Section 94 Officer has considered a request and granted an exemption from paying the contribution levy pursuant to Clause 13 (J) of the Contributions Plan.</p>
<p><b>4. Future Campus Master Planning</b></p> <ul style="list-style-type: none"> <li>The application should be deferred until such time as a draft masterplan has been publicly exhibited and which provides adequate justification regarding the carpark size, capacity, staging and future feasible extension.</li> <li>The proposal seems to rely on the UOW Notional Masterplan which is an internally focused document which has not been thorough an effective community engagement process.</li> <li>If master planning is first undertaken it may become evident that a larger multi-storey carpark is required, thus negatively impacting on the community.</li> </ul>	<p>It is not considered necessary that a campus masterplan be developed to guide the development of the proposed multi-storey carpark with regard to size, car capacity, staging of works, or the ability for future extension.</p> <p>The carpark is proposed to meet the needs of the student accommodation development (DA-2014/1510) and general parking in the P3 carpark precinct.</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>

See section 2.5.2 within this report.

### **3.10 SECTION 79C 1(E) THE PUBLIC INTEREST**

The application is not expected to have 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 the University of Wollongong which is a Crown Authority. 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* identity 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. The applicant has agreed to the draft conditions imposed as presented at Attachment 4.

#### **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 carparking infrastructure is considered desirable by the University to provide for the needs of students. This further supports that carparking in aid of Undergraduate 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**

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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. 55, WLEP 2009 and WDCP 2009. The proposal is not considered to be in conflict with the objectives sought by these provisions.

The exhibition of the proposal has identified three main community concerns – traffic/parking management, consistency with the draft master planning process, and S94A exemption. It is considered that the provision of temporary parking for 150 spaces during construction is also adequately dealt with via a deferred commencement condition. It is also considered the proposal is not out of context in the University precinct having considered design elements, and likely future development intent in the immediate area by the University.

The preparation of a masterplan for the University landholding and a Keiraville/Gwynneville Access and Movement Strategy have both progressed with commitments of support made by both Council and the University. In terms of preparation of a masterplan the matter has been discussed at executive level and a project brief prepared for future engagement of consultants via a University tender process. The Access and Movement Strategy is currently proposed in Council's Revised Delivery Program to commence in the 2016/17 financial year. Within this process the local community can be actively engaged and ambiguity mitigated with regard to future development intent, thereby assisting development assessment activities and considerations via adopted guidelines and controls. This situation, however, should not prejudice the assessment and determination of this current application on merit.

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**

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DA-2015/1254 be determined by way of deferred commencement, pursuant to Section 80 and 89 of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions at Attachment 4.

#### **ATTACHMENTS:**

- 1 Architectural Plans
- 2 External Referral Responses
- 3 Updated Transport Initiatives Plan & Master Plan Status
- 4 Draft Conditions