



**Planning &
Infrastructure**

***MODIFICATION REQUEST:
S75W modification of the UNSW Medical
Sciences (Wallace Wurth) Building,
Kensington Campus (MP09_0075 MOD 1)***

Director-General's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

November 2011



Cover image: Photomontage of the approved project viewed from the corner of High and Botany Streets, Randwick.

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EXECUTIVE SUMMARY

The University of New South Wales has lodged a Section 75W Application to modify the Project Approval for redevelopment of the Medical Sciences (Wallace Wurth) Building on the Kensington Campus. The proposed modifications include minor changes to the northern façades of the eastern and western wings and to the retention/removal of trees.

On 27 November 2010, the Deputy Director-General Development Assessment and Systems Performance, as delegate of the Minister for Planning granted approval for the redevelopment of the Wallace Wurth Building, including construction of an additional level and expansion of the building footprint to create a new 7 storey building. The approved project is under construction.

The site is located on the corner of High and Botany Streets, Randwick approximately 6km south-east of the Sydney CBD. The site is zoned *5 Special Uses* under *Randwick Local Environmental Plan 1998 (Consolidation)* and educational establishments are permissible. The proposal is a Part 3A Major Project under the *Environmental Planning and Assessment Act 1979*.

On 29 August 2011, the Director-General delegated his assessment functions for Section 75W applications for the project approval to Randwick City Council.

The proposal was exhibited from 21 September to 6 October 2011 and no public or agency submissions were received.

The proposed modifications are minor and any impacts have been addressed and can be adequately managed and mitigated through the recommended conditions of approval. The proposal is consistent with strategic planning objectives, including the State Plan, and will facilitate provision of greater investment in biomedical research.

The project is in the public interest and the proposed modifications are recommended for approval subject to conditions.

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
1. BACKGROUND	3
2. PROPOSED MODIFICATIONS	5
2.1 Project Description	5
2.2 Project Need and Justification	7
3. STATUTORY CONTEXT	7
3.1. Major Project	7
3.2. Permissibility	7
3.3. Objects of the EP&A Act	8
3.4. Ecologically Sustainable Development	8
4. CONSULTATION AND SUBMISSIONS	9
4.1 Exhibition	9
5. ASSESSMENT	9
5.1 Tree retention and removal	9
5.2 Built Form	10
6. CONCLUSION AND RECOMMENDATIONS	10
APPENDIX A MODIFICATION REQUEST	11
APPENDIX B SUBMISSIONS	12
APPENDIX C RELEVANT REPORTS OR DOCUMENTS	13
APPENDIX D RECOMMENDED MODIFYING INSTRUMENT	14

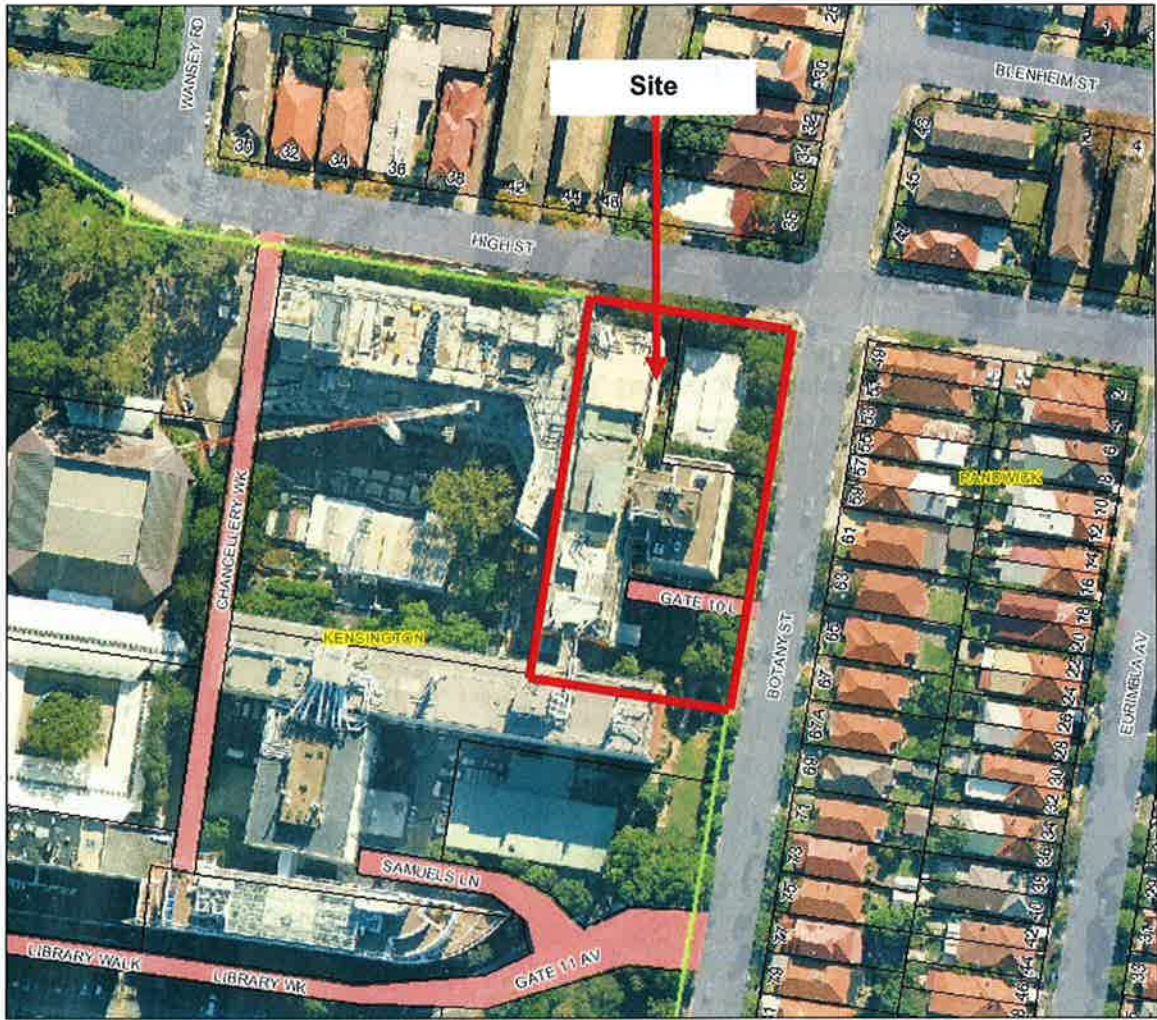


Figure 2 – Wallace Wurth Building



Figure 3 – Approved northern elevation (High Street)

2. PROPOSED MODIFICATIONS

2.1 Project Description

The proposed modifications comprise the following elements: -

Condition A2 Development in Accordance with Plans and Documentation

1. East (M) wing, northern façade (High Street) –
 - Substitution of approved 4 storey high horizontal aluminium louvred screen and curtain wall with a precast concrete spandrel and integrated vertical precast fins; and
 - Minor increase (0.55m) in wall height of eastern level 7 plant room. No changes are proposed to the overall building height (RL95.00 to exhaust flues).
2. West wing, northern façade (High Street) –
 - Replacement of the approved 6-storey high vertical glazed window in the existing riser of the building and external screen of louvres with precast panels; and
 - Minor 0.49m reduction in parapet height (from RL87.50 to RL87.01)

See Figure 4 below (clouded in red).

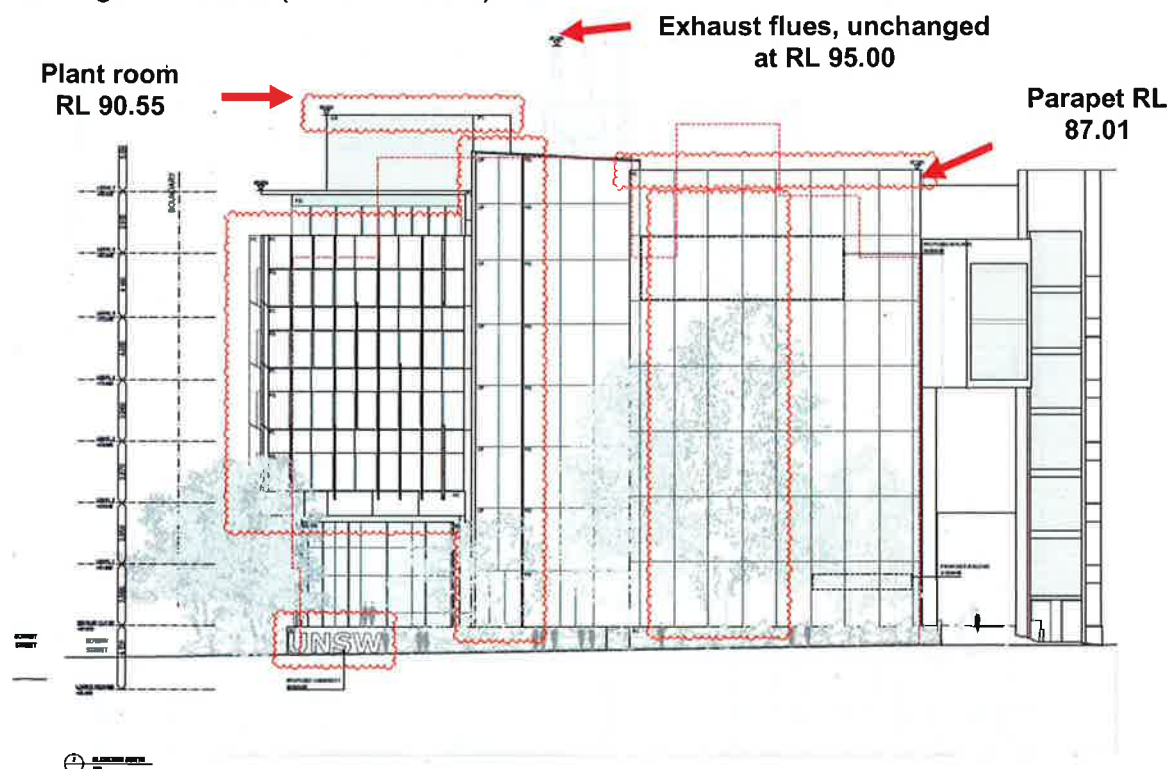


Figure 4: Proposed modifications, northern elevations East (M) & West wings

Condition B13 Landscape and Tree Management

3. Modifications to tree retention/removal along Botany and High Streets (Figure 5):
- Remove Trees 1, 3 - *Agonis flexuosa* (Willow Myrtles) and 2 - *Eucalyptus scoparia* (Wallangara White Gum) on the High Street frontage (approved to be retained);
 - Retain Tree 4 - *Podocarpus falcatus* (Brown Pine) - on the High Street frontage (approved for removal); and
 - Retain Trees 7 and 11 - *Calodendron capense* (Cape Chestnuts) – on the Botany Street frontage (approved for removal).
 - Remove Trees 39 and 40 (semi-mature brush boxes) on Council's Botany Street footpath (not specified in the approval to be retained or removed).

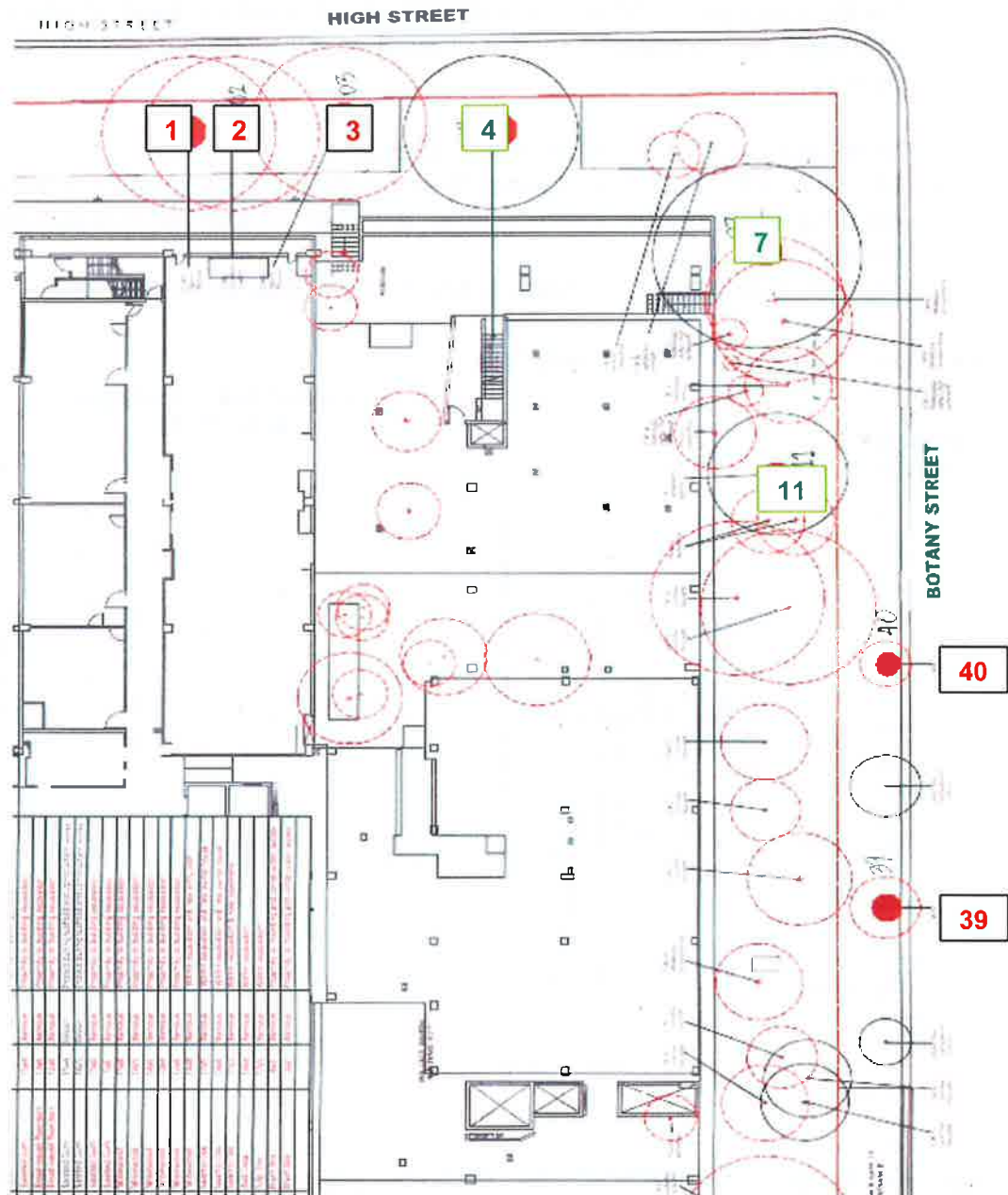


Figure 5: Proposed trees to be retained (green) and removed (red).

2.2 Project Need and Justification

The proponent's justification for the proposed modifications are:

- To address refinements to the façade due to detailed design development and documentation and feedback from UNSW' Campus Development Advisory Panel;
- Some trees to be retained have deteriorated since project approval;
- One tree approved for removal will now be retained based on Royal Botanic Gardens' advice that it is a rare form of the species;
- Impacts on trees within the site boundaries and Council's footpath due to construction (scaffolding, materials handling, construction traffic); and
- An increase in the High Street footpath width will interfere with roots/trunks of existing trees above the level of the existing footpath.

3. STATUTORY CONTEXT

3.1. Major Project

Pursuant to s75W(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the Minister's approval is not required if the project, as modified, will be consistent with the existing approval. It is considered that the proposed modifications require a formal application to modify the approval.

In accordance with cl3 of Schedule 6A of the EP&A Act, s75W of the Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects. Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove of the carrying out of the project under s75W of the Act.

The Minister has delegated his functions to determine s75W applications to the Department where:

- the relevant Council has not made an objection, and
- there are less than 10 public submissions objecting to the proposal, and
- a political disclosure statement has not been made in relation to the current application.

There were no submissions received from the public and Council has not made an objection to the proposal. There has also been no political disclosure statement made for this or the original application.

Accordingly the application is able to be determined by the Director Metropolitan and Regional Projects South under the delegation dated 14 September 2011.

3.2. Permissibility

The site is zoned *5 Special Uses* under *Randwick Local Environmental Plan 1998 (Consolidation)*. The proposal is consistent with the zone objectives, is permissible with consent and does not seek to change the approved height or gross floor area.

3.3. Objects of the EP&A Act

The relevant objects of the EP&A Act are:

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development, and*
 - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

This proposed modification is consistent with the above objectives of the Act as:

- it facilitates the orderly and economic use and development of the land by enabling the proponent to respond to the detailed design process; and
- it will result in retention of a rare tree species and no net change in the number of trees to be removed.

3.4. Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991* (NSW). Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle,*
- (b) *inter-generational equity,*
- (c) *conservation of biological diversity and ecological integrity,*
- (d) *improved valuation, pricing and incentive mechanisms.*

In its original assessment, the Department concluded that the proposal was consistent with the above principles. The Department considers that the proposed modifications do not alter the development to such an extent to invalidate that conclusion.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

While s75W of the EP&A Act does not require a modification to be publicly exhibited, the application was exhibited for 14 days from 21 September to 6 October 2011, notice published in the *Southern Courier*, and letters sent to adjoining land owners and local community groups. No public or agency submissions were received.

5. ASSESSMENT

The key environmental issues for the proposed modifications are:

- Tree retention and removal; and
- Built form.

5.1 Tree retention and removal

The proponent's reasons for the removal of trees 1, 2 and 3 (**Figure 5**) are:

- Tree 2 has shown significant decline in health due to natural senescence and pest infestations since the original inspections and reports 12 months ago; and
- Upon finalisation of the building design, it became apparent that trees 1 and 3 would be heavily impacted due to the proximity of works.

Due to the height of the proposed building, removal of trees 1, 2 and 3 may potentially impact upon the environmental amenity of the area. However, this will be partially offset by the retention of trees 4, 7 and 11 (**Figure 5**), particularly due to their prominent location (on the corner of High and Botany Streets), and proposed supplementary planting included in the approved landscape works.

The proponent's arborist's report stated that any works undertaken on the root plates of trees 1, 2 and 3 may further compromise their health and stability, with the high volume of pedestrian and vehicular traffic on High Street to the north a major safety concern if the trees were retained. Accordingly, the Department has no objections to the removal of trees 1, 2 and 3.

It is noted that trees 1, 2 and 3 have been removed by the proponent to enable site establishment works to commence. The arborist recommended replacement trees in a new landscape plan. The recommended conditions require compliance with the arborist's report.

The proponent's reasons for the retention of trees 4, 7 and 11 are based on independent discussions it initiated with the Royal Botanic Gardens and Domain Trust (RBG&DT). The RBG&DT advised that trees 4, 7 and 11 were rare, particularly tree 11, an extremely rare, white flowering variety of the species.

The proponent's reasons for the removal of trees 39 and 40 are to accommodate construction access and a widened footpath. The Department considers those trees could be selectively removed and replaced (at the proponent's cost) given their small size.

The proposed modifications to tree retention/removal are considered minor and will result in no net change to the number of trees affected by the approved project and

will result in the retention of one tree of a rare species. Accordingly, the Department recommends modification of Conditions B13.

5.2 Built Form

The proposed modified façade will still comprise a combination of precast concrete panels interspersed with selected accent colours, projecting bay frames, aluminium louvres and aluminium mullions/fins consistent with the approved external finishes. The façade will provide a balance between horizontal and vertical and solid and lightweight elements to create visual interest and relief.

The overall design and built form of the proposed modified building will be consistent with and complimentary to that of adjacent buildings on the site, including the new Lowy Cancer Research Building. The proposed modification will generally provide strong articulation and reinforcement to the High Street corner and enhance the streetscape and visual character.

The proposal is also generally consistent with the built form and character envisaged by the *University of NSW, Kensington Campus Development Control Plan (2007)*. Accordingly, the proposed modification is recommended for approval.

6. CONCLUSION AND RECOMMENDATIONS

The proposed modifications are considered minor and likely to result in an overall improvement to the design of the project without compromising the aesthetic amenity of the surrounding streetscape. The modifications are consistent with the approved project, do not alter its overall nature, intent or justification, will result in no net loss of trees and the retention on one tree of a rare species.

It is recommended that the Director Metropolitan and Regional Projects South:

- a) consider the findings and recommendations of this report;
- b) approve the modification request, subject to conditions; and
- c) sign the attached Instrument of Modification.

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APPENDIX A MODIFICATION REQUEST

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4996

APPENDIX B SUBMISSIONS

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=list_submissions&job_id=4996

APPENDIX C RELEVANT REPORTS OR DOCUMENTS

See the Department's website at:

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APPENDIX D RECOMMENDED MODIFYING INSTRUMENT
