

DA-2021/101, PPSTH – 77, 3-4 Innovation Way and 1-5 Squires Way, North Wollongong

Panel Reference	PPSSTH-77
DA Number	DA-2021/101
LGA	Wollongong City
Proposed Development	<p>Concept DA for first phase of a Health and Wellbeing Precinct including maximum building envelopes, master plan, urban design guidelines and land uses consisting of seniors housing comprising residential aged care facility (RACF) and self-contained dwellings, centre based childcare facility, indoor recreation facility, food and drink premises, neighbourhood shops, business premises, community facilities and recreation area.</p> <p>First stage ('Stage 0') of physical works consisting of demolition of P3 and P4 parking areas; bulk earthworks, site remediation and tree removal within a portion of the site; construction of roads, stormwater and other infrastructure within the Stage 0 boundaries.</p>
Street Address	<p>Wollongong Innovation Campus, 3-4 Innovation Way and 1-5 Squires Way, North Wollongong</p> <p>Lot 9 DP 1172135, Lot 10 DP 1172135, Lot 7 DP 1172135, Lot 8 DP 1172135, Lot 11 DP 1172135, Lot 13 DP 1172135</p>
Applicant/Owner	University of Wollongong
Date of DA lodgement	29 January 2021
Total number of Submissions / Number of Unique Objections	<p>The DA has been notified three times:-</p> <ul style="list-style-type: none"> • 1st notification period - February/ March 2021 - 8 unique submissions received - 2 in support, 6 in objection. • 2nd notification period – January/ February 2022 – 2 unique submissions received - 1 in support, 1 in objection. • 3rd notification period – 13 November 2023 – 14 December 2023 – 3 unique submissions received - 1 in support, 2 in objection.
Recommendation	Approval
Regional Development Criteria	<p>This application is required to be reported to the SRPP in accordance with Clause 4 of Schedule 6 of SEPP (Planning Systems) 2021 as the proposal involves Crown development over \$5 million. The University of Wollongong (UOW) is a Crown authority.</p> <p>The overall concept development has a capital investment value of more than \$30 million (~\$173 million).</p>
List of all relevant s4.15(1)(a) matters	<p>s4.15(1)(a)(1) any relevant environmental planning instruments:</p> <p><u>State Environmental Planning Policies:</u></p> <ul style="list-style-type: none"> • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Transport & Infrastructure) 2021 • State Environmental Planning Policy (Resilience & Hazards) 2021 • State Environmental Planning Policy (Industry and Employment) 2021 • State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 for any BASIX affected buildings – [to be dealt with in detailed DAs] • State Environmental Planning Policy (Biodiversity & Conservation) 2021 <p><u>Local Environmental Plans:</u></p> <ul style="list-style-type: none"> • Wollongong Local Environmental Plan (WLEP) 2009

	<p>s4.15(1)(a)(ii) (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:</p> <ul style="list-style-type: none"> • SEPP (Housing) 2021 <p>s4.15 (1)(a)(iii) Any development control plan:</p> <ul style="list-style-type: none"> • Wollongong Development Control Plan 2009 <p>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</p> <p>Nil.</p> <p>s4.15 (1)(a)(iv) the regulations</p> <ul style="list-style-type: none"> • Environmental Planning & Assessment Regulation 2000, Clause 92 (1)(b) – the provisions of AS 2601 in respect of any demolition.
List all documents submitted with this report for the Panel's consideration	<ol style="list-style-type: none"> 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 Childcare centre Assessment 8 Draft conditions of consent <p><u>Plans and documents</u></p> <p>Architectural plans by PTW Architects</p> <p>Civil plans by Northrop</p> <p>Landscaping plans by Scape Design Landscape Architecture</p> <p>Traffic documentation by SLR</p> <p>Arborist report by Moore Trees</p> <p>BDAR and VMP by Niche Environment and Heritage</p> <p>Stormwater plans by Northrop</p> <p>Flood Report and FERP– J. Wyndham Prince Consulting Engineers</p> <p>Planning documents by Ethos Urban</p> <p>Aboriginal Archaeological Assessment by Kelleher Nightingale Consulting Pty Ltd</p> <p>Aboriginal Cultural Heritage Assessment by Kelleher Nightingale Consulting Pty Ltd</p> <p>Cultural Values Assessment Report – Waters Consultancy Pty Ltd</p> <p>Connecting with Country – Mili Mili</p> <p>Aboriginal Site History Report – HML Heritage</p> <p>European Heritage Assessment by Extent Heritage Advisors</p> <p>Access Report – Accessible Building Solutions</p> <p>Acoustic Report - Stantec</p>

	Bushfire Report – Blackash Bushfire Consulting Contamination investigations/ associated reports - Douglas Partners, Senversa Pty Ltd (Site Auditor)
Clause 4.6 requests	Nil
Summary of key submissions	<ul style="list-style-type: none"> • traffic and parking • flooding • pedestrian and traffic connections • consistency with objectives for the Innovation Campus and appropriateness of land uses
Report prepared by	Theresa Whittaker
Report date	24 April 2024

Summary of s4.15(1) matters

Yes

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

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

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?

N/A

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

**Not
Applicable**

Conditions

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

Yes

1 APPLICATION OVERVIEW

EXECUTIVE SUMMARY

Proposal

The application is a Concept DA for the first phase of a Health and Wellbeing Precinct. The Concept DA specifies the site layout including street network, maximum building envelopes, a site master plan, urban design guidelines for future development within the site, and land uses. The proposed land uses consist of seniors housing comprising a residential aged care facility (RACF), self-contained dwellings in two buildings; a centre-based childcare facility to be co-located with the RACF; an indoor recreation facility; food and drink premises; neighbourhood shops; business premises; community facilities and recreation areas. A large green park is also proposed.

The DA also seeks consent for the first stage ('Stage 0') of physical works. This work includes the demolition of some existing parking areas; bulk earthworks, site remediation and tree removal within a portion of the site; along with the construction of roads, stormwater and other infrastructure within the Stage 0 boundaries.

Subject Site

The subject site is located within the Wollongong Innovation Campus at 3-4 Innovation Way and 1-5 Squires Way, North Wollongong. The site is irregular in shape and comprises six allotments with a combined area of approximately 7.5 hectares. The site is situated on the western side of Squires Way and occupies part of the southern portion of the Innovation Campus.

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 of Lots 10 or 11.

Notification and submissions

The DA has been notified three times:-

- 1st notification period - February/ March 2021 - 8 unique submissions received - 2 in support, 6 in objection.
- 2nd notification period – January/ February 2022 – 2 unique submissions received - 1 in support, 1 in objection.
- 3rd notification period – 13 November 2023 – 14 December 2023 – 3 unique submissions received - 1 in support, 2 in objection.

The concerns raised in submissions are discussed in greater detail at section 4 of this report.

Referrals

General Terms of Approval have been issued by the EPA and DPE-Water and external comments have been provided by Transport for NSW (TfNSW), NSW Heritage, NSW Rural Fire Service, Sydney Water and Endeavour Energy. The Wollongong Design Review Panel was also consulted. Relevant Council officers have assessed and provided input into the assessment.

Planning controls and compliance

The proposal is satisfactory with regard to all of the applicable planning controls as discussed in the body of this report.

Permissibility

The proposed development comprises various parts, all of which are either permissible with consent, within the SP1 Special Uses (Innovation Campus) zone under the provisions of WLEP 2009, or, in the case of the health consulting rooms, via the provisions of SEPP (Transport and Infrastructure) 2021.

Main issues

- European heritage matters
- Aboriginal cultural heritage matters
- traffic, parking and pedestrian issues

- flooding and stormwater management
- environmental considerations
- amenity impacts and other concerns raised in submissions
- consistency with the objectives for the Innovation Campus.

Recommendation

It is recommended that the application be conditionally approved.

1.1 DETAILED DESCRIPTION OF PROPOSAL

This application seeks consent for a Concept DA for the development of Phase 1 of a Health and Wellbeing Precinct (H&WP) at the University of Wollongong's (UOW) Innovation Campus. The DA is made pursuant to Section 4.22 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) which lists provisions pertaining to Concept DAs.

The DA will provide overarching guidance for the staged delivery of Phase 1 of the H&WP including principles for the planning and detailed design of the site.

The **Concept DA** seeks consent for:

- Proposed land uses include seniors housing (comprising a residential care facility and approx. 240 self-contained dwellings across 2 buildings), a centre-based childcare facility for 80 children, an indoor recreation facility, café, neighbourhood shops and business premises, community facilities, and recreation area (open space).
- Building envelopes which provide maximum footprint, height and capacity of future buildings.
- Road network; stormwater infrastructure; site remediation; infrastructure provision across the precinct.
- A Master Plan determining the structure of the precinct and illustrating the concept for buildings, open space, streets, and pedestrian connections.
- Urban Design Guidelines to guide the detailed design of the future buildings and central open space area within the precinct, which will be the subject of future DAs.
- General parameters for the future design, construction, and operation of buildings and uses on the site including strategies for the management of flooding, transport and access, bushfire risk, ecology, heritage and the like.

The development will be staged, with this DA seeking consent for the first stage of physical works within a portion of the site. The applicant anticipates that the development of the H&WP will be delivered over 3 – 4 years in stages. A detailed construction management plan has been provided with the DA which outlines the staging. The staging plan is included within **Attachment 1** and is summarised below.

Detailed DAs in line with the Concept DA will be lodged for the specific buildings – detailed design, construction, and operation of all other buildings and public domain areas.

It is noted that the H&WP will also include a primary health, education, and research facility (the 'CHB'), which is a multi-disciplinary non-surgical health clinic. A separate State Significant (SSD) DA will be lodged with the DPE for this building.

Concept Development/ Staging

Division 4.4 of the EP&A Act relates to concept development applications (DA). A concept DA is one that sets out concept proposals for the development of a site, and for which detailed proposals for separate parts of the site are to be the subject of subsequent development applications. The application may also concurrently set out detailed proposals for the first stage of development.

Section 4.24 of the EP&A Act provides that while any consent granted on the determination of a Concept DA for a site remains in force, the determination of any further DA in respect of that site cannot be inconsistent with that consent.

In accordance with the above, this DA seeks consent for the overarching Concept Proposal to guide all future development as part of Phase 1 of the H&WP and sets out the first stage of physical works to occur on the site, with all other works to be the subject of separate and future DAs.

A staging plan has been provided with the application; this forms part of **Attachment 1**.

‘Stage 0’ Physical works

Pursuant to Section 4.22(2) of the EP&A Act, this DA also seeks consent for the first stage of physical works on the site, comprising:

- Demolition of the existing hardstand area of part of the P4 Parking area (296 spaces) and temporary use of P3 parking area for construction vehicle parking.
- Bulk earthworks to establish the appropriate levels for development including roads and building platforms, within the Stage 0 boundary.
- Civil roads and services infrastructure to High Street and Innovation Way within the Stage 0 boundaries.
- Remediation and tree removal ancillary to the above works, within the confines of the Stage 0 boundaries only.

All remaining physical works, including the detailed design, construction and operation of all buildings and the central open space area, will be the subject of separate and future DAs pursuant to the Master Plan.

Demolition

The proposal includes the demolition of two existing at-grade parking areas known as P3 and P4 to facilitate the construction of Phase 1 of the H&WP. A portion of Innovation Way will also be demolished and will be replaced as part of the proposed works.

Bulk earthworks

Bulk earthworks will be undertaken across the site, involving the redistribution of existing stockpiles of soil, establishment of appropriate levels for development including roads and building platforms, and establish new temporary stockpiles. There are no building basements proposed as such no excavation is proposed except for the redistribution / relocation of existing stockpiles.

At the completion of bulk earthworks, platforms will have been created for each of the building envelopes and the Green Heart. Two new temporary stockpiles will be established to the south of the site in the Phase 2 area; these will be capped, graded and seeded for the temporary storage of surplus materials from Phase 1. The landscaped mound/ stockpile adjacent to the southern boundary of the H&WP will feature a public viewing platform which has been designed to provide an accessible vantage point from where unobstructed views of Mt Keira and Mt Kembla can be appreciated. This will form part of the cultural trail proposed within site and from where users can gain an appreciation (through interpretive signage and the like) of the significance of the escarpment and these two mountains for the First Nations community.

The ‘Stage 0’ works are limited to those contained within the Stage 0 boundaries delineated on the staging plan.

Remediation Works

The site is known to be contaminated and numerous detailed site investigations have been undertaken to determine the nature and extent of contamination.

The submitted Remediation Action Plan (RAP) identifies the following adopted strategies for each of the identified contaminated land issues: -

- Fill impacted with asbestos and other construction and demolition wastes: Physical barrier layer, i.e., capped beneath hardstand or 300mm non-impacted material, in conjunction with appropriate construction management strategies for working with asbestos-impacted soils, and long-term institutional controls.
- Fill impacted by elevated chemical contamination: Reassessment of all elevated chemical contamination issues previously identified, subject to final detailed design, followed by localised delineation and either removal to landfill, on-site treatment, or onsite capping (if suitable).

- Fill impacted by coal washery rejects (CWR) with elevated combustible content: Investigation of identified data gaps, followed by further risk assessment of any CWR fill with elevated combustible content or risk of combustion, and long-term institutional controls.
- Hazardous ground gases: Incorporation of a ground gas management plan developed by EPG (such as limiting slab cracking width and appropriate sealing of all slab ingress points) into building floor slabs and the implementation of institutional controls, including for any deep below ground (>0.7m below surface) spaces (i.e., service pits, deep services);
- Site groundwater impacted by metal contamination: Restrictions on use of site groundwater without prior treatment or management, through long term institutional controls; and
- Acid sulfate soils: Management of acid sulfate soils potentially present in natural soils (if encountered) through on-site treatment in accordance with an acid sulfate soils management plan.

The RAP states that it does not provide a detailed specification for the proposed site remediation works but, rather, represents a planning document which outlines the means by which site remediation can render the site suitable for the intended land-use. The RAP incorporates a staged approach to the preparation of the further remediation design, completion of the remediation works (during the construction phase) and the completion of validation works and reporting, prior to the issuing of a Site Audit Statement prior to the occupation of the buildings or commencement of the land use.

Remediation of the contaminated areas of the site will occur in stages in accordance with the Staging Plan / CMP and the associated remediation action plan/s. The Stage 0 works will include any necessary remediation within the confines of the Stage 0 boundaries.

Tree removal and protection

The earthworks described above will involve the removal of some vegetation which generally comprises minor saplings and regrowth areas along the southern and western boundaries of the precinct and where the proposed High Street will form a new intersection with Squires Way. A biodiversity assessment report (BDAR) was submitted with the DA which classifies this vegetation to be in poor condition, and is restricted to young, scattered patches of planted trees or regrowth of *Casuarina glauca* and native shrubs over an exotic understorey. This vegetation does not comprise Endangered Ecological Communities.

All other areas of vegetation on the site will be protected during construction works, with Tree Protection Zones and Structural Root Zones to be implemented as per the recommendations of the submitted Arboricultural Report.

A Vegetation Management Plan (VMP) will be implemented in the riparian corridors and APZ/weed control zones, including ongoing weed management, to be implemented when required for meeting APZ setbacks for the RACF and future SSD DA CHB.

Road network

The proposal seeks consent for the construction of new roads to facilitate access to Phase 1 of the H&WP. The applicant states that these roads have been designed as a continuation of the existing grid structure proposed in the Master Plan contained in Chapter D14 of WDCP 2009.

The proposed Stage 0 works include the construction of civil roads and services infrastructure to Road 2 (High Street) and Innovation Way within the Stage 0 boundaries, as well as construction access to the ILA Stage 1 benched site.

The proposed Stage 1 works (Stages 1a and 1b – see the Staging Plan at **Attachment 1**) will deliver two (2) new roads and the northern portion of a pedestrian walkway, the first of which is Road 2 (identified on the plans as High Street). High Street is an east/west connector road comprising a two (2) lane carriageway accommodating accessible parking on the south side, large tree canopy planting, and garden pits within the parking bays.

The second road is an extension of Innovation Way, being the main north/south boulevard of the existing Campus, which will be extended through the new H&WP to the southern boundary of the H&WP. Innovation Way will have a width of 7m to match the existing, along with parallel parking bays along sections of the street edges, with regularly spaced street trees. Footpaths will be provided on both sides of Innovation Way to provide continuous connections to High Street. A pedestrian crossing is proposed connecting the RACF and childcare centre with the Green Heart.

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The existing pedestrian pathway (the 'pedestrian spine') to the north of the site will be extended to continue through the precinct to the south, connecting new and existing sections of the Campus. The spine connects the existing pond area with the new Green Heart, before crossing High Street. The spine will feature a civic node adjacent to that intersection, connecting the CHB, Wellness Plaza, ILA Plaza, Cafe Plaza and the Green Heart.

The Stage 1 works will also include the construction of a new intersection between Road 2 (High Street) and Squires Way. The intersection has been designed to facilitate left-in and left-out vehicular movements. This intersection will also feature a signalised pedestrian crossing to assist in improving connectivity with the main public pedestrian pathway on the eastern side of Squires Way.

The proposed Stage 2 works will deliver 2 roads and the remaining portion of the Pedestrian Spine south of High Street. Road 1 is a north/south neighbourhood street running adjacent to the eastern side of ILA – Stage 2. It will connect High Street with the new Shared Service Road and will provide on-street car parking. The road is finished in a cul-de-sac, which is a temporary measure that will be replaced by a future connector road in the development of Phase 2 (land to the south of Phase 1 of the H&WP – not the subject of this application).

The Shared Service Road completes the new road loop proposed for the precinct, connecting the Innovation Way extension with Road 1. It will provide access for emergency and service vehicles only, while also providing an additional east-west pedestrian connection along the southern edge of the precinct.

Utilities and services

The proposal will include the replacement, augmentation and extension of utility services required to facilitate development of the H&WP. This work will include providing the stormwater drainage network, potable water and sewer service, communication trunking, gas, streetlights, and the electrical network as part of the resurfacing of the site and construction of the new internal roads.

Open Space/ Public Domain

The public domain of the H&WP will comprise a number of key spaces, places, and connections including the Green Heart, the primary public park which will have a minimum area of 5,950 sqm. The Green Heart has been designed as a place for recreation, community activities, and social interaction between residents, students, workers and visitors within the Precinct and broader Innovation Campus. The plans indicate that this open space area will accommodate a community garden, water features mimicking the alignment of the former watercourse through the site, and a raised decked area to act as a stage or gather space for community events. This space will be the subject of a detailed DA, the design of which will be guided by the Urban Design Guidelines (UDG).

Other key public domain areas include the High Street (Road 2), the east-west spine, which will be the main entry into the H&WP from Squires Way. The vision for High Street is an active, vibrant street to focus activity between the Pedestrian Spine and Innovation Way. This street will be activated with retail shopfronts and building entrances and will feature a number of parallel car parks and street trees.

The existing north-south pedestrian spine is proposed to be extended to the south, connecting the existing campus with the H&WP. A central node will be created at the intersection of the pedestrian spine and High Street, and it is intended that the spine will be flanked by active uses including front gardens to units in ILA (Stage 2) and the primary plaza / forecourt entries to the CHB and ILA Stage 1.

Buildings/ building envelopes

Three building envelopes are proposed, comprising building envelopes for the two (2) independent living apartment buildings (ILA Stage 1 and Stage 2), and one for the RACF and linked childcare facility. It is noted that the master plan indicates the provision of an additional envelope for the Primary Community Health Building, however this does not form part of this DA, and will be dealt with via a separate SSD DA.

The envelopes and Urban Design Guidelines seek to achieve the following massing forms. The envelopes set the maximum parameters (i.e. the maximum horizontal and vertical extents) within which the future detailed design of buildings will be contained: -

- ILA Stage 1 – 30m maximum height/ 8 storeys; potential GFA 30,000sqm
- ILA Stage 2 – 30m maximum height/ 9 storeys.

- Combined total potential GFA of 30,000sqm for the 2 x ILA buildings.
- RACF – 30m maximum height/ 8 storeys; potential GFA 7705sqm
- Child café centre – 7.5m height/ 1 storey; potential GFA 735sqm.

The envelopes are intended to be proportionally larger than what will be the ultimate form of the buildings constructed on the site, in order to permit a range of design options to be explored through the detailed design of individual buildings.

The site will also house the following ancillary uses, with GFA as follows:-

- Retail (as part of the ILAs) – potential for 250sqm;
- Community facilities and wellness centre (as part of the ILAs) – potential for 1,010sqm
- Multi-use spaces (as part of the ILAs and RACF) - 1,150sqm
- Dedicated teaching, learning & research spaces (as part of the ILAs and RACF) – 2,550 sqm
- CHB (not subject to this DA) – potential for 3,500m²

RACF and Childcare Facility

A 120 bed RACF is proposed in the western side of the H&WP which will provide assisted care for seniors including meals and cleaning services, personal care, and nursing care to meet a range of care needs.

A childcare centre will be co-located next to the RACF (to its immediate north) with the intention of promoting intergenerational living. The childcare facility will have capacity for 80 children. Outdoor play areas will be positioned on the northern side of the building.

Dedicated teaching, learning and research spaces will be provided within the RACF building to facilitate University-led research, teaching and/or learning projects (see further detail below).

Pedestrian access to the buildings can be obtained either via Innovation Way or High Street. Vehicular access to the car parking areas associated with the RACF and CCF located to the north of those buildings will be obtained from High Street. The parking strategy indicates that car parking for 30 vehicles is proposed to service the RACF, along with 35 car spaces to service the CCF. The reference plans indicate that a drop-off area may be provided at the rear/ west of the RACF.

ILA Stage 1

ILA Stage 1 located in the northern part of the site between Innovation Way and the pedestrian spine, which will form its eastern boundary. The building will be set upon a two-storey podium and will house around 96 apartments for seniors in a range of unit size.

The ILAs are self-care seniors housing, i.e.. meaning cleaning, meals, and nursing services are not provided. A mix of one, two or three-bedroom apartments are proposed.

It is also intended that the building will house an integrated Wellness Centre, retail, commercial and communal uses within its podium levels. Dedicated teaching, learning and research spaces will be provided within the building to facilitate University-led research, teaching and/or learning projects, consistent with the H&WP Management Plan, for UOW to use in collaboration with the building's residents, visitors and staff.

Pedestrian access will be available via all street frontages. Vehicles will access the building via Road 3, to the immediate north of the site. The car parking strategy indicates that around 95 spaces will be available within ILA Stage 1 to service the proposed uses housed therein.

ILA Stage 2

ILA Stage 2 will comprise two towers set upon a three-storey podium, to be positioned in the southern part of the campus to the east of the Green Heart. The building will house around 136 seniors apartments along with a cafe fronting the Cafe Plaza at the corner of the Pedestrian Spine and High Street.

The ILAs are self-care seniors housing, meaning cleaning, meals, and nursing services are not provided. A mix of one, two or three-bedroom apartments are proposed. Rooftop communal facilities for residents are proposed.

The podium levels will be partly occupied by parking with apartments or the dedicated teaching/ learning / research spaces sleeving the carparking levels. Ground floor apartments are to be provided with

individual entrances and private terraces on these primary frontages, to create a more fine grain built form and active frontage.

Vehicular access to this building will be obtained via Road 1 (eastern side of the building). The parking strategy indicates that 136 spaces are to be provided within this building envelope.

Design Guidelines

The Concept DA is supported by site-specific Urban Design Guidelines (UDG) which have been developed to work with the proposed building envelopes to ensure that the future detailed design and delivery of buildings will achieve optimal design and amenity outcomes. The UDG will provide guidelines for the public domain areas within the H&WP inclusive of the streets and key open spaces including the pedestrian spine and green heart; and the built form – ILA Stage 1, ILA Stage 2, the RACF and child care facility. The UDG also has principles to guide the future SSD DA for the CHB however this building does not form part of the Concept DA.

The Urban Design Guidelines document is broadly divided into six parts:

1. Site Analysis
2. Key Themes and Principles
3. Public Realm Controls – movement network (streets and pedestrian spine); open spaces (green heart, plaza areas, landscaped bunds and viewing platform; public art, wayfinding).
4. Precinct-Level Controls – built form height, rooftops, built form articulation and Volumetric Envelope Utilisation;
5. Site Specific Built Form Controls for the individual buildings which includes principles relating to land use, building heights, setbacks, built form, private and communal open space areas, deep soil zones, outdoor play spaces (in the case of the childcare facility);
6. Sleeved Uses and Active Frontage Controls – for High Street, the pedestrian spine, Innovation Way, Road 1 (east of ILA Stage 2), Road 3 (north of ILA Stage 1), the shared service road (south of ILA Stage 2).

If approved, the development consent will include conditions requiring all future Development Applications lodged in respect of the H&WP to be consistent with the urban design guidelines. In this regard, Section 4.24 of the EP&A Act provides that while any consent granted on the determination of a Concept DA for a site remains in force, the determination of any further DA in respect of that site cannot be inconsistent with that consent.

Research and education

A key objective of the H&WP is to foster collaborative research and development initiatives and facilitate educational opportunities.

The applicant indicates that the H&WP has been designed by UOW to co-locate researchers, academics, students, graduates, health care providers, senior residents, and industry in order to create an environment where collaboration and multi-disciplinary research projects can flourish, in the form of what is described as a 'Living Lab'. Submitted with the DA were papers prepared in support of the 'Living Lab' concept which discuss and support the notion of research and education links between UOW and the proposed seniors living at the H&WP. These papers include examples of research and education initiatives that will be implemented in the operation and ongoing management of the UOW IC H&WP to contribute to innovation and education at the UoW.

A management plan has been prepared and submitted with the DA which will be implemented across the H&WP, the purpose of which is to: -

1. Ensure the delivery of research and education links between the UOW and the seniors living components within the H&WP – extending to the ILAs, the RACF and co-located Childcare Centre,
2. and its connection with the wider Innovation Campus, and
3. to ensure that intergenerational interaction is fostered and appropriately managed.

The management plan will require UOW and H&WP operators to work in partnership under the governance of Collaboration Agreements to achieve the following objectives: -

1. “Enable research programs which advance innovation in the areas of health and ageing, dementia, quality of life, mental health, mobility, intergenerational integration and other related fields.
2. Facilitate participation of residents of the ILAs and RACF as well as the Childcare centre operators and other occupants of the H&WP, with research, teaching and learning opportunities.
3. Manage onsite dedicated research and education and multi-use spaces within the H&WP.
4. Engage residents and occupants to create and maintain a sense of belonging within the campus community.
5. Embed the concept of a ‘Living Lab’ which places users at the centre of research and education opportunities in real life communities and settings; with these users being the participants, researchers, teachers, clinicians, staff and students.
6. Facilitate ILA and RACF resident access to dedicated research and education spaces and participation in projects”.

The Management Plan notes the following commitments of all future Operators within the H&WP, grouped under the following headings:

- Physical Space Commitments
- Operational Commitments
- Intergenerational Interaction

In terms of physical space commitments, the management plan nominates ‘Dedicated’ and ‘Multi-Use’ Research and Education spaces to be provided within the ILAs, RACF and childcare facility; University-led research projects will be embedded within each building, with the necessary technology to facilitate the projects; shared use of outdoor spaces for the purposes of Research and Education. Plans are attached to the Management Plan detailing the physical spaces allocated for research purposes within the buildings and green heart.

UOW will work in partnership with the operator of each of the ILAs, RACF and childcare facility to establish Collaboration Agreements which must be in place prior to occupation of these buildings.

There will be research and education spaces provided for in a number of the buildings to facilitate research and learning opportunities throughout the H&WP. This includes dedicated spaces totalling around 1100sqm in ILA Stage 1, around 1500sqm within ILA 2, 50sqm within the RACF, 15sqm within the childcare centre building (plus 50sqm of outdoor space). In addition, ‘Multi-Use’ Research and Education spaces are proposed within each of these buildings and outdoor areas.

Operational commitments include providing student and graduate job opportunities, continuing professional development; and provision of physical access to sites/ buildings/ residents/ occupants for the purposes of allowing the researching/ learning functions outlined in the Plan to be carried out.

Each seniors living, aged care, health care and childcare operator will have a Ground Lease with UOW, and each Ground Lease (for a 99-year period) is tied to a binding Collaboration Agreement. The Collaboration Agreements between UOW and all precinct operators, including for the ILAs, RACF, and childcare, is to be a mechanism to enact the implementation of the terms of the Agreement. The terms of the Agreement must include provision for encouraging and enabling teaching, learning, research and other initiatives as relevant. Failure of an operator to deliver on the Agreement will give rise to UOW requiring a cure plan from the operator which outlines steps that the operator will take to address any breach to the satisfaction of UoW and if not resolved, the UOW’s potential termination of the operator’s ground lease.

Conditions of consent are recommended for imposition in relation to the implementation of the Master Plan (inclusive of the collaboration agreements between operators and the University of Wollongong), to ensure that will apply to all subsequent detailed DAs and/or SSDAs for the H&WP.

Intergenerational Interaction

The applicant advises that the H&WP is seeking to be Australia’s first Intergenerational University Community and is underpinned by the vision of ‘Living Well Longer’. It creates settings, spaces and initiatives that will serve as vibrant focal points for different generations to meet, interact, and

collaborate. This provides opportunities for connection across lifespans, including between infants, students, campus staff, and older residents ageing in place.

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. 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.

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 consistent with the object and functions of the University. The proposal provides an intergenerational university-led community, the H&WP is expected to significantly enhance the university's research and growth potential and resultant economic outputs, contributing to its long-term sustainability. The proposed conditions of consent embed the research focus of the precinct which will be underpinned by a management plan and collaboration agreements.

Positive covenant

Upon transfer of the land to the University in 2002 the then Minister for Education and Training imposed a positive covenant on 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.

In 2018 the positive covenant was modified under Section 89 (8) of the Conveyancing Act 1919. The variation added a new specific purpose at 4 being:

Uses of the land for

- (a) Aged care facilities
- (b) Retirement living facilities.
- (c) Commercial offices facilities and
- (d) Disability housing (including carers' and family housing)

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

The positive covenant will remain in force and is consistent with the proposed development.

Pre-lodgement meetings

A formal pre-lodgement meeting was held for the proposal on 30 October 2020. The proponents also met with the Wollongong Design Review Panel (DRP) on two occasions (prior to lodgement of the DA) in September and November 2020.

Customer service actions

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

1.3 SITE DESCRIPTION

Identification

The site occupies the southern part of the Wollongong Innovation Campus located at 3-4 Innovation Way and 1-5 Squires Way, North Wollongong which is identified on the aerial photograph in **Attachment 2** to this report. The site comprises six (6) allotments identified as Lots 7, 8, 9, 10, 11 and 13 DP 1172135, outlined in red on the below aerial photograph: -



Figure 1 – Aerial photograph of the site

The site is irregular in shape with a total area of approximately 7.5 hectares, with one primary road frontage to Squires Way to the site's eastern boundary. The site's southern boundary fronts open space, bushland and Fairy Creek, while Cabbage Tree Creek abuts part of the western boundary.

The area subject to this DA is largely vacant, occupied by two at-grade carparks, turfed open space areas, some scattered vegetation, and grassed stockpiles of excess spoil originating from the development of the northern part of the Innovation Campus.

The area subject to this DA excludes a portion of the proposed Health & Wellbeing Precinct (H&WP) within Lots 7 and 9 in DP 1172135 which is the location of a CHB and associated site preparation works which will be the subject of a separate State Significant Development (SSD DA) to be assessed by the Department of Planning and Environment. The then DPIE has provided its SEARs in respect of this SSD DA.

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 3** depict the location of the site with respect to the Wollongong CBD and the UOW main campus.

The site is situated approximately 1km from both Fairy Meadow train Station and North Wollongong train Station. 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 site to the Wollongong CBD, UOW Main Campus, North Wollongong, and the Fairy Meadow train station.

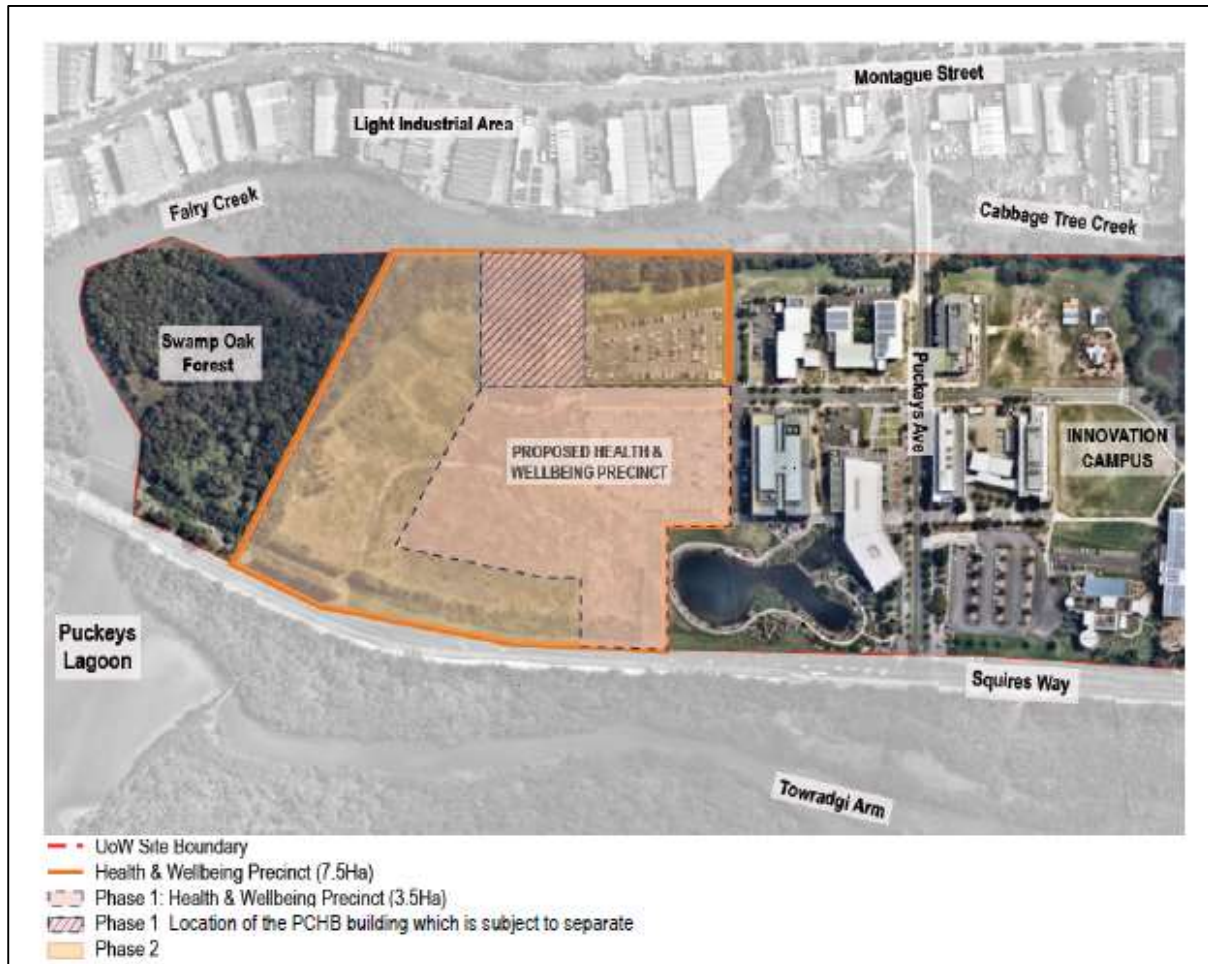


Figure 2 – site identified in shading

Topography

Three stockpiles of varying sizes are located within the H&WP. The site is otherwise mainly flat or gently sloped terrain. The site investigation notes that, “the topographical relief over the H&WP is slight, with surface levels generally falling in the westerly, southerly and easterly direction, at grades of 1 in 40 to 1 in 150, from the central northern part of the H&WP, near the termination of the existing Innovation Way. The overall difference in level is estimated to be about 3.5m from the highest, central northern part (approximately 6 m relative to Australian Height Datum [m AHD]) to the lowest part, the south-eastern corner of the H&WP adjacent to Squires Way (approximately 2.5 m AHD).” The highest points of Stockpiles A - C are approximately 14.60m AHD; 6.70m AHD; and 9.10m AHD, respectively.

The north-western part of the H&WP site comprises two existing on-grade car parks either side of the existing Innovation way. With the exception of the two car parks and Stockpiles A – C, the remainder of the H&WP is vacant, grassed, cleared of dense vegetation and secured by a 2m high perimeter chain-link fence.

Vegetation and Fauna

The site is largely cleared of native vegetation. There are areas ‘Swamp Oak floodplain swamp forest’ at the southern and western boundaries of the site adjoining Fairy Creek and Cabbage Tree Creek, in scattered patches of regrowth within the cleared area, and in the form of planted trees along the eastern

boundary adjacent to Squires Way. These areas of vegetation are identified as being equivalent to an Endangered Ecological Community, while that located within the site boundaries is in poor condition.

The Biodiversity Development Assessment Report (BDAR) submitted with the DA advises that there were no threatened flora or fauna recorded on the site, however, the site is identified as being the potential habitat for 44 threatened or migratory fauna. The BDAR confirms that no threatened flora was recorded within the subject land and no threatened flora are considered to have a moderate or higher likelihood of occurrence in the subject land. Additionally, no threatened fauna species were recorded within the subject land.



Figure 12 Mapping of identified vegetation communities

Figure 3 – vegetation communities

Context

Adjoining development is as follows:-

- **North:** to the north of the site is already developed component of Innovation Campus, which comprises a variety of research, teaching, related residential and commercial uses, whilst further to the north is the suburb of Fairy Meadow. The existing buildings within the northern 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.

- A group of student accommodation housing for 520 residents across 7 buildings.
- Early Education and Long Day Care Centre – a childcare centre and book shop providing early education and long day care for children aged 3 to 6.
- **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.
- **South:** To the south of the site is open space and Fairy Creek. To the south-east is the major public recreation precinct of Stuart Park and North Beach whilst further south is the residential area of North Wollongong.
- **West:** Cabbage Tree Creek forms the western boundary of the site. On the western side of this creek is a large lot industrial precinct occupied by a variety of light industrial land uses including factories and industrial retail outlets, warehouses, self-storage units, recreation facilities, mechanical repair stations, the Council works depot, and a concrete batching plant.

Property constraints

Council records identify the land as being impacted by the following constraints:

- **Fill:** The site contains deep uncontrolled fill up to 7.1m in depth comprising mostly coal washery reject (CWR) over marine swamps and sediments. The CWR was placed many years ago on the site for the development of sports fields.
- **Contamination:** The development site is known to be contaminated due to stockpiling of contaminated material from previous UOW iC development. A range of contaminants were identified. Preliminary and Detailed Site Investigations were submitted with the DA confirming that there are locations within the H&WP of elevated levels of soil contaminants occurring above the adopted assessment criteria requiring remediation.
- **Acid sulphate soils:** The site is mapped as being part Class 3 and 4 Acid Sulfate Soils. While the Acid Sulfate Soils are identified at depth in the natural soils in the Preliminary Site Investigation the proposed works in stage 1 are considered unlikely to disturb these soils and as such an Acid Sulfate Soils Management Plan will be prepared at the future stage when determining the detailed design of buildings and associated structural supports.

Flooding: The site is situated within the Cabbage Tree Creek catchment of the broader Fairy and Cabbage Tree Creeks catchment. Cabbage Tree Creek drains into Fairy Creek to the south of the site, which further discharges to the ocean to the south-east of the site. The submitted flood study has delineated the flood risk precincts across the site; the majority of the site is within the low flood risk precinct however the site is bounded by a medium flood risk precinct to the east, west and south. The proposed buildings will all be designed with finished floor levels above the relevant flood event including freeboard.

- **Bushfire** - The site is mapped as being bushfire prone land, containing Category 1 vegetation in the south-western corner with a narrow band along the creek line to the west of the site. There is potential for the site to be impacted from both the south and east with bushfire attack in the form of ember attack, smoke, radiant heat, and direct flame contact. Accordingly, Asset Protection Zones (APZs) that have been determined for the site and approved in the Bushfire Safety Authority issued by the RFS in July 2020.
- **Nearby heritage items** - The site is not mapped as containing any general or landscape heritage items under the WLEP 2009, nor is it located within a heritage conservation area. The nearest heritage items are located approximately 680m to the north of the site comprising Nissan and Quonset Huts which form part of the migrant hostel which occupied the northern part of the Campus land (State heritage item); approximately 550m to the southeast of the site comprising Seafeld House and Stuart Park, which are both local heritage items. There are no known Aboriginal or European archaeology on the site as addressed in Aboriginal Archaeological Assessment and European Heritage Assessment submitted with the DA. Heritage considerations are discussed at length below at 1.5 and 2.2.10.
- **Easement:** - there is a 6.1m wide easement crossing Lots 9 and DP 1172135 over a Sydney Water sewer main. The development has been designed to avoid impacts on the main.

Aerial and site photographs, along with the zoning extract, are contained at **Attachment 2 & 4** to this report.

1.4 SUBMISSIONS

The application was notified on three (3) occasions in accordance with the provisions of Council's Community Participation Plan 2019:-

- 1st notification period - February/ March 2021 - 8 submissions received - 2 in support, 6 in objection.
- 2nd notification period – January/ February 2022 – 2 submissions received - 1 in support, 1 in objection.
- 3rd notification period – 13 November 2023 – 14 December 2023. 3 submissions received – 2 in objection, 1 in support.

1. Impacts of the development on car parking:- loss of existing car parks; insufficient provision within the campus; impact on parking availability within the nearby industrial area and consequential impacts on businesses within that area

Comment:

The proposal includes the demolition of P3 and P4 car parks, resulting in the loss of 300 car spaces. In addition, there are 30 spaces to be reallocated from P5 parking area.

In response to Council's concerns in relation to the loss of existing car parking areas servicing the existing campus, the applicant has proposed a parking strategy which includes the reinstatement of the lost car parking spaces within other areas of the Innovation Campus. This will be dealt with via a separate planning process (either a separate DA or Part 5 approval). Conditions of consent are recommended for imposition in relation to this issue.

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

The combined GFA of the existing Innovation Campus buildings is 62,000sqm while the proposed GFA of the H&WP 46,900 sqm. Carparking within the existing campus totals 1033 car parking spaces, while the H&WP proposes 398 new car parking spaces.

The existing UOW Innovation Campus plus the proposed H&WP will comprise 108,900 sqm GFA supported by 1,431 car parking spaces. This includes:

- 330 new car parking spaces proposed in the north of the Innovation Campus (W3 and C1 sites)
- 398 new car parking spaces proposed within the H&WP
- 196 existing car spaces to be retained within the proposed H&WP (P5 car parking area)
- 507 existing car parking spaces across the iC unaffected by the proposed H&WP development.

The above total represents a car parking supply rate = 1 space per 76.1 sqm GFA which is within the range required by the DCP. It is also noted that the car parking proposed within the proposed individual building envelopes complies with the applicable parking rates of either the DCP or SEPP (Seniors) 2004.

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

It is noted that additional parking will not be physically delivered as part of stage 1 of this DA, being a Concept DA. The overall quantum of parking will be provided in accordance with the relevant legislation [either the specific rates in SEPP (Seniors) or SEPP (Housing) for the ILAs and RACF, or the DCP rates in respect of the other land uses]. The final parking numbers will be confirmed in the detailed DAs for each building. Bicycle and motorcycle parking will also be provided. The submitted reference plans indicate that the proposed development is capable of delivering car parking in accordance with the applicable policies.

2. Flooding:- concerns that the development will exacerbate flooding impacts on nearby properties.

Comment: flooding and stormwater management issues have been considered in detail in the assessment of the DA and reviewed by Council's Stormwater and Flooding Engineers. Two Flood Impact Assessments have been submitted with the DA, the latest of which states that there will be no adverse flood impacts external to the site in all the storm events up to and including PMF. This has been confirmed by Council's Stormwater and Flooding Engineers.

3. Concerns around appropriateness of land uses with regard to the intended purpose of the Innovation Campus

Concerns were raised that the term 'health and wellbeing precinct' misrepresents what is really proposed, which is a medium density development for seniors. The land wasn't given to UoW to become a development site.

Comment: The term 'health and wellbeing precinct' has been coined by the applicant. The land uses are permitted with development consent, either under the provisions of WLEP 2009 or SEPP (Seniors) 2004. With the measures proposed to be implemented to ensure tangible research and education links are established and maintained between the seniors housing components of the development and the University (management plan, overseeing committee etc), it is considered that the development is consistent with the objectives for the Innovation Campus set out in Clause 7.15(1) of WLEP 2009. This is discussed in greater length with regard to WLEP 2009 below.

1.5 CONSULTATION

1.5.1 INTERNAL CONSULTATION

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 and 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 8**.

Landscape Architect

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

Geotechnical Engineer

No concerns were raised in relation to the proposed development subject to compliance with recommended consent conditions.

Council's Geotechnical Engineer noted that the report dated 10 October 2018 by Douglas Partners has been reviewed with a site inspection and comparison with known geotechnical studies for the general area. It was noted that the report gives preliminary advice to support the development of the concept proposal including earthworks, site preparation and pavement construction.

The site contains deep uncontrolled fill up to 7.1m in depth comprising mostly coal washery reject (CWR) over marine swamps and sediments. The CWR was placed many years ago for the development of sports fields and in that regard was compliant for that use. The natural water table is at shallow depth. Site remediation is required to address environmental contaminants within the fill. Development of the site will result in significant settlement within the uncontrolled fill and consolidation within the underlying soft marine sediments. The loading could compress the soils by as much as 350mm. Therefore, structures founded on the weathered bedrock are recommended. The report demonstrates feasibility of the development from a geotechnical perspective.

An earthworks plan is to be developed by the geotechnical consultant to incorporate site environmental remediation, to rework the CWR above the water table to comply with Chapter E19 of the Wollongong DCP and to manage settlement and consolidation to be compatible with the structures proposed for future stages of the development concept. Consent conditions are recommended.

Environment Officer

Council's Environmental Assessment Officers reviewed the submission material and considered a wide range of matters including contamination and proposed remediation works; ecological considerations; coastal and foreshore issues; bushfire management; riparian corridor issues; and Ecologically Sustainable Development. A number of conditions were recommended for imposition.

Development Traffic Planner

Council's Development Traffic Planner has 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 to Council's Traffic and Transport Engineer subject to recommended conditions.

The following final comments were provided: -

"The proposed intersection arrangement with the pedestrian signals must be included in the Stage 1A works to ensure that pedestrian connectivity across Squires Way is prioritised, and that a safe and efficient access arrangement is provided up front.

The proposed footpath along the Squires Way frontage, which will improve access to the existing bus stop, also needs to be included in the Stage 1A works.

In terms of car parking: The existing car park P5 is proposed to be extended westwards as part of the civil works in Stage 0 (defined initial stage of works proposed in this application and labelled as such on the plans). The proposed ILA Stage 1 will be constructed on the existing P3/P4 car parking area. The applicant is proposing to relocate this parking elsewhere within the site so that the minimum DCP Chapter D14 car parking ratio of 1 space per 40-80m² GFA is retained for the campus as a whole.

To ensure compliance with the above, a condition is recommended which requires a minimum of 312 new car parking spaces in total are to be accommodated at Site W3/W4 and Site C1 as detailed at Figure 10 of Wollongong Development Control Plan 2009 - Chapter D14 Wollongong: Innovation Campus. The new car parking spaces are to be constructed and operational prior to the existing car parking spaces known as P3 and P4 being rendered inaccessible due to works being carried out under this development consent.

ILA stages 1 and 2 require 95 and 136 car parking spaces respectively, and the other future uses on the site such as the childcare centre, food and drink premises and community facilities will provide car parking which will be confirmed in each subsequent DA. The above condition will ensure that car parking remains consistent with the DCP minimum range of 1 space per 40-80sqm GFA.

The swept paths from High Street to Innovation Way allow access by a 12.5 metre rigid truck/bus. However, referring to the swept paths: in making the corner it is noted that the 12.5 metre vehicle crosses the centreline of the road. This results in an unviable bus route. However, the precinct is located within 250 metres of the bus stops on Squires Way (complying with bus planning guidelines) and if a bus were to enter the site it is considered that a more direct and viable bus route through the site would be from the future signals at Squires Way/Innovation Way.

The full extent of Squires Way is proposed to be upgraded from 2 lanes to 4 lanes in the future. A concept design has been prepared for this upgrade but a timeframe for the preparation of detailed designs has not been determined, nor is a future schedule of works.

The applicant has designed the Squires Way/High Street intersection based on the future duplication of the lanes to ensure that there will be minimal impacts in the future and so that the intersection will tie in with the future requirements of the road upgrade.

The applicant is proposing a left in/left out intersection design with pedestrian signals. This arrangement is accepted in principle as per previous discussions.

The development-generated traffic was found to impact the operation of the Princes Highway/Ajax Avenue intersection, and upgrades are proposed which include some minor works to the geometry of the intersection, to convert the existing left turn to a dual left and right turn, and timed parking restrictions on Ajax Avenue in the PM peak to increase the capacity of the turn lanes during this time. Additional upgrades required by TfNSW include alterations to the median island to allow right turning B-doubles turning from the right turn lane to proceed unobstructed, and changes to the signal controller program. TfNSW have recommended conditions of consent relating to the required State Road Intersection upgrades." This work is required by consent conditions.

The recommended conditions are included in the list at **Attachment 8**.

Strategic Planning Officer

Council's Strategic Planning Officer reviewed the application and raised numerous concerns, some of which have been resolved through the submission of revised plans and additional information. The

latest referral raised several of the following outstanding matters. Comments are provided beneath each as to how these have been addressed.

“General Summary

1. Land Use Planning maintain that despite its permissibility under the SEPP Housing, the proposed seniors housing and the resulting urban form is a departure from the strategic purpose of the Innovation campus, as outlined in the LEP and DCP. Whilst the Draft Management Plan provided gives assurance that collaboration agreements will put in place connections to research functions, and other documentation shows various rooms and spaces for research functions in the residential buildings, the fact remains that a residential neighbourhood is being proposed for a university campus, and this has many strategic, urban design and operational implications for the future of the campus.
2. Notwithstanding this departure, several improvements have been made to the Concept DA which mitigate against the potential negative impacts on the function of the Campus as a place for business and research. These improvements help maintain connectivity between the proposed precinct and the rest of the Campus, by implementing some of the physical/structural objectives of the masterplan as outlined in the DCP. The planned extension of Innovation Way to Squires Way, and the improved physical setting of the pedestrian spine and resolution of the chain of ponds are significant here.
3. Of high significance to the resolution of the development proposal for the precinct is the matter of Aboriginal Cultural Significance, and the fact that thus far, the applicant has not considered this potential significance to a satisfactory extent. This is a detailed and complex issue that is being managed in consultation with Land Use Planning’s Heritage officers, and which this referral will not deal with in detail. However, it is important to draw out two points:
 - The resolution of the potential Aboriginal Cultural Heritage Significance of the site and an appropriate way of responding to it must be undertaken with and agreed with the relevant Aboriginal community prior to a consent being issued. It is understood that if the subject site is found to represent the location of a burial ground associated with the ‘Battle of Fairy Meadow’, there will need to be a reconsideration of the proposed precinct design. The review and update required to DCP Chapter D14 will need to address the findings in relation to Aboriginal Cultural Heritage Significance and update the requirements for Aboriginal Cultural Heritage Assessment as required.
4. The timing of the review and update to the DCP is still unclear. The documentation states that *‘Agreement reached on a program for progressing the DCP review as a priority, while continuing to allow for the H&WP precinct to progress’*. We will be recommending as a condition of consent that the DCP review and update needs to be complete prior to the submission of any subsequent DAs under the Concept DA.

The following (assessing planner) comments are provided in response to the above issues:-

- In response to the first item, the form and character of the development has been considered closely by Council’s planners, Design Review Panel and Urban Design Consultant (see comments below). The proposal has been considered at length with regard to the objectives and provisions outlined in Clause 7.15 of WLEP 2009 and Chapter D14 of the DCP – see the relevant section of this report and **Attachment 6** in this regard.
- In response to the item 3, in relation to Aboriginal cultural heritage significance (and since the receipt of this referral) the applicant has undertaken an Aboriginal Cultural Heritage Assessment Report (ACHAR) process as requested by Council and NSW Heritage, followed by the preparation of a cultural values assessment report (CVAR) and an Aboriginal Archaeological Assessment Report.

The ACHAR did not identify any Aboriginal objects, archaeological sites or areas of Aboriginal archaeological potential within the study area. Intact archaeological deposits associated with Aboriginal landscape use are considered highly improbable for numerous reasons. The ACHAR and CVAR did however identify that the project area has high cultural significance for the local Aboriginal community.

A Connecting/Designing with Country (DWC) process has been undertaken (since the receipt of this referral) in parallel with the preparation of the CVAR. The Connecting/DWC reports respond to

the recommendations made in the CVAR, and the analysis and recommendations in the DWC reports have been incorporated into the proposal, including within the UDG where required to guide the final form, placement and finish of the future built elements and landscape.

The CVAR identified three cultural/social values expressed by this landscape, including connection to waterways, the line of view to Mt Keira (Djeera) and a greater cultural resource area, which this site forms part of. The consultation processes identified that the project area has high cultural significance for the local Aboriginal community – the identified cultural value is a feeling of attachment and responsibility for the land, and its association with the highly significant socio-cultural landscape connected to the Battle of Fairy Meadow and subsequent burials. The CVAR identified 16 recommended actions, which are outlined in detail in Section 2.2.10 of this report (Clause 5.10 of WLEP 2009).

- In response to item 4, on 16 February 2024 the University formally re-engaged with Council with a view to collaboratively reviewing the master plan which includes the relevant DCP chapter.

Questions and clarifications

- How will access to the 'shared service road' be controlled, and safety for pedestrians using it ensured?

Comment: this issue will need to be detailed at detailed DA stage. It is noted that the plans indicate the provision of a single width road pavement alongside a formal pedestrian pathway which delineates a separation of pedestrians from vehicular traffic.

- The envelope shown for the Childcare/RACF building includes a central courtyard area. If approved as drawn, and with the articulation area proposed, will there be any issues with subsequent DAs if the proposed layout does not include this internal courtyard? Given the lack of resolution, it is better to be even less specific?

Comment: the envelope of the RACF and CCF has been amended to maintain the line of sight identified in the view impact assessment and cultural values assessment report. Reference plans have been provided to allow for a level of assessment to be made in relation to CCF and RACF compliance, however the final design will be required to be broadly consistent with the Concept DA and must respond to the urban design guidelines.

- Are there potential conflicts with ambulance movements and Childcare pedestrian movements?

Comment: further refinements of the design of the RACF and CCF envelope and supporting carparking and vehicular access arrangements have been made. It is not expected that there will be a conflict with the arrangement proposed; this will however need to be confirmed in the detailed DA for these buildings.

- Will the Sydney Water Easement impact the proposed location of the Squires Way High Street intersection (considering signal pole locations etc)

Comment: Sydney Water has reviewed the proposal and has raised no objection. Section 73 approval will however be required with any detailed DAs for the site.

- 'A GFA plan was submitted to WCC on 11/7/22 showing that the remaining GFA under the LEP/DCP is sufficient to allow for research/education uses to be built across the campus' It's noted that the 'Overall Innovation Campus LEP GFA Diagram' (Rev 2 26 October) logically distributes the 25,000sqm of GFA that will remain after the existing and proposed GFA is deducted from the 135,000sqm LEP maximum. I do note however that the Dragons High Performance Centre, which we understand has the support of the University, would prevent the realisation of around 5,000sqm of this GFA if progressed as per the concept plans. It is also noted that the PCHB (now CHB) has been reduced to what appears to be about 3,000sqm (down from 6,000). This should be updated.

Comment: an updated GFA diagram has been provided which updates all relevant GFA figures.

Remaining Urban Design Concerns

- It is noted that the Connection with Country Component is absent and has not informed the design outcome. This is unsatisfactory.

Comment: ACHAR, CVAR and Connecting with Country processes have taken place as detailed elsewhere within the report. The envelopes have been adjusted where required to respond to the

recommendations of these processes, particularly to maintain key lines of sight identified to Mt Keira (Djeera).

- The ground floor building envelopes of the two ILAs are large and provide no visual or physical permeability for pedestrians using the site. ILA Stage 1 is ~60m x ~85m, and ILA Stage 2 is ~114m x ~56. This scale of development might be expected and work well in the City Centre, where surrounding streets bring activation to the ground floor and basement carparking allows permeability through the podium. The modulation and active uses proposed are noted. There is still a concern that the scale and lack of permeability will result in poor orientation outcomes for pedestrians and block long views across the campus.

Comment: the ground floor envelopes of the two (2) ILA buildings have been revised in response to the comments of the DRP. The podium of ILA Stage 2 in particular has been broken up. The plans have been amended to provide for sleeving of the carparking levels, either with apartments or the dedicated teaching, learning and research spaces within this building. Ground floor apartments are to be provided with individual entrances and private terraces on the primary frontages, to create a more fine-grain built form and active frontage.

- The façade of the Wellness Centre/Gym/Pool should be active with high visual permeability and interest. Decals applied to transparent surfaces will not satisfy this requirement.

Comment: the UDG does not contain any specific requirements in this regard; a condition is recommended requiring the UDG to contain a guiding principle to this effect.

- Greater separation between the two towers of ILA Stage 2 would ensure better maintenance of views through to the escarpment. It is noted that the concept envelope proposes the minimum separation required by the ADG. We would recommend widening this separation to allow for more flexibility in the placement of habitable rooms as well as better access to views through the buildings from the public domain.

Comment: the indicative envelopes and UDG for ILA Stage 2 provides for a minimum separation distance of 19.5m between the towers, to maximise solar access and views to the Green Heart, existing pond, escarpment, and coast, while minimising overshadowing to the Green Heart. This separation distance is appropriate.

- The building address to Squires Way continues to be of concern. The majority of the lower floor facades include screened parking and vehicle entries, and there is a 30-35 space at grade carpark in the front setback of the CHB. This presents a poor interface to Squires Way, particularly confusing the role of the campus as a place for business and research.

Comment: the design of the podium of ILA Stage 2 has been revised to provide for a break in the podium and to introduce building forms and uses sleeving the car parking levels. The UDG provides guidelines around the provision of 3m and 6m setbacks to the building to accommodate a landscape buffer and ILA private gardens. The master plan no longer shows the car parking for the CHB to the east of that building. This will be a matter for the detailed DA. It is noted that the UDG provides the following design principle: - "A varying primary setback (minimum 22m) is to be provided for the building along this edge to Squires Way to allow for landscape buffer."

A number of recommendations were provided in relation to the UDG which have been included / addressed in the revised version of that document. A number of comments were also provided in relation to the management plan which have been considered.

Heritage Officer

Council's Heritage Officer initially raised numerous concerns requiring the submission of further information, in particular the carrying out of further consultation with the local Aboriginal community groups, further archaeological or other appropriate investigation of site and response to Designing with Country (2019) Guidelines. The requested information has been provided.

The proposal is now considered to be generally satisfactory, with consent conditions. The following final comments were provided:-

"The Concept Proposal and enabling works application has been reviewed with regard to heritage impacts and issues in light of the amended package of plans and documents. It is noted that in response to previous requests for additional information and assessment with regard to aspects of the Heritage

values and significance of the site, that the following documents have now been provided and considered:

1. Aboriginal Site History Report, GML, Feb 2023
2. Aboriginal Archaeological Assessment Report, Kelleher Nightingale Consultants, May 2023
3. Cultural Values Assessment Report, Waters Consultancy, July 2023
4. Visual Impact Assessment Report, Ethos Urban, 29 Sep 2023 and supplementary report of October 2023
5. Connecting with Country Report, Milli Milli, June 2023
6. Aboriginal Cultural Heritage Assessment Report, Kelleher Nightingale Consultants, July 2023
7. Urban Design Guidelines, Ethos Urban, September 2023

In response to the above, the development plans have been amended and further considered to respond to some of the key findings, issues and matters raised in the above documents. In particular, the proposed layout of built form and the related road network have been amended to respond to key view issues raised within the consultation process and through the Cultural Values Assessment to better respond to these matters. Further details have been provided around how the proposal will deliver on and respond to some of the key recommendations of the report, and to the cultural values and significance of the site.

CONCLUSION/ RECOMMENDATION

In light of the above, the proposed Concept DA approval and enabling works are now considered to be satisfactory from a heritage perspective, subject to conditions being implemented in response to the consent and during the future staged DA's and approvals that will be required to deliver the planned components and buildings under the Concept approval."

The recommended consent conditions are included in the list at **Attachment 8**.

1.5.2 EXTERNAL CONSULTATION

Integrated Development Referrals

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

- An Environmental Protection License per Sections 43(a), 47 and 55 of the Protection of the Environment Operations Act 1997, as the proposed earthworks and ancillary remediation require disturbing more than 3 hectares of contaminated soil, which is a scheduled activity, therefore needing a license for the on-site storage of contaminated soils. GTAs have been issued by the EPA and will be required to form part of the consent if the DA is approved.
- 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.
- It is noted that no approval is required from the Commissioner of the NSW Rural Fire Service under Section 100B of the Rural Fires Act 1997. A Bush Fire Safety Authority for the Asset Protection Zones under Section 100B of this Act has been issued, and the Concept Proposal DA remains consistent with the conditions of this Bushfire Safety Authority. Conditions of consent are recommended in relation to this issue.

Other External Agencies

Transport for NSW (TfNSW)

The DA was referred to Transport for NSW (TfNSW) in accordance with (the then) Clause 104 and Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007. Initial concerns were raised around lack of information which were resolved through the submission of additional information (intersection detail, SIDRA modelling, detail around upgrade works at intersection of Princes Highway/ Ajax Avenue). No objection was raised to the development following the submission of the requested information.

It is noted that, following an amendment to the proposal to incorporate a signalised pedestrian crossing at the intersection of Squires Way and the new High Street, a further referral was sent to TfNSW as the authority for signals. TfNSW raised no objection to this aspect of the proposal. The conditions recommend by TfNSW are included in those listed in **Attachment 8**.

Endeavour Energy

Endeavour Energy raised no objection to the development.

Sydney Water

Sydney Water raised no objection to the development following the completion of the earlier requested additional hydraulic modelling assessment (for wastewater servicing and water servicing to verify system capability).

NSW Rural Fire Service

No approval is required from the Commissioner of the NSW Rural Fire Service under Section 100B of the Rural Fires Act 1997. A Bush Fire Safety Authority for the Asset Protection Zones under Section 100B of this Act has been issued by the Rural Fire Service (RFS). The applicant has advised that the Concept DA remains consistent with the conditions of this Bushfire Safety Authority.

The proposal was referred to the NSW RFS (on a number of occasions) who has advised that it has no objection to the proposed development subject to compliance with the Bushfire Safety Authority issued for the site dated 29th July 2020. Conditions of consent are recommended for imposition reflecting this requirement.

NSW Heritage

NSW Heritage was consulted in relation to Aboriginal cultural heritage matters. It is noted that there are currently no Aboriginal objects recorded on the land to which this development relates, and as such the development is not being considered as integrated development in relation to the *National Parks and Wildlife Act 1974*. Comments were provided to Council in an advisory capacity only.

At the time of the referral to NSW Heritage, it was recommended that Aboriginal community consultation be undertaken. NSW Heritage noted that there are recorded historical Aboriginal cultural heritage values in this area. As identified by the applicant's consultants in the CVAR,

NSW Heritage also noted that there are recorded Aboriginal cultural heritage sites nearby – being recorded Aboriginal objects in the general vicinity of the site, which reflect the Aboriginal cultural heritage sensitivity of the broader area within which the site is located.

NSW Heritage noted that the applicant's consultant has undertaken an archaeological assessment which indicates that, given the land use history, it is unlikely that Aboriginal objects or intact archaeological deposits are present in the proposed development area.

The recommendations of Heritage NSW at that time were that further Aboriginal community consultation be undertaken. This has since taken place, involving the undertaking of an ACHAR and the preparation of a Cultural Values Assessment Report (CVAR), along with Connecting with and Designing with Country processes. This is discussed in greater detail below regarding Clause 5.10 of WLEP 2009.

Additionally, NSW Heritage recommended, if consent is granted, that the following conditions be applied:-

- No Aboriginal objects may be harmed without approval from Heritage NSW.
- If any Aboriginal object(s) is discovered and/or harmed in, on or under the land while undertaking the proposed development activities, the applicant must:
 - Not further harm the object(s).
 - Immediately cease all work at the particular location.
 - Secure the area to avoid further harm to the Aboriginal object(s).
 - Notify Heritage NSW as soon as practical by calling the DPIE Environment Line on 131 555 or emailing info@environment.nsw.gov.au and providing any details of the Aboriginal object(s) and its location.

- Not recommence any work at the particular location unless authorised in writing by Heritage NSW.
- If harm to Aboriginal objects cannot be avoided, an application for an Aboriginal Heritage Impact Permit (AHIP) must be prepared and submitted to Heritage NSW before work may continue. The AHIP application must be prepared in accordance with Heritage NSW guidelines that are available on our website: <https://www.heritage.nsw.gov.au/applications/aboriginal-objects-and-places/before-you-apply/>.
- In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and Heritage NSW contacted.

These conditions are included in those recommended at **Attachment 8**.

Wollongong Design Review Panel (DRP)

The proposal has been considered by the DRP on numerous occasions, both prior to lodgement of the application and post-lodgement. There is 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 September and November 2020 (DE-2020/57).

Post-lodgement meetings were held 26 March 2021, 7 September 2021 and 25 February 2022.

The Concept DA masterplan for the site has changed considerably since the initial submission of the DA, in response to concerns raised by Council and the DRP and to respond to submissions and the outcomes of the Aboriginal community consultation process (inclusive of ACHAR, CVAR, CWC and DWC processes). The most recent design review was conducted in February 2022 (prior to the undertaking of the ACHAR, CVAR, CWC and DWC) where the following concluding remarks were made:-

“The strategy to develop the precinct around a green heart and an active high street is commendable and could contribute to the successful intergenerational community the project seeks to create.

Significant improvements have been made to the master plan, including the realignment of the pedestrian spine and the revised massing of building form, which are endorsed by the Panel.

However, it must be noted that at this stage the Panel has not seen a detailed concept proposal - including building envelopes and detailed set of urban design guidelines - that should accompany a Master plan proposal of this precinct.

Further detail information is required to develop the diagrams presented to the Panel into a compressive Master Plan for the H&WP. Further development is required to address the following:

- How the proposal relates to future building forms, open spaces and public domain to the south and east.
- Accurate set out of building envelopes.
- Calculations of individual building GFA.
- Dimensions of road and footpath widths.
- Resolution of the interface between the RACF and Childcare centre to facilitate a safe intergenerational space.
- Clarification of master plan staging.
- Public domain and landscape design.
- Meaningful Connection with Country.
- Further detail information is required to demonstrate that ADG solar access and cross ventilation objectives can be achieved.”

The revised package of plans and documents submitted in 2023 and 2024 has been considered in detail by Council's Planner and Urban Design Consultant. Council's planner is satisfied that sufficient information has been provided by the applicant addressing the above identified shortcomings. The final Masterplan, staging plans and Urban Design Guideline, along with the revised / updated SEE and other supporting documents, detail the required information and provide for a suitable design response for the site.

The Urban Design Consultant has reviewed the revised package in response to the feedback of the DRP and to consider broadly issues of design quality and urban design for the site. The feedback of the Urban Design Consultant is provided below.

Urban Design Consultant

Council's Urban Design Consultant has reviewed the revised package of plans and information, inclusive of the Urban Design Guideline, submitted in response to Council and the DRP's request for additional information. The following specific general comments were provided in relation to the proposal overall:-

"The Innovation Campus context is generally isolated from neighbouring properties at the southern end, but interfaces with Cabbage Tree Creek and Fairy Creek to the south-west and Puckey's Estate to the east.

The proposal still retains the general urban design of "tower on podium" due to site constraints including flooding and contamination. However, the relocation of the CHB and RACF, introduction of further landscaped bunds, maximisation of the Green Heart (and removal of the Child care centre (CCC), has attempted to present a program which is more aligned with the DCP objectives of "buildings in a landscaped setting."

Following advice from Council, the applicant has undertaken a more meaningful and engaging Connecting with Country process. While the outcome is unexpected, the use of the stockpile as a landscaped form to support the "natural journey" to view both Djeera and Djembla is supported in principle (following a more thorough and technical assessment at DA stage).

Generally, the majority of comments from the DRP have been addressed through the UDG and concept plans, with some exceptions noted in these comments. Many matters will require further consideration during the DA stage for each building. Additionally, the applicant is encouraged to work with a variety of architects on the site in order to achieve clearly distinct styles and identities for the buildings across the H&WP."

The following comments were provided specifically in relation to the RACF and Child Care Centre:-

"The intergenerational plaza is generally supported to provide a connecting space between the RCAF and CCC, however the through site links and views between buildings are to a carpark. Consideration should be given to what is at the end of these view paths, not only providing functional breaks in buildings.

The south-eastern corner of the RACF still appears to sit outside the boundary of this site – TBC by applicant.

The current entry to the RACF may not be clearly visible from the street without appropriate wayfinding. It is suggested that the multi-purpose hall and reception may be more appropriately swapped with a clearly defined entryway to Innovation Way for residents who may be disoriented. Alternatively, this may be dealt with in detail at DA stage.

The RACF should include appropriate design for climate – currently all rooms appear to be designed in the same manner with no consideration for shading or solar access. Rooms would also benefit from small POS spaces or Juliette balconies for access to light and ventilation."

Suggested recommended changes to the Urban Design Guidelines were incorporated into the latest version of that document, addressing any outstanding issues.

The following comments were provided in relation to the Community Health Building (noting that while this building will be the subject of a separate SSD DA, it should be consistent with the H&WP masterplan and UDG):-

"While this site will be subject to a SSDA, it should still have an appropriate level of detail in the UDG to match the other proposed buildings.

While the applicant's choice to not provide basements is due to the manner in which constraints on site have been approached, parking should not be located facing Squires Way (or pedestrian pathways such as High St and the pedestrian spine). As such it should be sleeved within the building footprint."

Suggested recommended changes to the UDG were incorporated into the latest version of that document, addressing any outstanding issues.

A detailed assessment of ILA Stages 1 and 2 against the design guidelines of the Apartment Design Guide was conducted. It was noted, in relation to most of the design guidance, that the reference plans indicate that compliance is capable however this will need to be confirmed when any detailed DA is lodged. Where shortcomings and non-compliances were identified, the applicant was asked to revise the UDG to introduce mechanisms to ensure compliance. Some matters are also dealt with in the recommended consent conditions listed in Attachment 8.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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 Niche Environment and Heritage (17 December 2021). 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. It is noted that the Concept DA applies to Phase 1 of the H&WP only, while the BDAR extends over the H&WP area to ensure any ecological values and impacts are comprehensively assessed. This includes the full extent of the APZ.

The site is identified to have native vegetation of NSW Plant Community Type (PCT) 1232 Swamp Oak floodplain swamp forest. This is the TEC Swamp Oak Floodplain Forest on the BC Act.

The Project will result in the direct removal of 0.37 ha of poor condition native vegetation, with indirect impacts to 0.66 ha of adjoining native vegetation. No areas of good condition Swamp Oak Forest (PCT 1232) would be directly impacted by the development. Areas proposed to be cleared are restricted to young, scattered patches of regrowth of *Casuarina glauca* and native shrubs over an entirely exotic understorey, with a nonnatural soil profile (large stockpiles of coal wash and other materials).

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 0.25 hectares. A total area of 0.37 hectares of native vegetation is proposed to be cleared for the development. While the proposal triggers the requirement for a biodiversity offset scheme, due to the low vegetation integrity score of all the impacted areas of native vegetation and the lack of habitat for species credit species within the development footprint, none of the impacts of the Project are required to be offset.

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 8**.

2.1 SECTION 4.14 CONSULTATION AND DEVELOPMENT CONSENT—CERTAIN BUSH FIRE PRONE LAND

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

2.2 SECTION 4.15(1)(A)(1) ANY ENVIRONMENTAL PLANNING INSTRUMENT

2.2.1 STATE ENVIRONMENTAL PLANNING POLICY (PLANNING SYSTEM) 2021

[At the time of lodgement of this DA, SEPP (State and Regional Development) 2011 was in effect. This instrument was repealed on commencement of SEPP (Planning Systems) 2021 on 1 March 2022. The provisions of SEPP (State and Regional Development) 2011 were effectively transferred to the new instrument.]

The proposal has a Capital Investment Value (CIV) of more than \$30 million and is declared regional development for the purposes of the Act, necessitating determination by the SRPP (Clause 2, Schedule 6 of the SEPP).

Additionally, the development is Crown Development as the applicant [the University of Wollongong (UOW)] is a Crown authority. Crown development over \$5 million (Clause 4 of Schedule 6 of the SEPP) is declared regional development by the SEPP (s2.19). The Southern Regional Planning Panel is therefore the determining authority.

At the time of lodgement of the DA, the PCHB (now CHB) was the only use within the H&WP that was identified as State significant development (SSD) for the purposes of section 4.36 of the EP&A Act, in that “medical centres” and “health, medical or related research facilities” that have a CIV more than \$30 million CIV are specified in Schedule 1 of the now repealed SEPP (State and Regional Development) 2011.

That SEPP was further amended on 26 November 2021 to include “seniors housing” within Schedule 1. Had the Concept DA been lodged on or after this amendment to the SEPP, it would have satisfied the thresholds for declaration as SSD and also comprise the CHB building (on the assumption that the non-SSD components of the H&WP such as retail and commercial would be considered sufficiently related to the SSD). This would have allowed a single SSD planning pathway.

Despite the change in the applicable legislation in terms of what is identified as SSD, Clause 23 of the repealed SEPP (State and Regional Development) 2011 provides transitional provisions where should a DA be made but not determined before the proposed development was identified as SSD, it remains not SSD. This same transitional provision is provided in SEPP (Planning Systems) 2021 at Section 2.21. Therefore, as the subject Concept DA was made but not determined prior to “seniors housing” being identified as SSD on 26 November 2021, then the application remains regionally significant development and not SSD.

2.2.2 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE & HAZARDS) 2021

[At the time of lodgement of this DA, SEPP 55 – Remediation of Land and SEPP (Coastal Management) 2018 were in effect. Both instruments were repealed on commencement of SEPP (Resilience & Hazards) 2021 on 1 March 2022. The provisions of both SEPPs were effectively transferred to the new instrument].

Chapter 2 Coastal management

Reference to the maps to the SEPP indicate that:-

- the entire site is located within the *coastal environment area*,
- the entire site is located within the *coastal use area*,
- portions of the site (within Lots 10 and 11) are mapped as being areas of *coastal wetland*,
- a large portion of the site is located within the *proximity area to coastal wetlands*.

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



Figure 4 - 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

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

No works are proposed within the mapped wetlands in the site.

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.*

Much of the site is mapped as *land in proximity to coastal wetlands*.

The proposed development is primarily located in cleared, heavily modified areas of the site. As per the submitted BDAR, some minor clearing of poor condition vegetation will be required, which is not considered to have any significant impact and specifically it is noted that such works will not adversely impact upon the coastal wetland.

The BDAR provides an assessment of the impact of the project on Groundwater Dependant Ecosystems and aquatic ecology and found that the proposed development is unlikely to affect the existing hydrological regime or water quality due to the range of WSUD measures and design of the development. Council's Environmental Assessment Officers have reviewed the submitted information and find that the proposal is unlikely to significantly impact upon the adjacent coastal wetlands.

Division 2 Coastal vulnerability area

Note. At the commencement of this Policy, no Coastal Vulnerability Area Map was adopted and therefore no coastal vulnerability area has been identified. 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,*
 - (b) *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,*
 - (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and 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,*
 - (f) *Aboriginal cultural heritage, practices and places,*
 - (g) *the use of the surf zone.*

Comment: Consideration has been given to each of the above matters for consideration and no significant concerns are raised. It is noted that the site is an existing heavily disturbed site, with minimal intact native vegetation. The submitted BDAR has closely examined potential impacts and notes that the wetland would be protected by the establishment and maintenance of a 30m vegetated riparian buffer zone along Cabbage Tree Creek to the west of the subject land and maintenance of the vegetation to the south of the subject land which adjoins Fairy Creek. Clearing proposed within the area mapped as 'Proximity Area for Coastal Wetlands' is restricted to patches of poor condition vegetation supporting small regrowth Casuarina and Acacia over an exotic understorey with a highly disturbed soil profile. Weed removal undertaken in accordance with the submitted VMP will reduce the threat of further weed invasion in the adjoining coastal wetland. The biophysical, hydrological (water quality and groundwater) or ecological integrity of the adjacent coastal wetland is not likely to be significantly impacted by the Project.

The proposal appears to have been designed to avoid significant environmental impact on the coastal environment through siting within existing cleared and disturbed areas, the use of WSUD and best practice construction management (inclusive of effective sediment and erosion control measures, and management of hazardous materials inclusive of contaminated soils. The CMP and remediation action plan address these issues.

See discussion on Aboriginal cultural heritage, practices and places with regard to Clause 5.10 WLEP 2009 below.

(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.

Comment: The consent authority can be satisfied that the development is designed, sited, and will be managed to avoid an adverse impact referred to in subclause (1).

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,

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

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

(iv) Aboriginal cultural heritage, practices and places,

(v) cultural and built environment heritage, and

(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: consideration has been given to the above matters and minimal concerns are raised. It is noted that the site is setback from the foreshore and as such will have no impacts on public access to the foreshore. The proposal is also not expected to have unreasonable impacts on the amenity of the coastal foreshore via overshadowing, wind funneling or loss of views from public places to the foreshore. Aboriginal cultural heritage, practices and places, cultural and built environment heritage have been considered in the assessment - see discussion with regard to Clause 5.10 WLEP 2009 below. It is considered that the consent authority can be satisfied that the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a). In relation to (c), consideration has been given to the surrounding coastal and built environment, and the bulk, scale and size of the proposed development. These matters have been discussed at length elsewhere within this report and attachments and the proposal is satisfactory with regard to these matters.

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. There are no works proposed within 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

Clause 4.6 Contamination and remediation to be considered in determining development application.

The development site is known to be contaminated due to stockpiling of contaminated material from previous UOW iC development. Contaminants include heavy metals and asbestos. A Preliminary and Detailed Site Investigation has been completed by Douglas Partners confirming that there are locations within the site where elevated levels of soil contaminants occur above the adopted assessment criteria.

Preliminary and Detailed Site Investigations, Remedial Action Plan, and Site Auditor Report and Statement detailing the conditions of the site and the proposed methodology for remediating the site were provided with the DA. It is concluded that the site can be made suitable for its intended uses subject to implementation of the remediation strategies, the implementation of an unexpected finds protocols and successful implementation of the validation plan detailed in this RAP. The remediation of the site is an ancillary component of the site development (in particular the necessary site establishment) and will be carried out in stages as per the submitted Construction Management Plan (CMP) and staging plan.

In terms of the process of remediating the site, the preferred remediation strategy recommended (and concurred with by the appointed site auditor) will comprise: -

- Excavate CWR and stockpiles and blend to reduce the elevated chemically impacted material.
- The CWR with elevated combustion gas requires further investigation, followed by further risk assessment of the CWR fill with elevated combustible content, and long term institutional controls.
- Create an on-site “containment cells” for fill impacted with asbestos and other construction and demolition wastes: Physical barrier layer, *i.e.*, capped beneath hardstand or 300mm non-impacted material, in conjunction with appropriate construction management strategies for working with asbestos impacted soils, and long term institutional controls.
- Long Term Management – Ongoing Environmental Management Plan (OEMP) for the fill impacted with asbestos and construction and demolition materials will require that an OEMP be prepared for the H&WP by the Environmental Consultant.

The documents have been reviewed by Council Environmental Assessment Officer who has advised that the reports comply with the NSW EPA Guidelines for Consultants for Site Contamination Assessment and the recommend site remediation work was concurred with by the appointed EPA accredited site auditor. The proposed strategy for remediation is considered acceptable and is supported with recommended consent conditions.

The Site Auditor’s has confirmed that the site can be made suitable for the proposed uses. Council concurs that the site can be made suitable for its intended uses subject to implementation of the remediation strategies.

2.2.3 STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) 2020

No feed tree species listed under SEPP (Koala Habitat Protection) 2020 were identified in the subject site during survey. Consideration of the subject site in terms of Core Koala habitat is not required.

2.2.4 STATE ENVIRONMENTAL PLANNING POLICY NO 65—DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT

[Note: State Environmental Planning Policy Amendment (Housing) 2023 commenced on 14 December 2023, and had the effect of repealing SEPP 65. The provisions of SEPP 65 became Chapter 4 of SEPP (Housing) 2021.]

SEPP 65 applies to residential flat buildings, shop top housings and mixed-use development with a residential accommodation component. It does not specifically apply to seniors housing which is a separately defined land use for the purposes of the planning legislation.

Notwithstanding this, the applicant has advised that the design quality principles of SEPP 65 and the associated Apartment Design Guide (ADG) have been considered in the design of ILA Stages 1 and 2 (which take the form of residential apartment buildings/ shoptop housing development) and these principles are referenced in the Urban Design Guidelines which will be used to guide the detailed DAs for these buildings, particularly with regard to solar access, building separation/setbacks, cross ventilation, private and communal open space provision, and deep soil zone.

Reference plans have been provided with the application (which will not form part of the package of plans and documents submitted for approval but have been submitted to allow assessment of key issues including internal amenity, etc). These reference plans indicate how the future ILA buildings are expected to achieve compliance with key ADG requirements, as follows: -

- **Building separation and visual privacy** (ADG Design Criteria 3F Visual Privacy) - the reference plans prepared for ILA Stages 1 and 2 indicate that the required building separation distances (3F ADG) can be achieved for the proposed buildings, both between each other, to other nearby development, and internally between the two towers of ILA1.
- **Solar access** (ADG Design Criteria 4A-1 Solar Access) - the reference plans prepared for ILA Stages 1 and 2 indicate that the living rooms and private open spaces of at least 70% of apartments will receive a minimum of 2 hours direct sunlight between 9am and 3pm on 21 June, as required by 4A-1. Additionally, assessment of the reference design confirms that a maximum of 10% of apartments within the precinct will not receive any directly sunlight during the winter solstice (max 15% permitted by ADG).
- **Natural cross ventilation** (ADG Design Criteria 4B-3 Natural Ventilation) requires at least 60% of apartments to be naturally cross ventilated in the first 9 storeys of the building. The reference plans indicate that over 60% of apartments within the precinct will be naturally cross ventilated.
- **Private open space** (ADG Design Criteria 4E-1 Private Open Space and Balconies) requires that all apartments have access to balconies of a certain size and a certain depth, and that ground floor apartments or those on podium be provided with private terraces that achieve a minimum area of 15sqm and depth of 3m. The reference plans indicate compliance with these requirements – all ILA units will have either a compliant balcony or private terrace in the case of both ground floor apartments within ILA1 or at the podium roof level for ILA1 and ILA2.
- **Communal open space** (ADG Design Criteria 3D-1 Communal and Public Open Space) recommends that 25% of the site is provided as communal open space and that 50% of the principal usable part of the communal open space receives a minimum of 2 hours direct sunlight between 9am and 3pm on 21 June. The reference plans indicate the provision of compliant COS areas for the ILA buildings, with those areas achieving required solar access.

2.2.5 STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004

[Note: State Environmental Planning Policy (Housing) 2021 (Housing SEPP) commenced on 26 November 2021, and pursuant to clause 10(2) this instrument repeals SEPP Seniors. As per Schedule 7(2) of the Housing SEPP there is a general savings provision that applies the "former provisions of the repealed instrument" (ie SEPP Seniors) to concept DAs and subsequent staged DAs of a concept DA approval. This reads as follows:

2 General savings provision

The former provisions of a repealed instrument continue to apply to the following—

- (b) *a concept development application made, but not yet determined, on or before the commencement date,*
- (c) *a staged development application made subsequent to a concept development application approval granted on or before the commencement date,*

Accordingly, the subject Concept DA together with any subsequent detailed DAs related to the approved Concept DA will be subject to the provisions of SEPP Seniors and not the Housing SEPP.]

Chapter 1 – Preliminary

Clause 4 Land to which policy applies.

The SEPP applies to land *that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if—*

(a) development for the purpose of any of the following is permitted on the land—

- (i) dwelling-houses,*
- (ii) residential flat buildings,*
- (iii) hospitals,*
- (iv) development of a kind **identified in respect of land zoned as special uses**, including (but not limited to) churches, convents, **educational establishments**, schools and seminaries, or*

(b) the land is being used for the purposes of an existing registered club.

The site is zoned partly RE1 Public Recreation and mostly SP1 Special Activities – Innovation Campus under WLEP 2009. The development area is located within the SP1 zoned portion of the site. Within the SP1 zone, ‘educational establishments’ are permitted with consent. The applicant also notes that ‘hospitals’ are a permitted use on the site under Division 10 of SEPP (Transport & Infrastructure) 2021.

The legal advice submitted by the applicant (and reviewed by Council’s Senior Counsel) confirms that the proposed seniors housing is permissible under the Seniors SEPP with consent on the basis that the DA site is “land zoned primarily for urban purposes” and most of the adjoining land is similarly zoned for “urban purposes”.

This being the case, it is concluded that the SEPP applies to the land and as such permit’s seniors housing on the site.

Clause 4 (2) provides that, *for the avoidance of doubt, land that is not zoned primarily for urban purposes includes (but is not limited to) land that is within any of the following zones under another environmental planning instrument—*

(a) a zone that is identified as principally for rural uses,

(b) a zone that is identified as principally for urban investigation,

(c) a zone that is identified as principally for residential uses on large residential allotments

Clause 4(4) states that, for the purposes of this Policy, land that adjoins land that is zoned primarily for urban purposes includes (but is not limited to) land that would directly adjoin land that is zoned primarily for urban purposes but for the presence of a public road to which there is direct vehicular and pedestrian access from the adjoining land.

Clause 4(5), relates specifically to **land zoned for special uses** and existing registered clubs and provides that, *for the purposes of this Policy (and for the avoidance of doubt), a consent authority must not treat—*

(a) land on which development for the purposes of special uses is permitted, or

(b) land that is being used for the purposes of an existing registered club,

*as being land zoned primarily for urban purposes unless it is satisfied **that most of the land that it adjoins is land zoned for urban purposes.***

Comment: the applicant has provided numerous legal opinions in relation to this issue which support the applicant’s contention that the site boundary is entirely adjoining land zoned for urban purposes.

Mr Craig QC, in his advice, concludes:

“I am of the opinion that the development proposed by Lendlease is permissible with the consent of the relevant consent authority...I reach that opinion on the basis that the Site itself is “land zoned primarily for urban purposes” and that most of the adjoining land is also land zoned for “urban purposes”.

Mr Craig QC outlines in his advice:

1. *For the purposes of Clause 4(1) of the SEPP, the Site is zoned primarily for urban purposes because 'educational establishments' are permitted.*
2. *For the purposes of Clause 4(5) of the SEPP, the adjoining SPI – Special Activities zoned land is zoned for urban purposes and therefore 'most' of the adjoining land is zoned for urban purposes.*
3. *Alternatively, if only land immediately adjoining the SP1 zoned Campus Site is considered for the purposes of clause 4(5) (despite clause 4(5) not containing the word 'immediately' or any equivalent form of words) of:*
 - *The R3 – Medium Density Residential zoned land to the north and north-west is clearly zoned for urban purposes (see paragraph 26); and*
 - *The RE1 – Public Recreation zoned land adjoining the Campus Site to the south and east is land zoned for urban purposes.*

Therefore the land *immediately* adjoining the Campus Site is land zoned for urban purposes. Therefore, most of the land that is 'in the neighbourhood of or near to' the Campus Site such that it adjoins the SP1 zoned Campus Site, is zoned for urban purposes.

Council sought Senior Counsel opinion also in relation to this issue. The opinion proffered the view that all land in the vicinity of the site should be regarded as primarily zoned for urban purposes.

Clause 4(5) of SEPP Seniors requires that the Council form a state of satisfaction as to whether or not "most" of the land that adjoins the Campus is land zoned for urban purposes. In this context, "most", in my view, merely requires that a majority of the relevant lands be so zoned.I am of the opinion that most of the relevant lands are so zoned. That is, I conclude that the Council should determine that it has power to approve of the application.

Clause 4(6) states that the SEPP does not apply to—

(a) land described in Schedule 1 (Environmentally sensitive land), or...

Comment: The site is not precluded from the application of the Policy by any of the criteria contained in Clause 4(6), noting that the site is not identified in WLEP 2009 by any of the descriptions contained in Schedule 1 (environmentally sensitive land). Further, despite the land being subject to the provisions of (the then) SEPP (Coastal Management) 2018, Clause 4(7) provides that nothing in subclause 6 operates to preclude the application of the SEPP to that land because the land is identified under SEPP (Coastal Management) 2018 (i.e.. because land is identified under the Coastal Management SEPP does not of itself render that land "environmentally sensitive land" for the purposes of the SEPP Seniors.

Clause 5 Relationship with environmental planning instruments

This clause confirms that if the SEPP is inconsistent with any other EPI (for example WLEP 2009), the SEPP will prevail to the extent of the inconsistency.

Clause 7 Suspension of agreements and covenants

Where development is permitted by the SEPP, the provisions of any covenant or agreement which would prevent that development are to be set aside.

Chapter 2 - Key Concepts

Clause 10 - Senior's housing

The proposal is for the development of *seniors housing* in the form of a *residential care facility* and group of *self-contained dwellings*, that is, or is intended to be, used permanently for seniors of people with a disability.

Clause 11 - Residential care facilities

In this Policy, a residential care facility is residential accommodation for seniors or people with a disability that includes:

- (a) meals and cleaning services, and*
- (b) personal care or nursing care, or both, and*

(c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

not being a dwelling, hostel, hospital or psychiatric facility.

The applicant has advised that the proposed 120-144 bed RACF is consistent with the above definition for *residential care facilities*. The proposed RACF will provide assisted care for seniors including meals and cleaning services, personal care, and nursing care. A range of other services will also be available including access to health practitioners, clinical care and therapy, health and wellbeing facilities and programs including social and emotional support, entertainment, and personal care.

Clause 13 - Self-contained dwellings

(1) General term: “self-contained dwelling” *In this Policy, a **self-contained dwelling** is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.*

(2) Example: “in-fill self-care housing” *In this Policy, **in-fill self-care housing** is seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care.*

(3) Example: “serviced self-care housing” *In this Policy, **serviced self-care housing** is seniors housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care.*

Comment: The applicant has advised that the ILAs are self-contained dwellings, specifically designed for people over 55 years of age who can live independently. Cleaning, meals, and nursing services will not be made available to the ILAs.

Chapter 3 Development for Seniors Housing

Clause 15 - What Chapter does

This Chapter allows for the development for the purposes of Seniors Housing on land that is zoned primarily for urban purposes, despite the provisions of any other environmental planning instrument if the development is carried out in accordance with this Policy.

Comment: The applicant contends that, while seniors housing is not a permitted use in the SP1 zone under the provisions of WLEP 2009, seniors housing is permitted on the site under Clause 15(a) of SEPP Seniors. Consent is sought through this DA as per Clause 16 of this Policy.

As per Clause 4(5), the site is zoned primarily for urban purposes, and it is “to be treated as zoned primarily for urban purposes” (refer to the discussion above). Consent is not sought under Clause 4(4) of this SEPP (being the provision pertaining to land that adjoins land zoned primarily for urban purposes.”)

Clause 16 - Development consent required.

Consent is being sought for the proposal in this DA.

Clause 17 - Development on land adjoining land zoned primarily for urban purposes.

The applicant contends that Clause 17 has no relevance to the proposal as the Campus site is zoned primarily for urban purposes, i.e.. consent is not sought under Clause 4(4) of this SEPP. The permissibility of the development and the requirement for consent is imposed by the combined operation of Clauses 15 and 16, and under Clause 4(1) and Clause 4(5), the site is zoned primarily for urban purposes and it is “to be treated as zoned primarily for urban purposes” as discussed above with regard to Clause 4.

Clause 18 - Restrictions on occupation of seniors housing allowed under this Chapter

This clause specifies that development subject to Chapter 3 must be occupied only by the following:

(a) seniors or people who have a disability,

(b) people who live within the same household with seniors or people who have a disability,

(c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

Comment: Council is required to impose a condition of consent limiting accommodation to those people. Council is also required to be satisfied that a Restriction as to User pursuant to Section 88E of the Conveyancing Act 1919 will attach to the certificate of title, limiting occupation by those people specified in this clause. Conditions of development consent to this effect (in a general sense) will be imposed if consent is granted to the Concept DA and more specific conditions will need to be imposed on the future detailed DAs for the ILAs and the RACF.

Clause 19 - Use of seniors housing in commercial zones

Not applicable; the site is not located in a commercial zone.

Clause 21 - Subdivision

Not applicable; the proposal does not seek any subdivision.

Clause 22 - Fire sprinkler systems in residential care facilities for seniors

The proposed new residential care facility will include the installation of a fire sprinkler system as required under NCC – BCA requirements. This will be a matter to be considered and conditioned in the detailed DA for the RACF.

Clause 23 - Development on land used for the purposes of an existing registered club.

Not applicable - The site does not contain an existing registered club.

Part 1A Site compatibility certificates

Clause 24 - Site compatibility certificates required for certain development applications.

(1) This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing (other than dual occupancy) if—

- (a) the development is proposed to be carried out on any of the following land to which this Policy applies—*
 - (i) land that adjoins land zoned primarily for urban purposes,*
 - (ii) land that is within a zone that is identified as “special uses” under another environmental planning instrument (other than land on which development for the purposes of hospitals is permitted),*
 - (iii) land that is used for the purposes of an existing registered club, or*
- (b) the development application involves buildings having a floor space ratio that would require the consent authority to grant consent under clause 45.*

Comment: A site compatibility certificate is not required. The site is zoned primarily for urban purposes, and it is “to be treated as zoned primarily for urban purposes” because it meets the requirements of Clause 4(5) as discussed above. Consent is not sought under Clause 4(4) of this SEPP as discussed above. As such Clause 24(1)(a)(i) does not apply.

The land is not land that adjoins land zoned primarily for urban purposes [Cl.24(1)(a)(i)], nor is it land that is used for the purposes of an existing registered club [Cl.24(1)(a)(iii)]. While the land is zoned SPI Special Activities, hospitals are permitted on the site under Division 10 of SEPP (Transport & Infrastructure) 2021. As such, it is not land to which Clause 24(1)(a)(11) applies. Similarly, under Clause 24(1)(b), no consent is being sought in this DA for additional floor space under Clause 45.

Part 2 Site related requirements

Clause 26 - Location and access to site facilities

The consent authority is required to be satisfied that the residents of the proposed development will have suitable access to support services, including transport, medical care, and recreation facilities, prior to granting development consent.

(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to—

- (a) *shops, bank service providers and other retail and commercial services that residents may reasonably require, and*
- (b) *community services and recreation facilities, and*
- (c) *the practice of a general medical practitioner.*

Comment:- the applicant has provided written evidence in the form of a Masterplan Site Accessibility report prepared by Accessibility Solution Pty Ltd. The report discusses access to public transport services, pedestrian access through the site to nearby transport stops, footpath gradient access to bus stops, frequency of bus services, and accessibility generally throughout the site.

(2) *Access complies with this clause if—*

- (a) *N/A*
- (b) *N/A as the Wollongong LGA is not located within the Greater Sydney (Greater Capital City Statistical Area)*
- (c) *in the case of a proposed development on land in a local government area that is not within the Greater Sydney (Greater Capital City Statistical Area)—there is a transport service available to the residents who will occupy the proposed development—*
 - (i) *that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and*

Comment:- The RACF and ILAs are located within 400m of the bus stop on Squires Way. Both north and south-bound bus services provide access to the Wollongong City Centre and other town centres within which a range of the required services and facilities are located. The bus stops for these services are located in the town centres.

The plans identify a compliant pedestrian route from the centre of the development area to an existing bus stop (for route 55A) on Squires Way just north of the Puckey Road intersection, via the eastern side of the lake, is 395 metres. A second route via the pedestrian spine to Puckey Avenue is 388 metres in length. The proposal includes the provision of a signalised pedestrian crossing at the intersection of 'High Street' and Squires Way which will provide a more direct path of travel to the south-bound bus stop on Squires Way.

As the bus route operates in an anti-clockwise direction in a single direction looping through the Wollongong CBD into the same bus stop on Squires Way, crossing the road to the 55B route is unnecessary. Therefore, the 388m and 395m travel distances comply with the 400m maximum specified by Clause 26.

- (ii) *that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and*

Comment: the accessibility report states that the main destination bus stop on Burelli Street (in the CBD) is within 400 metres to most shops and services within the Crown Street Mall while the more easterly stop on Burelli Street enables access to the entertainment sector.

The 55A route continues up Corrimal Street and Cliff Road adjacent to North Wollongong Beach and parkland reserves. The access to the railway Station and Wollongong Hospital is achievable from the Crown Street bus stops west of the mall.

- (iii) *that is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive),*
and the gradient along the pathway from the site to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) complies with subclause (3).

Comment: There is more than one service to and from the proposal development (bus stop) from Monday to Friday inclusive. Monday – Friday bus services depart from and arrive at the site with a 10-minute frequency from 7.28am to 6.08pm then a 20 minute frequency to 10.08pm. On Saturdays there are a total 31 services departing from and arriving at the subject site with a 20 minute frequency from

8.28am to 6.28pm, while on Sundays there are a total of 21 services departing from and arriving at the subject site with a 40 minute frequency from 10.28am to 5.28pm.

(3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable:

- (i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,
- (ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,
- (iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.

The accessibility report states that the identified eastern pathway has a very gradual slope of 1:40 around the perimeter followed by 1:20 to Squires Way. The proposed connecting path from the development has a gradient less than 1:14. The pathway is therefore compliant with the requirements of Clause 26(3).

The applicant has advised that the pedestrian pathway to the proposed signalised crossing to be provided near the intersection of Squires Way and 'High Street' will also comply with the above criteria. Compliant pathways will be delivered prior to the occupation of the first seniors housing, being ILA Stage 1. Conditions of consent are recommend requiring the provision of the compliant pedestrian pathways prior to the occupation of the seniors housing (in whichever form it takes – either in the form of the RACF or ILAs), and to ensure that these remain available and functional whilst construction remains underway on other stages of the development.

(4) For the purposes of subclause (2):

- (a) **a suitable access pathway** is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and
- (b) distances that are specified for the purposes of that subclause are to be measured by reference to the length of any such pathway.

Comment: The two compliant pathways identified in the accessibility report will be both sealed, safe pathways. The length of the pathways has been confirmed.

Clause 27 - Bush fire prone land

Being identified as bushfire prone land, the consent authority must be satisfied that the development complies with the requirements of *Planning for Bush Fire Protection* 2019.

The applicant's bushfire consultant worked with the NSW Rural Fire Service (RFS) to achieve a pre-lodgement Bushfire Safety Authority for the development. A Bush Fire Safety Authority has been issued under Section 100B of the Rural Fires Act 1997, and the applicant has advised that the Concept DA is consistent with that BFSA. The DA was referred to the NSW RFS for comment following its lodgement and the RFS advised that it has no objection to the proposed development subject to compliance with the Bushfire Safety Authority issued for the site dated 29 July 2020. If the DA is approved, a condition will be imposed in this regard.

Clause 27(2) states that *a consent authority, in determining a DA for seniors housing on land in the vicinity of land identified as bush fire prone land, must take into consideration the general location of the proposed development, the means of access to and egress from the general location and other relevant matters, including the following—*

- (a) *the size of the existing population within the locality,*
- (b) *age groups within that population and the number of persons within those age groups,*
- (c) *the number of hospitals and other facilities providing care to the residents of the facilities within the locality, and the number of beds within those hospitals and facilities,*
- (d) *the number of schools within the locality and the number of students at those schools,*
- (e) *existing development within the locality that has been carried out under this Policy or [State Environmental Planning Policy No 5—Housing for Older People or People with a Disability](#),*

- (f) *the road network within the locality and the capacity of the road network to cater for traffic to and from existing development if there were a need to evacuate persons from the locality in the event of a bush fire,*
- (g) *the adequacy of access to and from the site of the proposed development for emergency response vehicles,*
- (h) *the nature, extent and adequacy of bush fire emergency procedures that are able to be applied to the proposed development and its site,*
- (i) *the requirements of New South Wales Fire Brigades.*

Comment: In response to the above matters for consideration, it is noted that the site is situated within an urban context with reliable access to trafficable major roads and services. The site is within close proximity of the Wollongong CBD which includes a number of health services facilities including the major regional public and private hospitals which are sufficient to service the existing population within the broader region.

Council has considered the site access, size of the existing population in the area, age group of the expected and existing population, number of other facilities in the area and the number of schools within the locality. It is considered that the surrounding road network is capable of absorbing the increase in traffic expected in a bushfire emergency, with the site being positioned immediately adjacent to and with access to a major collector road. The site internal road network has been designed to accommodate emergency response vehicles. The BFSA noted that the site may rely on an internal spine road with offshoots dead end road, provided the layout meets the conditions of the BFSA and is consistent with the Blackash report lodged with the BFSA request. (specifically Figure 3). The applicant's bushfire consultant has advised that the concept proposal is consistent with Figure 3 of the BHA report dated 28 February 2020.

With regard to (h), the applicant's bushfire report advises that emergency management planning will comply with Table 6.8d of *Planning for Bush Fire Protection* 2019 and that a detailed Bushfire Emergency Management and Evacuation Plan will be completed prior to occupation. Conditions of consent are proposed in relation to this issue to ensure that the detailed DAs for individual buildings appropriately deal with the issue of bushfire emergency management and evacuation.

With regard to (i), it is noted that the site is serviced by reticulated water and all buildings will be located within 70m of hydrants. The applicant advises that the fire hydrant system (incorporating internal and external hydrant connections) will be designed to ensure coverage in accordance with AS 2419.1:2005 and NCC Clause E1.3. This complies with PBP 2019 and will be sufficient for fire brigade vehicles.

Clause 27 (3) states that, *in exercising its functions under subclause (1) or (2), a consent authority must consult with the NSW Rural Fire Service and have regard to its comments.*

Comment: Council has consulted with the NSW RFS with regard to the DA. The RFS has advised that it has no objection to the proposed development subject to compliance with the Bushfire Safety Authority issued for the site dated 29 July 2020. The proposal is considered to comply with the requirements for *Planning for Bushfire Protection* 2006.

Clause 28 - Water and sewer

Council is required to be satisfied by written evidence that the proposed development will be connected to reticulated water and have adequate capacity for sewage disposal. The existing reticulated water and sewerage services on the site are able to be extended and augmented to facilitate the proposed development. The applicant advises that Sydney Water confirmed that the existing watermain in Innovation Way which serves the existing Innovation Precinct, will likely be adequate to serve Stage 1 of the H&WP.

Sydney Water has advised Council that it has no objection to the proposed development. A hydraulic modelling assessment for both drinking water and wastewater servicing has been completed by the proponent. In terms of water servicing, the water system should have adequate capacity to service the proposed development, subject to required extensions.

In terms of wastewater servicing, Sydney Water has advised that the wastewater system should have adequate capacity to service the proposed development and that further detailed requirements will be provided at the S73 application stage. This advice is sufficient to satisfy the requirements of Clause 28.

A condition would need to be applied to each of the individual detailed DAs detailing the requirement to obtain a Section 73 Certificate.

Clause 29 Site compatibility criteria

For applications where a Site Compatibility Certificate is not required by Clause 24, Council is required to consider site compatibility criteria set out in clause 25 (5)(b)(i), (iii) and (v). These criteria are:

(5) The relevant panel must not issue a site compatibility certificate unless the relevant panel—

(b) is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria—

(i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,

The proposal is considered generally compatible with the natural environment. The siting of the proposed footprints for the RACF and the ILAs are located on existing disturbed parts of the site that would avoid and minimise direct/indirect impacts on native vegetation. The BDAR concludes that there will be little impact on existing significant vegetation and, more broadly, that the proposal will not result in unreasonable biodiversity impacts subject to the employment of the mitigation measures outlined in the BDAR inclusive of the implementation of the vegetation management plan, stormwater controls and the like.

There are numerous site constraints which have been discussed elsewhere within this report, including site contamination, flooding, and bushfire hazards. These hazards can be managed. Site remediation works will be undertaken in stages and will be the subject of the detailed DAs for the individual buildings and open spaces; the approach outlined in the Douglas Partners remedial action plan is satisfactory to Council's Environmental Officer. Council's Stormwater Engineer has advised that the Concept DA is appropriate regarding flooding constraints and the NSW RFS had advised that the Concept DA is acceptable subject to compliance with the BFSAs.

(iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,

The site has existing access to services and existing utilities which are adequate to service the proposal, with augmentation in the case of the utility services. As noted above regarding Clause 26, a range of retail, community, medical and transport services are available in the broader locality. Some retail, community and medical services will be provided within Phase 1 of the H&WP, while others can be readily accessed via public transport or private vehicle. The development is satisfactory regarding the requirements of Clause 26 as discussed above.

Utilities will be required to be extended to the building envelopes by the developer as part of the relevant stages of construction.

All infrastructure costs will be required to be borne by the developer.

(v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development,

Noting that this is a Concept DA, with the detailed design of future buildings to be the subject of specific detailed DAs, the proposed development is broadly considered to be generally compatible with the bulk, scale, built form and character of the existing, approved and future uses of land in the vicinity of the development. The UOW Innovation Campus under WLEP 2009 and WDCP 2009 contemplates buildings up to 30m and 32m in height with a campus-wide maximum GFA of 135,000m². The proposed building envelopes in the urban design guidelines are consistent with these requirements. The issue of character is discussed in further detail in the report with regard to the Campus-specific controls contained within Chapter D14 of Wollongong DCP 2009, and below in regard to the Part 3 Design Requirements of this SEPP.

Part 3 Design Requirements

Division 1 General

Clause 30 Site analysis

Council is required to be satisfied that the applicant has taken into account a site analysis prepared by the applicant in accordance with this clause. The site analysis must be in the form of plans and a written statement. A comprehensive site analysis plan and written analyses are provided in the SEE, Urban Design Report and associated technical assessments as required by Clause 30. These are considered satisfactory and have addressed the relevant parts of this clause.

Clause 31 Design of in-fill self-care housing

In determining a development application made pursuant to this Chapter to carry out development for the purpose of in-fill self-care housing, a consent authority must take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration) the provisions of the *Seniors Living Policy: Urban Design Guideline for Infill Development* published by the Department of Infrastructure, Planning and Natural Resources in March 2004.

The applicant advises that The Seniors Living Policy: Urban Design Guideline for Infill Development was published in 2004 and is now, in practice, considered to be out of step with modern and more complex seniors housing delivery in NSW and is under review. It is also noted that the guideline was developed for independent living units proposed on in-fill low and medium density residential zoned land on regular shaped allotments. Accordingly, it is of little relevance to guide and assess the proposed development of the H&WP Concept DA.

Irrespective of this, the infill self-care housing has been considered regarding the five sections of the guideline and the following comments are made:

1. Responding to context –

- The primary development controls setting the future context / desired future character for the site are those contained within the applicable provisions of Wollongong LEP 2009 and Chapter D14 of Wollongong DCP 2009, which are addressed at the length in the report and relevant attachments. The buildings are below the applicable height limit and the GFA of the buildings in total is well below the maximum GFA cap set for the Campus (WLEP 2009).
- The proposed H&WP has been designed to be generally consistent with the development structure contained within Chapter D14 of *Wollongong DCP* 2009. The proposed site layout responds to its existing and future context and enables remaining undeveloped land in the south of the campus to be developed in accordance with the Precinct Plan. The proposed seniors housing component of the development has been designed to respond to likely future building envelopes and road layout expected for the southern remaining part of the campus once it is developed in future. The site layout proposed in this application will not preclude future development to the south and provides for a logical street network that will integrate and function well with future development in that southern portion of the site (see 'Precinct Master Plan').
- The scale, height, articulation, and proposed finish of the buildings detailed in the building envelope plans and urban design guidelines is considered to be generally appropriate with regard to existing built form in the Campus. It is noted also that the proposed envelopes indicated in the massing forms (see 'Envelope Plans and Sections for Approval' plans in Attachment 1) are not dissimilar to the envelopes shown on the development structure plan (Fig 6 Chapter D14) and the height, setbacks etc are generally compatible with the built form envisaged by the planning controls.
- The Urban Design Guidelines will guide the detailed design of future buildings and public domain areas and have been developed with reference to the character of the existing Innovation Campus and the principles embedded in Chapter D14.
- Trees will be retained across the site where possible, including the existing mature vegetation along Squires Way. New tree planting and extensive landscaped areas will be provided throughout the H&WP in accordance with the landscape master plans guided by Chapter D14 of WDCP 2009.

2. Site planning and design

The proposed H&WP is designed to be generally consistent with the Chapter D14 of WDCP 2009 Precinct Plan, regarding the location of buildings, open space areas and the street network. The detailed design of buildings within the proposed maximum building envelopes will be in accordance with

the Urban Design Guidelines which include guidance for the buildings' interface with the streetscape as well as parking, vehicular access, and circulation requirements, and the like.

3. Impacts on streetscape

The proposed development is located on an undeveloped area within the Innovation Campus and will create new streetscapes within this section of the Campus. The Urban Design Guidelines outline controls to ensure that a consistent scale is created by future buildings where interfacing with the new road network and includes controls for articulation and landscaping to reduce the visual bulk of future buildings, as well as strategies for parking and access, and clear targets for amenity and sustainability. Building forms have been modelled to ensure wind conditions remain comfortable for pedestrians and solar access is maintained to streets, the pedestrian spine, and Green Heart, as far as practicable.

4. Impacts on neighbours

The proposal is generally consistent with the planning controls provided by the LEP and DCP regarding bulk, scale and built form generally. There are not expected to be any direct impacts on neighbours arising from the development other than via traffic generation and parking impacts. The building envelopes have been modelled and developed to maintain solar access to public domain areas and adjoining buildings.

5. Internal site amenity

The applicant has provided sufficient information with the DA indicating that the proposed ILAs will comply with the solar access, natural ventilation, private open space, and communal open space requirements of the NSW Apartment Design Guide (ADG) and this SEPP. Detailed DAs for the individual buildings will need to be designed to ensure that the buildings provide for appropriate internal amenity.

Clause 32 Design of residential development

A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2 i.e., clauses 33-39, as discussed below. It is considered the development has generally demonstrated adequate regard to the principles set out in Division 2, discussed below:

Division 2 Design principles

Clause 33 Neighbourhood Amenity and Streetscape	
<i>Requirement</i>	<i>Comment:</i>
(a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and	<p>A detailed site analysis has been provided within the applicant's Urban Design Report, addressing the existing local planning controls where relevant.</p> <p>The indicative masterplan for the site provides for a structure that generally aligns with the site planning principles contained within Chapter D14 of the DCP (discussed in Attachment 6), including the continuation of the pedestrian spine, road network, indicative envelopes, and open space areas, as well as the chain of ponds being a key aspect of the WSUD and landscape strategies. The indicative building envelopes (in terms of location, height, and scale) are generally consistent with that shown in Chapter D14.</p>
(b) retain, complement, and sensitively harmonise with any heritage conservation areas	<p>There are no listed heritage items within the site nor is it located within a heritage conservation area. There are nearby heritage items as discussed with reference to Clause 5.10 of</p>

in the vicinity and any relevant heritage items that are identified in a local environmental plan, and	WLEP 2009. The development site is however distanced from the listed items and thus will not have an adverse impact on the listed items.
<p>(c) maintain reasonable neighbourhood amenity and appropriate residential character by:</p> <p>(i) providing building setbacks to reduce bulk and overshadowing, and</p> <p>(ii) using building form and siting that relates to the site's land form, and</p> <p>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and</p> <p>(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and</p>	<p>The proposal seeks to achieve a reasonable neighbourhood amenity and create a high-quality neighbourhood character. The indicative envelopes and massing forms are illustrated on the masterplan and are detailed within the Urban Design Guidelines however the specific details of individual buildings will be the subject of the future detailed DAs.</p> <p>Building setbacks have been considered at a broader precinct-scale to ensure appropriate amenity and scale, to respond to the streetscape and maintain good solar access. The masterplan provides street-specific objectives and guidelines and setbacks, have been detailed to achieve specific outcomes for each site (e.g. activation of High Street; reduced overshadowing of green heart; maintain important view corridors; minimise wind disturbance for pedestrians etc).</p> <p>There is no development (outside of the iC) that occurs immediately adjacent to the development site. The iC development immediately adjoining the northern fringe of the development area has been considered in the masterplan and urban design guidelines and ILA Stage 1 has been designed to integrate with Road 3 which abuts the northern boundary of ILA Stage 1.</p>
(d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and	<p>The Concept DA relates to largely vacant land and the applicant contends that this creates the opportunity to create a new architectural language, while addressing the context of the existing Innovation Campus.</p> <p>The detailed design of buildings on the site will be guided by the Urban Design Guidelines which will form part of the Concept DA approval if consent is granted.</p>
(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and	Landscape plans and the landscape strategy have been outlined in the SEE, the plans and within the Urban Design Guidelines. This includes the landscape vision for the public domain inclusive of the pedestrian spine, 'Green Heart' and streetscapes, with each street featuring a defined but integrated landscaped character.
(f) retain, wherever reasonable, major existing trees, and	The development area is largely devoid of vegetation. Trees that will be affected by the physical works include minor saplings and regrowth areas along parts of the southern and western boundaries of the Campus, e.g. where the proposed High Street intersects with Squires Way.

	There are no trees proposed for removal in the footprints of the proposed seniors housing building envelopes.
(g) be designed so that no building is constructed in a riparian zone.	Buildings and structures will be setback from the riparian corridors.

Clause 34 Visual and acoustic privacy	
<i>Requirement</i>	<i>Comment:</i>
The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:	
(a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and	<p>The separate and future DA/s for the detailed design and construction of buildings will detail the location of windows, balconies and the like.</p> <p>There are no neighbouring or nearby residential buildings that could be affected by the proposed H&WP.</p>
(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.	To be detailed in the separate future DAs for the design and construction of buildings. The applicant has advised that the ILA dwellings and RACF bedrooms will be appropriately separated from driveways, parking areas and the like and acoustically treated as necessary. A Noise Impact Assessment was provided with the DA assessing the potential impacts of external noise sources on the proposed development. Further testing and design will be completed as part of the separate and future DA/s for the detailed design and construction of buildings.

Clause 35 Solar access and design for climate	
<i>Requirements</i>	<i>Comment</i>
The proposed development should:	
(a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and	<p>There are no neighbouring or nearby residential developments that will suffer reduced solar access as a result of the proposed H&WP.</p> <p>The indicative plans suggest that a minimum 70% of living rooms and private open space areas for the ILAs will achieve 2 hours of direct sunlight at midwinter which is consistent with the requirements in 4A-1 of the ADG. Further analysis will be provided with the separate and future DA/s for the detailed design of the seniors housing buildings.</p> <p>Solar access to the indicative communal open space areas has been demonstrated.</p>
(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation	To be detailed in future detailed DAs for individual buildings. The applicant has advised that the buildings will be designed to ensure units

solar heating and lighting by locating the windows of living and dining areas in a northerly direction.	<p>receive required natural ventilation and solar access.</p> <p>The indicative building envelopes for the RACF and ILA buildings suggest that the configuration of these buildings will maximise solar access and natural ventilation opportunities.</p> <p>Sustainability Reports were provided with the DA outlining the initiatives to be implemented at each stage of the development. This will include achieving a minimum of a 5 Star rating for the ILAs (and RACF) under the Green Building Council of Australia (GBCA) Green Star Design and As Built v1.3 rating tool. The ILAs will be required to achieve BASIX/ Sustainable Buildings SEPP targets for energy and water efficiency and thermal comfort.</p>
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Clause 36 Stormwater	
<i>Requirements</i>	<i>Comment</i>
The proposed development should:	
(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and	A Stormwater Management Plan has been submitted with the DA detailing the proposed design of the stormwater drainage network inclusive of the stormwater quality / water sensitive urban design strategy to be implemented within the H&WP.
(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.	<p>The stormwater management system incorporates WSUD principles. Rainwater reuse tanks will be provided.</p> <p>OSD is not proposed as the site is within an OSD concession zone under WDCP 2009.</p>

The application has been reviewed by Council's Stormwater Officer who has advised that satisfactory arrangements have been made to ensure stormwater impacts have been minimised subject to recommendations that have been included in the draft conditions.

Clause 37 Crime prevention	
<i>Requirements</i>	<i>Comment</i>
The proposed development should provide personal property security for residents and visitors and encourage crime prevention by—	
(a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and	To be the subject of detailed DAs for the RACF and the ILAs.
(b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and	To be the subject of detailed DAs for the RACF and the ILAs.

(c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door	To be the subject of detailed DAs for the RACF and the ILAs.
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Further discussion is provided regarding Chapter E2 of Wollongong DCP 2009 in relation to the implementation of CPTED principles across the broader H&WP.

It is noted that the site master plan has been assessed regarding the principles of CPTED. A range of recommendations relating to surveillance, lighting and technical supervision, territorial reinforcement, design, definition and designation, environmental maintenance, activity and space management and access control, that have been nominated to further improve the safety and security of the proposed development. Most of the measures to be incorporated will be dealt with in the future detailed DAs for the individual buildings and public domain spaces on site.

Clause 38 Accessibility	
<i>Requirements</i>	<i>Comment</i>
The proposed development should:	
(a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and	<p>There are clear pedestrian links through the H&WP and connections with the broader Campus. The pedestrian spine will continue through the site. The accessibility report provided with the DA (discussed regarding Clause 26 above), identifies three pathways providing compliant access to nearby bus stops. These are safe, accessible, and legible. As noted above regarding Clause 26, conditions are recommended ensuring that the pathways are constructed in full prior to the occupation of the first seniors housing, being ILA Stage 1 as per the current staging plan.</p> <p>The pathways are obvious and safe.</p>
(b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.	<p>The Urban Design Guidelines and master plan seek to create attractive safe environments for pedestrians and motorists. The proposed road network and pedestrian pathways have been designed to be legible, safe, and accessible, connecting with the existing internal and external networks.</p> <p>Parking provision will be specified in the detailed DAs for the buildings, to be guided by the broad parking strategy for the RACF and ILA buildings outlined in the Urban Design Guidelines.</p> <p>It is noted that on-street parking will be used in part to support visitors and short-term parking for the CHB, café/ retail spaces and the like.</p>

Clause 39 Waste Management	
<i>Requirements</i>	<i>Comment</i>
The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	<p>To be specified in the detailed building DAs.</p> <p>It is noted that the DA was accompanied by a 'Master Plan Waste Management Strategy' outlining the principles for waste management</p>

	associated with the future operation of buildings. The Strategy makes recommendations that have been responded to in a general sense by the Concept DA.
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Part 4 Development Standards

Division 1 General

Clause 40 Minimum sizes and building height

Consent must not be granted to a DA made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause, outlined in the below table:

Clause 40 – minimum sizes and building height				
Clause	Matter	Required	Proposed	Complies
40(2)	Allotment size	Minimum 1000m ²	Overall site area approx. 7.5ha; area of the RACF and ILA footprints exceed 1000sqm each. ILA Stage 1 – site area 6395sqm ILA Stage 2 - site area 7953sqm	Yes
40(3)	Frontage	Minimum 20 metres at building line	ILA Stage 1 site - frontages exceed 20m at building line to both 'High Street' and Innovation Way ILA Stage 2 – site - frontages exceed 20m at building line to 'High Street', service lane, Road 1 and to pedestrian spine.	Yes

40(4)(a)	<p>Building height</p> <p>"height" in relation to a building, means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point.</p> <p>"ground level" means the level of the site before development is carried out pursuant to this Policy"</p>	In zones where residential flat buildings are not permitted, maximum height of 8m (to ceiling)	Residential flat buildings are not permitted in the SP1 – Innovation Campus zone	No, indicative maximum heights of seniors housing components are 30m, which is consistent with the maximum permissible height limit as per WLEP 2009.
40(4)(b)		In zones where residential flat buildings are not permitted, maximum 2 storeys where adjacent to the allotment boundary		As above. massing forms/ envelopes for the RACF and ILA buildings indicate heights in the order of 30m.
40(4)(c)		In zones where residential flat buildings are not permitted, maximum 1 storey in rear 25% of site	As above	
40(5)	Development applications to which clause does not apply	Subclause (2), (3) and (4)(c) do not apply if the application is made by any other social housing provider	The application has been made by UOW and Keyton (former Lendlease Retirement Living, neither of which are social housing providers	The allotment size and frontage development standards apply to the development and comply.

Division 2 Residential care facilities—standards concerning accessibility and useability

Access to the RACF will be required to be provided in accordance with the NCC and the Commonwealth Aged Care Accreditation Standards.

The applicant has submitted a 'Masterplan Site Accessibility' report prepared by Accessibility Solutions Pty Ltd which discusses accessibility generally throughout Phase 1 of the H&WP; this report concludes that the development will provide equitable and inclusive access in a manner that is consistent with the DDA, NCC, this Policy and Council's DCP.

The specifications of the RACF will be detailed in the future detailed DA for that building; compliance with the NCC, relevant standards and the Commonwealth Aged Care Accreditation Standards will be required to be demonstrated.

Division 3 Hostels and self-contained dwellings—standards concerning accessibility and Useability (Clause 41 - Standards for hostels and self-contained dwellings)

Consent must not be granted to a self-contained dwelling unless the proposed development complies with the standards specified in Schedule 3 for such development.

The standards applying to self-contained dwellings relate to detailed matters including siting standards, security, private car accommodation, accessible entry, interior circulation, bedroom and bathroom dimensions and specifications, door hardware and the like. These matters will need to be addressed within the detailed DAs for the ILAs.

Part 5 Development on land adjoining land zoned primarily for urban purposes.

Not applicable.

Part 6 Development for vertical villages

Not applicable.

Part 7 Development standards that cannot be used as grounds to refuse consent.

Division 1 General

Clause 46 Inter-relationship of Part with design principles in Part 3

(1) Nothing in this Part permits the granting of consent to a development application made pursuant to this Chapter if the consent authority is satisfied that the proposed development does not demonstrate that adequate regard has been given to the principles set out in Division 2 of Part 3.

See above for comments relating to Division 2 of Part 3 (33-39).

Clause 47 - Part does not apply to certain development applications relating to heritage affected land.

Not applicable.

Division 2 Residential care facilities

Clause 48 - Standards that cannot be used to refuse development consent for residential care facilities

A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a residential care facility on any of the following grounds—

Clause	Required	Proposed	Complies
48(a) Building height	Buildings are no less than 8 metres in height	Concept DA provides for a building envelope for the RACF with a height in the order of 8 storeys overall. The UDG specifies a maximum building height of 30m.	No – merit assessment as 30m height limit is established under the LEP. The RACF has been designed to comply with the LEP height limit which is the most appropriate limit for the site.
48(b) Density and scale	Floor space ratio is less than 1:1	The Concept DA provides an envelope for the RACF suggesting a possible GFA of 8550sqm (measured as per the SEPP definition) on a potential leasable	No – merit assessment as overall campus wide GFA cap is set by WLEP 2009 and there is no specific maximum FSR specified by the LEP.

		<p>lot area of 5922sqm equating to a theoretical FSR of 1.44:1.</p> <p>The applicant notes that the overall H&WP proposal has been designed to comply with the GFA cap stipulated for the Innovation Campus in Clause 7.15 of WLEP 2009.</p> <p>Details to be confirmed in detailed DA for the RACF.</p>	<p>In terms of merits, the proposed development (overall) has been designed to be compliant with the 135,000m² GFA cap stipulated. The RACF building will form part of a precinct where the intention is to create a mixed-use, high-density environment. In this way, the built environment has similarities in characteristics to a mixed use or higher density residential zone in built form, scale, and character.</p> <p>Therefore, the non-refusable FSR standard of 1:1 is not considered to be the most appropriate in this instance.</p> <p>It is noted that across the H&WP, inclusive of the RACF and the ILA buildings, the FSR is in the order of 0.32:1 in total.</p> <p>The bulk of the RACF building envelope is not unreasonable or uncharacteristic of the campus and has been modelled to have regard to maintaining key view corridors, to maintain solar access to public domain areas, and relate to the built form character of the H&WP and the broader campus. Setbacks and landscaped area quantum are appropriate.</p>
48(c) Landscaped area	<p>Minimum 25m² of landscaped area per residential care facility bed is required</p> <p>Approx. 120 beds = 3000sqm landscaped area required</p>	<p>3000sqm landscaped area required; around 3000sqm of landscaped area proposed which includes the podium and roof level gardens. Total LA = approx. 25.7sqm of landscaped area per bed.</p>	<p>Yes.</p> <p>It is noted that significant public domain contribution is proposed in the form of the 5950 sqm green heart which is adjacent the RACF, along with other public domain areas. Sufficient boundary setbacks are</p>

			proposed which will allow planting to boundaries to provide softening of the building required to achieve the landscaped area objectives of Chapter D14 of the DCP.
48(d) Parking for residents and visitors	1 space per 10 beds 1 space per 2 staff members on duty at one time 1 ambulance space	120 beds The proposal identifies 90 high care beds and 30 high care dementia beds; 36 staff members on duty at any one time 120 beds/10 = 12 spaces 36 staff/ 2 = 18 spaces 30 car spaces are required; the updated Parking strategy identifies the car parking allocation for the RACF as 30 spaces plus one ambulance bay	Yes; to be confirmed and detailed in DA for RACF building

Note. The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent.

In terms of compliance with the provisions of clause 48 of SEPP Seniors, these provisions are standards that cannot be used to refuse consent, or “non-refusable” standards, and therefore they are not designed to be used as maximum development standards. The applicant contends that, arguably the non-refusable standards of SEPP Seniors are primarily intended to guide development in low density residential zones, rather than in a setting such as a university innovation campus where a very different building typology and density is contemplated. In the case of the proposed H&WP, the intention is to create a mixed-use, higher density precinct that promotes activity and facilitates learning/research opportunities for residents, university students and staff. This is reflected in the 30m height limit, large GFA cap for the site (WLEP 2009) and the envelopes contemplated by the development footprint in Chapter D14 of WCP 2009.

Division 3 Hostels

Not applicable; the proposal does not include a hostel.

Division 4 Self-contained dwellings

50 Standards that cannot be used to refuse development consent for self-contained dwellings

A consent authority must not refuse consent to a DA made pursuant to this Chapter for the carrying out of development for the purpose of a self-contained dwelling (including in-fill self-care housing and serviced self-care housing) on any of the following grounds—

Clause	Required	Proposed	Complies
50(a) Building height	Buildings are no less than 8 metres in height	Concept DA indicative building envelopes for ILA1 and ILA2 have heights marginally under the permissible height limit of 30m permitted by the LEP	No – merit assessment as 30m height limit is established under the LEP
50(b) Density and scale	Floor space ratio is less than 0.5:1	The Concept DA provides envelopes for the ILA buildings	No , merit assessment. The FSR proposed is considered more

	<p>ILA Stage 1 – site area 6395sqm</p> <p>ILA Stage 2 - site area 7953sqm</p>	<p>suggesting a possible GFA of:</p> <p><u>ILA Stage 1</u> – GFA 15,050sqm (as per LEP GFA definition): 6395sqm potential leasable lot area equating to a theoretical FSR of 2.35:1</p> <p><u>ILA Stage 2</u> - total GFA 19,800sqm on a potential leasable lot area of 7953sqm equating to a theoretical FSR of 2.49:1.</p> <p>The applicant notes that the overall H&WP proposal has been designed to comply with the GFA cap stipulated for the Innovation Campus in Clause 7.15 of WLEP 2009. The overall FSR for the H&WP is estimated to be 0.32:1.</p> <p>Details to be confirmed in detailed DA for the ILA buildings.</p>	<p>appropriate in this instance given the higher density sought to be achieved on the Campus. Whilst there is no maximum FSR specified for the site in the LEP, there is a cap on GFA for the campus overall, and the height limit being 30m contemplates higher density development.</p>
48(c) Landscaped area	Minimum of 30% of the site area	<p><u>ILA Stage 1</u>– landscaped area 2469sqm (38% of the site area)</p> <p><u>ILA Stage 2</u> - landscaped area 2853sqm (36% of site area)</p>	Yes
50(d) deep soil zones	<ul style="list-style-type: none"> • DSZ of not less than 15% of the area of the site • 2/3 of the deep soil zone should preferably be located at the rear of the site • each area forming part of the DSZ should have a minimum dimension of 3m 	<p>The reference plans for ILA Stage 1 indicate that 470sqm DSZ is proposed (7% of the site area).</p> <p>ILA Stage 2 - DSZ proposed 1790sqm (22.5% of site area).</p>	<p>No for ILA Stage 1 which will achieve the ADG requirement of 7% rather than the SEPP requirement of 15% of the site area. In the circumstances, a merit assessment is considered appropriate given that the form of the building takes a similar form to that of a residential flat building or shoptop housing development in an urban setting. It is relevant to note that there is a large quantum of landscaped</p>

			<p>area near to the building including the green heart and landscaped area around the pond which will form the landscaped setting of the building.</p> <p>Yes for ILA Stage 2.</p>
50(e) solar access	<p>Living rooms and private open spaces for a minimum of 70% of the dwellings to receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter</p>	<p>The UDG require a minimum 70% of living rooms and POS areas achieve 2 hours of direct sunlight during these hours at midwinter, which is consistent with the requirements of the ADG. This control is considered to be more appropriate given that the 2 ILA buildings take the form of residential flat buildings.</p>	<p>No, merit assessment sought.</p> <p>Solar access is consistent with the ADG solar access requirements (4A-1) which are more relevant in the case of taller, higher density development</p>
50(f) private open space for in-fill self-care housing	<p>Ground floor units - min 15sqm POS required; of this open space, one area is not less than 3m wide / 3m long and accessible from a ground floor living area</p> <p>(ii) in the case of any other dwelling, min balcony area of 10sqm (or 6 sqm for a 1 bedroom dwelling), min 2, length and depth and accessible from a living area.</p>	<p>Applicant indicates that the ground floor units and those that open onto the podium roof level will be a minimum of 15msqm.</p> <p>All other units will have balconies designed to achieve compliance.</p>	Yes
50(h) Parking	<p>0.5 spaces for each bedroom</p> <p>ILA Stage 1 – potential 95 apartments in a range of sizes ILA Stage 2 – potential 136 apartments in a range of sizes</p>	<p>Traffic Report parking analysis is based on 231 units within the ILAs. An average bedroom number of 2 has been applied, therefore arriving at an estimated parking requirement of 231 (residential) car spaces across both buildings. The updated Parking Strategy indicates the provision of 231 spaces for the IL units. This will need to be resolved in the detailed DAs for the ILAs; for the purposes of determining the Concept DA, it</p>	Yes

		appears that the envelopes are sufficient to accommodate the required number of car spaces.	
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Chapter 4 Miscellaneous

Clause 55 Residential care facilities for seniors required to have fire sprinkler systems

To be addressed in the detailed DA for the RACF.

2.2.6 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT & INFRASTRUCTURE) 2021

[At the time of lodgement of this DA, SEPP (Transport) 2007 was in effect. This instrument was repealed on commencement of SEPP (Transport & Infrastructure) 2021 on 1 March 2022. The provisions of SEPP (Transport) 2007 were effectively transferred to the new instrument.]

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. It was noted that, given the size of the proposed development, an extension and/or augmentation of the existing local network will be required. However, the extent of the works will not be determined until the final load assessment is completed. A standard condition is recommended around infrastructure/ utilities provision.

Division 17 Roads and traffic

Subdivision 2 – Development in or adjacent to road corridors and road reservations

2.122 Traffic-generating development

s2.121 pertains to traffic generating development, and provides that development with specified in Column 1 of the Table to Schedule 3 that involves new premises of the relevant size or capacity is traffic generating development. The proposal, which provides 200 or more car parking spaces ancillary to the development, is 'traffic generating development' as per Column 1 of the Table to Schedule 3.

Clause 2.121(3) prescribes that, *before determining a development application for development to which this clause applies, the consent authority must—*

- (a) *give written notice of the application to TfNSW within 7 days after the application is made, and*
- (b) *take into consideration—*
 - (i) *any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and*
 - (ii) *the accessibility of the site concerned, including—*
 - (A) *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
 - (B) *the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
 - (iii) *any potential traffic safety, road congestion or parking implications of the development.*

In response to (a), the proposal was referred to TfNSW as required. Refer to discussion in Section 1.5 of this report, which includes discussion on how consideration was given to the matters raised by TfNSW.

In relation to (b), Council has considered:-

(ii) *the accessibility of the site concerned, including—*

- (A) *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
- (B) *the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*

(iii) *any potential traffic safety, road congestion or parking implications of the development.*

Comments: the site is located within 2km of the city centre and has good accessibility to the city centre and main nearby public transport nodes. As discussed with regard to SEPP (Seniors) 2004, there is frequent bus services readily accessible from the H&WP. Both factors will assist in reducing reliance on private vehicles. In terms of vehicular accessibility, a new intersection is proposed between Road 2 (High Street) and Squires Way to facilitate left-in and left-out vehicle movements. Other vehicular movements into the H&WP will be via the existing road network (primarily the signalised intersection of Puckeys Avenue and Squires Way). Pedestrian accessibility and connectivity has been a key driver for insisted improvements to the development layout – enhancing pedestrian connectivity with the existing pedestrian spine and other nearby pedestrian pathways. The provision of a signalised pedestrian crossing at the intersection of Squires Way and High Street will facilitate efficient and safe crossings to the south-bound bus stops and primary cycle/ shared path on the eastern side of Squires Way. Improved connectivity will also encourage greater walking and cycling from the site.

(iii) *any potential traffic safety, road congestion or parking implications of the development.*

Comments: the proposal has been considered by Council's Traffic Engineers and TfNSW and no concerns have been raised in relation to traffic safety matters. The traffic modelling has examined the impact of traffic generation from the proposed development on nearby intersections and indicates that there will be an impact requiring mitigation on the intersection of the Princes Highway and Ajax Avenue, North Wollongong. Conditions are recommended dealing with this issue, including conditions that were recommended by TfNSW. The proposed mitigation has been reviewed by Council's Traffic Engineers and TfNSW and is satisfactory with conditions. The parking implications of the development have been discussed at length above in this report. The proposal will provide sufficient car parking to support the proposed development and the recommended conditions require replacement car parking elsewhere within the campus to offset the loss of car parking resulting from the demolition of P3/ P4.

Chapter 3 Educational establishments and childcare facilities

It is noted that Chapter 3 of the SEPP contains the provisions relating to Educational establishments and childcare facilities. Schedule 9 of the SEPP however contains savings and transitional provisions relating to the application of Chapter 3, 9(1) stating, "(1) Chapter 3 does not apply to or in respect of the determination of a development application made under Part 4 of the Act, but not finally determined before the commencement of Chapter 3.]. The DA was lodged before the commencement of Chapter 3 and accordingly must be assessed with regard to the provisions of the SEPP (Educational Establishments and Child Care Facilities) 2017.

2.2.7 STATE ENVIRONMENTAL PLANNING POLICY (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017

The proposal includes a centre-based child care centre for ~ 80 children of a mix of age groups, to be located adjacent to the RACF on the western side of the H&WP. The SEE indicates that the centre-based child care centre will have a potential maximum GFA of 750sqm, housed in a single storey building.

The detailed design of the CCC will be the subject of a future separate DA. As such, compliance with most of the detailed requirements will be required to be demonstrated in that future DA.

A preliminary assessment against the space requirements and other design criteria under this SEPP was provided with the DA which included reference plans, however the detailed design and operation of the centre will be the subject of a separate and future DA further confirming compliance with the provisions of the SEPP and the specific controls within the Child Care Planning Guideline and the National Quality Framework Assessment Checklist.

Part 3 Early education and care facilities—specific development controls

23 Centre-based child care facility—matters for consideration by consent authorities

Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development. An assessment against the Guideline forms **Attachment 7** to this report.

24A Centre-based child care facility—floor space ratio

N/A as the site is not within a R2 zone.

25 Centre-based child care facility—non-discretionary development standards

- (a) location—the development may be located at any distance from an existing or proposed early education and care facility,
- (b) indoor or outdoor space – as per regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the [Education and Care Services National Regulations](#); and clause 28 (unencumbered indoor space and useable outdoor play space) of the [Children \(Education and Care Services\) Supplementary Provisions Regulation 2012](#) – the development must comply with the with the indoor space requirements or the useable outdoor play space requirements in that clause.
- (c) site area and site dimensions—the development may be located on a site of any size and have any length of street frontage or any allotment depth,
- (d) colour of building materials or shade structures—the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.

The detailed DA for the CCF will be required to demonstrated compliance with the above non-discretionary development standards. It is noted that the reference plans indicate that the indoor and outdoor space requirements can be achieved.

2.2.8 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY & CONSERVATION) 2021

Chapter 3 Koala habitat protection 2020

Not applicable.

Chapter 4 Koala habitat protection 2021

Not applicable as the DA was lodged prior to the commencement of this Chapter of the SEPP [s4.16 SEPP (Biodiversity & Conservation) 2021].

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

[Note: State Environmental Planning Policy (Sustainable Buildings) 2022 commenced on 1 October 2023 and had the effect of repealing SEPP (BASIX) 2004. However, there are savings and transitional provisions in Chapter 4 of the new SEPP which provide that it does not apply to development applications made prior to 1 October 2023.]

The proposed independent living units (ILA Stage 1 and Stage 2) are BASIX affected development and a BASIX Certificate will be required to be submitted with the future detailed DAs for these buildings, demonstrating that the proposed scheme achieves the BASIX targets in respect of thermal comfort, energy and water efficiency, noting that consent is not sought for the detailed design and construction of buildings as part of this application.

2.2.10 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Clause 1.4 Definitions

The following WLEP 2009 definitions are relevant to the land uses for which consent is sought:-

business premises means a building or place at or on which—

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis,

and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

centre-based child care facility means—

- (a) *a building or place used for the education and care of children that provides any one or more of the following—*
 - (i) *long day care,*
 - (ii) *occasional child care,*
 - (iii) *out-of-school-hours care (including vacation care),*
 - (iv) *preschool care, or*
- (b) *an approved family day care venue (within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#)),*

commercial premises means any of the following—

- (a) *business premises,*
- (b) *office premises,*
- (c) *retail premises.*

food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) *a restaurant or cafe,*
- (b) *take away food and drink premises,*
- (c) *a pub,*
- (d) *a small bar.*

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.

The proposed roads and infrastructure works are ancillary enabling works for these land uses and are permitted with consent.

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

The site is zoned mainly SP1 Special Activities 'Wollongong Innovation Campus' pursuant to Wollongong LEP 2009 (pale yellow shading) with sections of RE1 Public Recreation (green shading) along the rear portion of Lot 11 and a substantial portion of Lot 10 as identified on the below site plan which illustrates the zone boundaries in relation to the proposed works. There are no works proposed within the RE1 zoned part of Lots 10 or 11.



Figure 5 – zoning extract

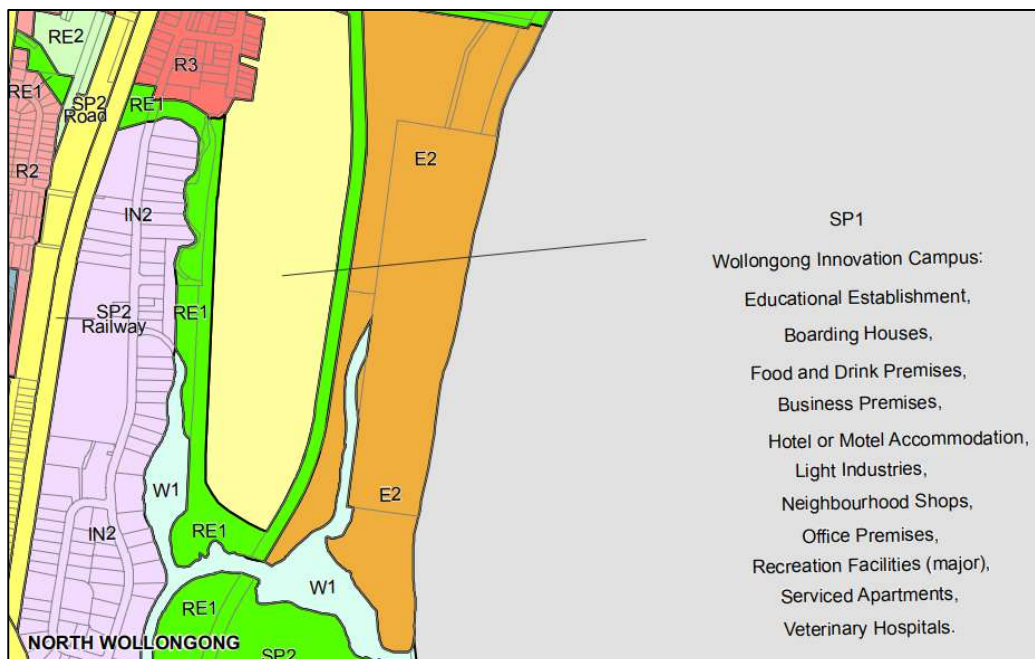


Figure 6 – zoning extract SP1 permitted land uses listed for the site

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 generally consistent with the zone objectives.

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:-

- business premises (proposed to be included as the supporting business such as a hairdresser, pharmacy, etc. as part of the RACF envelope);
- centre-based child care facility
- commercial premises — business premises, office premises, retail premises.
- community facilities (proposed as 'the hub' building envelope also fronting High Street);
- food and drink premises (to be included fronting High Street, including within the RACF and ILA building envelopes);
- neighbourhood shops – in the shops fronting 'High Street', including within the RACF and ILA building envelopes);
- recreation facilities (indoor) – being the proposed wellness centre within ILA 1; and
- recreation area – being the 'Green Heart' open space area.

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

[The independent living units and RACF are 'seniors housing' which are not permissible in the zone. However, SEPP (Housing for Seniors or People with a Disability) 2004 applies to the site and permits seniors housing. Refer to discussion pertaining to SEPP 2004 above].

Clause 2.7 Demolition requires development consent

Consent is sought for the demolition of some structures (being hardstand car parking areas) pursuant to this clause.

Part 4 Principal development standards

Clause 4.3 Height of buildings

The SP1 zoned parts of the site are subject to a 30m height limit as per the *Height of Buildings Map*, measured from existing ground level. The plans indicate that the building envelopes are all below the 30m height limit, when measured from existing ground level. The detailed DAs for each building on the site will be required to confirm compliance with the 30m 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 135,000m² in clause 7.15 which is addressed below.

Part 5 Miscellaneous provisions

Clause 5.10 Heritage conservation

While the subject site is neither within a heritage conservation area or identified as a listed heritage item in Schedule 5 of the LEP, it is in the vicinity of a number of listed items of European heritage significance:

- being the Balgownie Migrant Workers' Hostel: huts 201, 404 and 210 (Item 01767 [SHR]) and Item 61075);
- 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:-

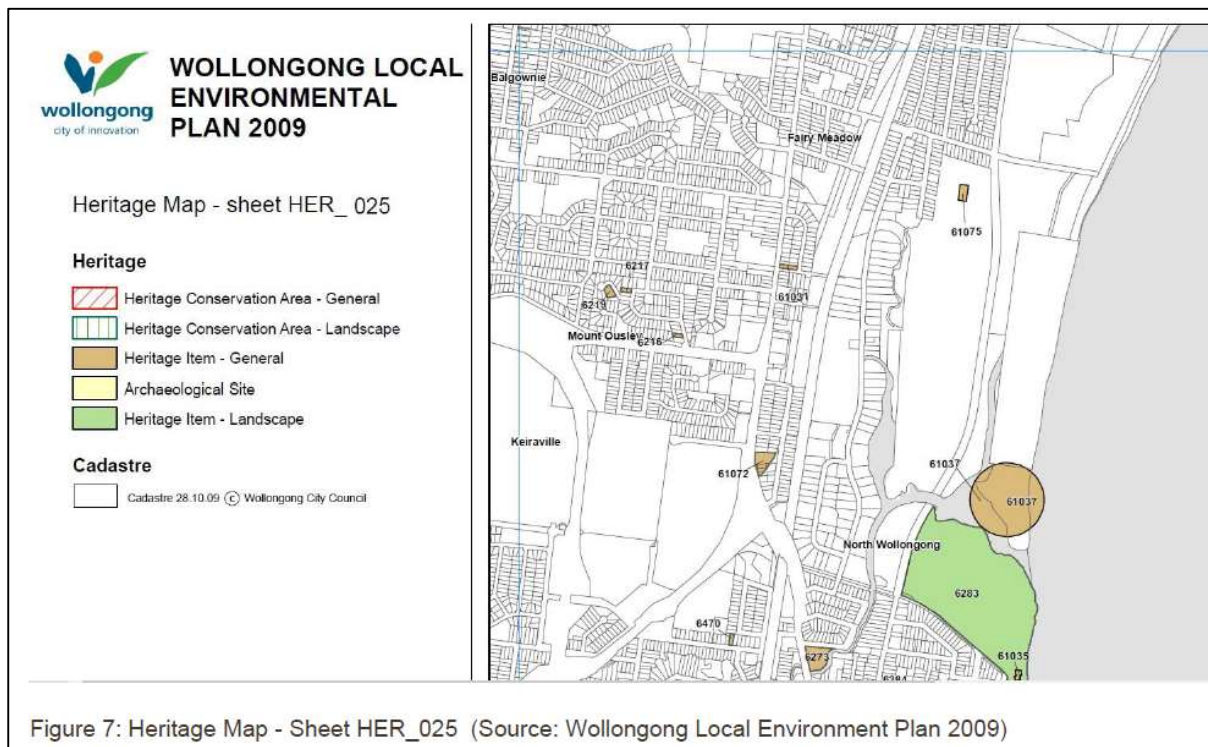


Figure 7 – nearby heritage items

The Balgownie Migrant Workers' Hostel Huts 201, 204, and 210 are located within the northern portion of the Innovation Campus, approximately 600m north of the Site. The former site of Seafield House and Graduation Works is located area to the south-east, separated from the subject site by bushland and the creek line. The Group of Norfolk Island pines and Canary Island palms is located to the south-east of the site to the south-east and are separated from the site by the creek line.

The House and curtilage known as 'Warrenda' is located west of the subject site and is separated from the study area by a creek, an industrial area and two main roads.

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 heritage items in the vicinity of the site. A supplementary memo was later provided in support of revised plans for the site. The reports conclude that there is no visual connection with the new development and any of the heritage items in the vicinity. It states, "The reconfiguration of the mass, scale and reduction of height of the proposed structures on the site and the introduction of a strong pedestrian spine is consistent with the DCP precinct plan. The revised masterplan for the UOW offers a sensitive visual relationship between the proposed development and the heritage items in the vicinity with no potential for overshadowing or effect on the long range views to and from the heritage item in the vicinity."

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. Council's Heritage Coordinator has reviewed the proposal and deemed a heritage conservation management plan 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 Archaeological sites within the site. It is noted that there has been extensive investigation undertaken to determine whether there may be archaeology at the site and it was found that no Aboriginal objects would be harmed by the proposal, there are no Aboriginal archaeological constraints to the proposed development, and the site has no historical European archaeological potential.

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 however the site has been assessed for Aboriginal and post-settlements cultural heritage and archaeology. During the course of assessing the DA, Council requested a more complete evaluation to be undertaken to provide consideration and analysis of the site's potential to contain (or retain) an Aboriginal burial site, and more broadly, an examination of the cultural heritage significance of the place and how that should be responded to by the proposal. In response to this request, the applicant has prepared and/or updated the following reports to further assess cultural values and heritage impacts:-

- Heritage Aboriginal Site History Report;
- Aboriginal Archaeological Assessment Report;
- Cultural Values Assessment Report (CVAR);
- Aboriginal Cultural Heritage Assessment Report (ACHAR);
- Connecting with Country Report;
- "Yam, Gathering & Walk on Country" Record/Attendee List;

- Designing with Country Report.

The applicant has undertaken an ACHAR process as requested by Council and NSW Heritage, followed by the preparation of a CVAR and an Aboriginal Archaeological Assessment Report.

The Aboriginal Archaeological Assessment Report did not identify any Aboriginal objects, archaeological sites or areas of Aboriginal archaeological potential within the study area. Intact archaeological deposits associated with Aboriginal landscape use are considered highly improbable for numerous reasons. The ACHAR and CVAR did however identify that the project area has high cultural significance for the local Aboriginal community.

A Connecting/Designing with Country (DWC) process has been undertaken in parallel with the preparation of the CVAR. The Connecting/DWC reports respond to the recommendations made in the CVAR, and the analysis and recommendations in the DWC reports have been incorporated into the proposal, including within the UDG where required to guide the final form, placement and finish of the future built elements and landscape.

The CVAR identified three cultural/social values expressed by this landscape, including connection to waterways, the line of view to Mt Keira (Djeera) and a greater cultural resource area, which this site forms part of. The consultation processes identified that the project area has high cultural significance for the local Aboriginal community – the identified cultural value is a feeling of attachment and responsibility for the land, and its association with the highly significant socio-cultural landscape as identified in the CVAR which contains 16 recommended actions, aimed at protecting and conserving cultural values, respecting Country, celebrating First Nations histories and cultures, and empowering First Nations peoples; these are identified in Table 5 of the CVAR. A number of the recommendations were made specifically with regard to the proposed built form:-

1. Ensure there is no construction impact on the waterways – Cabbage Tree Creek, Para (Fairy Creek), Towradgi Arm including riparian zones.

Comment: no works are proposed within the riparian corridors.

2. Ensure that the view lines to Mt Keira (Djeera) is maintained from the project site. The view line analysis was required to be undertaken with review by a cultural values specialist through engagement with First Nations cultural advisors and knowledge holders.

Comment: a detailed view line analysis was undertaken in consultation with a cultural values specialist which examined numerous view lines from and through the site to Mt Keira and Mt Kembla. The envelope of the RACF and CCF was remodelled in response to the view analysis to ensure the maintenance of the view corridor.

3. Ensure rehabilitation and revegetation of waterways and riparian corridor. Local native plant species to be used in revegetation.

Comment: A VMP has been submitted in relation to the riparian corridors which have been reviewed by the relevant landscape/ ecological experts and appropriate conditions have been recommended for imposition.

4. Retain existing native vegetation where possible.

Comment: most of the site is clear of significant vegetation and minimal native vegetation will be affected by the proposed development.

5. Support the movement of fauna through the provision of green corridor connectivity to other green spaces.

Comment: the movement of fauna will only be facilitated via the riparian corridor. Given the urban context and the existing cleared nature of the site, this is an acceptable outcome. The VMP will assist in improving vegetation communities/ wildlife corridor within the riparian zones.

6. Ensure the inclusion of a cultural welcoming informal gathering space that supports everyday use and community events for First Nations people. Design must occur through engagement with First Nations stakeholders.

7. Develop a First Nations cultural trail within the built environment and open space for the project site including culturally significant plants, interpretive/ educational signage and artwork reflecting Country and cultural narratives.

Comment: the recommendations around the development of a cultural trail and gathering place are contained within the Urban Design Guidelines, particularly in Section 4.1. The principles and guidelines around the development of the recommended cultural trail are embedded within the UDG and will be required to be reflected in the detailed DAs for the buildings and open space areas.

8. Use local Dharawal language in the naming of parks, buildings, streets etc.

Comment: this recommendation can be implemented by a consent condition.

9. Incorporate First Nations peoples' art and design in public spaces.

Comment: the Urban Design Guidelines require consultation with First Nations stakeholders in relation to the selection of public art.

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, however these groups were involved in the ACHAR, CVAR, DWC/ CWC processes.

Clause 5.21 Flood planning

[The application was lodged prior to the commencement of the LEP amendment that introduced Clause 5.21].

Clause 7.3 Flood planning area

This clause seeks to maintain the existing flood regime and flow conveyance capacity; to enable evacuation from flood prone land; to avoid significant adverse impacts on flood behaviour; to avoid significant effects on the environment that would cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses; and to limit uses to those compatible with flow conveyance function and flood hazard.

The Site is flood affected and accordingly is subject to the objectives and provisions contained within this clause. The proposal has been the subject of detailed assessment by Council's Flooding and Stormwater Engineers who initially raised concerns around some aspects of the proposal but are now satisfied that the proposal is satisfactory with regard to flooding and stormwater management, following the receipt of revised plans and additional information. Clause 7.3(3) 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:*

(a) *all habitable floor levels of the development will be above the flood planning level,*

Comment: - all habitable floor levels of the development will be above the flood planning level.

(b) *the development will not adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties,*

Comment: Council's Stormwater Engineer has advised that sufficient detail has been provided and the consent authority may be satisfied that the development will not adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties.

(c) *the development will not significantly alter flow distributions and velocities to the detriment of other properties or the environment of the floodplain,*

Comment: Council's Stormwater Engineer has advised that the consent authority may be satisfied that the development will not significantly alter flow distributions and velocities to the detriment of other properties or the environment of the floodplain.

(d) *the development will not affect evacuation from the land,*

Comment: the applicant's detailed flood modelling demonstrates that the development will not affect evacuation from the land.

(e) *the development will not significantly detrimentally affect the floodplain environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses,*

Comment: the consent authority can be satisfied of these matters.

- (f) *the development will not result in unsustainable social and economic costs to the community as a consequence of flooding,*

Comment: Council's Stormwater Engineer has advised that the consent authority can be satisfied that the development will not result in unsustainable social and economic costs to the community as a consequence of flooding.

- (g) *if located in a floodway area—the development will not be incompatible with the flow conveyance function of, or increase a flood hazard in, the floodway area.*

Comment: Council's Stormwater Engineer has advised that the development as proposed is generally outside any floodway areas as identified in the Wollongong City Flood Risk Management Study and Plan dated 2013, therefore the development will not be incompatible with the flow conveyance function of, or increase a flood hazard in, the floodway area.

The proposal has been assessed by Council's Stormwater Section with regard to Clause 7.3 and the applicable provisions of WDCP 2009 and is satisfactory.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The development is already partly serviced by electricity, water and sewerage services. The application was accompanied by an Infrastructure Report that identifies the existing utilities and infrastructure of the site and notes any expected impacts or required upgrades as a result of the proposed development. The applicant has advised that preliminary consultation has been undertaken with the relevant service providers. 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. Conditions of consent are proposed in this regard.

It is noted that Sydney Water was consulted and has confirmed that water and wastewater services are expected to be adequate to support the proposed development, with some augmentation (to be determined at the time of the s73 Sydney Water Act 1994 applications in respect of each individual detailed DA).

Clause 7.2 Natural resource sensitivity – biodiversity

Parts of the subject site are identified as being areas of "Natural Resource Sensitivity – Biodiversity", being most of Lot 10 and the western periphery of Lot 11 which correlates with vegetation clusters in the west and south of the Innovation Campus:-



Figure 8 – mapped areas of Natural Resource Sensitivity – Biodiversity

This vegetation has been assessed in the BDAR submitted with the DA. The application has been considered by Council's Environmental officers regarding the provisions of Clause 7.2 and no concerns have been raised as there are no works proposed within the vicinity of this mapped area.

Clause 7.4 Riparian lands

The riparian zone along Cabbage Tree Creek and Fairy Creek and the tributary that crosses the southern portion of the subject land are mapped as being “riparian land” on the Riparian Land Map, as per the below map extract (the red lined represent the mapped riparian corridors):-

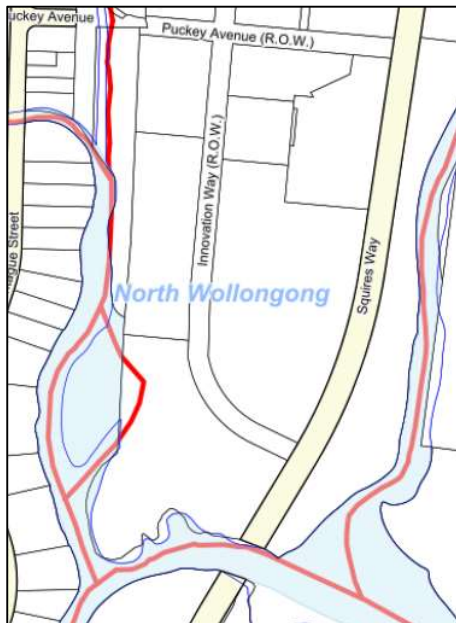


Figure 9 – mapped riparian corridors (red lines)

- (1) *The objective of this clause is to ensure that development does not adversely impact upon riparian lands.*
- (3) *Despite any other provision of this Plan, development consent must not be granted for development on land to which this clause applies unless the consent authority has considered the impact of the proposed development on the land and any opportunities for rehabilitation of aquatic and riparian vegetation and habitat on that land.*

Council's Environmental Officer has considered the impact of the proposed development on the riparian corridors with regard to Clause 7.4 and no concerns have been raised, noting that there are no construction works proposed within the riparian corridors and a Vegetation Management Plan will be implemented in the riparian corridors. Detailed construction management plans will be required to be employed during construction to ensure the values of the riparian corridor are not compromised by the works. This will include protection of vegetation, employment of robust soil and erosion controls, water quality controls, careful management of remediation works and the like.

Clause 7.5 Acid Sulfate Soils

The Acid Sulfate Soils Map indicates that the site is affected by Class 3 and 4 Acid Sulfate Soils. While the Acid Sulfate Soils are identified at depth in the natural soils in the Preliminary Site Investigation submitted with the DA, the proposed stage 1 works are considered unlikely to disturb these soils and as such an Acid Sulfate Soils Management Plan (ASSMP) is not required at this time. An ASSMP will be required in support of the future DAs for individual buildings on the site and ASS will need to be considered in the detailed design of buildings and associated structural supports.

Clause 7.6 Earthworks

The proposal overall will involve bulk earthworks across the H&WP to redistribute existing stockpiles of soil, establish the appropriate levels for development including roads and building platforms, and establish new temporary stockpiles. The earthworks are not expected to have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land, subject to appropriate mitigation measures being implemented. Detailed consideration will be required to be given to the prescribed matters for consideration in Clause 7.6 in the assessment of each detailed DA.

The Stage 0 works for which consent is sought in this application involves earthworks within the confines of the Stage 0 boundaries, as identified on the plans at Attachment 1. The plans indicate a balance of cut and fill within the boundaries of Stage 0. Conditions of consent are recommended in relation to the employment of mitigation measures relating to geotechnical matters, site safety, dust control, erosion and sedimentation control and water quality controls.

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. The H&WP will act as an extension of the research and development campus in that it will offer opportunities for research and development with collaboration between the different uses and users being an integral part of the development.

The applicant states that a key objective of the H&WP is to foster collaborative research and development initiatives and facilitate educational opportunities. The H&WP has been designed by UOW to co-locate researchers, academics, students, graduates, health care providers, senior residents, and industry in order to create an environment where collaboration and multi-disciplinary research projects can flourish, in the form of what is described as a 'Living Lab'. Submitted with the DA were papers prepared in support of the 'Living Lab' concept which outline research and education links between UOW and the proposed seniors living and provides examples of research and education initiatives that will be implemented.

As detailed above, a management plan (MP) has been submitted with the DA which will be implemented across the H&WP; its intent is to ensure the delivery of research and education links between the UOW and the seniors living components, and its connection with the broader Campus.

The MP will require UOW and H&WP operators to work in partnership under the governance of collaboration agreements to achieve a number of objectives. To this end, the MP identifies commitments of all future operators within the H&WP relating to physical space and operational commitments. The MP and reference plans nominate 'Dedicated' and 'Multi-Use' Research and Education spaces to be provided within the ILAs, RACF and childcare facility. University-led research projects will be embedded within each building, with the necessary technology to facilitate the projects, along with shared use of outdoor spaces for the purposes of research and education.

Operators of the RACF, ILAs and CCF will be required to enter into collaboration agreements with the UoW prior to occupation of these buildings – these will encompass commitments including providing student and graduate job opportunities, continuing professional development; and provision of physical access to sites/ buildings/ residents/ occupants for the purposes of allowing the researching/ learning functions outlined in the Plan to be carried out.

Conditions of consent are proposed in relation to the implementation of the Master Plan, to ensure that will apply to all subsequent detailed DAs and/or SSDAs for the H&WP.

It is considered that the implementation of the management plan and provision of dedicated research spaces within the future buildings will provide tangible links between the UoW and seniors housing components of the development 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,*

Comment:- as above. The co-location of researchers, academics, students, graduates, health care providers, senior residents and industry will encourage collaborative research. As noted, the Management Plan will reinforcement the requirement for collaborative research and learning between operators within the H&WP. This will be overseen by the UoW.

The applicant contends that the seniors living and early childhood education operators on-site will benefit through opportunities to trial and implement research outcomes and innovations resulting from a better understanding of resident needs. This will, in turn, support improvements across the retirement and early education sectors.

- (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 researchers, academics, students, graduates, health care providers, senior residents and industry will encourage collaborative research. The H&WP will act as an extension of the existing mixed-use precinct designed to connect an eclectic blend of business, industry and research partners, thereby fostering collaboration between groups. The applicant contends that the H&WP "will provide an integrated response to global and local trends in health care, ageing and innovation precincts and builds on UOW's existing research and development initiatives, which will in turn broaden the range of local employment and business development opportunities. Key business links will occur with the healthcare, seniors and aged care and early childhood education sectors, and related sectors such as construction and retail. It is intended that this initiative will encourage further development of the Innovation Campus to gain the benefits of business clustering and collaboration."

- (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:- while only a concept DA, with detailed DAs for individual buildings and open space areas to follow, the UDG will guide the delivery of high quality design across the precinct.

- (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 will be guided by the UDG. The height of the buildings is within the height limit applicable to the site and the envelopes have been refined to respond to earlier concerns raised by the DRP and are now considered acceptable by Council's Urban Design Consultant. Detailed DAs will be required to be consistent with the concept DA inclusive of the UDG and the requirements of Chapter D14 of the DCP. The assessment indicates that impacts on the environment will be minimised or mitigated wherever possible.

- (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 campus related accommodation in the form of the ILAs and RACF, supporting the research and development, with support services onsite including open space, community and wellness spaces, ancillary food and drink and business premises, roads and pedestrian paths, and utility services.

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

Comment: the site is land to which this clause applies.

- (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: no subdivision is proposed in this application.

- (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: the concept DA has the potential to deliver around 46,600sqm of GFA. When added with the existing GFA of all existing buildings within the campus (being 61,969 sqm), the total GFA across the Campus will be around 108,569 sqm. This being the case, the proposed development will be compliant with the GFA cap nominated in Clause 7.15(4).

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

It is noted that SEPP (Housing) 2021 was exhibited and came into effect since the date of lodgement of this DA.

The draft SEPP was publicly exhibited from 31 July 2021 until 29 August 2021, giving it the status of a proposed instrument that is or has been the subject of public consultation, and as such requires consideration pursuant to section 4.15(1)(a)(ii) of the EP & A Act 1979.

SEPP (Housing) 2021 commenced on 26 November 2021, and pursuant to clause 10(2) this instrument repeals SEPP (Seniors) 2004. As per Schedule 7(2) of the Housing SEPP there is a general savings provision that applies the "former provisions of the repealed instrument" (ie. SEPP Seniors) to concept DAs and subsequent staged DAs of a concept DA approval. This reads as follows:

2 General savings provision

The former provisions of a repealed instrument continue to apply to the following—

(b) a concept development application made, but not yet determined, on or before the commencement date,

(c) a staged development application made subsequent to a concept development application approval granted on or before the commencement date,

Accordingly, the subject Concept DA together with any subsequent detailed DAs related the approved Concept DA will be subject to the provisions of SEPP (Seniors) 2004 and not the Housing SEPP.

The final Housing SEPP included the following key changes relating to the provision of seniors housing:-

- a new list of areas where seniors housing is permitted, (note: this would not have an impact on the permissibility of the proposed development)
- removal of the site compatibility certificate process,
- bonus floor space incentives to encourage seniors housing developments in higher density areas. Incentives are between 15% and 25% bonus floor space,
- the seniors housing age now starts at 60 in line with the Superannuation Industry (Supervision) Regulation 1994,
- a reduction in the landscaped area requirements for residential care facilities from 25 m² to 15 m² per bed,
- new internal and external communal space requirements, including at least 10sqm per bed for residential care facilities,
- an updated list of environmentally sensitive land where developers cannot build seniors housing, (note: this would not have an impact on the permissibility of the proposed development)
- a new State Significant Development pathway for seniors housing for projects worth more than \$30 million (or more than \$20 million outside Greater Sydney)
- as part of a package of amendments made on 1 July 2022, seniors housing can now be developed by any person in the R2 Low Density Residential zone. This was previously restricted to the NSW Land and Housing Corporation and operators under the *Retirement Villages Act 1999*.

The provisions of the exhibited draft SEPP have been considered in the assessment of the proposed development, in the context of it being a Concept DA. Detailed DAs for the seniors housing components of the development (RACF, ILAs) will be required to demonstrate compliance with the applicable controls.

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 H&WP intends to address the requirements of the DCP.

The Concept DA sustainability strategy includes a commitment to the following industry accreditations:

- 5 Star rating under the Green Star Communities v1.1 Tool.
- 7.5 Star rating under the NatHERS tool for ILA Stage 1 and ILA Stage 2.
- Compliance with BASIX for ILA Stage 1 and ILA Stage 2.

The Project is currently targeting the following sustainability industry accreditations, with final commitments to be submitted under the future detailed DAs for the independent living buildings and the SSDA for the RACF/Childcare and community health building:-

- 5 Star rating under the Green Star Buildings v1 – Revision B for ILA Stage 1 and ILA Stage 2, CHB and RACF with colocated Childcare.
- 5 Star rating under NABERS Office Base Build v3 for the CHB.
- Gold rating under WELL Building Standard v2 for ILA Stage 1 and ILA Stage 2.
- Individual building ratings will be undertaken at the DA stage for each of the buildings.
- The project is proposing to exceed the requirements of BASIX / Building Sustainability SEPP and BCA Section J for each of the proposed buildings. This will be addressed at future DA stages.

- The development is proposing high levels of solar PV and renewable energy production to meet net zero by 2040. The UOW has advised that it is in the process of planning and actively investigating a precinct wide microgrid for the entire campus. This is strongly supported, and Council would like to see this further progressed and detailed in subsequent DAs.

The proposed sustainability measures are supported with the understanding that further detail will be forthcoming with the future stages of the development.

CHAPTER C5: CHILD CARE CENTRES

The proposed childcare facility (CCF) has been assessed as far as is practicable (on the basis of this proposal being a Concept DA with detailed compliance to be confirmed in the future detailed DA for the CCF) against the provisions of SEPP (Educational Establishments and Child Care Facilities) 2017, as outlined in **Attachment 7**.

A detailed assessment against the requirements of Chapter C5 of the DCP cannot be undertaken at this time (nor is it considered necessary) however sufficient information has been provided with the reference drawings and UDG to demonstrate compliance with key controls relating to site selection, and to demonstrate that the envelopes are sufficient to accommodate required indoor and outdoor play areas and car parking, and meet requirements for acoustic and visual privacy. Compliance with the DCP will need to be demonstrated in the detailed DA for the CCF.

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 Masterplan Site Accessibility Report was lodged with the DA which confirms that the concept design of Phase 1 of the H&WP will provide equitable and inclusive access in a manner that is consistent with the Disability Discrimination Act, the National Construction Code, SEPP (Seniors) 2004 and WDCP 2009 concerning access for people with disabilities.

Details will be required to be provided with each subsequent detailed DA confirming compliance with the BCA/ NCC and applicable standards at the time of lodgement.

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, definition and designation, environmental maintenance, activity and space management and access control which are designed to improve the safety and security of the proposed development. The recommendations have minimal applicability to the Stage 0 works, however, will be required to be addressed in the detailed DAs for the buildings and open space areas.

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). It is expected that a construction TMP will be required at each stage of construction of the development.

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. 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).

The combined GFA of the existing Innovation Campus buildings is 62,000sqm while the proposed GFA of the H&WP 46,900 sqm. Carparking within the existing campus totals 1033 car parking spaces, while the H&WP proposes 398 new car parking spaces.

The existing UOW Innovation Campus plus the proposed H&WP will comprise 108,900 sqm GFA supported by 1,431 car parking spaces. This includes:

- 330 new car parking spaces proposed in the north of the Innovation Campus (W3 and C1 sites)
- 398 new car parking spaces proposed within the H&WP
- 196 existing car spaces to be retained within the proposed H&WP (P5 car parking area)
- 507 existing car parking spaces across the iC unaffected by the proposed H&WP development.

The above total represents a car parking supply rate = 1 space per 76.1 sqm GFA which is within the range required by the DCP. It is also noted that the car parking proposed within the individual envelopes complies with the applicable parking rates of either the DCP or SEPP (Seniors) 2004.

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

It is noted that additional parking will not be physically delivered as part of this DA, being a Concept DA. The overall quantum of parking will be provided in accordance with the relevant legislation [either the specific rates in SEPP (Seniors) or SEPP (Housing) for the ILAs and RACF, or the DCP rates in respect of the other land uses]. The final parking numbers will be confirmed in the detailed DAs for each building. Bicycle and motorcycle parking will also be provided. The submitted reference plans indicate that the proposed development is capable of delivering car parking in accordance with the applicable policies.

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. This will need to be particularised at the detailed DA stage for each building and open space area.

7.3 Bicycle Parking / Storage Facilities and Shower and Change Facilities

Bicycle parking, storage facilities and end of trip facilities (shower and change facilities) will be required to be provided within each of the buildings at the rates specified by the DCP. This will need to be particularized at the detailed DA stage for each building.

8 Vehicular access

The road network and intersection treatment proposed within the site has been reviewed by Council's Traffic and Transport Engineers and was found to be acceptable. Vehicle entry points into individual sites will need to satisfy applicable provisions of the DCP and applicable standards; this will need to be particularized at the detailed DA stage for each building.

9 Loading / unloading facilities and service vehicle manoeuvring

To be detailed within the detailed building DAs. The proposed road network and intersection treatment has been reviewed by Council's Traffic and Transport Engineers with regard to service vehicle requirements and was found to be acceptable.

10 Pedestrian access

This matter will need to be assessed in the detailed DAs for the buildings when lodged.

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

This matter will need to be assessed in the detailed DAs for the buildings when lodged.

CHAPTER E7: WASTE MANAGEMENT

A Masterplan Waste Management Strategy was submitted with the DA which provides an overall strategy based on likely operational waste generation needs, including recommended equipment and spatial requirements for storage and waste management and waste management protocols and frequency. This is sufficient for Concept DA assessment, with detailed waste management plans expected to be lodged with the detailed building DAs.

Waste management during construction will be required to be detailed in the construction management plans.

CHAPTER E10: ABORIGINAL HERITAGE

Refer to detailed discussion above in Section 2.2.10 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 2.2.10 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. Detailed DAs for the individual buildings will require further assessment upon lodgement.

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. Two Flood Impact Assessments have been submitted with the DA, the latest of which states that there will be no adverse flood impacts external to the site in all the storm events up to and including PMF. This has been confirmed by 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 bushfire prone land, containing Category 1 vegetation in the south-western corner with a narrow band along the creek line to the west of the site. There is potential for the site to be impacted from both the south and east with bushfire attack in the form of ember attack, smoke, radiant heat and direct flame contact. The building envelope placement and design has been informed by Asset Protection Zones (APZs) that have been determined for the site and approved in a pre-lodgement Bushfire Safety Authority issued by the RFS in July 2020.

Consultation with the NSW RFS has occurred during the course of assessment of the proposal. The RFS has advised that it has no objection subject to the Concept DA being consistent with the BFSA. The Concept DA is consistent with the BFSA. All future DAs for the site will be required to be designed and constructed in accordance with the BFSA, which sets out requirements for a range of matters including asset protection zones, vehicular access, hydrants/ water supply; landscaping, fencing and compliance with any applicable construction requirements of *Planning for Bushfire Protection 2019*.

CHAPTER E15: WATER SENSITIVE URBAN DESIGN

A Stormwater Management Plan has been prepared for the H&WP detailing the proposed design of the stormwater drainage network and the stormwater quality and water sensitive urban design measures to be implemented. A number of water quality treatment measures are proposed to be delivered as part of the staged development of the H&WP including rainwater reuse tanks, permeable paving, bioretention raingardens, and gross pollutant traps.

Northrop has completed an assessment of these water quality measures with consideration of the existing measures including bioretention swales and rainwater tanks that form part of the southern

catchment of the Innovation Campus, against the water quality targets in the WDCP 2009 and the Neutral or Beneficial Effect (NorBE) model. The results of the MUSIC modelling analysis shows that the proposed water quality treatment train will achieve the water quality targets.

CHAPTER E17: PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

The BDAR states that approximately 0.37 ha of poor condition native vegetation (Plant Community Type (PCT) 1232) would be directly impacted by the Project, with an additional 0.66 ha being indirectly impacted. No areas of good condition vegetation would be directly impacted by the Project. This 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 with regard to the provisions of the Biodiversity Conservation Act 2016.

The Biodiversity Development Assessment Report (BDAR) submitted with the DA advises that there were no threatened flora or fauna recorded on the site, however the site is identified as being the potential habitat for 44 threatened or migratory fauna. The BDAR confirms that no threatened flora was recorded within the subject land and no threatened flora are considered to have a moderate or higher likelihood of occurrence in the subject land. Additionally, no threatened fauna species were recorded within the subject land.

Approximately 0.37 ha of poor condition native vegetation (Plant Community Type (PCT) 1232) would be directly impacted by the Project, with an additional 0.66 ha being indirectly impacted. No areas of good condition vegetation would be directly impacted by the Project.

CHAPTER E19: EARTHWORKS (LAND RESHAPING WORKS)

The proposed earthworks have been considered with regard to 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 with regard to 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. 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 submitted with the DA states that a site-specific 'Sedimentation and Erosion and Control Plan' will be prepared, implemented, and maintained throughout the construction phase. The Plan will 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 would be in place immediately prior to clearing and will be maintained until vegetation is established to prevent erosion and sedimentation of adjoining waterways.

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

CHAPTER E23: RIPARIAN LAND MANAGEMENT

No development is proposed within the riparian corridors. A vegetation management plan is proposed to be implemented to improve the quality of the corridors. Various measures are proposed and will be required to be implemented to ensure impacts on the watercourses are minimised as far as practicable. The proposal is satisfactory to Council's Environmental Assessment Officers in this regard.

2.4.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2021

The applicant has provided a detailed cost estimate report prepared by a quantity surveyor which indicates that the correct CIV exclusive of GST is \$172,787,318.

A levy of 1% of the estimated cost of works is applicable under this plan.

It is noted that the RACF, if operated by a 'social housing provider', may be exempt from the application of the levy as per the Directive issued by the Minister under the former Section 94E of the EP&A Act, which stated that no development contributions shall be levied on any form of seniors housing development as defined in SEPP Seniors Housing as a 'Social Housing Provider'. The applicant has advised that, in the event that the RACF is operated by a 'Social Housing Provider', the proponent may seek an exemption from Section 7.11 contributions for this component of the development as part of a separate and future DA for the detailed design, construction and operation of the RACF.

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 [BEING THE EPAR 2000 AT THE TIME OF LODGMENT] (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)

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

- (1) *For the purposes of section 4.15(1)(a)(iv) of the Act, the following matters are prescribed as matters to be taken into consideration by a consent authority in determining a development application:*
- (a) *in the case of a development application for the carrying out of development:*
 - (i) *in a local government area referred to in the Table to this clause, and*
 - (ii) *on land to which the Government Coastal Policy applies, the provisions of that Policy,*
 - (b) *in the case of a development application for the demolition of a building, the provisions of AS 2601.*

As the proposal involves the demolition of some existing built elements, AS2601 - 2001: *The Demolition of Structures* is a prescribed matter for consideration under Clause 92. 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.

93 Fire safety and other considerations

Not applicable.

94 Consent authority may require buildings to be upgraded

Not applicable.

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 provision of new pathways and the signalised pedestrian crossing at the intersection of Squires Way and High Street.

Car parking provision within the H&WP and more broadly across the campus will be consistent with applicable car parking rates either in the DCP or SEPP (Seniors) 2004. This will need to be confirmed in the detailed building DAs (inclusive of car parking, motorcycle and bicycle parking along with end-of-trip facilities and the like). Further discussion is provided in Section 2.4.1 with regard to Chapter E3 of WDCP 2009.

Traffic generation from the development can be absorbed into the local road network. The Traffic Impact Assessment considers traffic impacts on nearby intersections and noted an impact on the intersection of Ajax Avenue and the Princes Highway which will require mitigation; this work will be required as part of the consent.

Public Domain:

Public domain areas will be landscaped and embellished in accordance with the site landscape masterplans and urban design guide. The development will offer generous open space areas including the green heart, along with footpaths and a continuation of the pedestrian spine.

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 Sydney Water and Endeavour Energy; no objection has been raised to the proposed development. Separate approvals will be required. It is noted that sufficient modelling has been undertaken to determine that there is sufficient capacity available for sewer and water supply to service the development, which is a necessary requirement of SEPP (Seniors) 2004.

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. Sydney Water has advised that there is system capacity to service the proposed development, with augmentation.

Consumption - The detailed DAs will be required to detail compliance with the Sustainable Buildings SEPP water efficiency targets. The sustainability report supplied with the DA indicates that there will be water harvesting and reuse within the development and use of efficient fittings and appliances.

Water quality – the application was accompanied by a Water Sensitive Urban Design Strategy which demonstrates that the compliance with the water quality objectives outlined in Chapter E15 of WDCP 2009 – Water Sensitive Urban Design can be achieved. Erosion and sedimentation controls will be required to be employed during construction 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 8**.

Air and Microclimate:

The applicant has advised that an Air Quality Impact Assessment will be prepared for the relevant construction delivery phases of the project, as detailed in the preliminary Construction Management Plan submitted with the DA. Similarly, operational air quality impacts and management will be addressed as part of the separate and future DAs for the detailed design and operation of buildings on the site.

The proposal is not expected to give rise to adverse air quality impacts. The proposal will however create uncomfortable conditions for pedestrians in some locations around the site via wind effects and as such will require the employment of wind mitigation measures.

A Qualitative Wind Assessment was submitted which considers the impact of the proposed development on the local wind environment in and around the development site. The report concludes that wind channelling between the buildings may occur, however wind conditions at most public domain locations are expected to be suitable for general public access and thoroughfare. This will need to be confirmed in the detailed DAs for individual buildings.

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 within individual buildings will be the subject of the future separate DAs for those buildings; these will be assessed with regard to applicable EPIs and the relevant provisions of Wollongong DCP 2009.

Energy:

The Sustainability reports submitted with the DA provide for the following measures to enhance energy efficiency throughout the site:-

- The UoW is planning a precinct-wide microgrid for the campus which will include the H&WP.
- The Concept DA sustainability strategy includes a commitment to the following industry accreditations:
 - 5 Star rating under the Green Star Communities v1.1 Tool.
 - 7.5 Star rating under the NatHERS tool for ILA Stage 1 and ILA Stage 2.
 - Compliance with BASIX for ILA Stage 1 and ILA Stage 2.
- The Project is currently targeting the following sustainability industry accreditations, with final commitments to be submitted under the future detailed DAs for ILA Stage 1 and ILA Stage 2 (and the SSDA for the RACF/Childcare and Community health building):-
 - 5 Star rating under the Green Star Buildings v1 – Revision B for ILA Stage 1 and ILA Stage 2, CHB and RACF with colocated Childcare.
 - 5 Star rating under NABERS Office Base Build v3 for the CHB.
 - Gold rating under WELL Building Standard v2 for ILA Stage 1 and ILA Stage 2.
- The infrastructure report confirms consideration of PV on roofs throughout the H&WP.

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 the recommendations of the Noise Impact Assessment.

External noise sources – external noise sources which have the potential to compromise the acoustic amenity of future site occupants include vehicle noise from Squires Way and internal roads, mechanical plant within the proposed development, the industrial area to the west of the Campus, and the outdoor play area associated with the childcare centre. The NIA accounts for these in its recommendations for acoustic treatment. The recommendations of the acoustic report will need to be considered in the design of future buildings – to be detailed within the detailed DAs for these.

Natural hazards:

As discussed elsewhere within this report, the site is flood affected. The submitted flood study has delineated the flood risk precincts across the site; the majority of the site is within the low flood risk precinct however the site is bounded by a medium flood risk precinct to the east, west and south. The proposed buildings will all be 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 applicant has achieved a pre-lodgement bushfire safety authority (BFSA) from the NSW RFS. Development within the H&WP will be required to comply with the requirements of the BFSA.

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

Technological hazards:

As discussed above in Section 2.1.1 with regard to Clause 4.6 of SEPP (Resilience & Hazards) 2021, the site is contaminated as a result of filling/ stockpiling, however the PSI/DSI and site auditor's statements indicate that the site can be remediated to a satisfactory standard that is appropriate for the proposed development.

Safety, Security and Crime Prevention:

The proposal has been considered with regard to 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. These detailed design measures will be required to be addressed in the separate detailed design of buildings and the central open space area.

Social Impact:

No adverse social impacts are expected because of the proposed development. A Social Assessment and Strategy which analyses the development from a social wellbeing and sustainability perspective has been submitted. The report contends that there are significant broader community benefits associated with enhancing health research, learning and delivery to support the local area and region. The Strategy overviews the proposed innovative approach to delivering new research, modelled on successful international examples and other innovation districts. The report concludes “By delivering state-of the-art health research and services associated with residential aged care, independent living apartments, early childhood education and care services and green and public spaces on a university campus, the Precinct will transform the way that health care and seniors housing is delivered.”

The delivery of the H&WP will support positive social benefits for residents of seniors living, university students and staff, as well as the broader community.

The proposed development will also increase the supply of innovative housing options appropriate to older people, at a location well linked to health infrastructure and public transport– in a high amenity setting, with access to nature and a scenic coastal environment.

The development will also provide 80 additional childcare places.

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. As Australia’s first intergenerational university-led community, the H&WP is expected to significantly enhance the university’s research and growth potential and resultant economic outputs, contributing to its long-term sustainability.

The SEE states that the various activities, partnerships, and investment opportunities afforded by the co-location of the new residential, educational and healthcare functions on campus will create new related opportunities and revenue streams that will help sustain the University’s gross output annually, with major flow on effects elsewhere in the economy.

The H&WP is estimated to generate around 2,000 jobs across construction and production-induced employment, with flow-on impacts for related industries and service providers, and the economic output of construction is estimated at more than \$600 million.

The proposed support services and facilities (community and wellness buildings, food and drink premises, the childcare centre, and minor businesses and neighbourhood shops) are expected to primarily service the new H&WP population as well as the existing Innovation Campus. and are not expected to significantly or adversely impact the operation of any surrounding neighbourhood centres or the Wollongong CBD.

The delivery of high-quality and specially designed seniors housing in an appropriate location will help to alleviate any potential shortfall in the housing market and assist by providing ageing in place.

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, noting that each application will need to be considered on its individual merits.

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 appropriate regarding the zoning of the site 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 considered to be 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 the known site constraints, Aboriginal and European heritage and the desired future character area for the Campus as outlined within Chapter D14 of the WDCP 2009. Detailed DAs will follow for individual building forms which will be required to be consistent with the urban design guidelines endorsed with this DA and detailed consideration will be required to be undertaken in each of those cases to site suitability criterion.

Are the site attributes conducive to development?

There are no environmental site constraints that would prevent the proposal in the form proposed, noting that the detailed design of individual buildings will be the subject of separate future DAs.

The site constraints have been considered in the assessment of this DA. The development has been designed to ensure that flooding is appropriately managed; conditions are recommended for imposition in relation to site contamination and remediation; and bushfire matters can be appropriately conditioned and will be addressed via required compliance with the Bushfire Safety Authority. All development will be sited clear of the riparian corridors and significant vegetation will be maintained. Detailed construction management plans 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, DPE-Water, Endeavour Energy, Sydney Water, EPA) and internal Council referral groups satisfactory 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 with regard to all applicable matters for consideration prescribed by Section 4.15(1) of the Environmental Planning and Assessment Act 1979. All components of the proposed development are permissible with development consent. The proposal is considered to be 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.

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

The proposal is now satisfactory to the relevant external agencies (RFS, TfNSW, DPE-Water, Endeavour Energy, Sydney Water, EPA) 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 the applicant has agreed to the imposition of the proposed conditions of consent as required by Section 4.33(1)(b) of the Environmental Planning & Assessment Act 1979.

4 RECOMMENDATION

It is recommended that Development Application DA-2021/101 be approved subject to the recommended consent conditions at **Attachment 8**.

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 Childcare centre assessment
- 8 Draft conditions of consent