

# ETHOS URBAN

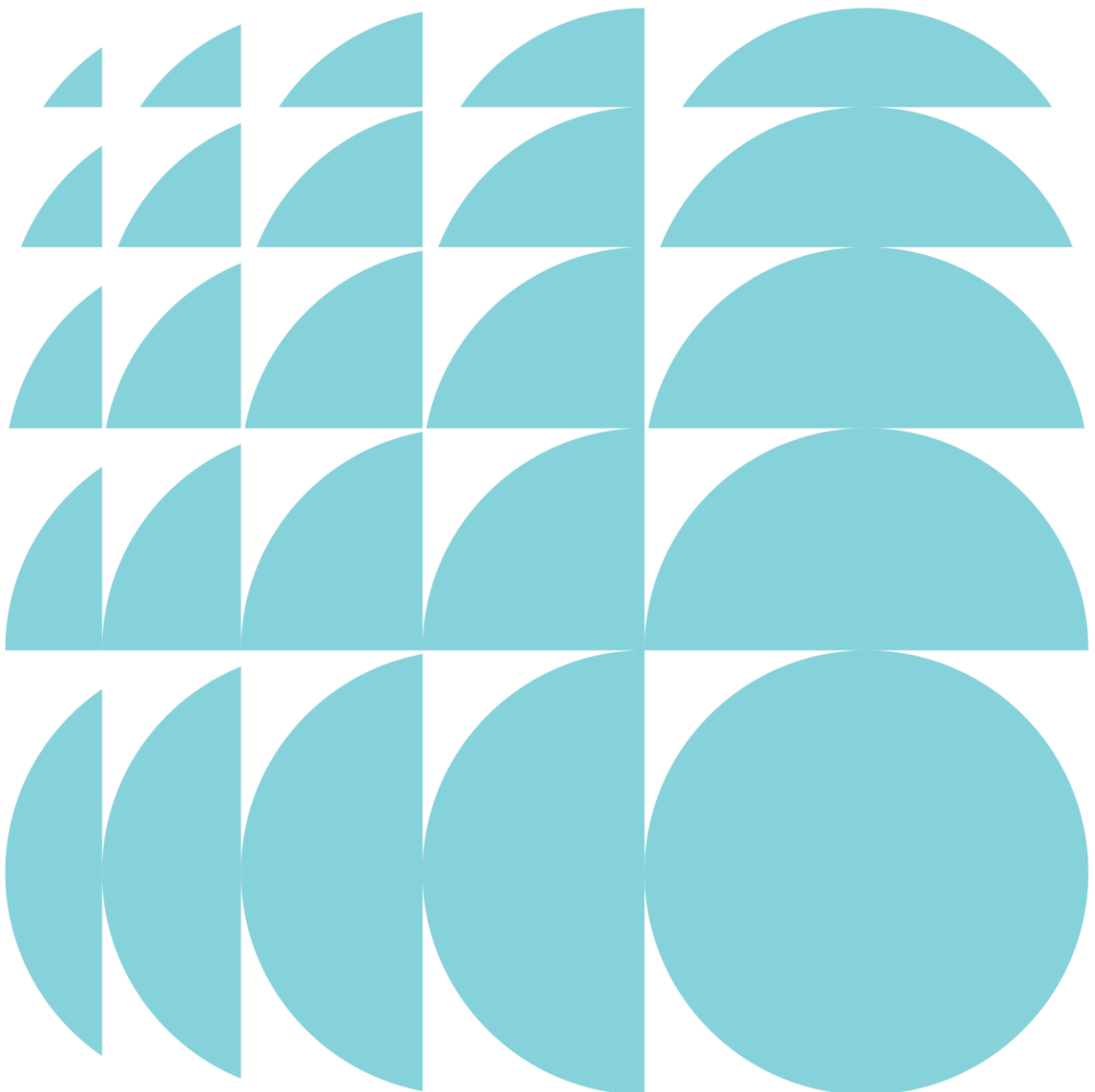
## Response to Submissions

UNSW D14 Academic Building, Kensington  
Campus  
State Significant Development (SSD 9606)

Submitted to Department of Planning and  
Environment

On behalf of The University of New South  
Wales, Sydney

17 April 2019 | 218568



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#### CONTACT

Michael Rowe                      Director                      mrowe@ethosurban.com                      9409 4921

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This document has been prepared by:

This document has been reviewed by:



Daniel Howard

17 April 2019



Joana Mathew

17 April 2019

Michael Rowe

17 April 2019

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Ethos Urban Pty Ltd  
ABN 13 615 087 931.  
www.ethosurban.com  
173 Sussex Street, Sydney  
NSW 2000 t 61 2 9956 6952

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1.0	Introduction	4
2.0	Key Issues and Applicant's Response	5
2.1	Aboriginal Cultural Heritage Matters	5
2.2	Landscape and Public Domain	5
2.3	Tree Management	8
2.4	Bulk and Scale	9
2.5	Heritage	11
2.6	Development Contributions	12
2.7	Cycling Facilities	15
2.8	Site Contamination and Remediation	15
2.9	Operational Noise, Construction Noise and Vibration	15
2.10	Airspace Obstacle Limitation Surfaces	16
2.11	Infrastructure/Services Capacity	16
2.12	Other Issues	17
2.13	Other Comments	18
3.0	Proposed Amended Development	19
3.1	Proposed Amendments	19
4.0	Environmental Impact Assessment	20
4.1	Landscaping	21
4.2	Heritage	21
4.3	Tree Impacts	22
4.4	Stormwater Impacts	22
4.5	Contamination	22
4.6	Access Impacts	23
4.7	Construction Impacts	23
5.0	Final Mitigation Measures	24
6.0	Conclusion	25

## Figures

Figure 1	Amended Landscape Proposal	6
Figure 2	Exhibited Landscape Proposal	7
Figure 3	Understorey relationship between the proposal's podium and the HCA	10
Figure 4	Sketch Perspective views	10
Figure 5	Curtilage around Whitehouse, existing (left) and proposed (right)	11
Figure 6	3D model view of the amended proposal from High Street	12
Figure 7	3D model view of the amended proposal from Goldstein Hall	12
Figure 8	Extent of the expanded/revised site boundary shown bound in red	17
Figure 9	Amended Project Footprint in relation to the HCA	21
Figure 10	Proposed SSDA Tree Strategy	22
Figure 11	Amended Work Site Plan	23

## Tables

Table 1	Numerical Summary of the Amended Development	20
Table 2	Mitigation Measures	24

## Appendices

<b>A</b>	Architectural Drawings and Design Statement	
	<i>Tzannes</i>	
<b>B</b>	Amended Landscape Plans and Design Statement	
	<i>Aspect Design</i>	
<b>C</b>	Aboriginal Cultural Heritage Assessment Report	
	<i>Paul Irish</i>	
<b>D</b>	Amended Statement of Heritage Impact	
	<i>TKD Architects</i>	
<b>E</b>	Section 73 Application Statement	
	<i>WSP</i>	
<b>F</b>	Addendum Construction and Operational Noise Assessment	
	<i>Wilkinson Murray</i>	
<b>G</b>	Amended Access Report	
	<i>Morris Goding Access Consulting</i>	
<b>H</b>	Preliminary Construction Traffic and Pedestrian Management Plan	
	<i>Arup</i>	
<b>I</b>	Amended Construction Management Plan	
	<i>Lendlease</i>	
<b>J</b>	Amended Stormwater Management Plan	
	<i>WSP</i>	
<b>K</b>	Remediation Action Plan Addendum	
	<i>Douglas Partners</i>	
<b>L</b>	Revised Arboricultural Impact Assessment	
	<i>The Ents Tree Consultancy</i>	
<b>M</b>	Development Contributions Attachments	
	<i>Collated by UNSW</i>	

## 1.0 Introduction

An Environmental Impact Statement (EIS) for a State Significant Development Application (SSDA) for construction of a new multi-purpose campus building (referred to as the new D14 Academic Building) was publicly exhibited for a period of 30 days between 16 January 2019 and 22 February 2019 (SSD\_9606).

In total, 7 submissions were received in response to the public exhibition of the EIS. The submissions were from government agencies and the general public, as outlined below:

- NSW Environment Protection Authority (EPA);
- Transport for NSW (TfNSW);
- Roads and Maritime Services (RMS);
- Randwick City Council (RCC);
- Sydney Airport;
- Sydney Water; and
- Office of Environment and Heritage (OEH).

No public submissions were received during the public exhibition period. All 7 submissions provided comment on the proposal but did not specifically object to or support the proposal.

In addition to the above public agency submissions, the Department of Planning and Environment (the Department) prepared a letter requesting additional information or additional clarifications on some matters prior to the final assessment and determination of the application.

The applicant, The University of New South Wales, Sydney (UNSW), and its specialist consultant team have reviewed and considered all issues raised in the submissions. This report provides a detailed response to the key issues and outlines the proposed amendments to the exhibited EIS. **Section 2.0** provides an overview of key issues raised and the applicant's response. Where individual issues are not discussed in this report, a detailed response within an accompanying revised or addendum technical report is provided (refer to the **Table of Contents**).

Key revised technical documentation includes an amended Architectural Design Report and Plans by Tzannes (**Appendix A**) and an amended Landscape Design Report and Drawings by Aspect (**Appendix B**). Further to amendments as a result of the issues raised during public exhibition, this documentation also incorporates minor alterations to the proposal, primarily in relation to landscaping, internal planning/ layout configurations and minor building façade alterations to improve the overall presentation of the proposal. The proposed design amendments are discussed in detail at **Section 3.0** of this report.

**Sections 4.0** and **5.0** provide additional environmental impact assessment required in support of the amended proposal and provision of an updated and final recommendation with respect to mitigation measures.

## 2.0 Key Issues and Applicant's Response

This Section of the report provides a detailed response to the key issues raised by the Department and government agencies and authorities during the public exhibition of the SSDA. An overview of the key issues / matters for consideration, is provided below.

- Aboriginal Cultural Heritage Matters (refer to **Section 2.1**);
- Landscape and Public Domain (refer to **Section 2.2**);
- Tree Management (refer to **Section 2.3**);
- Bulk and Scale (refer to **Section 2.4**);
- Heritage (refer to **Section 2.5**);
- Development Contributions (refer to **Section 2.6**);
- Cycling Facilities (refer to **Section 2.7**);
- Site Contamination and Remediation (refer to **Section 2.8**);
- Operational Noise, Construction Noise and Vibration (refer to **Section 2.9**);
- Airspace Obstacle Limitation Surfaces (refer to **Section 2.10**);
- Infrastructure/Services Capacity (refer to **Section 2.11**); and
- Other Issues and Comments (**Section 2.12** and **2.13**).

### 2.1 Aboriginal Cultural Heritage Matters

#### Issues

- The OEH noted that no Aboriginal Cultural Heritage Assessment Report (ACHAR) had been submitted with the SSDA as required by item 9 in SEARS. The OEH acknowledges that the proposed development has potential to disturb a natural dune horizon containing Aboriginal archaeological remains. The OEH noted that it will require 28 days to comment on the report upon its submission.
- RCC also requests that a copy of the ACHAR report be made available prior to works commencing on the site.

#### Applicant's Response

To avoid potential project delivery delays, advice was sought from the Department and the OEH to submit an ACHAR report, complete with the Aboriginal community consultation requirements post SSDA submission. A preliminary Aboriginal Cultural Heritage Assessment Statement was submitted to accompany the SSDA exhibition. The preliminary statement provided a full Aboriginal archaeological assessment for the SSDA site, in addition to outlining the Aboriginal community consultation strategy and the indicative timeline for a complete ACHAR.

Since exhibition, a full ACHAR, prepared in accordance with the OEH' Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales', has been prepared and is provided at **Appendix C** of this submission. The report documents Aboriginal community consultation and discussions in accordance with the *National Parks and Wildlife Regulations 2009*. A copy of this report has also been made available to the OEH on 29 March 2019 and the proponent has made an offer to provide the final version of this report to the Department and Randwick Council, following any comments raised by OEH during its review.

### 2.2 Landscape and Public Domain

#### Issues

The OEH submission also raised the following concerns in relation to the proposal:

- The SSD needs to detail how the development will address the District Plan's sustainability planning priorities and strategies particularly in relation to increasing tree canopy cover and delivering Green Grid connections.

- The OEH recommends that the development incorporate green walls, green roof and or a cool roof in the design of the building. Specific green cover opportunities are identified to increase overall area of landscaping at the Level 1 terrace, the Alumni Terrace and the Fig Tree Courtyard Space and White Bleachers.
- Additionally, increasing the green space would be consistent with Item 5 of the SEARS requirements.

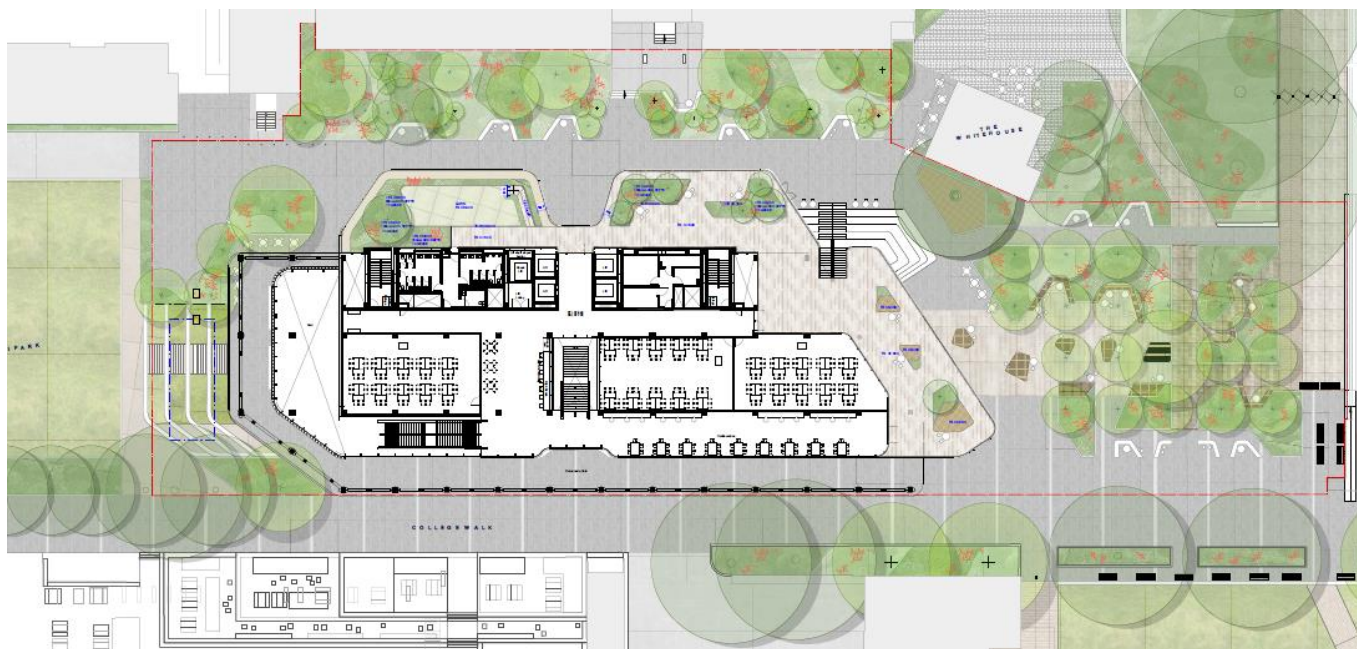
Further, the RCC submission requested that the Landscape and Public Domain Report and associated plans are amended to include following information:

- A planting plan and plant schedule that includes proposed species, botanic and common names, pot size at time of planting, quantity, location, dimensions at maturity and any other details required to fully describe the works;
- A schedule showing the number (as a percentage of total) the endemic, native and exotic species that will be used in all new planting;
- A schedule showing the number of new canopy trees to be planted compared to the number of trees to be removed (both as part of this proposal and under Section 5 of the Environmental Planning & Assessment Act); and
- Provision of a Lighting Strategy for paths and gardens to assist with wayfinding and surveillance/security.

It is noted that the Department also sought clarification on the Landscape Package and requested that a planting schedule be provided.

### Applicant's Response

An Amended Landscape Package prepared by Aspect is submitted with this report in response to the above comments. The package comprises revised plans, a revised design statement, a planting strategy and corresponding planting schedules. Importantly, the site boundary and landscaping extent has been expanded to allow for greater planting and interaction zones in response to the submissions. Refer to **Appendix B** or **Section 3.0** of this report for more details on the proposed amendments and expansion to landscaping proposed. An excerpt of the amended proposal is provided at **Figure 1** below, with a red boundary indicating the extension to the landscaped boundary.



**Figure 1** Amended Landscape Proposal

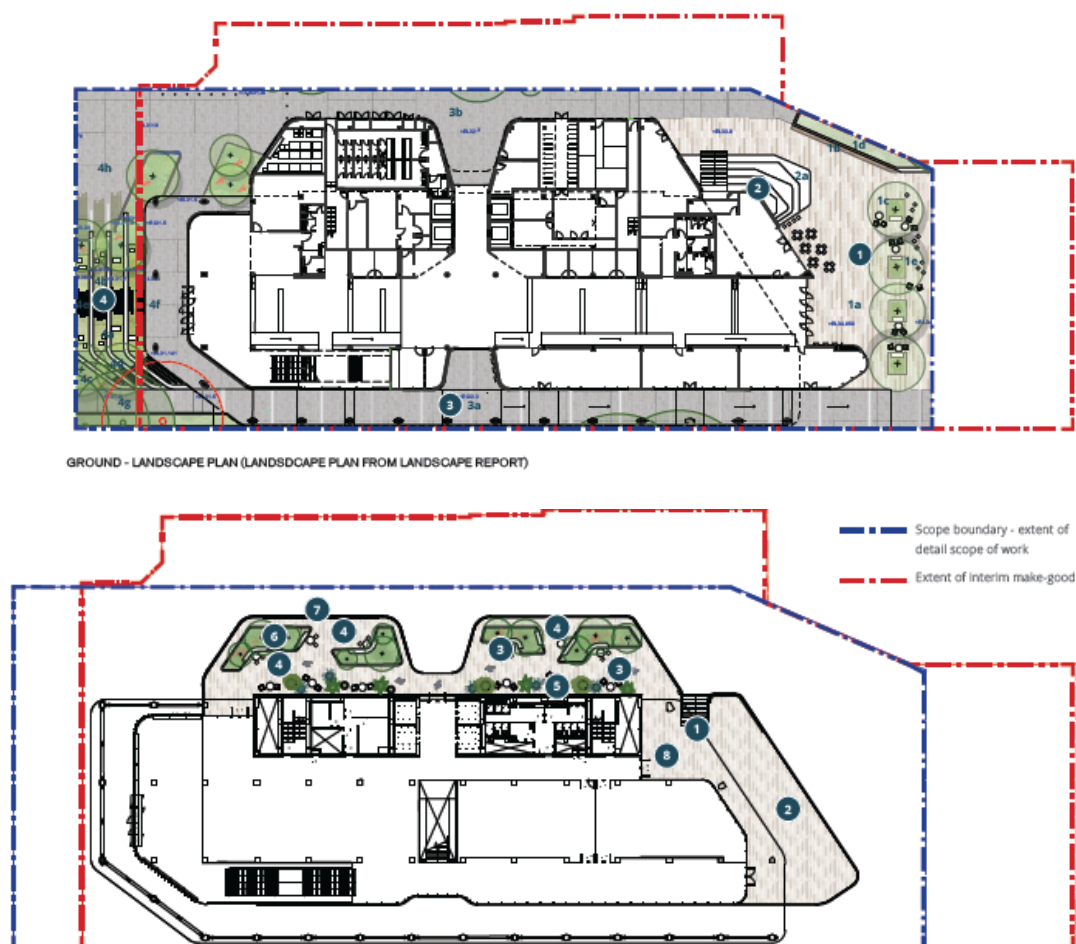
Source: Aspect

As illustrated at **Figure 1** the amended proposal provides an overall improved outcome from a landscape and public domain amenity perspective. In response to the OEH comments, the overall landscaped area has been increased at ground level, and high quality landscaped edges are proposed to the site's interfaces to the north, east and west.



The extent of landscape area on the Level 1 terrace has also been increased and consists of an open lawn area, some mounded landscaping and tree plantings to the north west edge and additional plantings in large planters with integrated seating opportunities. Soil depth within some of the planters will be deep enough to accommodate small evergreen trees and have been oriented with an objective to provide an enhanced transition and separation to the university's residential accommodation to the north of the site.

For comparative purposes, extracts of the submitted landscape extent is provided at **Figure 2** below.



**Figure 2** Exhibited Landscape Proposal

Source: Aspect

With respect to providing a green wall or roof, the project has responded though the alternative provision of additional and a higher standard of landscaping within the ground floor plane. This landscaping will provide improved amenity and usability for users of the campus, whereas a green wall and in particular a green roof will not. Further, the structural load of the CLT frame and usage of the rooftop for PV cells has resulted in the design team ruling out the addition of a green wall or roof for this project.

In addition, the revised proposal is consistent with the following sustainability planning priorities under the Eastern City District Plan:

- **Planning Priority E17 Increasing urban tree canopy cover and delivering Green Grid connections**

The amended landscape proposal significantly increases the landscaped area associated with the project site. It will replace hardstand surfaces with high quality landscaped areas that improve the overall tree canopy cover within the campus, in addition to constituting to the broader District's green grid connections.



- **Planning Priority E18 Delivering high quality open space**

The amended proposal significantly increases and improves the quality of the public domain interfaces to the site. The overall project site area has been intentionally extended to include additional landscaping and open space opportunities. The proposed landscape zones will contribute to the University's overall open space areas on campus while adding new meaningful, functional and high-quality open spaces for use by the University community and visitors. The new landscaping proposal includes seating opportunities and provides areas for relaxation, interaction and social gathering.

- **Planning Priority E19 Reducing carbon emissions and managing energy, water and waste efficiently**

The proposal aims to achieve a 6 Star 'As Built' Green Star rating. To this end, the design of the base building, as well as the proposed materials and finishes are selected with the intent of reducing the overall embodied emissions in addition to delivering a building that will reduce operational emissions. Refer to the ESD Report submitted with the EIS package (refer to **Appendix R** of the exhibited EIS package for more detail).

It is also noteworthy that UNSW has been progressively increasing the quantum of open space areas, as well as improving the overall public domain amenity on campus. Recent works include the creation of Alumni Green (located to the west of the site). As such, the proposed D14 Academic Building's landscaping works represent just a portion of the University's continued and ongoing commitment to improve open space opportunities and deliver high quality public spaces on campus.

Refer to **Section 3.0** or **Appendix B** for more details on the amended Landscape Package, including revised or additional aspects to cover the submission issues raised.

## 2.3 Tree Management

### Issues

The RCC submission acknowledges that a total of 34 trees are proposed to be removed under Part 5 of the EP&A Act. RCC accordingly requests a Tree Management Strategy to ensure that there will be no net loss of tree canopy within the campus. In addition, clarification is sought with regard to the Arborist Report and tree management:

- Part 4.3, Discussion, of the Arborists Report, details that trees NR1, NR4-NR9, T465-479 & T1119-1228 are proposed for removal, but none of these have been shown on the plans, and have also not been assessed in the Arborist Report. As such, this remains an issue, with comment unable to be provided until the required information is provided.
- T404-408 & T411 (Moreton Bay Figs, included in Council's Significant Register as discussed above) and T480-483 (Hill Weeping Figs, also identified in Council's Register as 'component/associative plantings') have all been assigned a High Retention Priority, with new services to encroach some of their TPZ's by up to 10%, at 12m offsets, which should be manageable given the resilience of the species, with relevant Tree Protection conditions imposed.
- T402 is a large standalone Flooded Gum also of high value, with the proposed services as currently shown deemed unacceptable given that a major encroachment of up to 35% of its TPZ would result, which the tree could not sustain, so Protection conditions formalise the Arborists recommendation that the plans be amended so as to provide greater offsets to both its west and south.

### Applicant's Response

The Amended Landscape Plans (**Appendix B**) considers a 'whole of site' tree management strategy approach. A primary aim of the increase of the site boundaries and the overall landscaped area of the proposal, is to significantly increase the planted area and the canopy cover relative to the exhibited EIS.

It is noted that 44 trees are to be removed within the site area under a separate Part 5 assessment process (REF) in relation to separate campus masterplan works. A total of 3 trees within the site are proposed to be removed under this SSDA. In response, a total of 38 new tree plantings are proposed together with in excess of 4,500 new and primarily native shrub and groundcover plantings. These plantings have been carefully selected to complement the HCA and integrate well with the proposed architectural and fixed landscape design elements.

Importantly, the amended landscape proposal replaces existing hardstand areas with additional landscaped open space that will improve the overall quality and increase the quantum of open space within the site, as well as the broader University campus.

As previously mentioned above, the D14 Academic Building landscaping works represent an ongoing commitment by the University to green the campus and improve the quality of public spaces. A recent example being the creation of Alumni Green (situated to the west of the site), previously a hardstand carpark on campus. Further, as identified within the Amended Landscape Package separate to this SSDA, the University is exploring additional tree plantings and landscaping opportunities along College Walk enhancement (see **Figure 2**) which is subject to a separate approval pathway. To this end, it can be concluded that the proposal will have a positive landscape outcome for the site as well as the broader campus.

An amended Arboricultural Impact Assessment Report (**Appendix J**) is provided specifically addressing the additional clarifications sought in submissions relation to tree management. An amended site plan identifying all trees proposed to be retained and those for removal is provided as an attachment (Appendix 4 of the Report). Further, the amended Report confirms the following:

- Trees 404 – 408, Tree 411 and Trees 480 – 483 are assigned a high retention value. No disturbance is proposed to the trees crowns or root zones. However, due to these trees being located in proximity to the proposed site access route, tree protection will be required. All existing hardstands and garden areas are proposed to be retained in place to minimise stress to the trees. No pruning is proposed for access or scaffolding. Any services, level changes or new paving works within the trees projected TPZ is proposed to be calculated by the AQF level 5 Site Arborist at detailed design stage. It is considered that protection of these trees can be managed by way of a suitable condition of consent.
- Tree 402 located to the south east corner of the site was struck by lightning around November 2018. As it was no longer a living specimen, it was removed by UNSW grounds maintenance on 20 December 2018 and a replacement tree is recommended for the area as part of the Amended Landscape Plans (**Appendix B**).

## 2.4 Bulk and Scale

### Issues

RCC have raised the following issues in relation to bulk and scale of the proposal:

- Council requests that the scale of the development is reduced on the eastern and south – eastern portion of the proposed development. It is considered that the bulk and scale of this section is unnecessary and excessive.
- Council is of the view that the deletion of the lower two storey ground plane element and a revised design of this section of the development will result in an improved built form and interface with the heritage conservation area and Whitehouse heritage item.

### Applicant's Response

The proposed development is in keeping with the bulk and scale of the other existing buildings within the campus, including the adjacent UNSW Village, Australian School of Business, The Science and Engineering Building and the Hillmer Building.

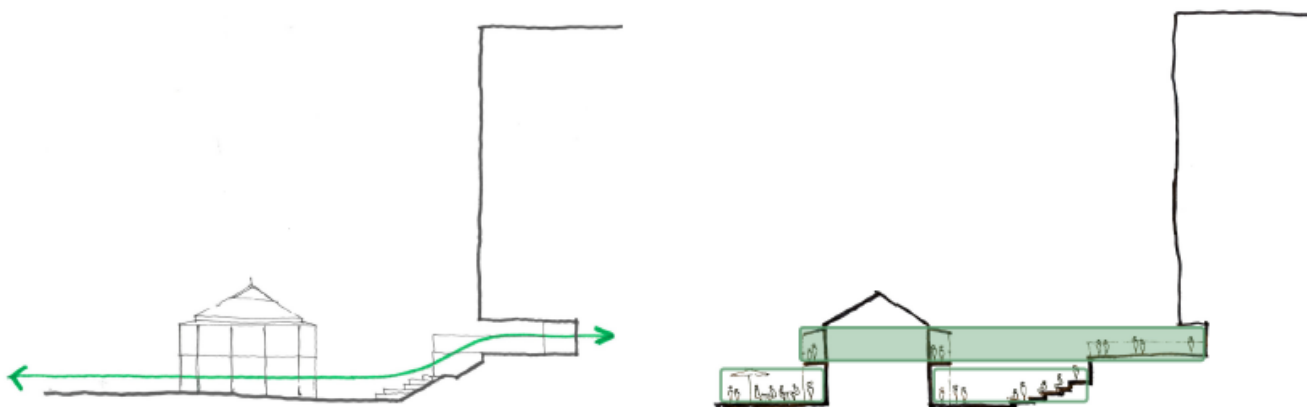
The eastern and south eastern interfaces of the development have been carefully considered to provide a contextual built form that appropriately responds to the site's surrounding context. The form and scale of the building frames and improves views / connections to the Old Tote and Fig Tree Heritage Conservation Area (HCA) from College Walk and the Quadrangle Lawn. The bulk and scale of this portion is appropriate, relative to other buildings in proximity to the site. To clarify, the proposal only contains a single storey at the eastern end with a terrace above. The two storey element is in response to the sloping topography of the site and is contained within the western end, away from the Fig Tree HCA. Importantly, it is this 'base' element of the building which accommodates the student amenity areas such as study spaces, library services, classrooms etc.

The ground level along the eastern and south-eastern corners integrate fine grain features that will ensure an appropriate 'human scale' is achieved along the sensitive interfaces. The relationship of these interfaces to the HCA is discussed in **Section 2.5** of this report. As discussed in **Section 2.2** of this report, the amended landscape plans

also provide an overall improved and enhanced response to the eastern and south-eastern interfaces by offering a softer transition between the building and the surrounds, and further mitigating any bulk or scale impacts. Bulk, scale, form and setting is further discussed in detail with the Addendum Design Report at **Appendix A**.

Within the eastern section of the site, the lower storey edges have been carefully designed to provide an improved relationship between the new Building D14, the Whitehouse and the HCA. This relationship is illustrated at **Figures 3 and 4** below. The new building is also further setback, when compared to the existing UNSW Hall Building, providing a more generous curtilage to the HCA and in particular the Whitehouse (refer to **Figure 5** over the page).

The terrace of the two storey edges are designed to present as an extension of the ground plane, comprising an outdoor terrace space. The north-eastern edge has also been designed to include masonry bleachers. The bleachers along with the Whitehouse and the high-quality landscaping to the north will further activate the north and north-eastern interface of the site and importantly provide a new public space for student gatherings or private contemplation and relaxation. In this regard, the two storey element is considered to be a good design outcome for the site.



**Figure 3** Understorey relationship between the proposal's podium and the HCA



Perspective view illustrating the existing relationship between UNSW Hall and the Whitehouse (left image) and proposed relationship between the new Building D14 and the Whitehouse (right image)

**Figure 4** Sketch Perspective views

Source: Tzannes

## 2.5 Heritage

### Issues

Council found that the Statement of Heritage Impact did not adequately assess heritage impacts resulting from the following:

- The proposed development encroaching into the Heritage Conservation Area.
- A deep, long and tall building being constructed next to the Heritage Conservation Area and items of key heritage significance. Council's view is that the façade features and architectural quality of the building should not be used to justify the height, bulk, and scale of the proposal.
- The south eastern splayed corner is considered to encroach into the curtilage of the Whitehouse. This design feature is also seen to have detrimental impact on the existing connective space and view corridor between High Street and the Quadrangle Lawn.

### Applicant's Response

In response to the above comments and the amended architectural and landscape plans, an Amended Statement of Heritage Impact (SOHI) has been prepared by TKD Architects. A copy of the amended report is provided with at **Appendix D**. The SOHI's response to the key issues raised by Council is summarised below:

- The proposed development is of a comparable bulk and scale to the other adjoining University buildings that share an interface to the HCA.
- The proposed development provides a deeper setback and an improved and more generous curtilage to the HCA and the Whitehouse building (refer to **Figure 5**).
- The proposed scheme includes fine grain human scale features, such as the masonry bleachers to the north east and the amended landscape plans feature extended landscaped areas to the north and the south east corner of the site – which allow views towards the HCA and a celebration of its unique qualities.
- Further, the fine grain quality of the overall building (at ground and upper levels) should not be discounted as the modern appearance and high standard of materials used will ensure this building and the immediately surrounding area is recognisable within the campus as a key meeting and activity point – further adding to the relevance and importance of the HCA.
- The proposal has no adverse visual impact on the HCA when viewed from High Street (refer **Figure 6**).

The extended site boundary results in an increased portion of the site sitting within the HCA. The heritage impacts of the amended architectural and landscape proposal are discussed in more detail at **Section 4.2** of this report.



**Figure 5** Curtilage around Whitehouse, existing (left) and proposed (right)

Source: Tzannes





**Figure 6** 3D model view of the amended proposal from High Street

Source: Tzannes



**Figure 7** 3D model view of the amended proposal from Goldstein Hall

Source: Tzannes

## 2.6 Development Contributions

### Issues

Council has reviewed the exemption request and has determined that the proposal does not qualify for an exemption under the Section 94A Plan for the following reasons:

- The policy applies to any development that increase the demand for council provided public facilities and specifically applies to educational developments.
- Council's S.94A plan applies a flat rate percentage to all development with only limited exceptions for charities and senior housing.

- While the University holds a prominent role in Randwick City, the University also places heavy demands on and benefits from the public services and facilities provided by Council. The University is also a business providing education on a fee – for service basis, and therefore does not meet the types of development or works to be exempted from the S94A policy.

### **Applicant's Response**

The Applicant requests that Council and the Department reconsider the requirement for this proposal to pay development contributions.

Council identifies that generally any development that increases the demand for public services and facilities is to pay contributions. The new Building D14 development will not increase the overall population of the University, rather the proposal will simply re-distribute the existing campus population into more modern and usable facilities. As discussed within the exhibited EIS Report, the development is not considered to result in any direct increase in the current campus population but rather meet the existing shortages for the proposed student learning and staff spaces within the campus.

Importantly, under the 'Transport, parking and accessibility' section of Council's submission, Council acknowledges that the development will result in no net increase in staff, students or visitation to the campus. Correspondingly, it can also be concluded that the development will not increase the demand for any Council services or public facilities.

Further, the University is registered as a 'not-for-profit organisation' and the University is also an education facility and a 'nominated charity'. These types of developments are specifically identified as being exempt under Council's S94A Contribution Plan. While the proposal is of a category that is larger than a 'small scale' development, as discussed above, the development will not place any additional demand on Council's services or public facilities as it does not propose to generate or attract additional student population, staff or visitations within the Campus.

In addition, as previously discussed within the exhibited EIS, payment of S94A contributions is not warranted for this development having consideration to the following matters below:

### **The Public Nature of University Development**

The University and its functions are inherently of a public nature, providing educational and employment opportunities to the Randwick community and to the public at large. The inherent public character of the University is in contrast to a strictly commercial development where a full levy might be considered reasonable.

The underlying purpose of Council's Development Contributions Plan is to raise funds from private, commercially driven development to be applied towards the cost of public facilities and infrastructure which are burdened by those developments. Imposing a levy on the University's own public infrastructure financially compromises its ability to carry out its teaching and research functions and conflicts with the public tenet of the Contributions Plan.

UNSW is a not-for-profit institution which relies on government grants, donations and student fees to provide new facilities for both the University community and the wider public. Levying of a contribution diverts these institutional funds which have been provided for an educational purpose, to local services without any direct nexus to the impact on those services.

Additionally, the nature of the proposed development and its location within the Kensington Campus means that many of the categories of infrastructure for which Council is seeking to levy are already provided by the University for use by staff, students and the general public. Therefore, it is considered unnecessary that the proposed development is levied for community facilities, public domain or open space as UNSW already provides these facilities including:

- Four child care centres
- Fitness and Aquatic Centre – including health and fitness programs, school sports programs and children's holiday activities
- General library and law library
- Performance and rehearsal venues
- Retail services – including cafes, take-aways, bank, post office, pharmacy

- Medical centre, physiotherapy, optometry clinic
- Kingsford Legal Centre – pro bono advice and assistance
- Refugee Advice and Casework Service – not for profit legal service
- Indigenous outreach programs to local schools
- Village Green detention basin and aquifer recharge – reduces stormwater discharge into Council's stormwater system

### Department Circular D6

UNSW development is Crown development pursuant to Clause 226 of the EP&A Regulations. Department Circular D6 sets out the reasons why Crown development should be exempt from development contributions. Where the applicant is a Crown authority and the development is for educational services, no contributions should be levied for open space, community facilities, parking, local and main road upgrades. The proposed development is part of the University's educational services.

Furthermore, no contributions should be levied for any stormwater works as the UNSW Kensington Campus caters for all its stormwater run-off via the Village Green detention basin and does not burden any Council-related stormwater and drainage infrastructure.

As stated in Circular D6:

*“Crown activities providing a public service or facility lead to significant benefits for the public in terms of essential community services and employment opportunities. Therefore, it is important that these essential community services are not delayed by unnecessary disputes over conditions of consent. These activities are not likely to require the provision of public services and amenities in the same way as developments undertaken with a commercial objective.”*

### Overpayment to Council's s94A Development Contributions Plan

The applicant has now paid over \$4.8 million in development contributions to Randwick City Council since the commencement of Council's s94A Plan in 2007. This has come from a range of local, regional and SSD applications. The campus is within the area defined by Council as the Randwick Specialised Centre/Health and Education Precinct. In the 2012 version of Council's s94A Plan, \$4 million was to be spent for 'Public domain improvements within the Specialised Centre'. The 2015 version of the Plan reduced this amount to \$1 million via Schedule of Works item 3.5.

Included in the \$4.8 million-plus that UNSW has already contributed, more than \$1.5 million has been collected specifically for the Specialised Centre/Health and Education Precinct (refer to attachments at **Appendix M**). Item 3.5 in the Schedule of Works has therefore been over-paid by UNSW alone.

There is little or no evidence of any public domain improvements at, near to, or around the UNSW Kensington Campus or the adjoining Hospitals Campus resulting from spending on Schedule of Works item 3.5 or related items within the Contributions Plan.

Furthermore, UNSW is not aware of any other non-UNSW developments within the Specialised Centre/Health and Education Precinct that have been levied development contributions. Given the circumstances outlined above relating to overpayment and underspending, further development contributions from UNSW towards Council's s94A Plan are not warranted.

As outlined under the exhibited EIS, the imposition of a condition of consent for the development is not required under either the *Environmental Planning and Assessment Act 1979* (EP&A Act) or Council's Contribution Plan. On this basis, it is requested that the Department and Council reconsider the requirement for the development to pay S.94A contributions. It is noted that development contribution exemption has been the consistent approach adopted by the Department on previous recent applications (SSD 5572 – Mechanical and Manufacturing Engineering Building, SSD 7370 – Electrical Engineering Building, SSD 7865 – Biological Sciences Project Stage 2) of this nature.



## 2.7 Cycling Facilities

### Issues

More details are requested in relation to the proposed bicycle parking arrangements (End of Trip facilities) such as access restrictions, total number of bicycle parking spaces to be provided as part of the development. The proposed parking arrangement must comply with all applicable Australian Standards.

### Applicant's Response

The proposed End of Trip (EOT) Facilities form part of UNSW's campus-wide strategy for bicycle parking to meet the needs of students, staff and visitors to the Kensington Campus. The building will incorporate 25 secure bicycle racks. The spaces provided will have access control restrictions to allow for the nominated users of the building to access the facilities. It is noted that the existing UNSW Hall Building on the site does not accommodate any secure bicycle parking facilities.

## 2.8 Site Contamination and Remediation

### Issues

The following issues were raised by the EPA in its submission:

- Further investigation is necessary following demolition of structures on site.
- Prior to commencing work, prepare and implement an appropriate procedure for identifying and dealing with unexpected finds of site contamination, including roles and responsibilities of all parties.

### Applicant's Response

A detailed response to the EPA's submission on contamination matters has been prepared by Douglas Partners (**Appendix K**). The response confirms that in accordance with the submitted Remediation Action Plan (RAP), additional data gap assessment will be undertaken, including five test pits and four additional test bores at the site focusing within the building footprint that is inaccessible until the demolition works are completed.

Further, the RAP outlines the strategy / procedure to carry out remediation works. The RAP includes an unexpected finds protocol, which is capable of being implemented subject to standard conditions of consent. Refer to **Appendix K** for a detailed response to the EPA submission comments in relation to contamination matters.

## 2.9 Operational Noise, Construction Noise and Vibration

### Issues

The following issues were raised by the EPA in their submission:

- No background noise monitoring has been undertaken as part of the noise assessment. Background noise monitoring is to be carried out in accordance with the NSW Noise Policy for Industry.
- The EPA recommends that all construction and demolition work, including bulk earthworks are undertaken within the standard hours of construction work.

### Applicant's Response

An Addendum Noise Impact Assessment prepared by Wilkinson Murray is provided with this application (**Appendix F**) in response to the above issues raised by the EPA. A summary of the response to the above is provided below:

- Noise monitoring was conducted at the nearest affected residence being the UNSW Village student accommodation to the north of the proposed site. These residences are owned by UNSW and are leased to a private accommodation provider. Accordingly, these residences have had site specific noise criteria or trigger levels applied in accordance with the EPA's Noise Policy For Industry. As a result, the Noise Impact Assessment has been conducted at these residential receivers based on 7 days of noise monitoring.

Further, in this instance, the nearest residences outside of the UNSW Kensington campus boundary is 350m to the south-east of from the project site and is separated by existing campus buildings which will significantly

shield any operational noise originating from the development. Construction noise will also be inaudible at these external residential dwellings, noting that there will be a 75dBA noise reduction as a result of shielding by the intervening buildings.

- Given that the development does not propose demolition or extensive excavation work, construction noise associated with the proposed Building D14 development will be of significantly lower impact. Further, the project site is located away from the campus boundaries and the resulting noise is expected to be inaudible from residences external to the campus.

The extended construction hours will reduce the overall construction period and thereby any long-term impact on surrounding receivers. It is also noted that, the upper levels of the development include a timber frame which involves less noise producing construction activities than standard concrete buildings. On this basis, the application seeks consent for extended construction hours for Saturday (from 2pm to 5pm).

For more detail refer to **Appendix F** of this application.

## 2.10 Airspace Obstacle Limitation Surfaces

### Issues

Sydney Airport Corporation Limited provided approval for the building (as the activity breaches the Obstacle Limitation Surfaces (OLS)) pursuant to Section 183 of the Airports Act for a maximum height of 73.4m. This approval was given subject to the following:

- The proposed development penetrates the OLS by approximately 7.4m. At completion of construction, a certified surveyor is to notify in writing of the finished height of the building to the airfield design manager.
- Approval must be sought under the Airports (Protection of Airspace) Regulations 1996 prior to construction for any cranes required to construct the buildings.

It is noted that the Civil Aviation Safety Authority raised no issues with the proposal.

### Applicant's Response

The applicant acknowledges the above comments and approval of the building's approval from Sydney Airport. However, due to the detailed design requirements of the building, in particular fire engineering systems, the overall height of Building D14 has increased marginally from RL 72.400m to RL 72.440m (with an overall maximum of RL73.440m to allow for flues, exhaust and the like, refer to the amended Architectural Package (**Appendix A**). Whilst the increase is extremely minor, the applicant requests that Sydney Airport reconsider the proposal and amend its approval, if required. With respect to the as-built building height and the requirement for a separate approval for construction cranes, it is recommended that these are addressed by way of suitable conditions of consent.

## 2.11 Infrastructure/Services Capacity

### Issues

The following issues have raised in a submission from Sydney Water:

- The existing watermain in High Street will need to be upsized to service the development. A hydraulic consultant needs to be engaged to identify the requirements regarding size and length needed for the upsized watermain.
- The existing sewer in High Street will need to be upsized to service the development. A hydraulic consultant needs to be engaged to identify the requirements regarding size and length needed for the upsized sewer.

### Applicant's Response

The applicant's hydraulic consultant has reviewed the existing water and sewer mains situation. Given that the new Building D14 largely replaces a student accommodation building of similar water and services demand, the proposal does not require upsizing. To this end, WS&P has prepared a Section 73 Application Report. A Notice of Requirements has also been submitted to Sydney Water (Case No. 177203 on the Sydney Water's E Developer portal). For reference, a copy of the Section 73 Application Report, prepared by WS&P, is also provided with this

application (refer to **Appendix E**). The report confirms that the existing sewers and water mains can service the new Building D14 development without the need for any upsizing.

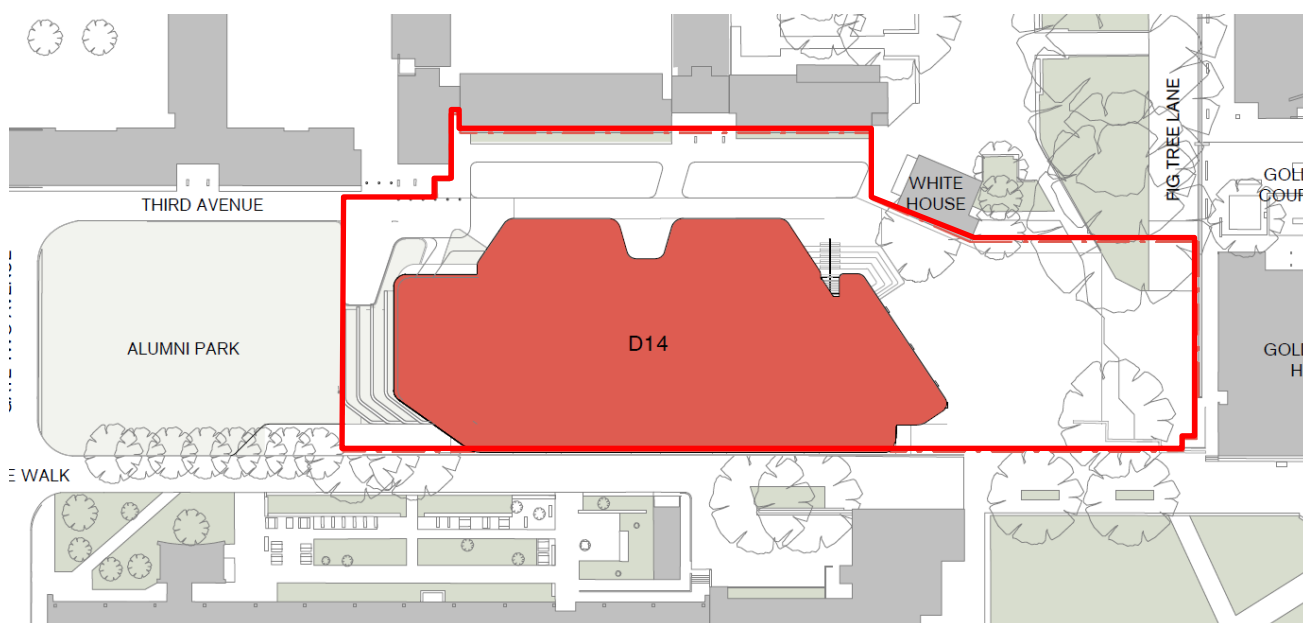
## 2.12 Other Issues

In addition, the Department issued a letter and sought clarification on the following:

- Extent of the site boundary; and
- Consistency with Clause 6.2 Earthworks of Randwick Local Environmental Plan 2012.

### Site Boundary

As discussed above, the amended SSDA package extends the project site area to capture opportunities for landscaping the interfaces around the new Building D14 development. As a result, the new site boundary is as illustrated in the Amended Architectural Plans (**Appendix A**) shown bound in red. For reference, a copy of the site plan identifying the new extent of the site boundary is provided at **Figure 8**.



**Figure 8** Extent of the expanded/revised site boundary shown bound in red

Source: Tzannes

### Consistency with Clause 6.2 Earthworks of Randwick Local Environmental Plan 2012

The proposal includes minor excavation works to accommodate the structural footings and foundations of the new Building D14 development. On this basis, clause 6.2 Earthworks of Randwick LEP 2012 applies to the site. The proposal is consistent with the clause given that:

- The proposal is accompanied by a detailed Geotechnical Assessment Report, prepared by Douglas Partners (**Appendix T** of the exhibited EIS), a Remediation Action Plan (**Appendix V** of the exhibited EIS), an addendum Remediation Action Plan (**Appendix K**) and an ACHAR report (**Appendix C**). The EIS has taken into consideration the potential technical impact of the proposed works. Given the minor scale of excavation works proposed, overall impact is considered to be low or minor.
- To this end, the proposal is consistent with the objective of the clause in that the proposed excavation works have been appropriately considered in specialist technical reports and has been determined to not result in any impacts on the environmental functions, neighbouring uses, cultural or heritage items or features of the surrounding land which are unable to be appropriately managed through mitigation measures.

## 2.13 Other Comments

Comments were received from TfNSW and RMS in relation to existing bus routes that service the locality and nearby Railway Stations.

Council did not object to the zero parking provision proposed for the development and were supportive of the sustainability measures adopted for the development, urging that the development aim to achieve the 6 Star Green Star Rating. Council comments also identified that the development should be consistent with the requirements for Catchment B1 under the UNSW 2025 Stormwater Strategy Management Plan (July 2017).

Ausgrid also responded to the EIS and confirmed no other comments in relation to the proposal.

### Applicant's Response

The above comments are acknowledged by the applicant.

A Construction Traffic and Pedestrian Management Plan is to be prepared prior to commencement of construction activities and will be appropriately enforced by the Site Manager during the construction phase of Building D14. Refer to the Preliminary Construction Traffic Management Plan, prepared by Arup and provided at **Appendix H**.

The applicant acknowledges that the site and the broader UNSW Kensington campus is well serviced by existing bus routes that connect the site to nearby railway stations, specifically Bondi Junction Station (Routes 400 and 348), Green Square (Route 370) and Central Station (Routes 893, 898, and 891).

The applicant also notes Council's comments in relation to parking and sustainability. The applicant and the project team are committed to achieving a 6 Star Green Star Rating. Efforts will be taken to ensure that this can be achieved post construction.

The proposed stormwater drainage strategy is also consistent with the requirements for Catchment B1 under the UNSW 2025 Stormwater Strategy Management Plan (July 2017).

### 3.0 Proposed Amended Development

This submission seeks to amend SSDA 9606 pursuant to clause 55 (1) of the *Environmental Planning and Assessment Regulations 2000* (Regulations). Since public exhibition of the proposal, generally minor amendments have been made to the proposed development to best respond to some of the issues and comments raised by the Department, Council and other agencies. In addition, some minor internal amendments are proposed. The internal changes proposed are a result of detailed design considerations and will provide a more efficient and well configured floor plan at each level of the development. The proposed changes are illustrated on the revised Architectural Drawings prepared by Tzannes (**Appendix A**) and the Landscape Drawings prepared by Aspect (**Appendix B**).

The following section presents a brief updated description (where relevant) of the amended development for which approval is sought. The changes overall are considered to be minor and deliver an improved outcome. Accordingly, and as detailed in **Section 4.0**, the changes are not considered to give rise to any material alteration to the environmental assessment of the potential impacts considered as part of the original development application. On this basis, the amended application seeks approval for the following elements:

- Construction of an 8 storey multi-purpose building comprising of 14,988 m<sup>2</sup> of Gross Floor Area (GFA);
- Excavation to accommodate the structural footings and foundations of the building;
- Removal of three (3) trees;
- Landscaping and public domain works;
- Category 1 remediation works;
- Building identification signage zones; and
- Augmentation and connection of services and utilities infrastructure.

#### 3.1 Proposed Amendments

A summary of the overall list of changes proposed as part of the amended SSDA design is provided below:

- Extend the project boundary further to the north and east;
- Significant additional landscape and public domain works;
- Consolidate three retail tenancies into two larger, more functional and efficient retail tenancies at ground level along the southern edges of the site;
- Minor rearrangement of the internal layout;
  - Reconfigure the building's core, including inclusion of a new goods lift at all levels (Ground to Level 7);
  - Redesign to allow for full height external glazing to the two egress stairs on the north elevation and encourage use and uptake of stairs by users;
  - General reconfiguration of the internal spatials of the ground floor level;
  - Rationalise the louvered area to the northern elevation to manage heat load;
  - Rationalise CATS classrooms and provision of expanded flexible study spaces;
  - Relocate one of the CATS room from Level 2 to Level 1 and minor design changes to the remaining five CATS room to allow for a higher degree of research and quiet study area;
- Introduce two tone colour back glass to the north elevation (at Levels 2 to 7);
- Increase height of louvres to the Level 7 winter garden for better thermal control;
- Minor change to the plant room footprint and reconfiguration of photovoltaic arrays location;
- Augmentation of services and utilities, including stormwater drainage system; and
- Remediation of the extended site area.

### 3.1.1 Numerical Summary

The key numeric development information is summarised in **Table 1**

**Table 1 Numerical Summary of the Amended Development**

Component	Submitted Scheme	Amended Scheme
Site area	4,291 m <sup>2</sup>	5,229m <sup>2</sup>
GFA	15,010m <sup>2</sup>	14,988m <sup>2</sup>
<b>Height of buildings</b>		
Height in storeys	8 storeys + mechanical plant	8 storeys + mechanical plant
Top of allowance for flues, vent piles exhausts, lightning rods and the link (maximum overall building height)	RL 73.400m	RL 73.440m
Top of the plant room	RL 72.400m	RL 72.440m
Top of building parapet	RL 67.210m	RL 67.250m

## 4.0 Environmental Impact Assessment

The exhibited EIS assessed the potential impacts of the overall development against a range of matters relevant to the development. Except where addressed in this report, the conclusions of the original assessment remain unchanged. The following matters were assessed in the exhibited EIS:

- Consistency with Relevant EPIs, Policies and Guidelines
- Urban Design and Built Form
- Visual Impact
- Ecologically Sustainable Development
- Solar Access and Overshadowing
- Parking, Traffic and Access
- European Heritage
- Aboriginal Heritage
- Contamination
- Tree Removal and Protection
- Water Cycle Management
- Biodiversity Impact
- Wind
- Operational Noise
- BCA and Fire Safety
- Accessibility
- Structural Adequacy
- Construction Impact and Management
- Crime Prevention Through Design
- Contributions
- Geotechnical Impact
- Site Suitability
- Public Interest

In response to the issues raised and the minor detailed design changes sought, the following consultants' reports and supporting information has been updated in support of the EIS:

- Amended Architectural Plans and Design Statement prepared by Tzannes;
- Amended Landscape Plans and Design Statement prepared by Aspect;
- Aboriginal Cultural Heritage Assessment Report prepared by Coast Heritage;
- Amended Statement of Heritage Impact prepared by TKD Architects;
- Addendum Construction and Operation Noise Impact Statement prepared by Wilkinson Murray;
- Amended Access Report prepared by Morris Goding;
- Amended Construction Management Plan by Lendlease;
- Amended Stormwater Management Plan prepared by WSP;

- Supplementary Construction Traffic and Pedestrian Management Plan prepared by Arup;
- Remediation Action Plan Addendum prepared by Douglas Partners;
- Revised Arboricultural Impact Assessment prepared by Ents Tree Consulting; and
- Development contributions attachments provided by UNSW.

The matters requiring further assessment are addressed below.

#### 4.1 Landscaping

As discussed in the earlier sections of this report, an amended landscape proposal has been developed for the site. The amended landscape scheme will provide a significantly improved outcome from a landscaping and public domain amenity perspective. The amended proposal will increase the overall landscaped area within the site, in addition to providing significant replacement tree planting and understorey plantings as part of the development. The new landscaped zones will introduce new well-designed public open spaces on campus, that will provide additional spaces for individual relaxation or informal group gatherings.

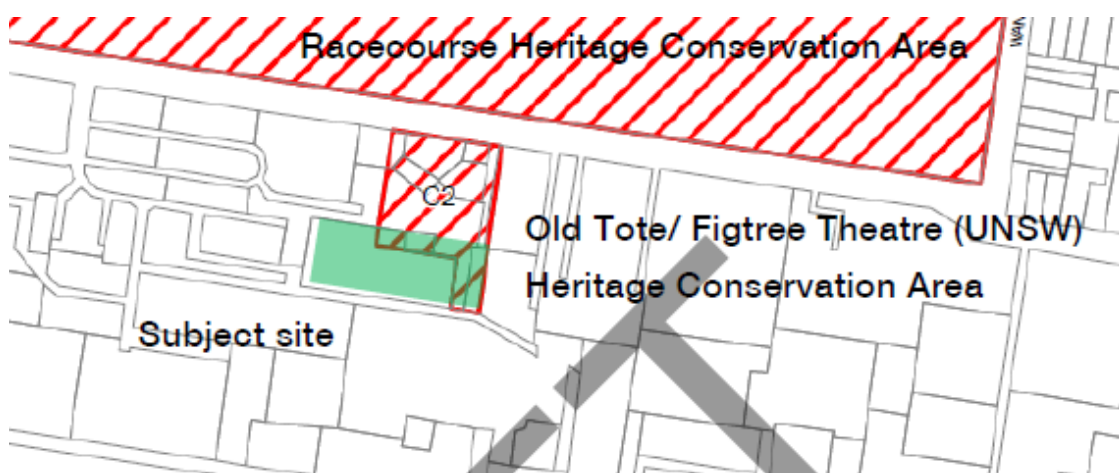
The landscaping scheme will also complement the architectural concept for the development and provide an improved curtilage response around the new building. Further, the scheme takes into consideration the character of the HCA and proposes a planting strategy that is sympathetic to the adjoining HCA landscaping qualities, while also complementing the broader campus green grid from a biodiversity and aesthetic landscaping perspective. A copy of the Amended Landscape Package is provided at **Appendix B** of this submission.

#### 4.2 Heritage

An amended Statement of Heritage Impact (SOHI) has been prepared by TKD Architects (**Appendix D**) to consider and assess any potential heritage impacts due to the extended landscape footprint / site area, which marginally encroaches into the HCA (refer to **Figure 7**). This portion of the HCA largely consists of bitumen or hardstand paving and does not include any items of heritage significance.

The extended site works proposes to largely replace 'make good' bitumen paving originally proposed with landscaped areas consisting of additional trees, understorey plantings and seating area. This is seen to provide an improved outcome from a heritage perspective, in that the new landscaped areas will complement the HCA in addition to providing an improved softer transition between the new development and the heritage significant items of the HCA (the Whitehouse, the Old Tote, Fig Tree Theatre and the Fig Trees). The amended proposal will also continue to provide an improved setback and curtilage response to the HCA relative to the existing University Hall student accommodation building. The materiality and articulation proposed for the new D14 Academic Building are also sympathetic and complementary to the HCA.

On this basis, it is considered that the additional works and encroachment of the HCA will not result in any adverse heritage impacts. Further, TKD Architects confirm in its amended Statement of Heritage Impact that the proposed revised package of landscaping works are seen to provide an overall positive heritage outcome.



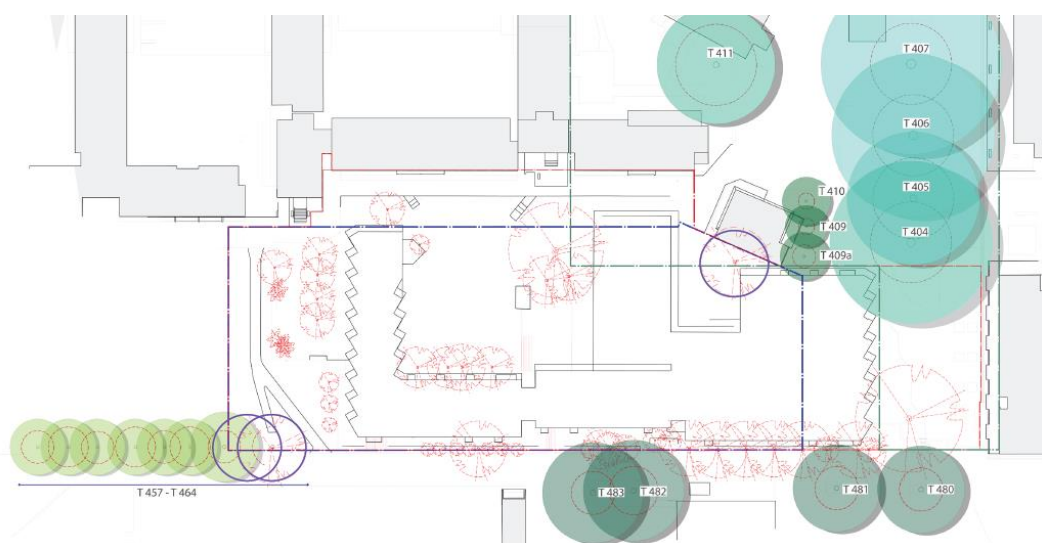
**Figure 9** Amended Project Footprint in relation to the HCA



### 4.3 Tree Impacts

In relation to impacts to trees within the project site, the amended SSDA package clarifies the number of trees proposed to be removed as three (3). This includes Tree 1119 (to the south of the Whitehouse) and Trees 463 and 464, to the south-east of the proposed building adjacent to College Walk. For further assessment of the trees to be removed and the proposed tree protection measures for retained trees, refer to the revised Arboricultural Impact Assessment (provided at **Appendix L**). Refer to **Figure 10** below for a visual representation of trees to be removed and retained.

In addition, as part of the landscaping scheme a total of 38 new tree plantings along with understorey plantings are proposed. Refer to pages 17 and 23 of the Amended Landscaping Report at **Appendix B**. As such, the overall tree removal impact is considered to be minor.



**Figure 10 Proposed SSDA Tree Strategy**

### 4.4 Stormwater Impacts

An amended Stormwater Management Plan is provided with this submission to address the stormwater drainage requirement for extended site area. The amended stormwater plan is also designed to meet the requirements of the UNSW Stormwater Strategy Management Plan and the RCC Private Stormwater Code 2013.

To reduce the stormwater discharge from the site, the amended scheme proposes an infiltration system, constructed from Rocla Plastream slotted pipes. The pipe is proposed to be installed beneath the stairs along the western boundary of the site, with the system encroaching approximately 4m into the Alumni Lawn. Stormwater shall infiltrate to the Botany Sands Aquifer, from where it will be drawn for irrigation and other non-potable uses within the Campus.

MUSIC modelling was also undertaken, and the findings confirmed that the amended stormwater system will achieve the Green Star Column B pollutant target reduction. Refer to the Amended Stormwater Management Plan at **Appendix J** for more detail.

### 4.5 Contamination

A Remediation Action Plan addendum, prepared by Douglas Partners, is provided at **Appendix K**. The addendum statement outlines a remediation strategy for the expanded site area, being the additional portion of the site that was not captured under the previously submitted RAP (**Appendix V** of the exhibited EIS).

While no testing has been undertaken for the site given that the hardstand paving that covers the new site portions. Demolition / removal of hardstand is first necessary to characterise the site. However, based on background data, it is considered that the new site portions will have a similar contamination risk profile as the rest of the area. Accordingly, it is considered appropriate to expand the data gap assessment specified in Section 9.3.1 of the RAP

to include the expanded site area. On this basis, it is considered that the additional site area can also be made suitable for the proposed development.

## 4.6 Access Impacts

An Amended Access Report prepared by Morris Goding Access Consulting is provided with this submission (**Appendix G**). The report undertakes an assessment of the amended Architectural Scheme and Landscape Plans against the relevant Access Standards (AS 1428 series, AS 1735.12), *The Disability Discrimination Act 1992*, the BCA and the Universal Design Principles and confirms that D14 Academic Building and the public domain works proposed either readily achieves compliance with the relevant access provisions or can achieve compliance through minor design changes that can be incorporated at detailed design stage.

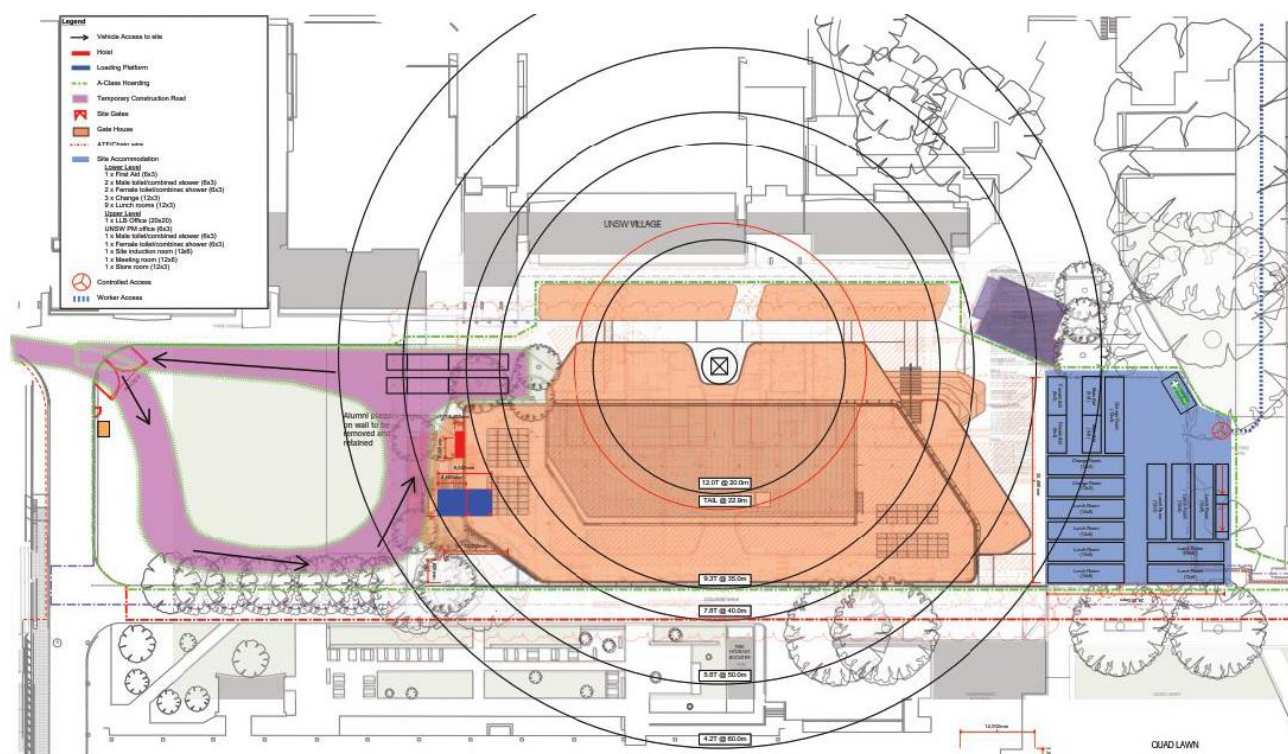
Where strict compliance with the deemed to satisfy provisions cannot be achieved, suitable alternate performance solutions can also be developed at detailed design stage. Refer to the Access Report at **Appendix G** for more detail.

## 4.7 Construction Impacts

An Amended Construction Management Plan (CMP) is provided with this submission (**Appendix I**) in order to capture the enlarged site area works. The CMP continues to outline the delivery strategy for the development and construction management practices and mitigation measures that will applied during the construction phase of the project. It identifies the operational and site management measures and the overall construction staging strategy.

The amended CMP outlines the revised work site methodology and provides a suitable amended site establishment plan, an excerpt of which is provided at **Figure 11**.

It is noted that while the overall work site footprint has increased, no change is proposed to the construction vehicle access routes. On this basis, further consideration of construction traffic or pedestrian impacts are not undertaken. Notwithstanding this, a revised Preliminary Construction Traffic Management Plan (CTMP) is provided with this submission (**Appendix H**). The CTMP takes the revised site boundary into consideration and continues to outline all relevant mitigation measures that should be adopted and enforced during the construction phase of the site. Refer to the CMP at **Appendix I** or the CTMP at **Appendix H** for more detail.



### Figure 11 Amended Work Site Plan

Source: Lendlease

## 5.0 Final Mitigation Measures

The collective measures required to mitigate the impacts associated with the proposed works are detailed in **Section 7.0** of the exhibited EIS. As demonstrated by the environmental assessment carried out in **Section 4.0** of this report, it is not anticipated that the amended SSDA will result in any additional significant environmental impact. Accordingly, the mitigation measures as identified under the exhibited EIS will suffice to manage any potential environmental impact. Notwithstanding this, the mitigation measures table (as discussed under the exhibited EIS) is updated to capture the revised / additional documentation.

**Table 2 Mitigation Measures**

Mitigation Measures
<b>Construction Management Plan</b> <ul style="list-style-type: none"> <li>The CMP should be implemented during the construction phase of the development. In addition, a Environmental, Health and Safety Management Plan and all associated sub plans as identified under the CMP must be prepared prior to commencing works on the site and management measures as outlined under these plans should be applied during the construction phase of the development.</li> </ul>
<b>Construction Noise and Vibration Management Plan</b> <ul style="list-style-type: none"> <li>Preparation of a Construction Noise and Vibration Management Plan in accordance with the mitigation measures, guidelines and recommendations identified by the Operational and Construction Noise Assessment Report prepared by Wilkinson Murray and the CMP should take place, prior to works commencing.</li> </ul>
<b>Construction Traffic Management Plan</b> <ul style="list-style-type: none"> <li>All construction vehicle and pedestrian management measures as outlined under the CTMP should be applied to the site as part of a detailed Construction Pedestrian Traffic Management Plan (CPTMP) in consultation with the TfNSW Sydney Coordination Office (SCO), Roads and Maritime, and Randwick City Council, prior to works commencing.</li> </ul>
<b>Contamination</b> <ul style="list-style-type: none"> <li>Further contamination investigations are to be undertaken within the building footprint of the previous UNSW Hall structure to fully characterise the site, prior to commencing works. Remediation works, if necessary, will be undertaken in accordance with the RAP prepared by Douglas Partners at <b>Appendix V</b> and the Addendum RAP dated 3 April 2019. Following remediation and prior to works subject to this proposal commencing, a Validation Report will be prepared by a suitably qualified Environmental Consultant, which will detail the methodology, results and conclusion of the assessment, provide waste classification and disposal information, and make a clear statement regarding the suitability of the site for the proposed land use.</li> </ul>
<b>Building Code of Australia</b> <ul style="list-style-type: none"> <li>Alternative solutions that address non-compliances with the deemed to satisfy provisions of the BCA should be considered during detailed design stage and resolved prior to works commencing. The alternate solutions should be assessed against the relevant Performance Requirements of the BCA by suitably qualified persons.</li> </ul>
<b>Aboriginal Heritage</b> <ul style="list-style-type: none"> <li>A condition of consent to monitor activities during earthworks as well as identify and investigate any undisturbed sand horizons is recommended.</li> <li>Ensure archaeological activities are carried out in accordance with a final Aboriginal Cultural Heritage Assessment Report prepared in line with the in line with the OE&amp;H Guidelines.</li> </ul>
<b>Tree Removal and Protection</b> <ul style="list-style-type: none"> <li>It is recommended that construction proceeds using the Australian Standard AS4970 2009 Protection of trees on development sites is adhered to.</li> <li>A final and detailed Arboricultural Impact Assessment prepared by an AQF level 5 site Arborist is to be prepared and implemented prior to works commencing.</li> <li>The specific additional Tree Protection measures recommended by the Arborist are implemented as a condition of consent.</li> </ul>
<b>Wind Impact</b> <ul style="list-style-type: none"> <li>A condition of consent to develop suitable wind amelioration measures for areas nominated for outdoor dining, seating and relaxation prior to works commencing.</li> </ul>

## 6.0 Conclusion

The applicant, UNSW and its expert consultant team have considered all submissions made in relation to the public exhibition of the proposal. A considered and detailed response to all submissions made has been provided within this report and the accompanying documentation.

In responding and addressing the range of matters raised by the government agencies and authorities, and informed by the detailed design works undertaken by the project team, UNSW has sought to refine the project design.

As outlined within this report, the analysis of the amendments to the proposed development confirms that all key elements of the proposed development, as originally proposed and exhibited, have largely remained unchanged. To the benefit of the overall project, the environmental impacts of the amended development remain consistent with, or represent an improvement on, the original application. The proposal continues to have significant planning merits as it:

- Facilitates the use of a strategic site within the UNSW Kensington campus for a well designed, high quality development that provides an improved urban design, landscape and architectural design response for the project site and its immediate surrounds;
- Improves circulation, connectivity and accessibility within the UNSW Kensington campus;
- Improves solar access and amenity to 'Old Tote and Fig Tree Theatre' Heritage Conservation Area;
- Activates the ground plane, particularly along the Alumni Park and College Walk;
- Introduces new contemporary facilities for use by students and staff including specialised new format learning environments that aim to promote student interaction, creative thinking and innovation;
- Is consistent with the objectives of the UNSW 2025 Strategy to deliver new cutting-edge development that meets the current and ongoing operational needs of a premier Australian University; and
- Offers a wide range of positive short and long term socio-economic benefits.

Given the planning merits described above, and significant public benefits proposed, it is requested that the Minister, or his delegate, approve the amended application.