

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD 8596 University of Wollongong Western Building
Applicant	University of Wollongong
Consent Authority	Minister for Planning

Decision

The Executive Director under delegation from the Minister for Planning under has, under s.4.38 of the *Environmental Planning and Assessment Act 1979 (the Act)* granted consent to the development application subject to conditions.

A copy of the development consent and conditions is available at http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8596

A copy of the Department of Planning and Environment's assessment report is available at http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8596

Date of decision

24/8/18

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the objects of the Act;
- all information submitted with the development application and during the assessment and information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The key reasons for granting consent to the development application are as follows:

- the project would provide a range of benefits for the region and the State as a whole, including \$54 million of capital investment and creation of 140 construction jobs and 54 operational jobs;
- the project is permissible with development consent, and is consistent with NSW Government policies including *Illawarra Shoalhaven Regional Plan*;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards. Potential off-site car parking impacts will be managed by a staged whole of campus approach, whereby the construction and operation of the new Western Building is subject to the successful delivery of works to expand existing on-site car parking facilities;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the conditions of consent; and
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement for the project from 16 November 2017 until 15 December 2017 (30 days) and received three submissions expressing community views, including a submission from Wollongong City Council.

Key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include car parking, tree removal and contributions towards local infrastructure. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Car Parking</i></p> <ul style="list-style-type: none"> • Appropriate provision of on-site car parking to minimise off-site impacts 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • A loss of 130 car parking spaces was originally proposed in the EIS. • Concerns were raised by Council and the public regarding potential off-site car parking impacts generated by a proposed car parking shortfall. The potential for cumulative car parking impacts were also identified by the Department concerning the concurrent construction of the Molecular Life Sciences (MLS) building at the University of Wollongong (UOW). • The proposed loading dock access arrangements were revised in the Response to Submissions (RtS) to minimise impacts to existing P4 Carpark spaces, with a reduced loss of 104 P4 Carparking spaces proposed. • A car parking management strategy was also proposed by the Applicant and submitted with the RtS, and later updated in the RtS Addendum, which proposes a staged construction and activation of parking infrastructure, supported by a proposed lease agreement between TAFE and UOW for access to and use of 190 car parking spaces and 22 motorcycle spaces. • The proposed car parking management strategy will ensure that car parking demands generated by the proposal and MLS building are catered for and mitigate potential off-site car parking impacts. • Construction of both UOW buildings will be staggered to ensure the demand generated is not concurrent and allow for other proposed car parking infrastructure to be completed, including a proposed expansion to P5 Carpark. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Conditions of consent are recommended to ensure that the car parking demand is appropriately managed as follows: <ul style="list-style-type: none"> - construction of the new Western Building must not commence until the P5 Carpark extension development application is approved by Council - the car parking management strategy must be implemented during construction - occupation of the new Western Building is not permitted until the P5 Carpark extension is completed and operational.
<p><i>Tree Removal</i></p> <ul style="list-style-type: none"> • Loss of trees and vegetation from the development site 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The proposal seeks approval for the removal of 113 trees from the development site that will be impacted by the development of the new Western Building and associated public domain works. • The application proposes 62 replacement trees to compensate for the tree loss. • Concerns were raised by Council regarding the proposed clearing. • The Applicant notes that the proposed location of the new Western Building was strategically identified by UOW during the preparation of its 2016-2020 Strategic Plan. The submitted arborist report also identifies that of the proposed 113 trees identified for removal, 17 were assessed as being structurally unsound and a further seven identified as exotic species. • The Department notes that compensatory planting equates to approximately 72 per cent of the proposed tree loss, when discounting structurally unsound and exotic trees. • The proposed loss is considered satisfactory in this context and will be supported by a landscape scheme that provides for an improved landscaped public domain outcome for the precinct enabling increased appreciation and activation of the existing natural environment. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Conditions include requirements to ensure that the proposed landscaping is undertaken in accordance with the approved landscape scheme.

<p><i>Development Contributions</i></p> <ul style="list-style-type: none"> • Payment of contributions towards the upgrade of local footpaths and cycleways 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • One public submission on behalf of a community forum, commented that it supported the proposed development, however funds should be made available via contributions or a VPA for footpaths and cycleways serving primarily the University campus. • The Applicant has requested a full exemption from Council's Section 94A Development Contributions Plan 2017 (CP), which applies a 1% levy for development with a capital investment value greater than \$200,000. • The CP allows for partial or full exemptions from this levy. UOW are seeking an exemption under clause 15(m)(i), which states that "full exemption may be allowed for facilities that are directly required by the main function of the educational facility, such as – classrooms, lecture theatre, training facility, administrative office, research facility". • UOW has sought an exemption for the following reasons: <ul style="list-style-type: none"> ○ it is a not-for-profit organisation ○ it is an education facility and a nominated charity ○ the proposal is a direct requirement for the university, and provides classrooms, specialist teaching facilities, admin offices and research facilities • The Department notes no contribution has been requested by Council. • Further, the University currently has before Council development application DA-2017/376, seeking development consent for expansion of the P5 carpark proposed car park, riparian works and demountable buildings at the main campus. As part of that development application, the University have offered to enter into a Voluntary Planning Agreement (VPA) with Council for the carrying out of the work described in the VPA, in lieu of any monetary contribution that it may have otherwise been required to pay to Council under the CP for the next 10 years. Works include road and footpath upgrades and the upgrade of Kooloobong Oval. The VPA has been exhibited and is currently being finalised. • The submission from the Community Forum has been taken into consideration, however, the Applicant's request for exemption from contributions meets the exemption clause in Council's CP. • Noting that the UOW is currently finalising a VPA to pay for local infrastructure upgrades, the Department is satisfied that contributions are not required for the proposed development. This is also consistent with the position taken in the assessment and approval of the MLS Building. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • No conditions of consent are recommended.
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