



University of Wollongong Western Building

*State Significant
Development
Modification
Assessment
(SSD 8596 MOD 2)*

January 2020

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
BCA	Building Code of Australia
CIV	Capital Investment Value
Consent	Development Consent
Council	Wollongong City Council
Department	Department of Planning, Industry and Environment
EESG	NSW Environment, Energy and Science Group
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
RtS	Response to Submissions
Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development



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1. Introduction

This report is an assessment of the application to modify State significant development (SSD) consent (SSD 8596) for the construction and use of a new educational establishment, known as the Western Building, at the University of Wollongong (UOW), in the Wollongong local government area (LGA).

The application has been lodged by Ethos Urban on behalf of UOW (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval for design changes to the stormwater management system at the site.

1.1 Background

The subject site is located within the UOW campus on Northfields Avenue, Keiraville, and is legally described as Lot 1 DP 1188267. UOW is situated in the Illawarra region, south of Sydney and approximately two kilometres from the Wollongong CBD. The Illawarra escarpment is located to the west of UOW and the Pacific Ocean and South Coast railway line to the east.

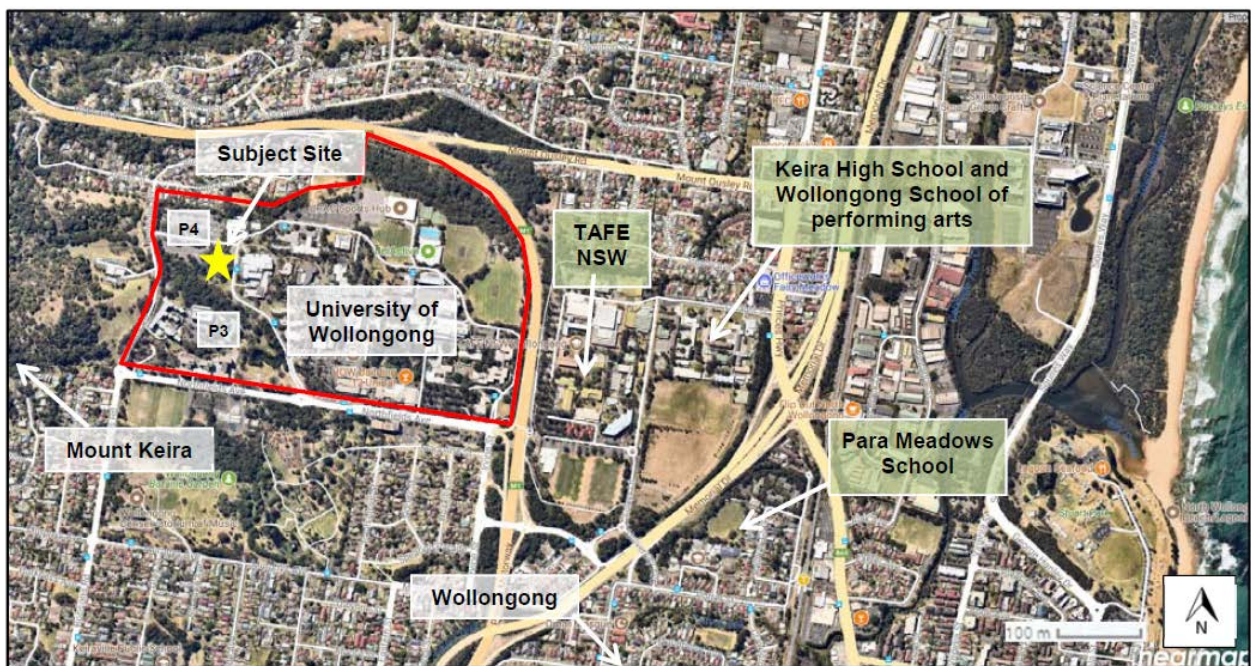


Figure 1 | Site Location (Source: Nearmap and SSD 8596 Assessment Report)

The approved Western Building will be located in the western precinct of the UOW campus (see **Figure 1**), comprising the faculties of Law, Humanities and the Arts; Social Sciences and Business; and the McKinnon Building, UOW College and the Early Start Facility.

1.2 Approval History

On 24 August 2018, the Executive Director, Priority Projects Assessments, approved the SSD application (the consent) for the construction and use of a new educational establishment, known as the Western Building, comprising:

- site preparation works involving the demolition of two existing demountable buildings, removal of 113 trees and removal of 104 Carpark P4 car parking spaces and two bicycle parking spaces.
- construction of a new four storey education building (plus rooftop plant), with 9,329 sqm of gross floor area.
- provision of 13 new bicycle parking spaces.
- landscaping and public domain works and ancillary drainage, infrastructure and site access works.

On 21 May 2019, the approval was modified (SSD 8596 MOD 1) to alter the loading dock, building façade and location of services, as well as reconfiguration of internal areas to accommodate an increase in building occupancy by 45 persons.



2. Proposed Modification

The modification application (MOD 2) proposes to alter the stormwater management infrastructure around the Western Building by adding a flood mitigation wall at the western end of the Western Carpark (P4) (see **Figure 2** – wall located within red oval).



Figure 2 | Location of flood mitigation wall (Base Source: NearMap)

The proposal seeks to replace the approved stormwater system, which involved upgrading the 1.8 metre (m) diameter reinforced concrete pipe culvert under O'Leary Road, with a flood training wall at the western end of UoW's Western Carpark (P4). The Applicant consulted with Sydney Water in relation to the works that were approved at O'Leary Road, and the upgrades required to meet the requirements of Sydney Water would have significant cost and timing implications due to the presence of a 500mm water main at this location. Additionally, further consideration of the stormwater system during detailed design indicated that the approved stormwater system would not meet the on-campus street flooding requirements.



3. Strategic Context

The development, as modified, continues to be consistent with:

- the *Illawarra-Shoalhaven Regional Plan*, since the education precinct of Metropolitan Wollongong will be strengthened with enlarged and existing facilities enhanced.
- the *Future Transport Strategy 2056* since the project provides enhanced educational facilities in an accessible location.



4. Statutory Context

4.1 Scope of Modifications

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification involving minimal environmental impact as the proposal:

- would not significantly increase the environmental impact of the project as approved.
- is substantially the same development as originally approved.
- would not involve any further disturbance outside the already approved disturbance areas for the project.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

4.2 Consent Authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 11 October 2017, the Director, Social and Infrastructure Assessments, may determine the application as:

- the relevant local council has not made an objection.
- a political disclosure statement has not been made.
- there are no public submissions by way of objection.

4.3 Permissibility

The site is zoned SP2 Infrastructure (Educational Establishment) under the Wollongong Local Environmental Plan 2009 (WLEP) and development for the purposes of educational establishments (including any development that is ordinarily incidental or ancillary to development for that purpose) is permissible with consent. The proposal satisfies the definition of an 'educational establishment' and therefore, is permissible with consent.

4.4 Objects under the Act

The Minister or delegate must consider the objects of the EP&A Act when making decisions under the Act. The Department is satisfied the proposed modification is consistent with the objects of the EP&A Act.



5. Engagement

5.1 Department's Engagement

Clause 117(3B) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to State significant development. Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website, and was referred to Wollongong City Council (Council), EESG and Sydney Water for comment. Both EESG and Council provided comments and recommendations in relation to the application. No issues were raised by Sydney Water.

5.2 Additional Information

On 14 October 2019, the Applicant provided updated documentation in response to queries raised by the Department in relation to landscaping that formed part of the original modification application. The Applicant consulted with the Department in relation to the requirements of the re-planting and landscaping conditions and confirmed the conditions of the consent would be satisfied and required no modification. As such, aspects relating to landscaping were removed from the modification application.

Additionally, the Department sought clarification on the opinion of Sydney Water in relation to the stormwater works beneath O'Leary Road as approved within the consent. Cardno, on behalf of the Applicant, provided information relating to the revised stormwater retaining wall, indicating that these works as proposed did not require further input from Sydney Water. As the modifications related to the existing water main beneath O'Leary Road, the Department sought comment from Sydney Water regarding the Applicant's justification for the modification.

Further information was provided by the Applicant on 29 October 2019. The additional information provided information in relation to the proposed height, size and location of the flood training wall, as well as detail on the number of trees required to be removed as a consequence of the wall, and mitigation measures in relation to tree removal.

A Biodiversity Development Assessment Report (BDAR) was provided to the Department on 12 December 2019. The BDAR utilised the biodiversity assessment method to detail the impacts associated with the clearing of vegetation required to facilitate the construction of the flood training wall and outline mitigation measures to minimise these impacts. The Department consulted with EESG in relation to the findings of the BDAR.



6. Assessment

In assessing the merits of the proposal, the Department has considered:

- the modification application and associated documents.
- the environmental assessment and conditions of approval for the original project and subsequent modification.
- relevant environmental planning instruments, policies and guidelines.
- the requirements of the EP&A Act.

The Department considers the key issues for assessment to be stormwater management and tree protection.

6.1 Stormwater Management

The modification application seeks to alter the approved stormwater management design that required an upgrade to an existing 1.8m diameter reinforced concrete pipe culvert under O'Leary Road to a 3.6m x 1.8m reinforced concrete box culvert and included an upstream gabion wall and downstream tie-in works. The upgrade works were required to transfer additional stormwater resulting from the increase in hardstand as a result of the Western Building and also to ensure that the UOW's campus flooding requirements were met. The approved works were considered to reduce the extent of the medium flood risk precinct within the project area (as defined in Chapter E13 of the Wollongong DCP 2009) to a low or no flood risk around the Western Building. Additionally, the design was considered to result in no detrimental impacts to adjoining properties or increase in risk to life or property as a result of the construction of the new Western Building.

Detailed design and further consultation with Sydney Water in relation to the works beneath O'Leary Road indicated that the works would occur beneath a 500mm water main owned by Sydney Water. As a result of the requirements of Sydney Water when working around significant infrastructure, there were a number of timing and cost implications, in addition to potential water service disruptions associated with working beneath O'Leary Road.

Further, in undertaking detailed design of the approved stormwater plans, the approved design would not satisfy the UOW's road flood conveyance requirements.

As such, the Applicant re-designed the proposed stormwater system. The re-designed system proposes a flood training wall at the western end of the Western Carpark P4 (see **Figure 3**).

The flood training wall proposed is 67 metres long, 190 mm in width and ranges from 400 mm in height, at its lowest, to 1800 mm at its highest point. The flood training wall would be comprised of steel reinforced, core filled, masonry block materials and as it is unlikely to be visible from O'Leary

Road as a result of screening provided by trees/shrubs and the low height of the wall. The wall would adjoin the existing carpark and would likely be visible to cars parking in Western Carpark P4.

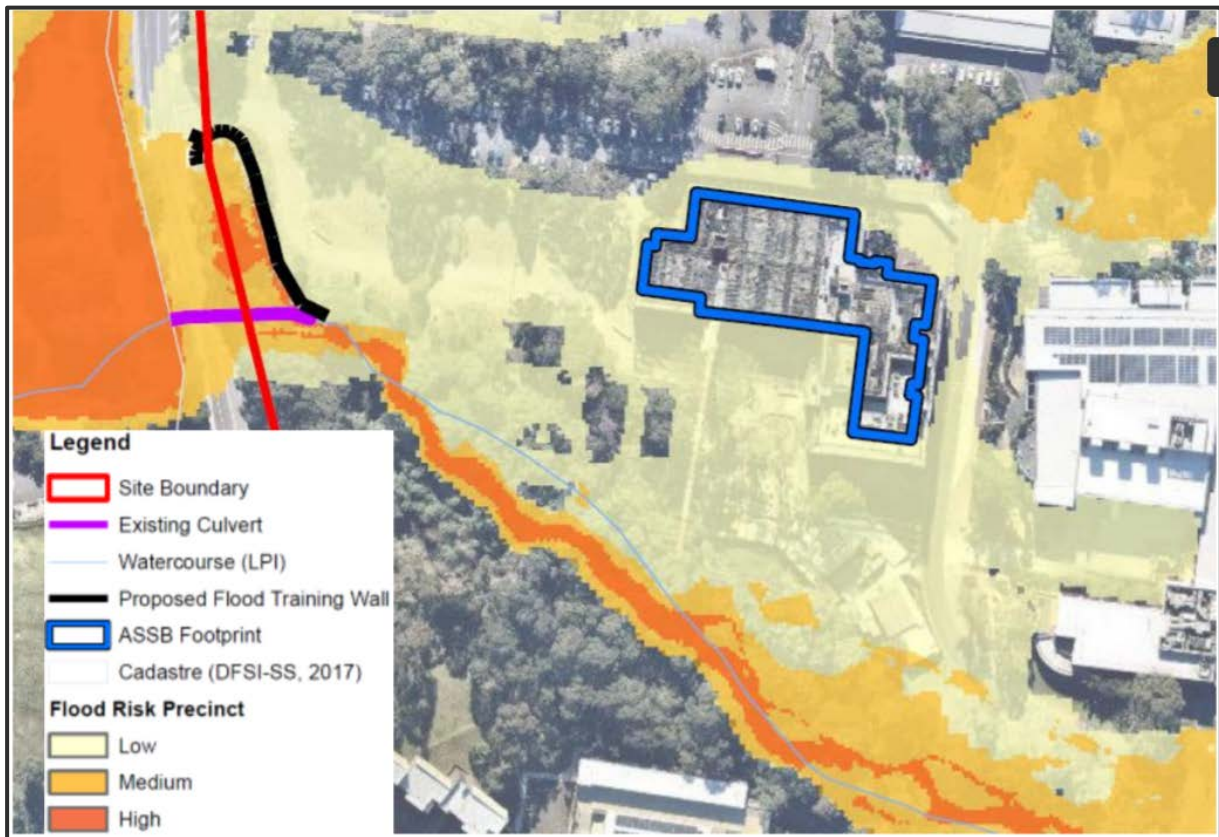


Figure 3 Location of flood training wall (Source: Applicant's modification application)

Flood modelling was undertaken of the re-designed system that indicated that the flood training wall would continue to reduce the flood risk within the precinct (as defined in Chapter E13 of the Wollongong DCP 2009) to a low or no flood risk around the Western Building. The Applicant's flood modelling further indicated that there would be negligible impacts upon floodplain behaviour as the result of the proposed development and therefore it was concluded that there would be no increase in risk to life or property as a result of the proposed modification to stormwater management.

The Applicant has indicated that a dish-drain will be provided on the upstream side of the flood training wall to ensure all flows upstream of the wall are returned to the watercourse (as previously approved) and flood modelling has confirmed that the flood training wall is sufficient to return these flows to the watercourse in all events up to and including the 100 year ARI.

Additionally, the Applicant has committed to continuing to implement the recommendations of the Wollongong City Council – Review of Conduit Blockage Policy Summary Report, June 2016.

Council raised no objection to the proposed flood mitigation and installation of a flood training wall, however requested that the wall be finished with a textured/patterned relief or art work to soften the visual impact of the wall. This view is supported by the Department and an additional condition has been recommended that the wall be appropriately finished to minimise the visual impacts. The Department supports the re-design of the stormwater systems as the revised design would remove

any risk of impacts upon water supplies at adjoining properties and any impacts upon O'Leary Road. The Department notes that the proposed flood training wall is within the Applicant's site and would not impact upon Sydney Water infrastructure.

The Department has assessed the proposed modifications to the stormwater management at the site and is satisfied that the management of stormwater would continue to be managed substantially the same as approved.

6.2 Tree Clearing and Protection

To facilitate the construction of the flood training wall some vegetation (up to 17 trees) over an area of up to 450sqm will be required to be removed. The vegetation to be cleared is consistent with Plant Community Type (PCT) 1245: Sydney Blue Gum x Bangalay – Lilly Pilly moist forest in gullies and on sheltered slopes (see **Figure 4**). This community has not been identified as part of a threatened ecological community. The Applicant provided a BDAR that detailed the impacts of the clearing in accordance with the biodiversity assessment method (BAM) and identified the need to retire one Ecosystem Credit for PCT 1245. Additionally, the assessment identified a number of mitigation measures and commitments to ensure that impacts upon the vegetation and any fauna are minimised. These commitments include an ecologist being present during any clearing to relocate any native fauna and to ensure the area of impact does not extend beyond that assessed. Additionally, the Applicant will undertake replanting of trees with similar species at the completion of works.

The Department referred the assessment to the EESG for review and comment. The EESG raised no objection to the clearing subject to the offset obligation being satisfied and commitments applied.

Council raised no objection to the requisite removal of trees, however requested that works associated with the footings of the flood training wall be supervised by an AQF Level 5 Arborist to ensure that the surrounding trees are not impacted during construction.

The Department supports the views of both EESG and Council and recommends conditions requiring the Applicant retire the requisite offset credits, an ecologist be engaged to supervise works during any tree clearing and that the installation of footings be supervised by an appropriately qualified arborist.

Additionally, the Applicant is required to comply with all tree protection conditions within the consent, including the installation of appropriate protection during construction works. The Department considers that any trees to be removed from the site should be replaced accordingly. As such, the Department recommends that for each of the trees to be removed or impacted by the construction of the flood training wall, a replacement tree be planted at an appropriate location within the site, as advised by an appropriately qualified arborist and/or ecologist.

With the implementation of the recommendations and commitments, the Department is satisfied that the modification will not increase the impact on biodiversity values on the site.

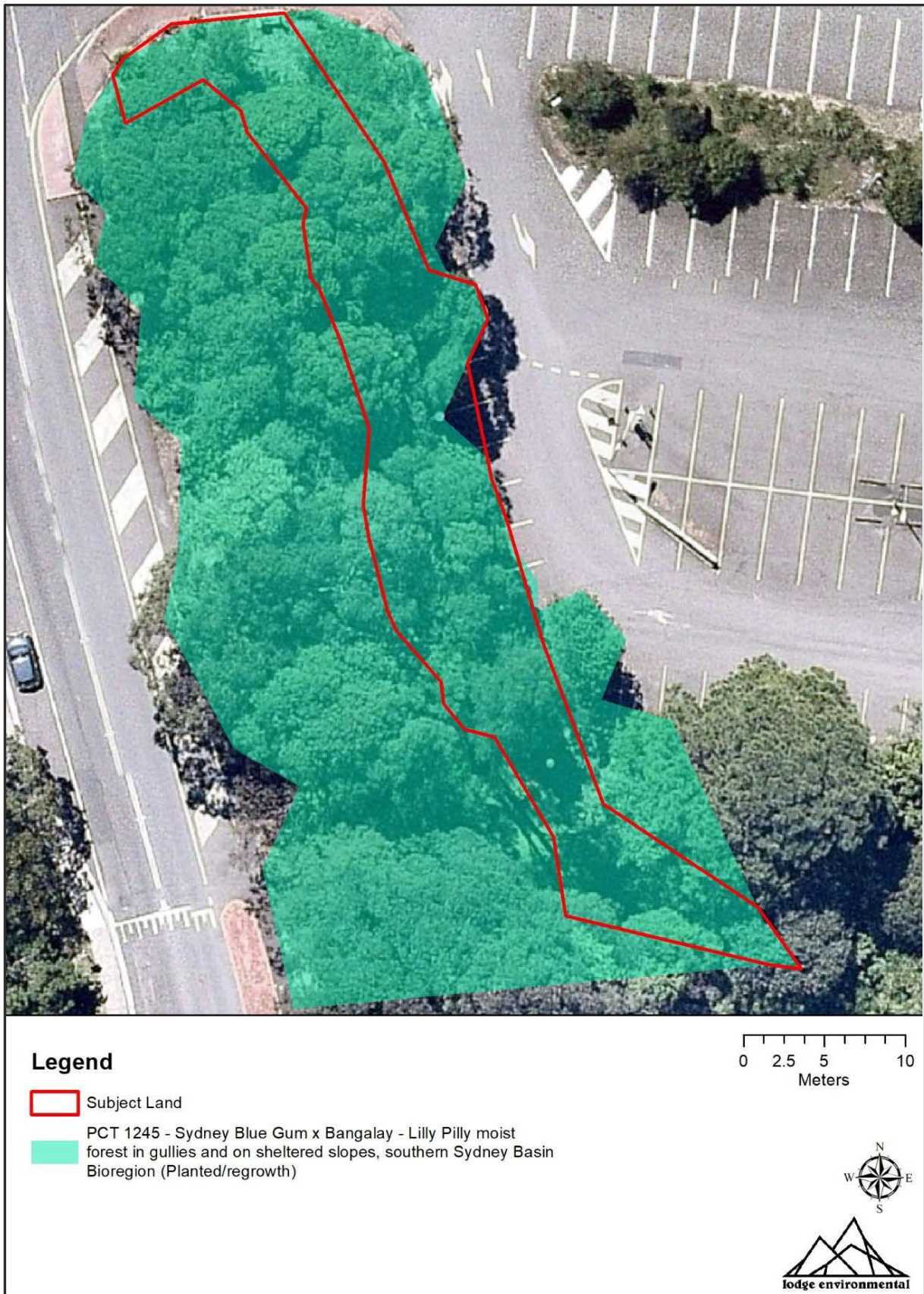


Figure 4 Native vegetation and landscaping areas mapped within the Flora and Fauna Assessment (Lodge Environmental, 2019).



7. Evaluation

The Department has reviewed the proposed modification and assessed its merits, and all associated environmental issues have been thoroughly addressed.

The Department considers the proposed modification acceptable and is satisfied that the environmental amenity of the surrounding area will not be adversely affected by the flood training wall with appropriate finishes. The proposed modification to the flood management at the site is considered acceptable on the basis that the flood risk at the site continues to be reduced appropriately and water flows are adequately managed. The retiring of ecosystem credits will facilitate the mitigation of the impacts of the requisite clearing at the site.

The Department concludes that the impacts of the proposed modification are acceptable. Consequently, the Department considers the development to be in the public interest and should be approved.



8. Recommendation

It is recommended that the Director, Social and Infrastructure Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report.
- **determines** that the application SSD 8596 MOD 2 falls within the scope of section 4.55(1A) of the EP&A Act.
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application.
- **modify** the consent SSD 8596.
- **signs** the attached approval (**Appendix A**).

Recommended by:

Rebecca Sommer

Principal Planner

Social and Infrastructure Assessments

Recommended by:

David Gibson

Team Leader

Social Assessments



9. Determination

The recommendation is **Adopted by:**

28/01/2020

Karen Harragon

Director

Social and Infrastructure Assessments



Appendices

Appendix A – Instrument of Modification

Appendix B – Consolidated Consent