

DA-2022/1126 / PPSTH – 200 Innovation Campus 7-9 Squires Way NORTH  
WOLLONGONG

Panel Reference	PPSSTH-200
DA Number	DA-2022/1126
LGA	Wollongong City
Proposed Development	St George Illawarra Dragons Community and High Performance Centre. Site preparation works, construction of a two storey building, two playing fields, a car parking area and associated landscaping, tree removal and public domain works
Street Address	Innovation Campus 7-9 Squires Way NORTH WOLLONGONG NSW 2500
Applicant/Owner	Applicant: Sophie Kuszniarczyk c/- University of Wollongong Owner: University of Wollongong (UoW)
Date of DA lodgement	20/10/2022
Total number of Submissions Number of Unique Objections	The DA has been notified twice:- <ul style="list-style-type: none"> <li>1st notification period - December 2022-January 2023 - 25 unique objections received.</li> <li>2nd notification period – October 2023 - 51 unique submissions were received – 37 in support and 14 in objection.</li> </ul>
Recommendation	Approval
Regional Development Criteria (Schedule 6 of the SEPP (Planning Systems) 2021	Clause 2 of schedule 6 - Capital Investment Value (CIV) of more than \$30 million and is also Clause 4 of Schedule 6 – Crown Development with a capital investment value of more than \$5M
List of all relevant s4.15(1)(a) matters	<p><b>s4.15(1)(a)(1) any relevant environmental planning instruments:</b></p> <p><u>State Environmental Planning Policies (SEPPs):</u></p> <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Biodiversity &amp; Conservation) 2021</li> <li>State Environmental Planning Policy (Industry and Employment) 2021</li> <li>State Environmental Planning Policy (Resilience &amp; Hazards) 2021</li> <li>State Environmental Planning Policy (Transport &amp; Infrastructure) 2021</li> </ul> <p><u>Local Environmental Plans:</u></p> <ul style="list-style-type: none"> <li>Wollongong Local Environmental Plan (WLEP) 2009</li> </ul> <p><u>Other policies</u></p> <ul style="list-style-type: none"> <li>Wollongong City-Wide Development Contributions Plan (2021)</li> <li>Wollongong Community Participation Plan 2019</li> </ul> <p><b>s4.15(1)(a)(ii) 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.</b></p> <p>N/A.</p> <p><b>s4.15 (1)(a)(iii) Any development control plan</b></p> <ul style="list-style-type: none"> <li>Wollongong DCP 2009</li> </ul> <p><b>s4.15 (1)(a) (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4.</b></p> <p>N/A</p>

	<p><b>s4.15 (1)(a)(iv) the relevant regulations</b></p> <p>Environmental Planning &amp; Assessment Regulation 2000, Clause 92 (1)(b) – the provisions of AS 2601 in respect of any demolition.</p>
List all documents submitted with this report for the Panel's consideration	<ol style="list-style-type: none"> <li>1 Plans</li> <li>2 Aerial photograph</li> <li>3 Site locality maps and site photographs</li> <li>4 WLEP zoning map, coastal protection maps, etc</li> <li>5 DCP masterplan maps</li> <li>6 Chapter D14 Wollongong DCP 2009 assessment</li> <li>7 Draft conditions of consent</li> </ol> <p><u>List of plans and documents referred to in 1</u></p> <p>Architectural plans by Populus</p> <p>Civil plans by Aurecon</p> <p>Landscaping plans by Arcadia</p> <p>Traffic documentation by Aurecon</p> <p>Arborist report by Tree Survey Pty Limited</p> <p>Flora and Fauna Assessment by Ecological Australia</p> <p>Stormwater plans by Aurecon</p> <p>Flood Report by Aurecon</p> <p>Planning documents by Ethos Urban</p> <p>Aboriginal Heritage Due Diligence Assessment by NGH Pty Ltd (NGH)</p> <p>European Heritage Assessment by Megan Jones Architect</p> <p>BCA and Access Compliance Statement by Blackett Maguire + Goldsmith</p> <p>Noise and Vibration Assessment by Aurecon</p> <p>Lighting Performance Report by Aurecon</p> <p>Bushfire Report - Blackash Bushfire Consulting</p> <p>Contamination investigations/ associated reports by Tetra Tech</p>
Clause 4.6 requests	Nil.
Summary of key submissions	<ul style="list-style-type: none"> <li>• Amenity impacts and other concerns raised in submissions</li> <li>• European heritage matters</li> <li>• Traffic, parking and pedestrian issues</li> <li>• Flooding impacts and stormwater management</li> <li>• Environmental concerns – tree removal</li> <li>• Aboriginal cultural heritage matters</li> <li>• Consistency with the objectives for the Innovation Campus.</li> </ul>
Report prepared by	Theresa Whittaker, City Centre & Major Development
Report date	28 May 2024

**Summary of s4.15 matters**

Yes

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

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**Legislative clauses requiring consent authority satisfaction.**

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

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**Clause 4.6 Exceptions to development standards**

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

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**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S7.24) No

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**Conditions**

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

## 1 APPLICATION OVERVIEW

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### EXECUTIVE SUMMARY

#### Proposal

The application seeks consent for the construction of a Community and High-Performance Centre for the St George Illawarra Dragons. The proposal incorporates the construction of a two (2) storey building, two (2) playing fields, car park, tree removal, associated landscaping and public domain works.

#### Subject site

The subject site is located within the Wollongong Innovation Campus at 7-9 Squires Way, North Wollongong. It is located on the western side of Squires Way in the northern part of the UoW Innovation Campus and is situated to the east and north of Innovation Way, which is the main north-south roadway through the Campus. It has an area of approximately 4.3 hectares and is irregular in shape. Currently, the site is primarily comprised of open lawn with a perimeter of established trees to the western, northern and eastern site boundaries. Part of the site is occupied by the State Heritage listed former Balgownie Migrant Workers' Hostel, comprising a Nissen hut and two Quonset Huts. These structures are associated with the former Migrant hostel which operated on the site between 1951 and 1982.

The site is zoned mainly SP1 Special Activities 'Wollongong Innovation Campus' pursuant to Wollongong LEP 2009 with sections of RE1 Public Recreation. There are no works proposed within the RE1 zoned part.

#### Notification and submissions

The DA has been notified twice: -

- 1st notification period - December 2022-January 2023 - 25 unique objections received.
- 2nd notification period – October 2023 - 51 unique submissions were received – 37 in support and 14 in objection.

The concerns raised in submissions are discussed in greater detail at section 1.4 of this report.

#### Referrals

Council's Stormwater and Flooding Engineers, Traffic and Transport Planners, Environmental Assessment Officers, Landscape Assessment Officers, Design Expert, Heritage and Community Safety Officers have provided satisfactory referrals. External comments have been provided by Transport for NSW (TfNSW), NSW Heritage and Endeavour Energy.

#### Permissibility

The proposed development comprises various parts, characterised for the purposes of the planning legislation as follows: -

- Recreation facilities (indoor)
- Recreation facilities (outdoor)
- Health consulting rooms
- Recreation area

The uses are all permissible with consent, either within the SP1 Special Uses (Innovation Campus) zone, or via the provisions of SEPP (Transport and Infrastructure) 2021.

#### Main issues

- Amenity impacts and other concerns raised in submissions.
- European heritage matters
- Traffic, parking and pedestrian issues
- Flooding impacts and stormwater management
- Environmental concerns – tree removal
- Aboriginal cultural heritage matters

- Consistency with the objectives for the Innovation Campus.

### **Recommendation**

It is recommended that the application be conditionally approved.

## **1.1 DETAILED DESCRIPTION OF PROPOSAL**

The application seeks consent for the construction of a two storey building to house what the applicant describes as the 'St George Illawarra Dragons Community and High Performance Centre', along with two (2) playing fields, car parking areas, tree removal, and associated landscaping and public domain works.

The submission states that the Community and High Performance Centre (CHPC) will enable the Dragons' NRL and NRLW teams along with community programs to be housed in one state of the art venue in the heart of Wollongong.

### Works

The development includes: -

- Site preparation works - removal of existing car park, earthworks, removal of 132 trees;
- Retention of the State heritage listed Nissen and Quonset Huts;
- Construction and use of a new (NRL) Community and High Performance Centre. The building is two storeys in height and will house the following facilities:-
  - Gymnasium;
  - Male & female player amenities including locker rooms, players' lounge, viewing balcony and dining areas;
  - Staff amenities, including end-of-trip facilities and bike storage;
  - Allied health facility on the ground floor (259sqm)
  - Medical and physical recovery rooms including consulting rooms
  - Sleep and aquatic recovery rooms; recovery room
  - Classroom, lecture theatre and educational spaces;
  - Club administration and community outreach program office spaces including meeting rooms, office areas, associated amenities;
  - First floor dining and function rooms, players' lounge along with associated kitchen.
  - Balcony and viewing area overlooking the main field
  - Back of house (plant, laundry rooms, bin store, loading zone, storage, switch, bike store, etc)
- Construction and use of two new full-sized rugby league playing fields with natural turf surface:-
  - a new NRL-standard elite training field - dimensions 68m (width) by 116m (length) - to be used for training by the Dragons' first grade teams.
  - a new community field in the north-western corner of the site, with floodlighting to allow evening community use. Dimensions 65m (width) by 116m (length). Field to be used by the All Abilities Squad, Indigenous Programs, After School Programs).
- Construction of a narrow (74m by 3.6m) synthetic turf warm-up and sprinting track to the immediate west of Field 1.
- Landscaping and public domain works including open space areas, landscape embellishment works improved pedestrian and cyclist pathways.
- At-grade car park housing 61 parking spaces to the south of the building including 2 universal access parking spaces, 20 bicycle parking spaces.

- Vehicle access to the 'Kids' Uni' (Innovation Campus childcare facility) off-street car parking will be modified – the modifications include changes to roadway geometry, altered parking geometry and relocation 7 seven of the existing on-street parking spaces to Innovation Way
- Amended parking arrangement for the childcare centre in Building 201
- All vehicle access will continue to be obtained from Innovation Way, with the primary car park to the south of the building being accessed via the road to the south of that car parking area which also services the Sustainable Buildings Research building to the south.
- Finishing materials include perforated metal screening with proprietary subframing fixed to structural steel; Austral masonry 'vertico split face' brick, Austral masonry 'gb split face' brick; clear glazing; Colorbond sheeting; fibre cement sheeting.
- Three (3) signage zones are proposed for either building or business identification signage; these are located on the western and northern elevations of the building. Further detail of signage content and illumination fixtures etc. will be submitted at a later today.

#### Use

The principal user of the facility will be the St George Illawarra Dragons, who will construct and operate the CHPC under a 'lease and innovation agreement' from UoW. The SEE states,

*“UoW students and research staff will utilise parts of the CHPC both independently and in conjunction with the Dragons for a range of educational and research purposes. Community sporting and other groups will be able to utilise the Community field and internal spaces (i.e. lecture theatre and meeting rooms) on a hire-basis by prior agreement with the Dragons. Allied health professionals may also provide services on a commercial basis to patients (e.g. hydrotherapy or physiotherapy) through a small, dedicated area, with the potential for collaboration and cross-employment between practitioners between these services, the Dragons and UoW research and training functions.”*

The application provides the following further information around the proposed use:-

*“The proposed development will build on the existing partnership between UoW and the Dragons relating to research and development, and facilitates increased opportunities in the fields of sports science, exercise physiology, health, community development and sports administration to drive innovation and research implementation outcomes, consistent with the planning and development objectives for the UoW Innovation Campus;” and*

*“Locating this facility within the UoW's Innovation Campus, which is intended to foster collaboration and innovation between UoW and industry partners, will allow direct access to and collaboration between students and researchers of UoW with the high-performance elite sport programs, community outreach programs and sports administration users. UoW staff and students will gain direct access to the CHPC to participate in learning opportunities, direct industry engagement and research activities, whilst the Dragons will benefit from immediate access to implement leading research and innovation outcomes generated by UoW's research program,” and*

*“This collaborative model will see students of UoW gain access to the CHPC for 30-45 hours per week, including opportunities for work experience and internships with the Dragons, PhD scholarships focused on direct collaboration with the Dragons' sports, business and community activities. This will be further supplemented by NRL-related placement programs that offer 300+ student hours per week and ongoing scholarship opportunities for UOW students, with a greater focus on being a catalyst to encourage women and Indigenous persons in sports. The CHPC has also been designed to include space to accommodate community and innovative education programs, which will be open for broader community use either as stand-alone offerings or in collaboration with UoW.”*

The applicant states that the partnership between the Dragons and the UoW is structured through the existing MoU with the stated intention to work together “cooperatively and collaboratively”. The MoU provides a partnership framework, the CHPC being a central component because of the opportunity to leverage the project for research, community and student benefits.

There are several agreements being developed between the Dragons and UoW that provide formal structure around the development and operation of the CHPC. These include:

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- A Project Delivery Agreement / Umbrella Agreement which establishes parties responsibilities for planning and delivering the Project.
- A Ground Lease - for lease of the CHPC site and license for use and operation of the fields.
- A Collaboration Agreement which will establish the principles and the plan / program of which the parties will deliver during the operation of the CHPC. This includes community programs, educational opportunities, scholarships, university research, use of community / university spaces within the building, use of the fields, etc.

As part of the MoU, and the Collaboration Agreement, an Alliance Committee has been established which will determine areas of collaboration, operational priorities, implementation of agreements and programs in the interim, and once the CHPC is operational.

### Hours of operation

The proposed operating hours for the respective areas are:-

#### CHPC Operating Hours:

- Monday to Friday - 7am to 6pm
- Saturday - 7am to 5pm
- Sunday – as required

#### CHPC Business Hours:

- Monday to Friday - 8am to 5.30pm
- Saturday - 8am to 5.30pm
- Sundays – closed

#### Elite NRL Training Field:

- Monday to Friday – 7am to 6pm
- Saturday & Sunday – as required

#### Community Training Field:

- Monday to Friday – 9am to 8.30pm (flood lighting after dark hours)
- Saturday 9am to 5pm
- Sunday – as required.

## **1.2 BACKGROUND**

### Site History

The University of Wollongong (UOW) site was previously known as Brandon Park, Fairy Meadow Migrant Hostel and Balgownie Migrant Workers' Hostel. The site was leased to the University of Wollongong (UOW) by the NSW State Government in 2002 to be used as a satellite site, now known as the 'Innovation Campus'. The site was rezoned in January 2004 via LEP Amendment 221; this was supported by the "iC Innovation Campus Masterplan and Associated Documentation dated August 2003" which provided the detailed planning requirements for the site.

Consent was granted for the original Wollongong Innovation Campus Master Plan (DA-2003/1411) on 10 February 2004.

The Master Plan was endorsed in March 2004; incorporated into Chapter D14 of Wollongong DCP in 2010.

The Master Plan was formally reviewed from 2011 to 2017; the revised Masterplan was incorporated into the DCP in May 2017.

The iC site has been progressively developed by the UOW since 2005. Numerous buildings and extensive land reshaping works have occurred in line with the Master Plan. The Campus has evolved with a variety of research and development businesses and start-ups, along with UoW supporting services and businesses including a gym, student accommodation, co-working spaces and cafes.

University of Wollongong Act 1989

The University of Wollongong was established under the University of Wollongong Act 1972. That Act was repealed upon commencement of the University of Wollongong Act 1989. The constitution and functions of the University are contained in Part 2.

Section 6(1) specifies the objects of the University being:

*The object of the University is the promotion, within the limits of the University's resources, of scholarship, research, free inquiry, the interaction of research and teaching, and academic excellence.*

Section 6(2) specifies the principal functions of the University being:

- a) the provision of facilities for education and research of university standard, having particular regard to the needs of the Illawarra region,*
- (b) the encouragement of the dissemination, advancement, development and application of knowledge informed by free inquiry,*
- (c) the provision of courses of study or instruction across a range of fields, and the carrying out of research, to meet the needs of the community,*
- (d) the participation in public discourse,*
- (e) the conferring of degrees, including those of Bachelor, Master and Doctor, and the awarding of diplomas, certificates and other awards,*
- (f) the provision of teaching and learning that engage with advanced knowledge and inquiry,*
- (g) the development of governance, procedural rules, admission policies, financial arrangements and quality assurance processes that are underpinned by the values and goals referred to in the functions set out in this subsection, and that are sufficient to ensure the integrity of the University's academic programs.*

Section 6(3) specifies other functions of the University being:

- (a) the University may exercise commercial functions comprising the commercial exploitation or development, for the University's benefit, of any facility, resource or property of the University or in which the University has a right or interest (including, for example, study, research, knowledge and intellectual property and the practical application of study, research, knowledge and intellectual property), whether alone or with others,*
- (a1) without limiting paragraph (a), the University may generate revenue for the purpose of funding the promotion of its object and the carrying out of its principal functions,*
- (b) the University may develop and provide cultural, sporting, professional, technical and vocational services to the community,*
- (c) the University has such general and ancillary functions as may be necessary or convenient for enabling or assisting the University to promote the object and interests of the University, or as may complement or be incidental to the promotion of the object and interests of the University,*
- (d) the University has such other functions as are conferred or imposed on it by or under this or any other Act.*

The subject application is broadly consistent with the objects and functions of the University. The proposed operational management plan and collaboration agreement, reinforced by proposed consent conditions, embed the research functions sought to be achieved on the site.

Positive covenant

Upon transfer of the land to the University in 2002, the then Minister for Education and Training imposed a positive covenant on most the land under Section 88E (1) of the Conveyancing Act 1919. This covenant specified that the university *must use and develop the land for the promotion of education for an education and research innovation campus* for specific purposes outlined in the instrument. The positive covenant lists permitted uses strictly ancillary to the prescribed education and research uses, including licensed hotels, conference facilities, licensed restaurants and bars, retail and associated



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service facilities including medical, dental, physiotherapy and related activities; leisure and sports facilities; serviced apartments, child care facilities; and serviced offices.

The covenant requires that the land be transferred back to the Crown if the registered proprietor does not comply with the restrictions.

It is noted that there was a modification to the positive covenant in 2018 which permitted some additional activities on land within the Campus; this modification applies to Lot 1 within the site, not Lot 2.

The positive covenant will remain in force and is broadly consistent with the proposed development with the implementation of the operational management plan.

### **Integrated Development**

The DA is Integrated Development under section 4.46 of the Act and requires:

- An Activity Approval for works occurring within 40m of a mapped watercourse under Section 91 of the Water Management Act 2000. GTAs have been issued by DPE-Water and will be required to form part of the consent if the DA is approved.

### **Crown Development**

The DA is defined as Crown Development under Division 4.6 of the EP&A Act. Clause 226(1) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulations) provides that a development carried out by an Australian University (under the meaning of *Higher Education Act 2001*) is a Crown development. UOW is recognised as an Australian University under Schedule 1 of the *Higher Education Act 2001*.

It is noted that Crown developments cannot be refused except with approval of the Minister for Planning and Public Spaces. Further, the applicant must be provided with the opportunity to review the draft conditions and conditions cannot be imposed without the applicant's agreement or the consent of the Minister. Additionally, the Act provides that if the consent authority fails to determine the application within the prescribed period, the application may be referred to the relevant regional planning panel for determination.

### Pre-lodgement meetings

A formal pre-lodgement meeting was held for the proposal on 11 March 2022 (PL-2022/6). The proponents also met with the Wollongong Design Review Panel (DRP) on 26 May 2022.

### Customer service actions

There are no outstanding customer service requests of relevance to the development.

## **1.3 SITE DESCRIPTION**

The site is located at Innovation Campus 7-9 Squires Way NORTH WOLLONGONG and the title reference is Lots 1 and 2 DP 1172135. The site is located on the western side of Squires Way in the northern part of the UoW Innovation Campus and is situated to the east and north of Innovation Way, which is the main north-south roadway through the Campus.

The site has an area of approximately 4.3 hectares and is irregular in shape.

Currently, the site is primarily comprised of open lawn with a perimeter of established trees to the western, northern and eastern site boundaries.

Part of the site is occupied by the State Heritage listed former Balgownie Migrant Workers' Hostel, comprising a Nissen hut and two Quonset Huts. These structures are associated with the former Migrant hostel which operated on the site between 1951 and 1982. The remaining buildings are:

- Building 201 – Quonset Hut with later additions – this was the former dining hall for the Balgownie Migrant Workers' Hostel, currently utilised as a child care centre;
- Building 204 – Nissen Hut – formerly used as laundry exchange for the Balgownie Migrant Workers' Hostel, now utilised as the University Alumni Bookshop;
- Building 210 – Quonset Hut – Formerly used as staff accommodation for the Balgownie Migrant Workers' Hostel, now utilised as the University Alumni Bookshop.

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There is a shared car parking area housing 13 car spaces positioned to the south and east of the huts which services those buildings.

There is an existing shared concrete pathway that runs through the site generally in north-easterly direction towards the intersection of Squires Way and Elliott's Road.

Located to the south of the lot is an informal gravel parking area and an informal maintenance yard.

*Topography*

the site is relatively level, with ground surface elevations varying from 2.5m AHD in the north-eastern corner of the site to 4.0m HD in the south-western corner, with the site elevations generally ranging from 3.0m to 3.5m AHD.

*Vegetation and Fauna*

There is a line of trees around the perimeter of the northern part of the site, and more substantial stands of vegetation in the southern part of the site, as illustrated in the aerial photograph of the site below:-



**Figure 1 – aerial photograph of eastern portion of subject site**

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It is noted that the development of the CHPC will result in the removal of some native trees and shrubs, being planted native vegetation. A detailed flora and fauna assessment was submitted with the DA which analyses the impact of the vegetation removal and indirect impacts of the proposed development on flora and fauna. Evidence of habitat for threatened species within the subject site is poor and limited to marginal foraging habitat for highly mobile threatened birds and bats.

### Location

The site is located approximately 2km north of the Wollongong CBD and approximately 1.5km east of the UOW Main Campus. Maps within Attachment 1 depict the location of the site with respect to the Wollongong CBD and the UOW main campus.

Fairy Meadow train station and North Wollongong train station are approximately 1km from the site. Bus services travel along Squires Way to the immediate east of the site, which includes the free 'Gong shuttle' which runs every ten minutes between 7am and 6pm, and every 20 minutes 6pm to 10pm, and on weekends and public holidays. This service connects the site to the Wollongong CBD, UOW Main Campus, North Wollongong, and the Fairy Meadow train station.

### Context

Adjoining development is as follows:

- **North:** to the north of the site is residential zoned land housing primarily single detached dwellings with frontage to Elliot's Road.
- **East:** to the east of the site is Squires Way, a north-south regional collector road, whilst further to the east is the Towradgi Arm, Puckeys Estate and Fairy Meadow Beach (all C2 zoned).
- **South/ West:** to the south of the site is the already developed component of Innovation Campus, which comprises a variety of research, teaching, related residential and commercial uses. To the immediate south of the site is an existing facilities maintenance compound and temporary at-grade car park. Further to the south is an unnamed road providing service access to the Sustainable Buildings Research Centre.
- The existing buildings within the southern developed portion of the iC include:-
  - The Enterprise Building – a commercial office building for corporations and key UOW research institutes.
  - Institute for Transnational and Maritime Security (ITAMS) – a centre for interdisciplinary research on transnational and oceans security.
  - The Central Building – a services hub for the Innovation Campus, used as the meeting place for people working, studying, and visiting the site with a café, gym and common spaces.
  - Mike Codd Building – a Digital Media Centre, combining business, management, technology, and the arts.
  - iAccelerate Centre – a purpose-built business incubator and accelerator.
  - Australian Institute for Innovative Materials (AIIM) – a multi-functional materials facility for developing new production processes, devices, and prototypes.
  - Science Space – a planetarium and interactive and immersive scientific spaces.
  - Sustainable Buildings Research Centre (SBRC) – a multi-disciplinary facility centred on sustainable and effective places to live and work.
  - Student accommodation housing approx. 520 residents across 7 buildings.
- **West:** the western boundary of the northern part of the site abuts residential properties fronting Cowper Street. Development along this section of Cowper Street comprises a combination of single detached dwellings and multi-dwelling housing. Land to the west of Innovation Way (opposite the CHPC building and south of the community field) is occupied by a NSW Ambulance station which is under construction, and south of that is student accommodation.

### Constraints

- **Flooding:** The site is situated within the Cabbage Tree Creek catchment of the broader Fairy and Cabbage Tree Creeks catchment. Council's records indicate the site is coded as 'Flood Affected – Classification under review'. Further discussion on the extent of the flooding constraint is contained below under the Stormwater Engineer's referral.
- **Bushfire** - The site is mapped as being bushfire prone land, containing Category 1 vegetation to the east. There is potential for the site to be impacted from the east with bushfire attack in the form of ember attack, smoke, radiant heat and direct flame contact. A BFRA report was submitted with the DA which provides recommendations for the development. The proposal is not development for a special fire protection purpose (i.e. is not integrated development for the purposes of the NSW Rural Fires Act 1997).
- **Non-Aboriginal Heritage** - The site contains a listed item of Heritage significance, being the State heritage listed Balgownie Migrant Workers' Hostel - Huts 201, 204 and 210 (SHR #01767). The items are also listed in Schedule 5 of WLEP 2009. The site is not located within a heritage conservation area.
- **Aboriginal heritage** - There is no known Aboriginal archaeology on the site however, there are identified Aboriginal cultural heritage values for the broader Campus.
- **Coastal** - Under the provisions of Chapter 2 of SEPP (Resilience & Hazards) 2021, all of the site falls within the coastal environment area, part falls within the coastal use area and the eastern portion of the site is also mapped as proximity area to coastal wetlands. The relevant provisions of the SEPP are discussed below.
- **Acid sulphate soils** - the site is mapped as being part Class 3 and 5 Acid Sulfate Soils. The Detailed Site Investigation prepared by Tetra Tech Coffey recommended the preparation of an Acid Sulfate Soils Management Plan. This has since been prepared and submitted in support of the DA.

## 1.4 SUBMISSIONS

The application has been notified on two occasions in accordance with Council's Community Participation Plan 2019. The first notification period occurred shortly after lodgement of the application (December 2022-January 2023) and 25 submissions were received, all of which were in objection to the proposal. The main concerns raised in the submissions can be summarised to include:-

- Loss of childcare places and limited availability of child care places in the region;
- Waste of public money on one single professional sporting club;
- Objection to the relocation of the Huts; and loss of heritage value of significance to the local community;
- Loss of opportunities for education, research facilities to be accommodated on the land; a sporting facility could be constructed anywhere;
- Impacts on residential amenity including noise (users of sporting fields, traffic/ car noise), light spill, poor language;
- Visual impact of 20m light towers associated with the community field;
- Impact of lighting on fauna;
- Lack of car parking to service the development and potential impact on car parking elsewhere;
- Traffic generation; concerns regarding safety of the Elliotts Road/ Squires Way intersection;
- Exacerbated flood conditions;
- Concerns regarding hours of operation and associated impacts – particularly noise from night time use of the community field.

*Comments:* It is noted that the proposal has been revised since lodgement. The initial application was accompanied by a separate DA which sought approval for the relocation of the heritage listed huts to facilitate the construction of the CHPC at the northern end of the site. This application was not supported by Council or NSW Heritage and was subsequently withdrawn by the applicant. This DA was revised to provide for the retention of the huts and the relocation of the fields and CHPC in the locations now

proposed. A number of the concerns raised in the above submissions relating to the original proposal have been resolved or are no longer relevant to the current proposal.

The second notification period took place in October 2023 following the receipt of the amended proposal. There were 51 submissions in total received – 37 in support and 14 in objection. The concerns raised in the objections are summarised below, along with discussion on the matters raised:-

- Amenity impacts on neighbouring residential land – particularly arising from the proposed fields - noise, foul language, light spill from the light posts; extended hours proposed up until 11pm
- The noise levels expected from the community field will exceed that permitted by the DCP.
- Loss of privacy
- The community field is inappropriately located and should be moved elsewhere
- Lack of facilities to service the community field

*Comments:* The location of the community field is in the north-western corner of the site; it abuts residential zoned land. Field 1 (the NRL-standard training field) is setback a greater distance from nearby residential properties. It is noted that the fields are located in roughly the same position as existing sports fields.

The community field is setback approx. 12m from the residential properties to the north, and 10m from the residential properties to the west. There are pockets of vegetation in places along the northern and western boundaries of the site between the field and the boundaries which offer some vegetative screening which will assist in reducing potential overlooking of neighbouring residential properties. The setback distance to Field 1 will reduce potential overlooking from this field.



**Figure 2 – location of Community Field in the north-western corner of the Campus**

The submitted noise assessment considers noise emissions from training and field usage, traffic and car parking. The report concludes that the predicted operational noise levels will not result in an unacceptable impact on local amenity, including during evening hours (noting it is proposed to use the community field in the evening). Council's Environmental Assessment Officers have considered the acoustic assessment and acoustic privacy impacts and have raised no concerns subject compliance with recommended conditions including the community field not being lit after 8pm, compliance with

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noise limits and lighting standards compliance. It is noted that a Lighting Performance Report was submitted with the DA to ensure that light spill is minimised.

The applicant states that facilities including toilets and change facilities located within the CHPC building will be made available during all organised usage of the community field. These facilities are within close walking distance of the field.

- Parking impacts; including the loss of 110 existing car spaces plus parking demands generated by the new development
- No provision for parking near the community field, including no provision for disabled persons' car parking
- Traffic and parking may have consequences on emergency vehicles leaving the Ambulance station
- Traffic generation

### *Comments:*

A traffic impact assessment was lodged with the DA which considers the traffic and parking implications of the proposed development.

The proposal, inclusive of the traffic impact assessment, has been considered by Council's Transport and Traffic Planners who are satisfied with the parking provision, vehicular access and manoeuvring arrangements proposed. No concerns have been raised in relation to traffic generation. In terms of car parking, it is noted that the proposed parking provision is consistent with the rate recommended in Chapter D14 of Wollongong DCP 2009. It is also noted that the site is well located with regard to public transport, with train stations and bus stops in close proximity, and is well connected to those via pedestrian and cycle paths.

In terms of the community field specifically, it is pertinent to note that peak usage of that field is expected to occur outside of business hours, meaning there will be car parking available in the campus for field users.

- The construction of swales may impact on existing trees; not accounted for in the arborist report

*Comment:* the arborist report and flora and fauna assessment have been considered by Council's Landscape and Environmental Assessment Officers and were considered to be satisfactory.

- Inadequate regard given to pedestrian safety.

### *Comment:*

The proposal is supported by Council's Traffic and Transport Planners, who have considered pedestrian safety, amenity and connectivity within and through the site. Changes were made to the plans in response to concerns raised by Council's planners around safety matters, and a number of conditions are recommended in relation to lighting of pedestrian areas/ pathways, installation of CCTV and implementation of the recommendations of the submitted CPTED report.

The pedestrian pathway location, widths, alignment and connections are considered to be practical and safe, subject to compliance with the recommended conditions.

- Impacts on flood behaviour; exacerbated flooding of neighbouring land. Note filling and levelling to achieve the community field may exacerbate flooding of the adjacent residential land

*Comments:* The application (as originally proposed) included filling in the floodplain and increased site levels to achieve elevated proposed sports fields. The proposal did not include any compensatory measures to maintain the site's flood storage function and was likely to result in increased flooding elsewhere and across Squires Way.

The applicant made the following amendments to the proposal to respond to these concerns:-

- Reduced the design level of the proposed sports fields and amended the earthworks design, to include a combination of fill and compensatory excavation such that the site's flood storage function is maintained.
- Amended the design of the proposed building and car parking area to elevated structures with open sub-floor areas such that water conveyance and storage function can occur beneath these structures.



- Amended flood modelling, impact assessment, and stormwater calculations for the development (inclusive of the above changes) show flood storage volume capacity on the site will now be increased in the 20% AEP, 1% AEP, and Probable Maximum Flood (PMF) events and the development will not increase flood affectation elsewhere or over Squires Way.

The proposal as revised is considered satisfactory by Council's Stormwater and Flooding Engineers, subject to consent conditions. It is noted that the proposal, as revised, will not result in unfavourable flood impacts on neighbouring properties.

- Concerns that the huts are quite fragile and may be damaged by sporting activities.

*Comment:* in response to this issue, the applicant is proposing to install kicking nets behind the goalposts (northern and southern ends of the fields), as well as on the south-eastern edge of the community field to protect the huts, as well as reduce the likelihood of wayward balls travelling in the direction of the childcare centre and pedestrian areas.

- How will the huts be maintained and restored on an ongoing basis? We note that no resources will be allocated to improvements to the huts as part of the DA. We understand that under the heritage protection regulations, the UoW is currently obliged to ensure the huts are maintained in good order and do not deteriorate.
- When will interpretive signage be erected around the huts to showcase the history and heritage value and these huts?

*Comments:* the curtilage of the huts does not form part of the development area and maintenance / restoration is not proposed in this application. The existing uses of the huts will remain unchanged and the UoW will continue to be responsible for the ongoing upkeep of the heritage items. The UoW is also responsible for any interpretive signage; this is outside of the scope of the DA assessment.

- How will the St George Illawarra Dragons and the UoW foster an understanding amongst their players and fans of the history of the huts and their value to the local community?

*Comments:* this is not a relevant matter for the DA assessment.

- HPC would be better placed elsewhere – eg. relocating the CHPC to suburbs such as Berkeley, Dapto or Warrawong where the community would greatly benefit from improved amenities and associated employment generated from a major infrastructure project.

*Comments:* this is not a relevant matter for the DA assessment.

- A nominal collaboration with the UoW exists, however it is clear that the development will be operated overwhelmingly for the benefit and profit of St George Illawarra Rugby League Football Club Pty Limited. The "community" benefits are geared to only select groups, not the community, as a whole. In providing the land for commercial use, the University of Wollongong is effectively abrogating its rights and responsibilities as a Crown organisation in respect to development approvals. Whilst potentially within the letter of regulatory processes, this submission is made entirely against the spirit of any Crown application and as such we strongly request that the integrity of the application be called into question and appropriately referred and processed.

*Comments:* The UoW is bound under the University of Wollongong Act 1989 which specifies objects, principal functions and other functions of the University. 'Other functions' are relevant to the proposal are outlined in detail at section 1.2 above.

- Details provided in the DA contradict earlier commitments made during pre-lodgement consultation with the community.

*Comment:* this concern is not relevant to the assessment of the development application.

- There is no provision of additional facilities near to the community field, such as showers, access to drinking water, first-aid and particularly toilet facilities. The lack of planning for such facilities poses a significant operational health and safety concern. The lack of toilet facilities will lead to people toileting elsewhere.

*Comments:* The applicant states that facilities including toilets and change facilities located within the CHPC building will be made available during all organised usage of the community field. These facilities are within close walking distance of the field.

## **1.5 CONSULTATION**

### **1.5.1 INTERNAL CONSULTATION**

#### **Geotechnical Engineer**

Council's Geotechnical Officer has reviewed the application and has provided a satisfactory referral including recommended consent conditions.

#### **Stormwater Engineer**

Council's Stormwater Officer initially raised a number of concerns with regard to flooding and stormwater management. These have been resolved through the submission of revised plans and further information. The changes to the proposal included an amended earthworks design and finished surface levels, inclusion of compensatory flood storage measures, amended building and car parking areas to open sub-floor, and amended flood/stormwater modelling and impact assessment.

The proposal is now considered satisfactory subject to recommended conditions being imposed on the consent. The recommended conditions are included in the list at **Attachment 7**.

#### **Landscape Architect**

Council's Landscape Officer has reviewed the application and is satisfied with the proposal and has recommended consent conditions.

#### **Environment Officer**

Council's Environmental Assessment Officers considered a wide range of matters including ecological considerations, coastal and foreshore issues, bushfire management, riparian corridor issues, soil and water resources, and Ecologically Sustainable Development. A number of conditions were recommended for inclusion on any consent.

#### **Development Traffic Planner**

Council's Development Traffic Planner reviewed the application and initially raised several concerns requiring the submission of revised plans and additional information. The required information and revisions have been submitted and the proposal is now satisfactory subject to recommended conditions. The following final comments were provided:-

- In relation to the balance of car parking across the site as a whole, the assessment found that the proposed final ratio of car parking per GFA remains within the DCP rate of 1 space per 40-80sqm.
- It is acknowledged that the proposed development will not preclude the provision of future DCP master planned 'indicative' road link E4, if this road link is required by future development in the future.
- In terms of pedestrian connectivity, the proposed amendments provide a pedestrian connection to the bus stop at Squires Way/Puckeys Avenue through the site which would be afforded more shade than a path on Squires Way. In this case it is considered that the directness of the path is sufficient to allow users to travel to and from the site by bus, if required.
- The submitted swept paths are considered satisfactory.
- It is noted that TfNSW made the following comments: "The intersection of Cowper Street and Elliott's Road, does not currently provide sufficient space to enable a through vehicle to pass a stationary right turning vehicle entering Cowper Street when a vehicle is parked on the street. Council may consider the installation of regulatory 'No Stopping' signage to improve the performance of this intersection."

The Traffic Section considers that the increased 'No Stopping' will require the removal of on-street parking. Council does not generally remove car parking (relied upon by residents' visitors etc.) to benefit a private development such as this. Moving forward Council will monitor the



intersection performance and if issues are observed and submissions are made in the future, the intersection can be further assessed, and signs and lines for increased 'No Stopping' can be put to the Local Traffic Committee for consideration.

#### **Strategic Planning Officer**

Council's Strategic Planning Officer raised issues which have been summarised. These relate to the operation of the childcare centre, heritage setting of the huts, consistency with the objectives for the zone and masterplan, building design and master planning, clear research functions or ties with the university, opportunities for cultural heritage awareness.

These matters have been considered in the assessment of the application.

#### **Heritage Officer**

Council's Heritage Officer has advised that, following review of the revised plans and documents, including the revised Heritage Impact Statement, the Aboriginal Heritage Due Diligence Assessment and advice from Heritage NSW, the proposal is considered to be satisfactory subject to recommended conditions.

It was noted that the proposed development has been significantly revised and no longer involves direct impacts on the Curtilage of the State Heritage Registered Balgownie Migrant Hostel Nissan Huts. Further, whilst the proposal will still result in impacts on the setting of the heritage item, these impacts have been mitigated through substantial changes to the design. It is also understood that the proposal should, if anything, reduce the likelihood of the Heritage Items being affected by flooding by improving drainage arrangements surrounding the item (though it is noted that the larger Nissan Hut will still be affected by flooding in significant events).

The proposed development is now supported by an Aboriginal Heritage Due Diligence Assessment dated July 2023 and prepared by NGH Consulting. This report provides a range of recommendations that should be implemented in the development; a condition of consent is recommended in this regard.

#### **Community Safety /Safer Community Action Team (SCAT) Officer**

Council's Community Safety Officer has reviewed the application and provided a satisfactory referral. It was noted that the recommendations of the submitted CPTED report should be implemented; CCTV should be installed to monitor pathways; lighting and landscaping should be appropriate to ensure clear lines of sight along pathways and within the car parking area. The revised landscape plans have incorporated changes to address concerns raised with regard to crime prevention and safety matters.

### **1.5.2 EXTERNAL CONSULTATION**

#### **Heritage NSW**

NSW Heritage was consulted in relation to potential impacts of the development on the State heritage listed items located within the site and immediately adjacent to the area of the proposed work. Heritage NSW initially requested additional information in relation to the proposal which has since been provided by the applicant. A satisfactory referral has since been returned by NSW Heritage which includes the following comments:-

##### Aboriginal cultural heritage

The following comments are provided in relation to the proposal:

- Heritage NSW advises that it is the responsibility of the proponent to ensure that they comply with Part 6 of the *National Parks and Wildlife Act 1974*.
- Aboriginal cultural heritage values have previously been identified in the North Wollongong area including intangible cultural heritage values. Heritage NSW encourages the applicant to undertake consultation with the Aboriginal community to identify and protect Aboriginal cultural heritage values that may be impacted by the proposal.
- If Aboriginal objects are present, or likely to be present, and the proposed activity will harm those objects, an Aboriginal Cultural Heritage assessment must be undertaken. This assessment should inform appropriate management and mitigation measures, which may include the requirement for an Aboriginal Heritage Impact Permit.

- Heritage NSW recommends that the Aboriginal Cultural Heritage assessment is guided by the following documents: – *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales*.
  - consultation with the Aboriginal community undertaken in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents*.
  - satisfy the requirements of the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW*.

#### Environmental heritage

The following comments are provided under delegation from the Heritage Council of NSW in relation to the proposal:

- The subject site is located adjacent to the state listed *Balgownie Migrant Workers Hostel: Huts 201, 204 and 210* (SHR no 01767) at Squires Way Fairy Meadow. The SHR item is also listed on the Wollongong LEP 2009 as *Balgownie Migrant Workers Hostel* (Item 61075) at 9 Squires Way, Fairy Meadow.
- The SHR listed huts are of historical significance being physical evidence of the Balgownie Migrant Workers Hostel that was constructed at Fairy Meadow in 1950 and 1951 (in use until 1982) as part of an Australia-wide post-World War II immigration program with wide-ranging impacts upon the development and growth of Wollongong. Some of the huts are significant due to their rarity. The huts are also significant for their historical associations, technical significance, and social connections.
- The development application previously included relocation of the SHR-listed huts. At their 31 January 2023 meeting, the Heritage Council Approvals Committee did not support relocation of the buildings (HMS 2075). On 9 August 2023, the Integrated Development Application was rejected (HMS 2336).
- The subject development application no longer proposes relocation of the huts. Retention of the huts in situ is supported.
- The RFI response letter has clarified that no works are proposed to the SHR-listed huts. Therefore, the proposal is no longer integrated development, and instead constitutes a development application referral by Council.
- The SHR description notes that Huts 204 and 210 were moved in 2005 from their former flood-prone location to a raised berm immediately to the west of Hut 201. The berm also protects building 210 from flooding on its western side while improved site drainage to the north and east protects it from all but one-in-one-hundred-year flooding. The RFI response letter explains that extensive flood modelling was carried out to inform the design and that the proposed landscape works will improve drainage around the site and divert water away from the huts, which will reduce the incidence of overland flooding of the huts. Council may require a flood study to support this conclusion.

#### **Recommendations**

It is recommended that the following conditions are included on the Development Application:

##### **1. UNEXPECTED FINDS**

The Applicant must ensure that if any unexpected archaeological deposits or relics are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified as required by s.146 of the Heritage Act 1977. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

*Reason:* Notification of the unexpected discovery of relics is a statutory requirement under s.146 of the Heritage Act 1977.

##### **2. SITE PROTECTION**

Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

*Reason:* To ensure significant fabric including vegetation is protected during construction.

*Comment:* The recommended conditions are included in the list at **Attachment 7**.

### **Rural Fire Service**

The NSW RFS has considered the application and has raised no objection. Conditions have been recommended for imposition in relation to the following matters:-

- Conditions requiring a Bush Fire Emergency Management and Evacuation Plan for the facility;
- The storage of hazardous materials
- Asset protection zone requirements
- Construction standards
- Access road requirements
- Provision of water and utility services
- Landscaping

These conditions are included in the list at **Attachment 7**.

### **Transport for NSW**

Transport for NSW raised no objections to the proposed development in terms of impacts it will have on the state classified road network. TfNSW noted that, at the intersection of Cowper Street and Elliot's Road, a vehicle does not have the ability to pass a stationary right turning vehicle entering Cowper Street when a vehicle is parked on the street. Council may consider the installation of regulatory no stopping signage to improve the performance of this intersection.

This issue has been considered by Council's Traffic and Transport Planner, who noted that the increased 'No Stopping' will require the removal of on-street parking. Council does not generally remove car parking (relied upon by residents' visitors etc.) to benefit a private development such as this. Moving forward Council will monitor the intersection performance and if issues are observed and submissions are made in the future, the intersection can be further assessed, and signs and lines for increased 'No Stopping' can be put to the Local Traffic Committee for consideration.

### **Endeavour Energy**

Endeavour Energy raised no objection to the development.

### **DPE Water**

The development is integrated development, requiring an Activity Approval for works occurring within 40m of a mapped watercourse under Section 91 of the Water Management Act 2000. GTAs have been issued by DPE-Water and will form part of the consent if the DA is approved.

### **Wollongong Design Review Panel (DRP)**

The proposal has been considered by the DRP on three occasions, both prior to lodgement of the application and post-lodgement. There was no legislative trigger for the involvement of the DRP; the pre-lodgement meetings with the DRP were voluntary and Council consulted with the DRP in relation to design matters generally to assist its assessment of the proposal.

Pre-lodgement meetings were held 26th May 2022 (under DE-2022/41).

Post-lodgement meetings were held 6 December 2022 and 22 September 2023.

At the most recent review of the proposal, the DRP raised concerns around some aspects of the proposal:-

- Shortcomings in site analysis including how the revised site sits within the Campus masterplan; how it relates to adjacent buildings, land-uses including residential land, and services;

*Planners' comment:* additional site analysis information has been provided which is generally satisfactory. The applicant notes that the proposal largely aligns with the DCP masterplan (excluding the service road that is proposed to run through the centre of the development, which has instead already been delivered to the south of the development/to the north of the Sustainable Buildings Research Centre). Further discussion on Chapter D14 of WDCP 2009 is provided in **Attachment 6**. The applicant also notes that the position of the building has been informed by the site constraints. Field location is largely unchanged on that existing.

- Aboriginal cultural significance is not sufficiently addressed;

*Planners' comment:* Refer to discussion above with regard to Clause 5.10 of WLEP 2009. The applicant notes that the proponent has undertaken a 'Walkshop' as part of ongoing engagement with the local Aboriginal community. The feedback received was that the CHPC should incorporate a 'yarning circle' within the forecourt and indigenous artwork.

- The building feels quite detached from Innovation Way, introverted, and remains overly internalised. It features inactive service facades to the east and south, and results in a new communal sports field that is isolated and lacking in essential amenities.

*Planners' comment:* the building is setback from Innovation Way, in part to accommodate the proposed bus drop off zone, pedestrian pathways and to facilitate the retention of some existing trees. The setback to the building reflects the desired streetscape and landscape character sought to be achieved for the Innovation Campus. See further discussion on Chapter D14 of WDCP 2009 is provided in **Attachment 6**. In alignment with the DCP, existing buildings within the Campus are heavily oriented towards Innovation Way and the landscape spine rather than Squires Way.

The Community Field (Field 2) is in the location of an existing informal sports field; lighting is proposed to allow for some night time use, and toilet facilities within the CHPC will be made available to users of the field. Conditions of consent are recommended in relation to this.

- Apart from its relocation further south (thereby increasing the size of the site, extending the length of inactive streetscape along Innovation Way and Squires Way, and potentially isolating the open space in the NE corner of the campus) the proposed built form appears to be mostly unchanged. Therefore, previous concerns raised still apply:-
  - not demonstrated how the building enhances local pedestrian and cycle networks, attracts locals or provides them with appropriate services;
  - the clubhouse orients its back of house and parking area to the Campus to its south and turns its back on Squires Way,
  - the building footprint is very large, exacerbating visual bulk and its dependence on artificial lighting and mechanical ventilation;
  - internal access suggests that any public access will be highly controlled;
  - no provision of public change rooms, café or other community spaces that would be expected from such a large facility within a public campus;
  - Loading occupies key frontage
  - the building should be designed as a model of sustainability, low energy use and user comfort. Rather than being fully glazed with branded aluminium screening, it could incorporate deep verandahs and large overhangs which may reduce its commercial character, activate its edges, and enhance its openness to adjacent landscapes

*Planners' comments:* the revised plans feature improved pedestrian and cycle ways through the site; this includes a direct/ straight and clear pathway alongside Innovation Way which will connect with existing pathways to the north and south, including the pathway providing access to the bus stop on the western side of Squires Way and the intersection of Elliotts Road and Squires Way. There are limited existing pathways available on the eastern side of Innovation Way.

- In relation to the different types of visitors utilising the space, the applicant notes that the proposed CHPC will bring new and different users to the campus, who will visit at different times to the current student and business population. This is expected to enhance the vibrancy and activation of this northern end of the campus, which is currently an isolated corner of the campus.
- The building orientation is unchanged on that seen by the DRP. On balance, the orientation of the building is considered to be satisfactory. The building has its primary frontage to Innovation Way which is consistent with the pattern of development in the Campus, noting that none of the existing buildings on the Innovation Campus have a frontage to Squires Way. The Squires Way frontage is currently characterised by fences and dense tree / shrubbery planting along its entire length from Puckey Avenue to Elliot's Road. It is noted that while the loading zone is situated on the eastern side of the building, this element does not occupy a significant proportion of the frontage. Vegetation along the eastern boundary of the site will offer some screening of these elements. It is noted that the DCP does not stipulate the need for activation to Squires Way.
- The building footprint is compatible with building forms elsewhere within the campus. The height of the building is well below the 24m height limit applicable to the site and the building is

confined to one portion of the site only, while the remainder is open space comprising the fields, landscaped areas and the car park. The applicant states, in relation to the concern around artificial lighting and mechanical ventilation, that the building has been designed to allow natural lighting to much of the floor plan. Mixed mode mechanical and natural ventilation has been incorporated to several spaces, including the gym and function space, that includes operable louvres to provide maximum airflow.

- It is proposed to allow public access to some areas of the building only however the CHPC is not designed to be a publicly accessible building. This is generally consistent with access control arrangements for all other university campus buildings.
  - The space allocated for the allied health facility on the ground floor is expected to be publicly accessible, as will the forecourt of the building which may be used for some community events. The toilets on the ground floor will be made available for external users of the community field – conditions of consent are recommended in this regard.
  - The building complies with applicable requirements relating to energy and water conservation, thermal performance and sustainability.
- A number of changes to the building form and internal layout were suggested - incorporate a high number of community and/or public facing uses to each of its facades; rather than a deep massive form with numerous internalised spaces, the built form would be better conceived as a number of elements, separated by open spaces or courtyards to allow for natural light and air, classrooms with outlook and protected landscaped spaces for public and private use; some rearrangement of the internal layout.

*Planners' comment:* no significant changes have been made to the form of the building. The applicant notes that part of the ground floor of the building will be publicly accessible and will provide for some activation of the western frontage of the building. The internal layout and ultimate form of the building have been driven by the functional requirements of the SGID and the UOW. Despite this, the building and site layout is not inconsistent with the requirements of the DCP. See discussion in **Attachment 6**.

- The DRP believes that the building's sustainability and user comfort could be enhanced by:
  - visually and physically opening up the built form,
  - incorporating deep verandahs and large overhangs, and,
  - narrowing the depth of discrete building elements.
- Queries around sustainability of the landscape:
  - What water sensitive measures are proposed, particularly given the extensive areas of turf involved?
  - What consideration has been given to the site's potential to contribute to biodiversity conservation?
  - How is sustainable transport use (walking, cycling and public trains and buses) supported / improved / promoted?
  - A higher tree replacement ratio and urban canopy target

*Planners' comment:* the applicant states that the building has specific technical functional needs to meet the brief of the SGID and the UoW and the building has been designed to strike a balance between these functional requirements and ESD.

Roof water will be harvested, stored and used for toilet flushing and irrigation to limit reliance on potable water. Water quality targets will be required to be met to ensure downstream receiving waters and ground water are not compromised. Conditions are recommended in this regard.

The development includes additional pathways to connect to the existing path/ cycleway network within and beyond the Campus to encourage active transport and increased take up of public transport. Conditions are recommended in relation to the provision of EV charging and additional 'EV ready' car spaces within the car parking area, along with a space available for car and bike share to improve sustainable transport use.

- Landscape matters to be given further consideration – Connecting with Country appears simplistic and superficial; WSUD to be developed; tree replacement ratio; improving urban biodiversity; improved planting of car parking area; lighting impacts to be considered.

*Planners' comment:* efforts have been made to retain trees as far as is practicable. Compensatory planting will be required; planting will however be limited by the requirements of the RFS given the

bushfire prone nature of the site. Lighting impacts on fauna have been considered in the flora and fauna assessment.

- Perceived shortcomings in engagement with the remainder of the Campus – poor service provision; lack of clarity around how the public can access and use the facility; lack of facilities to support public use of the Community Field.

*Planners' comment:* it is intended that the general public will only access some areas of the building, with secure access to be provided to most of the building. In terms of the community field, the applicant advises that facilities including toilets and change facilities within the CHPC, which is in close walking distance of the field, will be available during all organised usage of the community field. Conditions of consent are recommended in this regard.

- Concerns around safety – lack of activation and back of house character to Squires Way; remoteness and isolation of the building; isolation of the huts flanked by fields either side; pedestrian pathways should improve lines of sight.

*Planners' comment:* See comments above. A number of conditions are recommended in relation to Crime Prevention Through Environmental Design and site safety and security; see **Attachment 7**. Pedestrian pathways have been improved on that initially proposed – direct straight paths are now proposed parallel to Innovation Way to improve way finding and connectivity, improving pedestrian amenity and safety. Paths have improved lines of sight and will be more readily surveyed by roads and buildings.

- Concerns around aesthetics - the completely glazed expression of the building exaggerates the large footprint of the built form and reflects the commercial aspects of the club; the building dedicates large expanses of ground level facades to servicing. The DRP recommended a more site-specific approach to expression as a reflection of sustainability and use, incorporating (for example) the adaption of external rooms to verandahs with large overhangs, incorporating external exercise and learning spaces which could better express the uses of the building, while activating its facades with community facilities/ public uses to its facades.

*Planners' comment:* the proposed form and finishes have not changed substantially since the proposal was reviewed by the DRP. As noted above, the applicant states that the building has been designed to meet the specific technical functional needs of the SGID and the UoW. The proposal has been considered with regard to the specific controls in Chapter D14 of the DCP – refer to discussion in Attachment 6. The proposal is not inconsistent with the controls in D14.

#### **Council Architect**

Council's Urban Design Consultant has reviewed the revised package of plans and information, submitted in response to Council's request for additional information which included some outstanding matters raised by the DRP. A number of conditions of consent were recommended to address some identified concerns; these are included in those listed in **Attachment 7**.

## **2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

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### **2.1 SECTION 4.15(1)(A)(1) ANY ENVIRONMENTAL PLANNING INSTRUMENT**

#### **1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994**

This Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 that relate to the operation of this Act in connection with the terrestrial and aquatic environment.

#### **NSW BIODIVERSITY CONSERVATION ACT 2016**

Section 1.7 of the Environmental Planning and Assessment Act 1979 (EP&A Act) provides that Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 (BC Act).

Part 7 of the BC Act relates to Biodiversity assessment and approvals under the EP&A Act where it contains additional requirements with respect to assessments, consents and approvals under this Act.

A Biodiversity Assessment Report (BDAR) was submitted, prepared by Ecological Australia. The proposed development is considered to have been designed and sited to avoid impacts, as far as possible, to native vegetation such there will minimum adverse environmental impacts.

Clause 7.2 of the Biodiversity Conservation Regulation 2017 provides the minimum lot size and area threshold criteria for when the clearing of native vegetation triggers entry of a proposed development into the NSW Biodiversity offsets scheme. For the subject site, entry into the offset scheme has been triggered by clearing greater than 0.5 hectares.

The proposal **does not** trigger entry into the Biodiversity Offsets Scheme (BOS) as the property is not identified on the Biodiversity Values Map; the area of clearing does not exceed the BOS area thresholds (0.5ha for this site) with 0.06 ha of 'planted native' vegetation to be removed as part of the development proposal.

It is noted that there is one EEC, Swamp Oak Floodplain Forest, identified on site, however there will be no impact to the vegetation within this area.

Council's Environment Officer has reviewed the application and considered the proposal satisfactory with regards the requirements of the BC Act subject to imposition of conditions. The recommended conditions are included in those listed in **Attachment 7**.

## **2.2 SECTION 4.14 CONSULTATION AND DEVELOPMENT CONSENT—CERTAIN BUSH FIRE PRONE LAND**

Sections of the eastern portion of the site are mapped as bushfire prone land.

The proposal was referred to the NSW RFS as discussed above in Section 1.5 of this report.

### **2.2.1 STATE ENVIRONMENTAL PLANNING POLICY (PLANNING SYSTEMS) 2021**

The Southern Regional Planning Panel is the determining authority pursuant to Clause 2.19 of the SEPP as the development application is a **Crown development application**. The applicant, the UOW, is a Crown authority (see note below). Crown development over \$5 million [Clause 4 of Schedule 6 of the SEPP] is declared regional development by the SEPP. The CIV for the development is

Note: the UOW is a Crown entity. Clause 294 of the *Environmental Planning and Assessment Regulation 2021* provides that a development carried out by an Australian University (under the meaning of *Higher Education Act 2001*) is a Crown development. UOW is recognised as an Australian University under Schedule 1 of the *Higher Education Act 2001*

### **2.2.2 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021**

#### **Chapter 3 Koala habitat protection 2020**

Not applicable.

#### **Chapter 4 Koala habitat protection 2021**

Consent must not be granted to development unless Council has determined whether or not the land is a potential koala habitat, based on the advice of a person who is qualified and experienced in tree identification. The BDAR states that no Koala feed tree species were recorded within the subject site; this has been verified by Council's Environmental Officer. On this basis, the site is not potential or core koala habitat. If the consent authority is satisfied that the land is not a potential koala habitat, it is not prevented, because of this Policy, from granting consent to the DA.

### **2.2.3 STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021**

#### **Part 3.2 Signage generally**

Section 3.6 provides that consent must not be granted to an application to display signage unless the consent authority is satisfied—

- (a) *that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a),*  
*and*



- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.

The proposed development includes three (3) signage zones on the northern and western elevations of the building, as per the following extracts of the plans:-

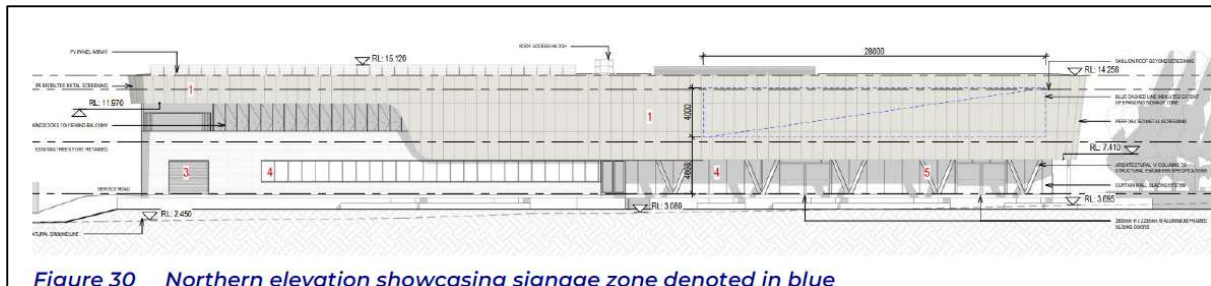


Figure 30 Northern elevation showcasing signage zone denoted in blue

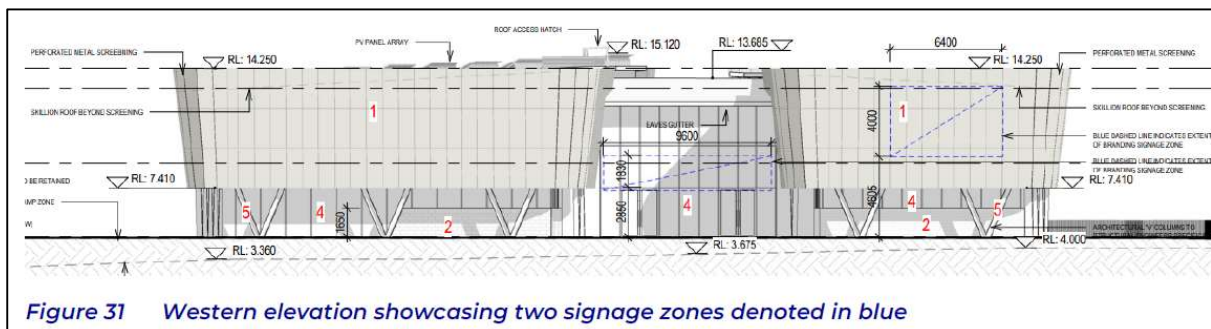


Figure 31 Western elevation showcasing two signage zones denoted in blue

#### Figures 4 and 5 - signage zones

The applicant indicates that the future signage is intended to serve the purpose of either building or business identification and will assist with wayfinding; it is intended that further detail will be provided prior to Construction Certificate. It is considered that due to the lack of detail around the proposed signage, that separate consent be obtained for these, which will allow proper consideration to be given to consistency with the objectives of this Chapter and the assessment criteria specified in Schedule 5. This will include consideration of the suitability of the final size and finish of the signs, noting the expansive signage zones proposed, and the appropriateness of illumination given the size of the signage zones and their orientation in the direction of student accommodation and residential development.

### Part 3.3 Advertisements

Section 3.7 specifies that this part does not apply to business or building identification signs. Depending on the nature of the final signage proposed, it may be that some of the provisions within this part of the SEPP may be applicable. This reinforces the need for separate consent to be obtained for the signs.

## 2.2.4 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

### Chapter 2 Coastal management

Reference to the maps to the SEPP indicate that:-

- the entire site is located within the *coastal environment area*,
- part of the site is located within the *coastal use area*,
- portions of the site are mapped as being located within the *proximity area to coastal wetlands*.

An extract of the SEPP maps is provided below, depicting the extent of mapped *coastal wetland* near to the site and the *proximity area to coastal wetlands* affecting the subject site.





Figure 6 - SEPP map – solid blue shaded area is the mapped *coastal wetland*; blue hatched lined area is the mapped *proximity area to coastal wetland*.

## Part 2.2 Development controls for coastal management areas

### Division 1 Coastal wetlands and littoral rainforests area

#### Clause 2.7 Development on certain land within coastal wetlands and littoral rainforests area

N/A.

#### Clause 2.8 - Development on land in proximity to coastal wetlands or littoral rainforest

- (1) *Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:*
  - (a) *the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
  - (b) *the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*

The eastern portion of the site is mapped as *land in proximity to coastal wetlands*. The wetland is to the east within Puckeys Estate and is separated from the development site by Squires Way and is not expected to be affected by the proposed development.

Required vegetation clearing and construction activities are not expected to have any significant adverse impact upon the coastal wetland. It is noted that a large amount of rainwater will be retained for use on site and the majority of the development will remain as impervious surface. The BDAR states that no groundwater impacts are foreseen. It also notes that, in terms of the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland, the quality of water running off the development into the wetlands will be addressed through a Neutral or Beneficial Effect (NorBE) assessment, or similar, where suspended solids, nitrogen and phosphorus loads are to be less than or

equal to the current situation. Discharge can be controlled through basin design. Gross pollutants can be trapped before entering waterways.

Conditions are recommended for imposed for imposition in relation to the use of fertilisers and pesticides/herbicides, and erosion and sediment control.

Council's Environmental Officers have reviewed the submitted information and concluded that the proposal is unlikely to significantly impact upon the adjacent coastal wetlands.

## **Division 2 Coastal vulnerability area**

No coastal vulnerability areas have been identified under the SEPP. As such, the provisions within this division of the SEPP are not of relevance to the site.

## **Division 3 Coastal environment area**

### 2.10 Development on land within the coastal environment area

(1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*

(a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*

*Comment:* the development is not likely to cause an adverse impact on the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment subject to appropriate measures being employed during the course of site works. A suite of consent conditions is recommended for imposition in this regard.

(b) *coastal environmental values and natural coastal processes,*

*Comment:* the development is not likely to cause an adverse impact on coastal environmental values and natural coastal processes.

(c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*

*Comment:* the development is not likely to cause an adverse impact on the water quality of the marine estate subject to the employment of appropriate mitigation measures as outlined in the BDAR and the Construction Management Plan during construction and the installation of WSUD controls.

(d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*

*Comment:* the development is not likely to cause an adverse impact on any of the above. The BDAR examines the impact of the development on flora and fauna and concludes that the impact will not be significant. The development is some distance from any headlands or rock platforms.

(e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*

*Comment:* the development is not likely to cause an adverse impact on existing public open space or access to and along the foreshore, beach, headland or rock platform. The site is setback from the coastal foreshore.

(f) *Aboriginal cultural heritage, practices and places,*

*Comment:* the development is not likely to cause an adverse impact on Aboriginal cultural heritage, practices and places. An Aboriginal Heritage Due Diligence Assessment was submitted with the DA which concludes that no Aboriginal heritage was identified within the subject site. It is noted that consultation with local Aboriginal community groups under the provisions of Clause 5.10(8) of WLEP 2009 did not give rise to any submissions from those persons consulted.

(g) *the use of the surf zone.*

*Comment:* the development will not have any impacts on the surf zone.

(2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*

- (a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
- (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Council's Environmental Officers have advised that the proposal appears to have been designed to avoid significant environmental impact on the coastal environment.

#### **Division 4 Coastal use area**

##### 2.11 Development on land within the coastal use area

(1) *Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*

(a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*

- (i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*

*Comment:* the development will have no impact on public access to any foreshore areas.

- (ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*

*Comment:* the development site is approximately 230m west of the foreshore and as such will not give rise to any overshadowing or wind funnelling of any foreshore areas. Further, it is expected that the development will not result in any loss of views from public places to foreshores.

- (iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*

*Comment:* given that the proposed building height is less than the maximum permitted building height for the site, it is considered that the development will not compromise the visual amenity or scenic quality of the coast. It is noted that vegetation within Puckeys estate to the east of the site, along with the vegetation within the eastern and southern portions of the site, will offer vegetative screening of the proposed building from the coast and the adjacent Squires Way.

- (iv) *Aboriginal cultural heritage, practices and places,*

*Comment:* An Aboriginal Heritage Due Diligence Assessment was submitted which concluded that no Aboriginal sites, objects or places, or areas of potential Aboriginal archaeological sensitivity were identified within the site or immediate surrounds. It was considered unlikely that in situ Aboriginal heritage deposits are present within the site, and further archaeological assessment of the site is not likely to increase the current understanding of the local region. Given this, no further assessment was deemed necessary, and the project can proceed with caution. Conditions of consent are recommended in relation to unexpected finds.

- (v) *cultural and built environment heritage, and*

*Comment:* the Statement of Heritage Impact in respect of the proposal concludes that the proposed development will not have an adverse impact on the setting of Buildings 204 and 210 within the SHR listed Balgownie Migrant Workers' Hostel. This is discussed in greater detail with regard to Clause 5.10 of WLEP 2009.

It is noted that NSW Heritage has reviewed the revised proposal and has not raised any outstanding concerns.

(b) *is satisfied that:*

- (i) *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*

- (ii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
- (c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

*Comment:* the development has been designed, sited and will be managed to avoid adverse impacts on the coastal use area.

## **Division 5 General**

### 2.12 Development in coastal zone generally—development not to increase risk of coastal hazards

*Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.*

*Comment:* There are no works proposed near the wetland or riparian corridors, and the development has been designed to appropriately manage flooding and stormwater.

### 2.13 Development in coastal zone generally—coastal management programs to be considered

*Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.*

*Comment:* the relevant certified coastal management program has been considered.

## **Chapter 4 Remediation of land**

### 4.6 Contamination and remediation to be considered in determining development application

A Detailed (Phase 2) Site Investigation has been prepared for the site by Tetra Tech Coffey which concludes that the site can be made suitable for the proposed development subject to the implementation of the following recommendations:-

- Complete additional ground gas monitoring events over a range of atmospheric conditions to refine the assessment of potential risks and need for gas protection measures to be incorporated within the proposed structure.
- An Acid Sulfate Soil Management Plan (ASSMP) should be prepared. It is noted that this was later prepared at Council's request.
- An unexpected finds plan should be prepared as part of the construction management process to account for any non-specific and specific unexpected finds including asbestos. Non-specific unexpected finds refer to any possible occurrence within any area of the site not investigated.
- In addition to the above, and prior to the commencement of earthworks and site redevelopment activities, it is recommended that a Construction Environmental Management Plan (CEMP) is prepared by the principal contractor to manage environmental risk posed to construction workers, neighbouring site users and to the surrounding environment.

The report has been considered by Council's Environmental Assessment Officers who have raised no concerns subject to consent conditions. Subject to the recommended conditions, no concerns are raised in regard to contamination as it relates to the intended use of the land and the requirements and the provisions of clause 4.6 are satisfied.

## **2.2.5 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021**

### ***Division 5 Electricity transmission or distribution***

#### Subdivision 2 - Development likely to affect an electricity transmission or distribution network

Council consulted with Endeavour Energy in relation to any possible impact on the existing electricity transmission or distribution network. Endeavour Energy advised that it had no objection to the proposed development. Conditions of consent were recommended which are included in the list of recommended conditions at **Attachment 7**.

### **Division 10 Health Services Facilities**

The proposed allied health premises on the ground floor is characterised as a *health consulting room* which are a type of *health services facility* which gains permissibility via Section 2.60 of State Environmental Planning Policy (Transport and Infrastructure) 2021.

This section provides that development for the purpose of *health services facilities* may be carried out by any person with consent on land in a prescribed zone. The SP1 zone is a prescribed zone for the purposes of this division.

## **2.2.6 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009**

### Clause 1.4 Definitions

There are various uses proposed. The following land use definitions are relevant:-

- Office premises
- Recreation facilities (indoor)
- Recreation facilities (outdoor)
- Health consulting rooms
- Recreation area

The applicant also considers the definition of *Educational establishment* to be relevant.

**office premises** means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

Note—

Office premises are a type of commercial premises—see the definition of that term in this Dictionary.

**recreation area** means a place used for outdoor recreation that is normally open to the public, and includes—

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

**recreation facility (indoor)** means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

**recreation facility (outdoor)** means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

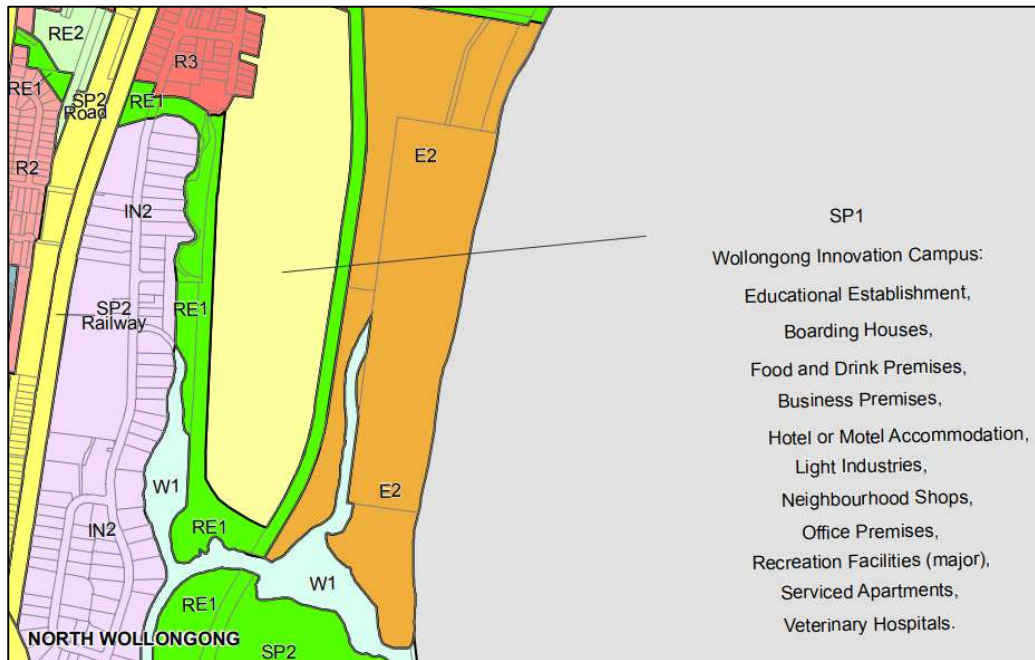
**health consulting rooms** means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.

Note—

Health consulting rooms are a type of *health services facility*—see the definition of that term in this Dictionary.

### Clause 2.2 – zoning of land to which Plan applies

The site is zoned SP1 Special Activities 'Wollongong Innovation Campus' pursuant to Wollongong LEP 2009.



Clause 2.3 – Zone objectives and land use table

The objectives of the SP1 zone are as follows:-

- *To provide for special land uses that are not provided for in other zones.*
- *To provide for sites with special natural characteristics that are not provided for in other zones.*
- *To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.*

The proposal is considered to be generally consistent with the zone objectives.

The applicant contends that, consistent with the zone objective, the CHPC supports the Innovation Campus by:

- “facilitating increased opportunities for research and collaboration in the fields of sports science, exercise physiology, health, community development and sports administration to drive innovation and research implementation outcomes.
- enabling future partnerships with other businesses and community enterprises within the Illawarra region.
- providing high-quality facilities for elite, development and community sporting groups to maintain and strengthen the Illawarra region’s reputation and social connection with rugby league and increase participation, particularly within the growing women’s game.
- managing environmental impacts during construction and operation phases, as comprehensively documented within the supporting consultant reports.
- making a substantial investment into the northern end of the Innovation Campus which would otherwise be significantly underutilised having regard to flood affectation and other constraints that are resolved by the CHPC.”

It is noted that the SP1 zone specifies permitted land uses in both the land use table and on the Map.

The SP1 table identifies the following permitted uses:-

***Permitted without consent***

*Building identification signs; Business identification signs*

***Permitted with consent***



*Advertising structures; Aquaculture; Centre-based child care facilities; Community facilities; Information and education facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose*

The Land Zoning Map identifies the specific permitted land uses for the SP1 'Wollongong Innovation Campus' as:-

*educational establishment, boarding houses, food and drink premises, business premises, hotel or motel accommodation, light industries, neighbourhood shops, office premises, recreation facilities (major), serviced apartments, veterinary hospitals.*

The proposed uses which are permissible in the zone (and via the Map) are characterised as:-

- recreation facilities (indoor)
- recreation facilities (outdoor)
- recreation area – being the community field to the west of the Huts.
- Office premises.

The proposed roads, car parking and infrastructure works are ancillary works for these land uses and as such are also permitted with consent.

The proposed allied health premises on the ground floor is characterised as a *health consulting room* which are a type of *health services facility* which gains permissibility via Section 2.60 of State Environmental Planning Policy (Transport and Infrastructure) 2021.

#### Clause 2.7 Demolition requires development consent

This application seeks consent for the demolition of the existing parking lot, internal roadway and part of the shared pathway through the site to facilitate the construction of the new development.

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

#### Clause 4.3 Height of buildings

The site is subject to a 24m height limit as per the *Height of Buildings Map*, measured from existing ground level.

The proposed maximum building height is 12.833m m which is below the height limit.

#### Clause 4.4 Floor space ratio

The FSR maps to the LEP do not identify an applicable maximum FSR for the site.

The density of development on the site is determined in accordance with the site-specific GFA cap of 135,000m<sup>2</sup> in clause 7.15 which is addressed below.

### **Part 5 Miscellaneous provisions**

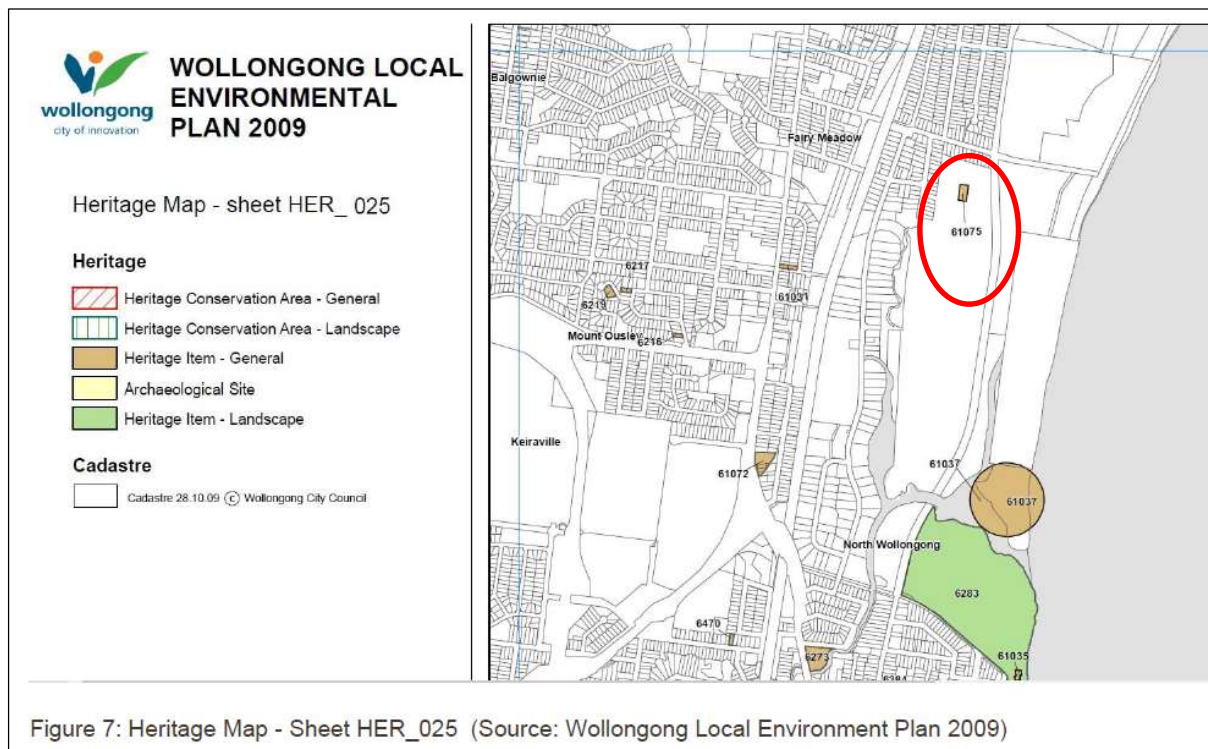
#### Clause 5.10 Heritage conservation

The subject site contains an identified item of environmental heritage, being the Nissen and Quonset Huts associated with the former Balgownie Migrant Workers' Hostel: huts 201, 404 and 210 (Item 01767 [SHR]) and Item 61075). The extent of the curtilage of the heritage item is illustrated on the below extract of the WLEP Heritage Map, which also identifies the location of nearby heritage items within proximity of the site.

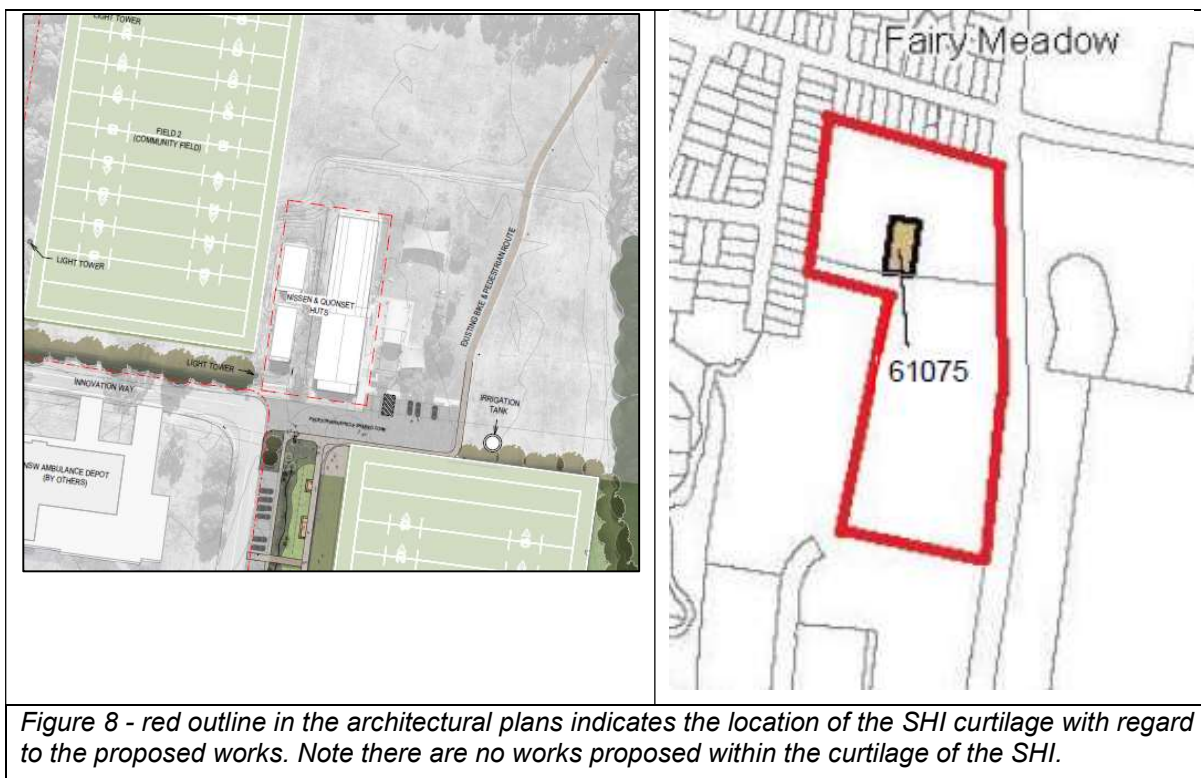
These nearby items include:-

- Seafield House and graduation works (item 61037),
- Group of Norfolk Island pines and Canary Island Palms at Stuart Park (Item No.6283), and
- Warrenda and Curtilage (Item No.61072).

The listed items are identified on the below extract of the Heritage map to the WLEP:-



**Figure 7: red outline marks approximate location of the subject site.**



A Heritage Impact Assessment (HIA) was submitted with the DA which makes the following conclusions in relation to the potential impact of the development on the SHR listed Balgownie Migrant Workers' Hostel:-

"The redevelopment of the land to the West to provide a dedicated rugby league playing fields will have a negligible impact on the setting of Buildings 204 and 210 within the SHR listed Balgownie Migrant Workers' Hostel and will not visually dominate the buildings.



The redevelopment of the land to the South of the road and Buildings 201 and 210 for Field 1 and the Community and High Performance Centre will have a negligible impact on the setting of Buildings 201 and 210 and will not visually dominate the buildings.

No buildings or works are proposed adjacent to or within the SHR listed Balgownie Migrant Workers' Hostel SHR site. The new community field (Field 2) is set back 3580mm to the west of the SHR curtilage boundary. Access around the heritage buildings will not be affected.

The proposal will not materially or visually affect the SHR listed Balgownie Migrant Workers' Hostel or its setting and will facilitate the public to appreciate its cultural significance."

NSW Heritage was consulted in relation to the potential impact of the proposed development on the SHI listed items; no objection was raised – refer to the comments provided in Section 1.4.2 of this report. It is noted that the application does not include any works within the curtilage of the heritage item, kicking nets are proposed to prevent wayward balls striking the huts and potentially affecting the activities occurring within the huts; and on balance, with consent conditions, it is considered that the proposed development will not have an adverse impact on the setting or ongoing use of the Huts.

In terms of the other nearby heritage items, the former site of Seaford House and Graduation Works is located to the south-east, separated from the subject site by dense bushland, Squires Way and creek lines. The Group of Norfolk Island pines and Canary Island palms is located further south and is separated from the site again by dense bushland, Squires Way and creek lines. The House and curtilage known as 'Warrendra' is located west of the subject site and is well separated from the site. The proposal will have no impact on the visual setting of the other nearby listed items and will not compromise the significance of these items.

Clause 5.10(5) provides, in relation to heritage assessment:-

*The consent authority may, before granting consent to any development—*

*(a) on land on which a heritage item is located, or*

*(b) on land that is within a heritage conservation area, or*

*(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),*

*require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.*

A Statement of Heritage Impact was submitted with the DA which analysed the potential impacts of the proposed development on the heritage significance of SHI listed items

Clause 5.10(6) Heritage conservation management plans - provides that the consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause. A heritage conservation management plan is not necessary in this case.

Clause 5.10(7) Archaeological sites - states that the consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies)—

*(a) notify the Heritage Council of its intention to grant consent, and*

*(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.*

There are no known / identified Archaeological sites within the site. It is noted that an Aboriginal Heritage Due Diligence Assessment has been undertaken which found that, due to various factors, there is little potential for Aboriginal sites within the Project area and the area does not require further investigation and assessment.

Clause 5.10(8) - Aboriginal places of heritage significance – requires the consent authority, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—

*(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and*

*(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.*

The site is not identified as an Aboriginal place of heritage significance. The applicant engaged with Aboriginal community representatives prior to the lodgement of the development application; this took the form of a 'Walkshop' with a local Indigenous Elder. The applicant advises that the consultation outcomes informed the design of the proposal and has indicated that there will be ongoing engagement with the local First Nations community throughout the final design, construction and operation of the facility.

The applicant contends that,

"The orientation of the main building entrance and double-height space seeks to address and celebrate Mount Keira is an important recognition of the cultural importance of this feature within the Illawarra Escarpment. The design of the building has also incorporated Indigenous narratives, artwork and design, designing in spaces for First Nations people to practice culture, including the proposed Yarning Circle within the building's forecourt. The design process has sought to engage with First Nations stakeholders through a process of Designing with Country, informed by several workshops including an initial Indigenous 'Walkshop' which informed the design. The anodised screening has been provided in a pattern that is synonymous with Indigenous artistic expression to create a unique screening design that reflects an authentic interpretation of maintaining this design intent. Establishing these connections and providing spaces for First Nations culture within the development is particularly important given the wide range of First Nations programs and engagements undertaken by both the Dragons and UoW, some of which will be facilitated within the CHPC site.

Consultation with the relevant Aboriginal community groups (28 days) has been undertaken as part of the DA process as per Clause 5.10(8) of WLEP 2009. There were no specific submissions received from the local Aboriginal community groups.

#### Clause 5.21 Flood planning

The Site is flood affected and accordingly is subject to the objectives and provisions contained within this clause.

Clause 5.21(2) states that development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied in relation to all the following matters:

*(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—*

*(a) is compatible with the flood function and behaviour on the land, and*

*Comment:* the revised proposal is compatible with the flood function and behaviour on the land. The site serves a flood storage function in this location. The submitted flood study, site stormwater management plan and earthworks details, which have been assessed by Council's Development Engineers, indicate the flood storage volume capacity on the site will be increased in the 20% AEP, 1% AEP, and Probable Maximum Flood (PMF) events, the development will not increase flood affectation elsewhere, and overflows across Squires Way will not increase as a result of the development.

*(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*

*Comment:* The submitted flood modelling and development plans, which have been assessed by Council's Development Engineers, indicate that the revised proposal will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties.

- (c) *will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*

*Comment:* the flood study submitted with the development application, which has been assessed by Council's Development Engineers, indicates that the proposal will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood.

- (d) *incorporates appropriate measures to manage risk to life in the event of a flood, and*

*Comment:* Council's Development Engineers have assessed the proposal and are satisfied that the proposed habitable floor levels of the development are above the flood planning level and the development satisfies the flood planning controls for evacuation and car parking in Chapter E13 of the Wollongong DCP2009. On this basis, it is considered that the proposal incorporates appropriate measures to manage risk to life in the event of a flood.

- (e) *will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

*Comment:* Council's Development Engineers and Environmental Assessment Officers are satisfied that the proposal will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses in the vicinity of the site. There are numerous consent conditions recommended for imposition to ensure potential impacts are avoided or minimised.

(3) *In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—*

- (a) *the impact of the development on projected changes to flood behaviour as a result of climate change,*  
(b) *the intended design and scale of buildings resulting from the development,*  
(c) *whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*  
(d) *the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

*Comment:* Council's Development Engineers have assessed the proposal with regard to the above matters and no concerns are raised.

## **Part 7 Local provisions – general**

### Clause 7.1 Public utility infrastructure

The development site is partly serviced by electricity, water and sewerage services. Further consultation will be required to obtain the necessary authority approvals prior to undertaking works on the site or in the vicinity of existing infrastructure.

It is noted that consultation with Endeavour Energy has occurred during the course of assessment of the application; Endeavour Energy raised no objection to the proposed development.

If approved, conditions of consent should be imposed requiring separate approval from the relevant authorities for the connection of utilities to service the development.

### Clause 7.2 Natural resource sensitivity – biodiversity

No parts of the subject site are identified as being areas of "Natural Resource Sensitivity – Biodiversity".

### Clause 7.4 Riparian lands

The site is not identified in the Riparian Land Map as containing "riparian land".

### Clause 7.5 Acid Sulfate Soils

The site is mapped as being part Class 3 and 5 Acid Sulfate Soils. An Acid Sulfate Soils Management Plan (ASSMP) was lodged with the application which provides procedures for the management, handling, treatment (where required), and re-use/disposal of Acid Sulfate Soil (ASS) during site

development works. Conditions of consent are recommended for imposition in relation to the management of ASS.

Clause 7.6 Earthworks

The proposal includes earthworks; the earthworks have been considered with regard to the matters for consideration in Clause 7.6. are not expected to have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land.

Clause 7.15 Wollongong Innovation Campus

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

- (a) to permit the establishment of a research and development campus that includes a hotel, student and campus related residential accommodation and necessary support services and facilities,*
- (b) to provide an area where enterprises that carry out research and development as an integral part of their operations can be located,*

*Comment:* - there is a range of student and campus related residential accommodation and necessary support services and facilities within the existing campus, including the student accommodation directly west of the proposed CHPC building. The applicant states that the CHPC will act as an extension of the research and development campus in that it will offer opportunities for research and development activities within the fields of sport sciences, applied health and sports administration through partnerships between the Dragons and UoW.

The applicant contends that locating the CHPC within the Innovation Campus will strengthen the long-standing collaboration between UoW and the Dragons in research and education.

The applicant has provided the following relevant detail around the proposed uses of the CHPC:-

“The proposed development will build on the existing partnership between UoW and the Dragons relating to research and development, and facilitates increased opportunities in the fields of sports science, exercise physiology, health, community development and sports administration to drive innovation and research implementation outcomes, consistent with the planning and development objectives for the UoW Innovation Campus,” and

“Locating this facility within the UoW’s Innovation Campus, which is intended to foster collaboration and innovation between UoW and industry partners, will allow direct access to and collaboration between students and researchers of UoW with the high-performance elite sport programs, community outreach programs and sports administration users. UoW staff and students will gain direct access to the CHPC to participate in learning opportunities, direct industry engagement and research activities, whilst the Dragons will benefit from immediate access to implement leading research and innovation outcomes generated by UoW’s research program,” and

“This collaborative model will see students of UoW gain access to the CHPC for 30-45 hours per week, including opportunities for work experience and internships with the Dragons, PhD scholarships focused on direct collaboration with the Dragons’ sports, business and community activities. This will be further supplemented by NRL-related placement programs that offer 300+ student hours per week and ongoing scholarship opportunities for UOW students, with a greater focus on being a catalyst to encourage women and Indigenous persons in sports. The CHPC has also been designed to include space to accommodate community and innovative education programs, which will be open for broader community use either as stand-alone offerings or in collaboration with UoW.”

The applicant states that the partnership between the Dragons and the UoW is structured through the existing MoU with the stated intention to work together “cooperatively and collaboratively”. The MoU provides a partnership framework, the CHPC being a central component because of the opportunity to leverage the project for research, community and student benefits.

The applicant reports that there are several agreements being developed between the Dragons and UoW that provide formal structure around the development and operation of the CHPC. These include:

- A Project Delivery Agreement which establishes parties responsibilities for planning and delivering the Project.

- A Ground Lease - for lease of the CHPC site and license for use and operation of the fields.
- A Collaboration Agreement which will establish the principles and the plan / program of which the parties will deliver during the operation of the CHPC. This includes community programs, educational opportunities, scholarships, university research, use of community / university spaces within the building, use of the fields, etc.

As part of the MoU, and the Collaboration Agreement, an Alliance Committee has been established which will determine areas of collaboration, operational priorities, implementation of agreements and programs in the interim, and once the CHPC is operational.

The Dragons/ operators of the CHPC will be required to enter into collaboration agreements with the UoW prior to the occupation of the building. The collaboration agreements should encompass commitments including providing student and graduate job opportunities, continuing professional development; and provision of physical access to sites and the CHPC for the purposes of allowing the researching and education functions outlined in the applicant's SEE and Management Plan to be carried out.

In order to ensure the ongoing delivery of the commitments made by the applicant, conditions are recommended in relation to the development and implementation of a management plan and collaboration agreements between operators and the UOW, oversight by a Governance Committee and regular review of the management plan to ensure that it continues to deliver the education, research and teaching objectives of the Innovation Campus.

It is considered that the implementation of the management plan and collaboration agreements between the UOW and operators will provide tangible links between the CHPC and the UoW which will contribute to the achievement of objectives (a) and (b) of clause 7.15.

- (c) *to promote collaborative research and development between users of the land to which this clause applies and the University of Wollongong and other enterprises in the Illawarra region,*
- (d) *to promote links between the University of Wollongong's research activities and the initiatives of the business community,*

*Comment:-* as above. The co-location of the CHPC with UOW researchers, academics, students, graduates, allied health professionals, community groups and industry will encourage collaborative research in fields including sports science, health, sports administration and community development. As noted, the Management Plan will reinforce the requirement for collaborative research and education opportunities between the CHPC and the UOW. This will be required to be overseen by the UoW and a governance committee, as per the recommended consent conditions.

- (e) *to ensure that the development of the site is undertaken in a manner that demonstrates design of a high quality with respect to the context of the site, scale, built form and density of the development, resources, energy and water efficiency, landscape, amenity, safety and security, social dimensions and aesthetics,*

*Comment:-* the building is considered to be satisfactorily designed with regard to the above matters. Where improvements are required, these are dealt with by consent conditions. The height, bulk/ scale, boundary setbacks, along with retention of existing vegetation supplemented by additional landscaping and public domain works are appropriate with regard to the emerging character of the precinct and the provisions of Chapter D14 of the DCP. The building incorporates some sustainability measures as discussed elsewhere within this report, and the design has been informed in part by consultation with Aboriginal community groups to ensure it responds to the cultural heritage of the site and broader region by orienting the main entrance and aspect towards Mount Keira and the Illawarra Escarpment.

- (f) *to ensure that development of the site is in harmony with the coastal and foreshore landscape,*

*Comment:-* the form, bulk, scale and finish of the development is acceptable. The height of the building is well below the height limit applicable to the site (~12.833m in a 24m height limit area) and its setback from boundaries, meaning existing site vegetation within the site will offer some vegetative screening to soften the bulk of the building. Landscaped building setbacks are desired by Chapter D14 of the DCP.

- (g) *to permit the provision of university related facilities including student and campus related residential accommodation and support services, incidental or ancillary to research and development activities.*

*Comment:* the proposal provides a facility that could be considered to be reasonably university-related in that it will offer the potential for research and education opportunities, as well as open space and facilities that can be utilised by the community including the on-site campus population.

- (2) *This clause applies to land shown as being within the Wollongong innovation campus on the Wollongong Innovation Campus Map.*

*Comment:* the subject site is located within the Wollongong innovation Campus.

- (3) *Development consent must not be granted for the subdivision of land to which this clause applies unless the consent authority is satisfied that the subdivision is for the purpose only of defining the boundaries of lots that are to be the subject of leases.*

*Comment:* consent is not sought for subdivision.

- (4) *Development consent must not be granted to development for the purposes of building on land to which this clause applies if the gross floor area of the building would be greater than 135,000 square metres.*

*Comment:* Clause 7.15(4) stipulates a maximum total GFA of 135,000sqm.

The GFA approved to date within the Innovation Campus is 61,969sqm. Phase 1 of the Health & Wellbeing Precinct in the southern part of the Campus (DA-2021/101) has the potential to deliver in the order of 46,600sqm of GFA (precise GFA to be confirmed in the detailed DAs for each building). Combining the existing development in the Campus, with the potential maximum capacity of Phase 1 of the H&WP, equates to 108,569 sqm of GFA. The GFA of the proposed development is 4625sqm, leaving the potential for 21,806sqm of GFA to be achieved elsewhere within the campus.

The overall Campus development inclusive of proposed CHPC will remain compliant with the GFA cap nominated in Clause 7.15(4).

### **2.3 SECTION 4.15(1)(A)(II) ANY PROPOSED INSTRUMENT**

Nil of relevance to the proposed development.

### **2.4 SECTION 4.15(1)(A)(III) ANY DEVELOPMENT CONTROL PLAN**

#### **2.4.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009**

#### **CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

Development controls to improve the sustainability of development throughout Wollongong are integrated into the relevant chapters of this DCP, including within Chapter D14 which applies specifically to the Innovation Campus.

D14 requires adherence to the following **Performance Guidelines:-**

- a) *Reduce CO2 emissions by applying energy efficient design principles and utilising low or zero carbon technologies;*
- b) *Reduce water use by integrating water re-use strategies, efficient plant, appliances and fittings;*
- c) *Reduce construction and demolition waste to landfill and enable in use recycling by following an agreed waste hierarchy;*
- d) *Increase the use of sustainable modes of transport;*
- e) *Improve the capacity of the built structures to operate under the different and changing conditions predicted in the future;*
- f) *Mitigate the risk of flooding and design for flood resilience;*
- g) *Material selection that reduce the embodied lifetime environmental impacts by considering selections on the basis of environmental preferences, e.g. proximity to site, recycled content, etc.;*
- h) *Reduce unavoidable building related emissions and the risk of accident pollution or impact on the environment;*
- i) *Enhance the ecology and biodiversity of the Innovation Campus by protecting existing habitat and by introducing new habitats for endemic flora and fauna.*
- j) *Provide for a safer, more accessible, healthy and comfortable campus environment; and*

- k) *Develop a campus and built environment that reduces crime and adverse impacts on neighbours throughout the lifetime of the development through design and good practice in construction and operation.*

The Chapter also states that: “*The Innovation Campus encourages the adoption of ESD rating tools (where practical)*”. And that “*All development in Stage 2, where practical, must be designed to have equal or better rating compared to the previous equivalent type of building / development constructed at iC*”.

Sustainability Reports have been provided in support of the application which outline how the HPC intends to address the requirements of the DCP.

- The applicant states that the project takes a holistic view of sustainable development, which prioritises whole of life strategies for both conserving and enhancing of the environment and creating positive social outcomes for people and the community.
- The proposal incorporates a number of sustainable design elements that are supported. The Report states that the design will be informed by recognised benchmarks within ratings tools such as Green Star and WELLS. It is noted that certification is not being sought.
- There are a number of requirements associated with Section J of the BCA which will need to be confirmed via a complete Section J Assessment Report at Construction Certificate stage which demonstrates compliance. This includes NABERS/Green Star and EV Charging. This will be conditioned.
- The building will incorporate rooftop solar PV to generate electricity however it is noted that no battery is proposed.
- The building is proposed to be all-electric.
- An Integrated Water Management system will be implemented to encourage efficient use of water - fixture efficiency, rainwater reuse for toilets and irrigation.
- Use of sustainable building materials and passive thermal design using double glazing and shade screening.
- Implementation of sustainable waste management practises;
- The UOW has advised that it is in the process of planning and actively investigating a precinct-wide microgrid for the entire campus.

The proposed sustainability measures are supported however it is noted that provision has not been made for electric vehicle charging. The following is recommended:

- 50% of parking spaces to be ‘EV ready’ with cabling to the space, and 10% of the parking spaces on site to be dedicated EV charging spaces from day of opening, and the provision of charging infrastructure for other electric vehicles including E-bikes and scooters.
- Provision of car share and bike sharing space is to be incorporated into the development.

## **CHAPTER C1: ADVERTISING AND SIGNAGE**

Signage zones are nominated on the western and northern elevations of the proposed building; however no details of the proposed signs have been provided with the application. As per the discussion under SEPP (Industry and Employment) 2021, an assessment is unable to be made without further detail being provided, and as such separate consent should be obtained for future signs at a later date.

## **CHAPTER D14: WOLLONGONG INNOVATION CAMPUS**

A detailed assessment of the proposal with regard to the provisions of Chapter D14: Wollongong Innovation Campus is contained at **Attachment 6** to this report.

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

A BCA and Access Compliance Statement was lodged with the DA which confirms that development will provide access and facilities in a manner that is consistent with the Disability Discrimination Act, the National Construction Code, and WDCP 2009 concerning access for people with disabilities.

Conditions of consent are recommended requiring compliance with the BCA/NCC and applicable standards.

## **CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

A Crime Prevention Through Environmental Design (CPTED) assessment was submitted with the DA which was informed by a site inspection and crime risk assessment which concluded that the site has an overall low crime risk rating. Notwithstanding this, there are several recommendations relating to surveillance, lighting and technical supervision, territorial reinforcement, design, environmental maintenance, activity and space management and access control which are designed to improve the safety and security of the proposed development.

There are a number of conditions of consent recommended seeking to improve the safety and/ or perceived safety of the facility for users and the community. These include conditions relating to access controls, implementation of lighting and CCTV, provision of way finding signage, graffiti management.

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

### **6 Traffic impact assessment and public transport studies**

#### 6.1 Car Parking and Traffic Impact Assessment Study

A traffic impact assessment was submitted with the DA which has been considered by Council's Traffic and Transport Engineers and TfNSW.

#### 6.2 Preliminary Construction Traffic Management Plan

The preliminary construction management plan submitted with the DA includes some preliminary discussion around construction traffic and parking management. It requires the preparation of a detailed construction phase TMP (Traffic Management Plan); this will be required prior to the commencement of construction.

### **7 Parking demand and servicing requirements**

#### 7.1 Car Parking, Motor Cycle, Bicycle Requirements and Delivery / Servicing Vehicle Requirements

In relation to the proposed car parking provision, a detailed car parking analysis has been undertaken by the applicant's traffic engineer.

The development is proposing 60 car parking spaces (including 2 car parking spaces for people with disabilities), 4 motorcycle parking spaces and 20 secure (Security Class B) bicycle spaces within a secure compound and adjacent to end of trip facilities.

The applicant has carried out a review of car parking using surveys of similar facilities, which has been analysed in detail by Council's Traffic Planners and was accepted. On the basis of the analysis, the proposed 60 car parking spaces should be sufficient to service the CHPC.

Irrespective of the survey in the Traffic Impact Assessment, it is noted that Chapter D14 of Wollongong DCP 2009 sets a carparking rate range of 1 per 80sqm (minimum) to 1 per 40sqm (maximum) of GFA for the Innovation Campus.

#### GFA

The combined total GFA of the existing Innovation Campus buildings is 62,000sqm.

The combined GFA of existing campus development and the proposed CHPC is 66,625 sqm.

The proposed GFA of the Health and Wellbeing Precinct (H&WP) proposed for the southern part of the site (DA-2021/101) is 46,900 sqm.

#### Carparking

Existing campus parking totals 1210 car parking spaces. Following construction of the CHPC, there will be 1163 spaces within the Campus. An additional 398 new car parking spaces are proposed within the HWP.

Based on existing Campus car parking, and that proposed in this application, the car parking supply rate will be 1 space per 57.287sqm GFA. This is within the range required by the DCP.



The car parking analysis has been reviewed by Council's Traffic Engineer who has advised that it is acceptable.

It is noted that the CHPC is well situated with regard to public transport services and an active transport network. Aside from being within close proximity (1km) to North Wollongong and Fair Meadow train stations, there are two nearby bus stops on Squires Way which are easily accessed from the site via the Campus pathway network. Bus services travel along Squires Way to the immediate east of the site; this includes the free 'Gong shuttle' which runs every ten minutes between 7am and 6pm, and every 20 minutes 6pm to 10pm, and on weekends and public holidays. This service connects the Campus to the Wollongong CBD, UOW Main Campus, North Wollongong, and the Fairy Meadow train station.

Sufficient car parking will remain available for the business occupying the heritage huts – being an Alumni bookstore and 'Kids Uni' child care facility.

#### 7.2 Disabled Access and Parking

Disabled persons' car parking and facilities will be required to be provided in accordance with the NCC/BCA and applicable standards.

#### 7.3 Bicycle Parking / Storage Facilities and Shower and Change Facilities

Bicycle parking, storage facilities and end of trip facilities (shower and change facilities) are proposed on the southern side of the ground floor of the building. Conditions are recommended in relation to this matter to ensure appropriate provision and compliance with applicable standards.

### **8 Vehicular access**

The proposed vehicular access arrangements have been reviewed by Council's Traffic and Transport Engineers and were found to be acceptable.

### **9 Loading / unloading facilities and service vehicle maneuvering.**

A loading zone for deliveries and waste collection is proposed on the eastern side of the building. The dock has been designed to accommodate an 8.8m medium rigid vehicle which was deemed appropriate by Council's Traffic and Transport Engineers.

The proposed servicing arrangements are acceptable.

### **10 Pedestrian access**

Pedestrians have been appropriately and safely accommodated.

### **11 Safety & security (Crime Prevention through Environmental Design) measures for car parking areas**

The car parking area is considered to be reasonable with regard to CPTED matters; refer to discussion above with regard to E2 of the DCP.

CCTV, lighting and wayfinding signage will be required to be implemented to improve safety and security within the car park. The CPTED report supplied with the DA provides some recommendations in this regard and these have been supplemented with additional conditions recommended by Council's Community Safety Officer and planners.

## **CHAPTER E6: LANDSCAPING**

Landscape plans have been submitted with the DA which have been reviewed by Council's Landscape Architects and are deemed acceptable.

## **CHAPTER E7: WASTE MANAGEMENT**

The applicant has submitted a preliminary construction management plan which is satisfactory. The plan makes broad commitments to waste management during construction, however a detailed construction waste management plan will be required to be developed and implemented.

An Operational Waste Management Plan has been submitted. Suitable waste storage and servicing arrangements have been provided within the development including satisfactory waste storage and collection areas and vehicular access for a larger waste collection vehicle.

The sustainability report states that sustainable waste management will be promoted through the design through:

- Providing a waste storage area in an external, accessible area and will include sufficient space to store waste and recyclables for a weekly collection.
- Supporting predominantly digital operations which reduce paper waste generation.
- Separating organic waste in kitchens

The proposal is satisfactory with regard to the requirements of Chapter E7.

#### **CHAPTER E10: ABORIGINAL HERITAGE**

Refer to detailed discussion above in Section 2.2.6 in relation to Clause 5.10 of WLEP 2009 and the comments of Council's Heritage Officer in Section 1.5 of this report.

#### **CHAPTER E11: HERITAGE CONSERVATION**

Refer to detailed discussion above in Section 6 in relation to Clause 5.10 of WLEP 2009 and the comments of Council's Heritage Officer in Section 1.5 of this report.

#### **CHAPTER E12: GEOTECHNICAL ASSESSMENT**

The application has been reviewed by Council's Geotechnical Engineer in relation to site stability and the suitability of the site for the development and no concerns were raised. Appropriate conditions have been recommended.

#### **CHAPTER E13: FLOODPLAIN MANAGEMENT**

The flooding and stormwater management issues have been considered in detail in the assessment of the DA by Council's Stormwater and Flooding Engineers. Flood Impact Assessments have been submitted with the DA and revisions made to the plans to resolve some earlier concerns raised around potential adverse flood impacts. The proposal as revised is now satisfactory to Council's Stormwater and Flooding Engineers.

#### **CHAPTER E14: STORMWATER MANAGEMENT**

The proposal has been considered in detail by Council's Stormwater and Flooding Engineers and was found to provide satisfactory arrangements for stormwater management consistent with the provisions of Chapter E14 of the DCP.

#### **CHAPTER E16: BUSHFIRE MANAGEMENT**

The site is mapped as being partly bushfire prone land, as the eastern portion of the site is within the vegetation buffer associated with the dense vegetation on the eastern side of Squires Way within Puckeys Estate.

The proposed development is not a 'special fire protection purpose' requiring a bushfire safety authority.

A Bushfire Hazard Assessment has been prepared in support of the proposal which contains 8 recommendations to ensure compliance with *Planning for Bush Fire Protection 2019* (recommendations relate to BAL construction; access and emergency egress; maintenance of an APZ; provision of fire hydrants; location of gas and electrical supplies; fencing and gates; preparation of a Bushfire Emergency Management and Evacuation Plan and safe storage of hazardous materials.

Consultation with the NSW RFS has occurred. The RFS has advised that it has no objection to the proposed development and has recommended consent conditions for imposition.

#### **CHAPTER E15: WATER SENSITIVE URBAN DESIGN**

The applicant has submitted a Stormwater Management Plan which outlines measures for maintaining water quality during and after construction. The report states that the development will achieve NoBE (Neutral or Beneficial Effect) for permanent stormwater quality. Using the MUSIC model, the NoBE is met using bioretention, channels and rainwater tanks. Conditions of consent are recommended for imposition in this regard.

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

The BDAR states that approximately 0.06ha of planted native vegetation will be removed to facilitate the construction of the development. One EEC, being the Swamp Oak Floodplain Forest, was identified

on site, however there will be no impact to the vegetation within this area. It is noted that the subject site is not identified on the Biodiversity Values Map and the proposal is considered acceptable to Council's Environmental Assessment Officers.

Tree protection measures will be required to be implemented where necessary.

#### **CHAPTER E18: THREATENED SPECIES**

Refer to discussion above regarding the provisions of the Biodiversity Conservation Act 2016 and Chapter E17 above.

#### **CHAPTER E19: EARTHWORKS (LAND RESHAPING WORKS)**

The proposed earthworks have been considered regarding the provisions of Cause 7.6 of WLEP 2009 and this chapter and no concerns are raised subject to environmental controls being employed during construction.

#### **CHAPTER E20: CONTAMINATED LAND MANAGEMENT**

Refer to discussion regarding Clause 4.6 of SEPP (Resilience & Hazards) 2021.

#### **CHAPTER E21: DEMOLITION AND HAZARDOUS BUILDING MATERIALS MANAGEMENT**

The proposal involves the demolition of some existing car parking areas and minor structures on site. Waste resulting from the demolition will be required to be appropriately disposed of to a licensed facility. Conditions of consent are recommended in relation to this issue.

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

The preliminary construction management plan was submitted with the DA. A site-specific Sedimentation and Erosion Control Plan will be required to be prepared, implemented, and maintained throughout the construction phase. The Plan should include arrangements for managing wet weather events, including monitoring of potential high-risk events (such as storms) and specific controls and follow up measures to be applied in the event of wet weather. Sediment erosion controls should be implemented immediately prior to clearing and maintained until vegetation is established to prevent erosion and sedimentation of adjoining waterways and wetlands.

Conditions of consent are recommended regarding appropriate sediment and erosion control measures to be in place during works.

### **2.4.2 WOLLONGONG CITY-WIDE DEVELOPMENT CONTRIBUTIONS PLAN**

The Wollongong City-Wide Development Contributions Plan applies to the subject property. This Plan levies a contribution based on the estimated cost of development. As the cost of the proposed development is over \$200,001, a levy rate of 1% applies. A condition of consent is recommended requiring payment of the levy.

It is noted that the applicant has submitted a late request seeking an exemption from the payment of the levy. This request was under assessment at the time this report was required to be published.

In the circumstances, it is recommended that instead of requiring the payment of the levy prior to the commencement of works, that the condition be amended to require payment of the levy prior to the occupation of the development. This will allow the development to commence whilst the exemption request is under consideration as part of a modification application.

### **2.5 SECTION 4.15(1)(A) (IIIA) ANY PLANNING AGREEMENT THAT HAS BEEN ENTERED INTO UNDER SECTION 7.4, OR ANY DRAFT PLANNING AGREEMENT THAT A DEVELOPER HAS OFFERED TO ENTER INTO UNDER SECTION 7.4**

There are no planning agreements entered into or any draft agreement offered to enter into under S7.4 which affect the development.

## **2.6 SECTION 4.15(A)(IV) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)**

### **Environmental Planning and Assessment Regulation 2021**

#### 61 Additional matters that consent authority must consider

- (1) In determining a development application for the demolition of a building, the consent authority must consider the Australian Standard AS 2601—2001: *The Demolition of Structures*.

As the proposal involves the demolition of some existing built elements, AS2601 - 2001: *The Demolition of Structures* is a prescribed matter for consideration. Demolition practices and procedures will be required to be undertaken in accordance with AS2601 – 2001. If approved, conditions of consent should be imposed in this regard.

## **2.7 SECTION 4.15(1)(B) THE LIKELY IMPACTS OF DEVELOPMENT**

### Vehicular Access, Transport and Traffic:

The proposal is generally satisfactory with regard to carparking, traffic and transport, as detailed in other sections of this report. The proposal has been considered by TfNSW and Council's Traffic & Transport Engineers and is supportable with conditions.

It is noted that the site has good accessibility to public transport and shared pathways for pedestrians and cyclists. Pedestrian connectivity within the site will be bolstered through the continuation of the Campus pedestrian spine and upgrading of pathways.

Car parking provision within the site will be consistent with applicable car parking rates in Chapter D14 of the DCP. Vehicular access, manoeuvring and servicing arrangements are acceptable and comply with applicable standards.

The Traffic Impact Assessment considers that traffic generation from the development can be absorbed into the local road network.

### Public Domain:

Public domain areas will be landscaped and embellished in accordance with the site landscape plans. The development will offer improved footpaths and a continuation of the straight north-south pedestrian spine. Plan amendments have addressed some earlier concerns raised around pedestrian connectivity, sight lines, and safety matters.

The proposal includes upgrading of the field in the north-western corner of the site. The applicant advises that this field will be available for community use.

### Lighting / Light Spill

Four (4) floodlights are proposed to light the community field. The lights have been designed to avoid light spill onto neighbouring properties; this is detailed in a Lighting Performance Report prepared by Aurecon in support of the DA which specifies premium light fittings that enable highly precise light distribution with minimum spill. The control of light spill will be further assisted by the retention of existing landscape buffers at the residential interfaces and the barriers created by boundary fencing.

No lighting of the NRL field is proposed.

Consideration has been given to the appropriateness of night time use of the community field given it abuts residential development. Council's Environmental Assessment Officers have advised that lighting of the field until 8pm only is appropriate in the context. This conclusion has been drawn after considering lighting of sports field across the LGA.

Utilities:

An Infrastructure Report has been submitted with the DA detailing the provision of site services to facilitate the development as well as identifying any potential impacts on existing utilities.

Council has consulted with Endeavour Energy; no objection has been raised to the proposed development. Separate approvals will be required from the servicing authorities. It is expected that augmentation of existing utilities will be required to support the proposed development.

If approved, conditions could be imposed on the consent requiring the developer to make appropriate arrangements with the relevant servicing authorities.

Heritage:

Refer to discussion above in relation to Clause 5.10 of WLEP 2009.

Water:

*Supply & infrastructure* - the site is presently serviced by Sydney Water's reticulated water and sewerage services. It is expected that there is system capacity to service the proposed development, with augmentation.

*Consumption* - the sustainability reports supplied with the DA indicate that there will be water harvesting and reuse within the development, and use of efficient fittings and appliances to reduce consumption. Rainwater will be used for irrigation.

*Water quality* – the application was accompanied by a Stormwater Plan which seeks to achieve the water quality objectives outlined in Chapter E15 of WDCP 2009 – Water Sensitive Urban Design. Erosion and sedimentation controls will be required to be employed during construction to minimise water quality impacts.

Conditions are recommended in relation to the application of Herbicide/ pesticides to playing surfaces to minimise water quality impacts.

*Groundwater management* – if approved, conditions of consent should be imposed in regard to groundwater management.

*Stormwater management* – Council's Stormwater Engineer has advised that the proposal provides suitable arrangements for the management of stormwater.

Soils:

It is expected that, with the use of appropriate erosion and sedimentation controls during construction, soil impacts will not be unreasonably adverse. Recommended conditions are included in those listed in **Attachment 7**.

Air and Microclimate:

A detailed construction management plan will be required to be prepared prior to the commencement of works which will detail dust mitigation measures.

Operational air quality impacts are expected to be negligible subject to any sprays (herbicides/ pesticides, etc) being applied to playing surfaces in low wind conditions.

Due to the low height and setbacks of the building, it is not expected to alter wind conditions for adjacent pedestrian or public domain areas.

Flora and Fauna:

Refer to discussion above in Section 2 of this report in relation to the Biodiversity Conservation Act.

Waste:

Waste management during construction can be managed through proper arrangements. A condition is proposed requiring the use of appropriate receptacles for any waste generated during the construction and compliance with a Waste Management and Minimisation Plan.

On-going waste management arrangements appear to be satisfactory - refer to discussion with regard to DCP Chapter E7 above.

Energy:

Sustainability Reports have been provided outlining how the CHPC will address the sustainability requirements of Chapter D14 of WDCP 2009. Proposed measures for energy efficiency include:

- Incorporation of sustainable design elements - the design will be informed by recognised benchmark ratings tools such as Green Star and WELLS.
- Use of sustainable building materials and passive thermal design using double glazing and shade screening.
- Section J of the BCA compliance.
- Provision of rooftop solar PV to generate electricity (though it is noted that no battery is proposed which is a shortcoming).
- The building is proposed to be all-electric (no gas).
- The UOW has advised that it is in the process of planning and actively investigating a precinct wide microgrid for the entire campus..

The proposed sustainability measures are supported however the following shortcomings should be addressed by consent conditions: -

- 50% of parking spaces to be 'EV ready' with cabling to the space, and 10% of the parking spaces on site to be dedicated EV charging spaces from day of opening, and the provision of charging infrastructure for other electric vehicles including E-bikes and scooters.
- Provision of car share and bike sharing space is to be incorporated into the development.

Noise and vibration:

The DA has been accompanied by a Noise Impact Assessment which discusses the potential noise impact of the development upon the nearest most-affected noise-sensitive receivers and also the potential impacts of external noise sources on the proposed development. Indicative recommendations for noise mitigation measures for the proposed development to meet the relevant criteria are also provided.

*Construction* - noise and vibration impacts during demolition, excavation and construction are unavoidable. If the development is approved, a suite of conditions is proposed to minimise nuisance during demolition and construction. The submitted Preliminary Construction Management Plan incorporates some recommendations to minimise construction noise impacts of the Noise Impact Assessment. The Noise and Vibration Assessment recommends that a detailed construction noise and vibration impact study is undertaken prior to construction, when a detailed programme and construction methodology is developed, to determine the level of impact on surrounding affected receivers and develop site-specific management strategies.

*Operational noise impacts on external receivers* – noise from the development has the potential to compromise the acoustic amenity of adjacent residential properties, nearby student accommodation and the adjacent childcare centre. Noise sources include vehicular noise, noise from plant, users of the building and fields.

The DA was accompanied by a Noise and Vibration Assessment which considered all operational noise emissions expected to arise from the proposed development including operational training noise (whistling and shouting), noise from building services operations (rooftop mechanical plant), and the carpark and additional traffic associated with the development.

The operational management plan indicates that the fields will be used up until 8:30pm. Field 1 is not expected to be used after 7pm while the community field is not expected to be used after 8.30pm. As noted above in relation to light spill, Council's Environmental Assessment Officer has recommended that lighting of the fields cease at 8pm.

Natural hazards:

As discussed elsewhere within this report, the site is flood affected. The proposed building has been designed with finished floor levels above the relevant flood event plus freeboard. Council's Stormwater Engineer has advised that the development has been appropriately designed with regard to flooding and stormwater management and that there will be no adverse impacts on neighbouring properties or on land elsewhere within the locality.

The proposal is satisfactory to the NSW RFS; conditions of consent are recommended in relation to some bushfire mitigation measures.

Geotechnical matters have been considered as part of the assessment and the proposal was deemed satisfactory by Council's Geotechnical Engineers.

Technological hazards:

Refer to discussion above in Section 2.1.1 regarding Clause 4.6 of SEPP (Resilience & Hazards) 2021.

Safety, Security and Crime Prevention:

The proposal has been considered regarding the principles of Crime Prevention Through Environmental Design (CPTED) and is considered to be generally acceptable, subject to the incorporation of a number of recommendations relating to surveillance, lighting and technical supervision, territorial reinforcement, design, definition and designation, environmental maintenance, activity and space management and access control. Where appropriate, conditions of consent are recommended in relation to these issues – see **Attachment 7**.

Social Impact:

No adverse social impacts are expected because of the proposed development.

Economic Impact:

No adverse economic impacts are expected as a result of the proposed development. The applicant notes that UOW is a major economic hub, contributing to innovation and knowledge sharing across the region and NSW. UOW's Economic Impact Report 2020 identifies that the Innovation Campus is a \$600 million precinct, contributing \$195 million to the Illawarra region every year. The proposal is expected to enhance the university's research and growth potential and resultant economic outputs, contributing to its long-term sustainability.

The development is expected to generate an estimated 229 FTE jobs during construction and will accommodate 60 FTE jobs on an ongoing basis. The applicant states that the development represents over \$45 million in capital investment within the Illawarra Region and over \$3.3 million in value-add economic activity each year.

The development is not expected to adversely impact the operation of any surrounding neighbourhood centres or the Wollongong CBD.

Site Design and Internal Design:

The internal site layout has been assessed with regard to the provisions of Chapter D14 of Wollongong DCP 2009 – refer to **Attachment 6** in this regard.

Construction Impacts:

Impacts associated with demolition, excavation and construction are unavoidable and have the potential to impact on the amenity of the neighbourhood and may cause some inconvenience to other site users. Conditions are proposed to minimise nuisance during demolition and construction including those which relate to hours of work; erosion and sedimentation controls; traffic management; site remediation works; employment of a detailed construction management plan; dust mitigation; works in the road reserves; excavation; protection of neighbouring buildings; dilapidation requirements; demolition; hazardous materials management; waste management; and use of any crane, hoist, plant or scaffolding.

Cumulative Impacts:

The proposal is not expected to have any negative cumulative impacts.

## **2.8 SECTION 4.15(1)(C) THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT**

### Does the proposal fit in the locality?

The proposal is considered generally appropriate regarding the zoning of the site and the objectives for the Innovation Campus, and is not expected to give rise to adverse impacts on the amenity of the locality or adjoining developments. Each component of the proposed development is permissible with consent and is generally consistent with the objectives for the Innovation Campus (Clause 7.15 of WLEP 2009) and other applicable planning instruments.

The development has been designed regarding known site constraints, Aboriginal and European heritage and the desired future character for the Campus as outlined within Chapter D14 of WDCP 2009.

### Are the site attributes conducive to development?

There are no environmental site constraints that would prevent the proposal in the form proposed, noting that various revisions have been made to the plans to resolve earlier concerns around flooding and stormwater management. Other site constraints including bushfire affectation, vegetation and other ecological constraints, possible site contamination and acid sulfate soils, can be managed via mitigation measures required by consent conditions.

A detailed construction management plan will be required to be developed and implemented to minimise and mitigate impacts on environmental values.

## **2.9 SECTION 4.15(1)(D) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS**

Refer to discussion at Section 1.4.

## **2.10 SECTION 4.15(1)(E) THE PUBLIC INTEREST**

The application is not expected to have any unreasonable impacts on the environment or the amenity of the locality, subject to appropriate controls being employed during construction. The proposed land uses are permissible with consent, are consistent with the zone and Clause 7.15 objectives and the provisions of applicable planning instruments.

Detailed consideration has been given to the concerns raised in submissions and revisions were made to the proposal to address a number of concerns raised both in submissions and by Council. The proposal is now satisfactory to the relevant external agencies (RFS, TfNSW, NSW Heritage and Endeavour Energy) and internal Council referral groups subject to appropriate conditions of consent.

On balance, having regard to the above assessment, the proposal is in the public interest.

## **3 CONCLUSION**

This application has been assessed regarding all applicable matters for consideration prescribed by Section 4.15(1) of the Environmental Planning and Assessment Act 1979. The proposed development is permissible with development consent with under the provisions of the WLEO 2009nor SEPP (Transport & Infrastructure) 2021. The proposal is consistent with the objectives for the Innovation Campus and the applicable provisions of WLEP 2009, all applicable SEPPs and the provisions of the relevant chapters of Wollongong DCP 2009.

The social, economic and physical impacts of the proposed development have been examined in detail, and as described in this report, no unreasonably adverse impacts are expected subject to mitigation measures being employed as required by the recommended consent conditions.

Concerns raised in submissions have been resolved through the submission of additional information and revised plans, along with conditions where deemed necessary.



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The proposal is now satisfactory to the relevant external agencies (DPE-Water, RFS, TfNSW, Endeavour Energy and NSW Heritage) and internal Council referral groups subject to appropriate conditions of consent.

On balance, having regard to the above assessment, the proposal is considered to be in the public interest and is supportable.

It is noted that, at the time of publishing this report, the applicant's agreement on the proposed conditions of consent had not yet been obtained (as required by Section 4.33(1)(b) of the Environmental Planning & Assessment Act 1979). It is expected that this will be obtained prior to determination of the application.

### 4 RECOMMENDATION

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It is recommended that Development Application DA-2022/1126 be approved subject to the recommended consent conditions at **Attachment 7**.

#### Attachments

- 1 Plans
- 2 Aerial photograph
- 3 Site locality maps and site photographs
- 4 WLEP zoning map, coastal protection maps, etc
- 5 DCP masterplan maps
- 6 Chapter D14 Wollongong DCP 2009 assessment
- 7 Draft conditions of consent