

Response to Submissions SSD 6674 Environmental Impact Statement



The University of New South Wales

Biological Sciences Project

Submitted to Department of Planning and Environment
On Behalf of University of New South Wales

May 2015 ■ 13583

Reproduction of this document or any part thereof is not permitted without prior written permission of JBA Urban Planning Consultants Pty Ltd

JBA operates under a Quality Management System that has been certified as complying with ISO 9001:2008. This report has been prepared and reviewed in accordance with that system. If the report is not signed below, it is a preliminary draft.

This report has been prepared by:



Stephen Gouge

29/05/2015

This report has been reviewed by:



Bernard Gallagher

29/05/2015

Contents

1.0	Introduction	1
2.0	Key Issues and Proponent's Response	2
2.1	Building Population	2
2.2	Built Form	4
2.3	Traffic and Transport Impacts	7
2.4	End of Trip Facilities	11
2.5	Acoustic Impacts	11
2.6	Overshadowing	13
2.7	Contributions	13
2.8	Landscaping	16
2.9	Building Height	18
2.10	Sustainable Design	19
2.11	Contamination and Soils	19
3.0	Design Amendments to the Proposal	21
3.1	Changes to the Proposal	21
4.0	Conclusion	22

Figures

1	Connectivity Diagram	6
2	Retail activation diagram	7
3	Travel trends, 2007 - 2015	8
4	Parking Permit Trends, 2007-2015	9
5	Campus Population vs Number of Drivers, 2007-2015	10
6	Figure 5.6a of Randwick Council DCP 2013	17
7	Proposed Gate 11 landscape treatment	18

Appendices

A	Response to Submissions Table
	<i>JBA</i>
B	Revised Architectural Plans
	<i>Woods Bagot</i>
C	Architectural Response
	<i>Woods Bagot</i>
D	Acoustic Response
	<i>Acoustic Logic</i>
E	Landscape Response
	<i>Black Beetle</i>

Contents

- F** Contamination Response
Douglas Partners
- G** Traffic and Parking Response
Arup
- H** Sustainable Design Statement
EMF Griffiths
- I** UNSW Submission to Randwick Council draft S94A Contributions Plan
UNSW

1.0 Introduction

An Environmental Impact Statement (EIS) for the University of New South Wales' (UNSW) Biological Sciences Project (the Project) was submitted on 13 February 2015.

The Application was publicly exhibited between 5 March 2015 and 3 April 2015.

In total, six (6) agency submissions, including Randwick City Council and no public submissions were received in response to the public exhibition of the State Significant Development (SSD) Application - 6674.

A letter was also received from the Department of Planning and Environment (DPE) dated 23 April 2015.

The key issues raised in the submissions primarily relate to the following:

- Building population;
- Built form and design;
- Traffic and transport;
- Acoustic impacts;
- Overshadowing;
- Section 94 contributions;
- Landscaping;
- Building height;
- Sustainable design; and
- Contamination and soils.

The proponent, UNSW, and its specialist consultant team have reviewed and considered the comments made by the DPE and the agency submissions and, in accordance with clause 85A(2) of the *Environmental Planning and Assessment Regulation 2000*, have responded to all issues raised (see **Appendix A**).

This Response to Submissions (RtS) sets out the proponent's response to the issues raised, and details the final project and for which approval is now sought.

This report should be read in conjunction with the EIS prepared by JBA, dated February 2015, as relevant.

2.0 Key Issues and Proponent's Response

Submissions in response to the public exhibition of the EIS were received from:

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

The following section provides a detailed response to the key issues raised by the DPE, following its review of the submissions. The report also addresses the key concerns raised by Council and the EPA in its submission. **Appendix A** provides a detailed response to all of the issues raised during the public exhibition period.

The relevant items of the Randwick Development Control Plan 2013 (DCP 2013) raised by Council have been considered in this submission below as well as in **Appendix A**.

2.1 Building Population

2.1.1 Issue

The DPE considers that there is a potential for increased student population as a result of the proposal. The DPE notes that between 2009 and 2013 that an increase of approximately 6,000 students and 1,000 staff has occurred with minimal acknowledgment of student and staff increases in major projects assessed by the DPE.

Council have also raised concern over the number of staff and students to be accommodated within the buildings given the proposed increased in building gross floor area (GFA).

2.1.2 Proponent's Response

A response to the DPE and Council submission regarding the projected staff and student population are provided below. This response supersedes the response provided within the EIS, given further analysis of the staff and student profile. The response also related to the works related with the subject SSD and precinct.

Following a more detailed analysis of, and increase of 95 permanent staff, and 75 post graduate students is projected (total of 170). Whilst an increase in 75 post graduate students is proposed, given the removal of substantial teaching spaces, an overall reduction of 792 students is forecast.

The calculation of staff and student population has been based on the proposed SSD works, as well as the future intention of UNSW to refurbish the northern wing of Building D26 (above ground level), as part of a separate future development. The refurbishment of Building D26 is subject to confirmation of any University funding as well as internal planning.

Consideration of the intended arrangement of the Biosciences Precinct is a logical and rational approach to the intended campus population. Despite being undertaken in the future, as part of a separate development, not accounting for

the intended future population at this stage would result in a skewed outcome of the campus staff and student population, and associated demand.

Details of the staff, undergraduate student, and post graduate student population are provided below.

Staff Population

The current staff population for the BEES and BABS within the Biological Sciences Buildings (including Building D26, Biolink and Biotheatres Building) is 556. The design of these building and staff arrangements are at a higher concentration of staff/m² than what UNSW is now providing as the applicable standard for research buildings in their new developments (and which is a primary objective if the redevelopment). These spatial requirements have been implemented in recent UNSW project including the Materials Sciences Building and Mechanical and Manufacturing Engineering Buildings.

As part of a future development to upgrade and refurbish Building D26, the number of staff will reduce, based on the spacing requirements and standards for research staff – expected to be a total of 323. Available staff seating in the new building (Building E26) as part of this development is anticipated to be approximately 328.

Therefore, the combined total of staff in the precinct could be expected to be 651, which equates to a total of 95 additional, when compared to the current population (556). **Table 1** below sets to the existing and proposed staff population calculations.

Table 1 – Staff Population

Staff Population	
Current Staff Population	
BEES and BABS staff	556
Future Staff Population	
Proposed capacity of E26 (<i>subject of this SSD</i>)	328
Estimated capacity of Building D26 – based on the current UNSW spacing requirements and standards (<i>to be confirmed as part of a separate development</i>)	323
Total Additional Staff	
(328 + 323) – 556	95

Student Population

As part of the proposal the overall student numbers will reduce from 1417 to 625. This is largely due to the demolition of the lecture theatres within the Biomedical Theatres Building, removing a total of 859 places, being replaced with research and laboratory facilities (within Building E26).

Table 2 below sets to the existing and proposed student population. It is important to note that the new Building E26 building will provide space for 75 graduate students within the wet research floors.

Table 2 – Student Population

Student Population	
Student Population – Building D26, Biolink and Biotheatres Building	
Teaching labs total capacity	562
Lecture theatres (including existing Biotheatres Lecture Hall)	859
Total	1417
Future Student Population	
Total teaching lab capacity	550
Lecture Theatres	0
Post graduate research	75
Total	625
Reduction in Student Population	
1417-625	792 Reduction

2.2 Built Form

2.2.1 Issue

The DPE have requested further consideration should be given to the activation of the south eastern corner of the site or the treatment of this façade to provide an improved visual setting given Gate 11 is a designated entrance/exit to the campus and the eastern end of University Mall.

In their submission Council have also referenced the provision of the Randwick DCP 2013 being a relevant design guideline for the project, and included comments against the various sections of the area specific provisions for the university relating to sense of place, legibility, knowledge and cluster hubs, landscape, buildings and transport and parking. The key issues are addressed in the response below.

2.2.2 Proponent's Response

South eastern corner treatment and design

In their submission, Council have noted that the proposed built form breaks up the prolific visual mass of the Wallace Wurth building and provides some relief by introducing a number of new materials and external finishes including the glass panel feature on the eastern wing and the vertical modules on the south-eastern facade. They further comment that, the use of the materials and the protruding facade elements appropriately combine to provide a greater distinction between buildings rather than a continuation of the visual bulk and scale of its northern neighbour.

The form and design of the south eastern elevation responds to the function nature of the building use as a research building, containing laboratory and teaching spaces. The design of this façade however, uses a range of colour and materials to create a play of scale and texture, resulting in patterns being set within the modular grid. The reveal back to the ground level student spaces, along with the landscaped setback, draws an expression of the campus onto the edge of the precinct.

The south east corner of the building facade has been purposely designed to discourage pedestrian activity around Gate 11 to achieve the pedestrian-vehicular separation, and to 'shelter' the services zone when viewed from the street. Notwithstanding, the design of the building at this corner has been carefully considered with regard to its presentation and interface with Botany Street discussed below.

Legibility and access through the upper Campus

Library Road (East Mall) and Gate 11 is currently a heavily trafficked route and the main service and vehicular access point for the upper Campus. Service access for the proposed Biological Sciences building has been designed to coincide with the existing service access via Gate 11, including access to the Botany Street Parking Station. It is essential for the effective operation and functioning of the building that Library Road and Gate 11 entry be retained for vehicle and service access.

This is supported by the 2014 Travel Survey and Campus Counts undertaken by UNSW that demonstrate the majority use of Gate 11 and Library Road is by private vehicle. On the other hand, Gate 9 (adjacent the future CSLER stop) is dominated by pedestrians arriving by public transport and walking, with a minor number of private vehicles. The same is also the case for the entry between the Lowey Centre and Wallace Wurth Building from High Street (as shown in **Figure 1**).

The scheme aims to separate vehicular and pedestrian access and encourage pedestrian access away from Gate 11, preserving car-free access along Chancellery Walk and Michael Birt Garden to the north.

As shown in **Figure 1** below, in order to discourage pedestrian access via Gate 11 and subsequently along Library Road, the key entry point to the site and precinct is proposed from Botany Street via the existing space between the Wallace Wurth building and the existing D26 building. With the future South East Light Rail station planned on High Street, the large majority of students accessing the upper Campus will be from Gate 9 along Chancellery Road and through Michael Birt garden.

Figure 1 responds to Council's comments that further consideration should be given to opportunities to improve pedestrian and cycle links through the site, and connection to major pedestrian thoroughfares.

Additionally, all existing buildings on campus are entered from within the precinct rather than from the perimeter street for security reasons. The proposed scheme aims to continue this with the main entry point from Michael Birt Gardens, contributing to the activation of this space.

Ground Floor interaction, built form and landscaping

Given the clear rationale above, the ground floor design, and landscaping arrangement, in the south eastern corner and Botany Street particularly, have been redesigned (see attached Architectural Plans (**Appendix B**) and Landscape Plan (**Appendix E**). The design responds to comments made by Council to give further consideration to the presentation and legibility of this frontage.

The proposed arrangement now includes an additional path through lawn on lower terrace and retention of existing Brick wall to the Botany Street boundary provide greater legibility of the separation between primarily pedestrian and vehicle entry points.

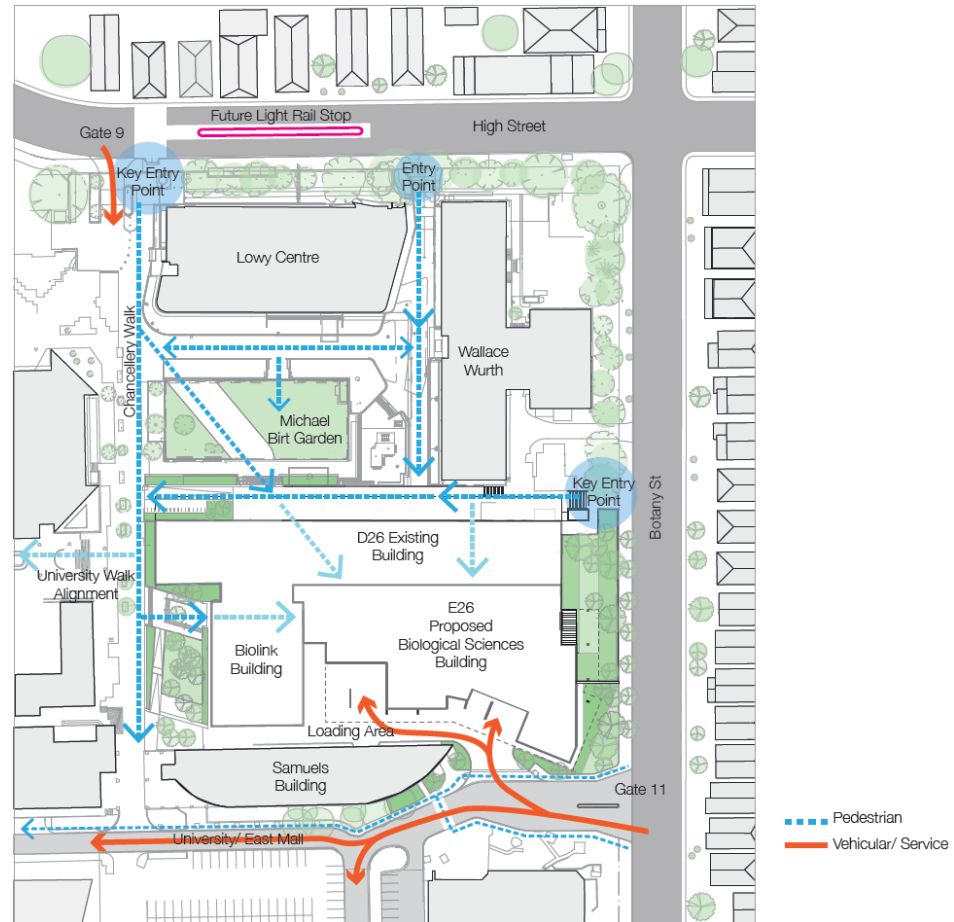


Figure 1 – Connectivity Diagram
Source: Woods Bagot

Legibility, Landscaping and Retail Use

As set out in the Architectural Response (**Appendix C**), the retail units along with the proposed new deck and canopy on the northern elevation are an important element in engaging life around the garden, increase the sense of permeability into the proposed building via Building D26.

The retail units lead through to the proposed atrium between Building D26 and the proposed building (Building E26). This route will encourage engagement of the spaces both in the gardens and in the informal ground floor areas leading to the proposed teaching spaces (see **Figure 2**). The proposed access arrangement will also be reinforced with the University's way finding strategy, currently under way on the Campus.

The retail units, activating the area will draw pedestrians to the gardens giving greater emphasis to the importance of Chancellery Walk and its role as a connector, primarily from the north which will be substantially influenced by the proposed light rail stop on High Street.

Furthermore, it is intended that as part of a future development phase, the landscaping strategy and treatment of Michael Birt Garden will be reviewed.

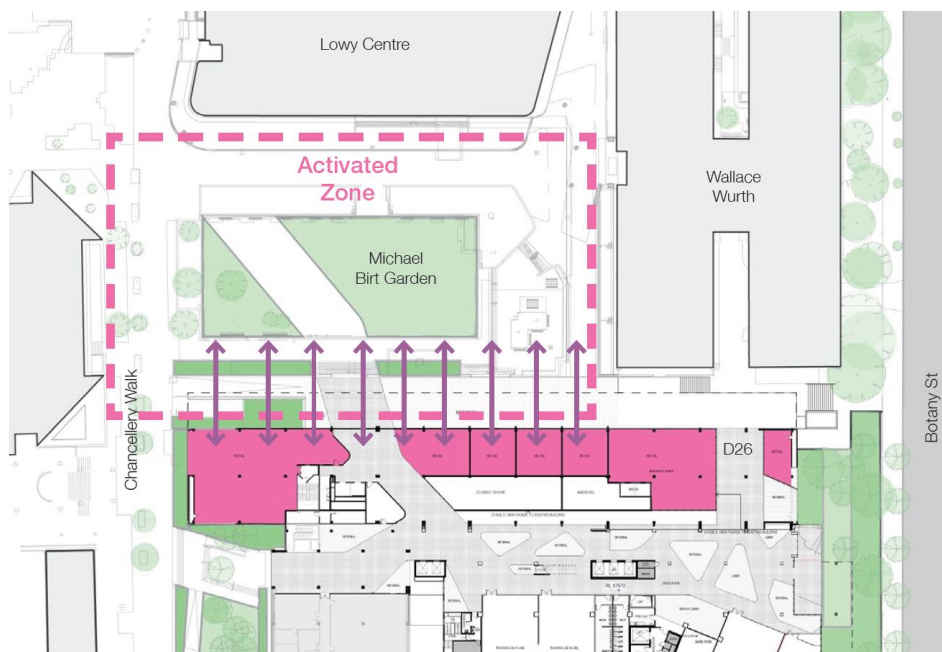


Figure 2 – Retail activation diagram
Source: Woods Bagot

2.3 Traffic and Transport Impacts

2.3.1 Issue

Following on from their concerns over the building population (staff and student) numbers, the DPE have request the application provide further assessment of the traffic and transport impacts associated with the potential increased staff and student numbers based on building capacity. Additionally, the DPE have requested that details of travel demand management measures that have been implemented at the University, and the effectiveness of these measures be provided.

Council has also raised concerned over the cumulative impact developments on campus in recent years that have provided no parking, and the high probability that over time the total number of car parking spaces on campus has reduced while the numbers of staff and students continues to increase.

2.3.2 Proponent's Response

A Traffic and Parking response has been prepared by Arup (**Appendix G**) that addresses the relevant submissions from the DPE and Council.

As part of Traffic and Transport report submitted with the SSD, the relevant travel mode share against the 2014 Campus Travel Survey was assessed. The 2015 Campus Travel Survey data has since become available, and has been reviewed by Arup. This survey data indicates that at present 36.9% of staff drive cars to work. 8.2% of staff access the site via bicycle. **Figure 3** below illustrates the mode share trends since 2007, with a constant increase in public transport usage and reduction in private vehicle use.

Further analysis of the existing and future demand for car parking parking has been undertaken, considering the percentage of total staff on Campus each day, as well as at the peak time. This analysis uses data from the 2007 -2015 UNSW Travel Surveys.

In 2015:

- Of total staff, only 91% attend the campus daily (90.9% in 2015). This percentage of staff attendance has remained fairly consistent since 2007.
- 36.9% of staff used private vehicles as the mode of transport.
- Out of those staff who drive, only 81.6% parked on Campus in 2015.
- At the peak period (11am), only 60% of staff were present on Campus.

Therefore in 2015 only 15 car parking spaces will be required to meet additional demand generated from the additional 95 staff. It should be noted that given the construction program of the project the capacity for these additional staff will not be realised in 2015.

Extrapolating the data from UNSW Travel Surveys (2007-2015), trends suggest that in 2018 only 13 parking spaces will be required in order to meet the additional staff demand. This is based on the following:

- 91% of all staff attend the campus daily.
- Trends suggest that only 31% of staff will drive.
- Trends suggest that only 76% of the staff who drive will park on Campus in 2018.
- At the peak period (11am), only 60% of staff were present on Campus.

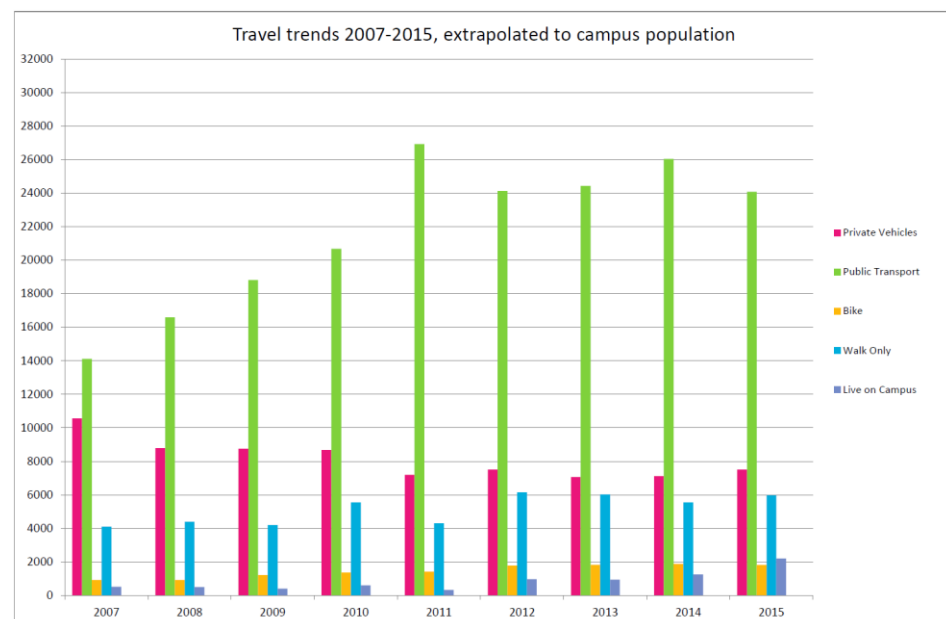


Figure 3 – Travel trends, 2007 - 2015

Source: UNSW

Applying the mode share percentage to the additional staff (95), results in a total of 35 additional cars. Calculation of parking demand requirement in accordance with 60% of staff attending the Campus at the 11am peak period (in accordance with the DCP Transportation Strategy – Figure 5.12) results in a demand of 21 car parking spaces. With a continuation of the ongoing trend in reducing car use, this number will drop to 16 spaces in 2018 when the building is anticipated to open.

The trend information for the campus as a whole provides a more realistic overall mode usage pattern which shows despite staff and student numbers, private vehicle use between both groups is decreasing. On-street car parking controls continue to limit the ability of more staff and students to drive and hence the trend of reducing car mode will continue as the campus population increases.

In addition to the current staff (39.4%) and student population (61.5%) who use public transport, the introduction of the CBD and South Eastern Light Rail is anticipated to substantially increase the public transport mode share, and reduction in private vehicle use. This is particularly relevant given the proximity of the High Street stop, within 100m of the Biological Sciences site.

The reducing trend in private car use is also supported by a reduction in the number of parking permits being issued on campus since 2007 as demonstrated in **Figure 4**.

It is also important to reiterate the operation of the Campus, and particularly the proposed Biosciences Project, is such that student and staff use the building throughout various times of the day and year.

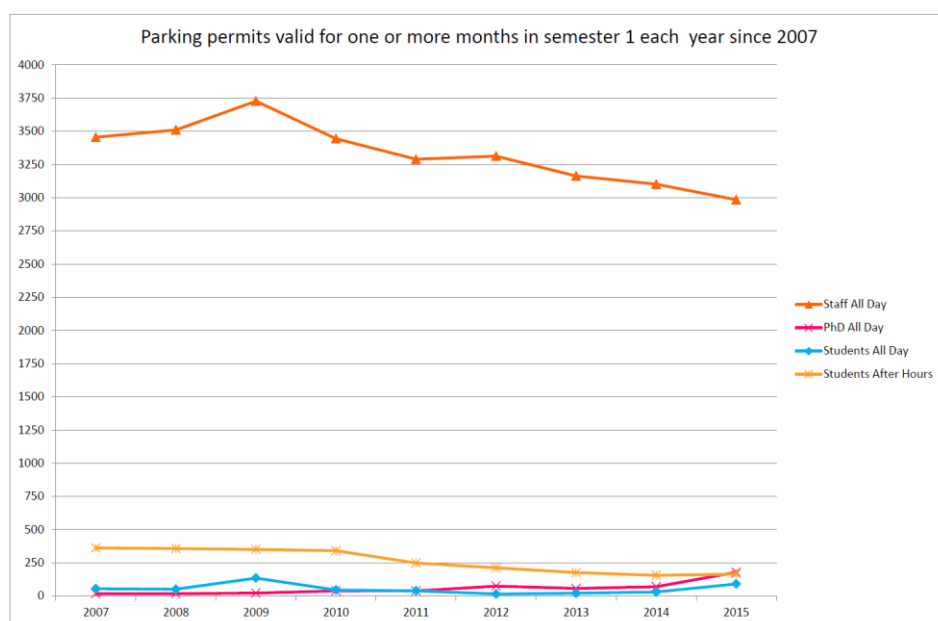


Figure 4 – Parking Permit Trends, 2007-2015

Source: UNSW

An analysis of the driving trends has been carried out using the results of the UNSW travel survey between 2007 and 2015 (see **Figure 5**). Despite an increase of staff and students to the Campus each year, the data clearly shows a reduction in the proportion of staff driving cars, and reduction in the total number of student drivers since 2007.

As shown in the graph below (**Figure 5**), for 2015, the proportion of staff who drive to the campus is 30%. The proportion of students who drive to the campus is 8.5%. Applying these ratios to the proposed additional staff and reduction in student population results in a reduction in demand of 39 car parking spaces:

- **Staff** – (30% of 95 additional staff) = increase 29 spaces; and
- **Students** – (8.5% of 792 reduction in students) = -68 spaces (reduction in demand).

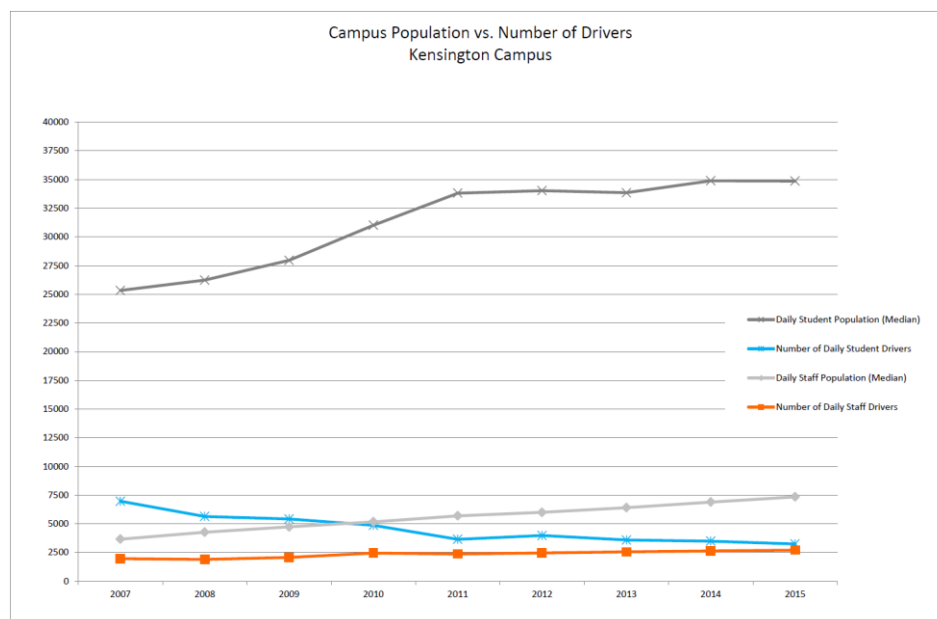


Figure 5 – Campus Population vs Number of Drivers, 2007-2015

Source: UNSW

As set out in the Traffic Response (**Appendix G**), the following travel demand measures have been implemented at UNSW:

- No additional car parking on-campus;
- Restricted on-street parking availability;
- Provision of additional student accommodation on campus or adjacent the campus, within walking distance;
- Improved bus shuttle connections between Central Station and the Campus;
- Preparation of a Campus Bicycle Master Plan to guide ongoing implementation of end of trip facilities and promotion of cycling as a viable access mode (see **Section 2.4** below);
- Improved pedestrian crossing facilities for access to the campus;
- Increasing availability to distance/correspondence learning where students attend campus less frequently; and
- Promotion of alternative travel modes to private vehicle use for new students and staff through induction processes, and as part of accommodation orientation.

Results of the 2015 Campus Travel Survey, demonstrated that the demand measures implemented by UNSW have been effective in shifting the mode share away from private vehicle travel to other modes, primarily being public transport, as well as bicycle. This is particularly relevant in relation to staff.

2.4 End of Trip Facilities

2.4.1 Issue

TfNSW have requested that a detailed analysis of the existing and future demand for bicycle facilities be undertaken, as well as providing further information in relation to bicycle parking and end of trip facilities for the proposal.

2.4.2 Proponent's Response

The Bicycle Masterplan prepared by UNSW reviewed anticipated the growth in bicycle use by students and staff. Based on the clear growing trend in bicycle use, the Masterplan proposes 70 new bicycle spaces in the next 3-5 years and an additional 180 bicycle spaces in the 5 – 10 year period. It is in the interest of UNSW to ensure that infrastructure for the additional demand is met.

These spaces have been identified to be provided as bicycle racks in the public domain in areas that relate to the demand for parking. In addition, bicycle hub facilities have been identified for the lower, middle and upper campuses introduced over the same 10 year timeframe based on the level of uptake.

As part of the proposal, the 24 bicycle parking spaces located in the north western corner of the site (adjacent within Michal Birt Garden) will be retained. Shower provision is included within the proposed building on all levels except for the teaching levels (Ground Floor and Level 1). These are provided within the accessible toilets found on these levels as shown on the attached Architectural Plans (**Appendix B**).

2.5 Acoustic Impacts

2.5.1 Issue

The DPE, Council and EPA raised questions around the acoustic assessment submitted with the EIS. In summary, the concern related to the assessment of construction and operational noise impacts. As such, further background noise monitoring has been requested ensure the project specific noise levels have been established in accordance with the requirements of the Industrial Noise Policy.

2.5.2 Proponent's Response

Acoustic Logic have prepared a response report, addressing the relevant submissions raised above (see **Appendix D**), and in support of the original acoustic report submitted with the SSD. The broad issues raised by the DPE, Council and EPA are addressed below. A detailed response to each of the issues raised is also addressed in the table at **Appendix A** and Acoustic Report (**Appendix D**).

Construction Noise

Acoustic Logic have provided response in relation to the recommendations of the EPA for the imposition of intra-day respite periods during construction. The response (provided at **Appendix D**) is summarised below:

- Adoption of blanket intra-day respite periods is contrary to the Interim Construction Noise Guidelines which recommends the use of respite periods only in the event that construction noise exceeds the "Highly Noise Effected" level at a nearby residence, which is not the case (see below).
- A blanket adoption of respite periods is likely to have an undesirable impact on residential amenity, compelling work to cease during the middle of the day, at time where many surrounding residents are not home, and instead, prolongs the overall construction period.

- Given that construction noise is not anticipated to exceed 75dB(A) at nearby residences (as per section 6.2.1 of the Acoustic Logic original Acoustic Assessment submitted with the SSD), a blanket adoption of respite periods is not considered to be warranted.
- As a safeguard, attended measurements of construction noise can be conducted during initial stages of building works (footing construction, initial concrete pours) to ensure that noise impacts do not exceed the ICNG 'Highly Noise Affected level' (the trigger for adoption of respite periods).

Background Noise

In response to the request from the EPA, additional background noise monitoring was conducted at the residence at 89 Botany Street (south east of the site, on the eastern side of Botany Street), with the resulting background noise levels being higher than those used in the original assessment. Therefore, Acoustic Logic consider that the noise goals determined from the original assessment (as submitted with the SSD) are correct, and should be adopted.

Furthermore, Acoustic Logic have notes that background noise monitoring at the nearby hospital to the east along Hospital Road is not required by the relevant Industrial Noise Policy (INP), as noise impacts are not determined with reference to background noise levels. Given the separate distance between the proposal and Hospital of some 200m, and the more relaxed acoustic criteria applicable for the hospital, Acoustic Logic have affirmed compliance with noise impact requirements of the hospital will be achieved.

Cumulative Impact – Background Creep

In response to the concerns raised by Council in relation to the cumulative noise impacts of the operation of the University, and potential for 'background creep', a response has been provided from Acoustic Logic (**Appendix D**).

The background noise measurement locations were undertaken in locations that were not impacted by pre-existing noise from the Biological Sciences building and outside of the Campus, removing the potential for background creep. In any event, the noise emission goal for the site has been set by the EPA Amenity Criteria which is lower than the ambient background noise levels.

2.6 Overshadowing

2.6.1 Issue

The DPE have requested further overshadowing diagrams be provided to demonstrate solar access impacts at hourly intervals between midday and 3 pm during mid-winter and further analysis of the impacts on living areas and outdoor recreation areas of the impacted properties. The purpose of this request is in order for the applicant to demonstrate that adequate levels of solar access can be maintained at these properties.

2.6.2 Proponent's Response

Additional overshadowing Diagrams have been prepared by Woods Bagot (**Appendix B**) at hourly intervals between midday and 3pm on 21 June (Mid-winter). These diagrams assist in demonstrating that the impact properties on the eastern side of Botany Street receive adequate levels of solar access (in the morning hours between 9am and 1pm).

2.7 Contributions

2.7.1 Issue

Whilst the Department has not raised any concerns around the University's requested proposed exemption from the payment of section 94A contributions, Council has argued that the development should be subject to a full 1% levy, on the basis that it does not fall into any of the exempt development categories identified within the current section 94A Plan.

Council's submission notes that whilst the University and its large numbers of staff and students provide flow on economic benefits to the surrounding business and town centres, it also places heavy demands on and benefits from facilities provided by Council. Concern was also raised over the potential reliance of the university on public assets and services provided by Council.

2.7.2 Proponent's Response

The University maintains the view that there are several valid reasons why the Minister should not require contributions to be paid for this project under Council's Section 94A Development Contributions Plan.

It is noted that the payment of any contribution on this development is discretionary, and that the approval authority, in this case the Minister for Planning and Environment, while empowered to impose a condition requiring the payment of a monetary contribution is not required to under either the EP&A Act or Council's Contributions Plan.

Whilst developments by the Crown are not automatically exempt from payments under the current Randwick Council section 94A Plan, development that in the opinion of Council does not increase the demand for the categories of public facilities and services addressed by the Plan should warrant a merit-based exemption. Justifications for the exemption of contributions include:

- The University is a registered not-for-profit organisation;
- The University is an education facility and a nominated charity; and
- There has been a consistent approach adopted by the Department for UNSW on previous applications of this nature.

Background – University as the Crown and Public Educational Institution

UNSW is recognised as the Crown by virtue of clause 226 of the *Environmental Planning & Assessment Regulation, 2000*.

Section 89 of the *Environmental Planning & Assessment Act, 1979 (EP&A Act)* provides that in relation to Crown applications, a consent authority is unable to impose a condition of consent without the approval of the University or the Minister. However, the University is conscious of its central position in the Randwick Local Government Area and its ongoing relationship with Council and the local community. The University also understands the need to continue to work cooperatively with Council to reach agreement on an appropriate balance of development conditions that meet Council's planning responsibilities, whilst also meeting the University's need to provide critical infrastructure.

The Public Nature of the Proposed Development, and the Randwick Section 94A Development Contributions Plan 2012

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 proposed construction of a new research and teaching facility is part of the University's core academic functions, and contribution to the community of scientific research.

The inherent public character of the University development is in contrast to a strictly commercial development where a full levy might be considered reasonable.

The underlying purpose of Council's Contributions Plan is to raise funds from commercially driven developments to be put towards the cost of public facilities and infrastructure which are burdened by those developments. Imposing a levy on the University's own public infrastructure (and in doing so financially compromising the University's ability to perform its teaching and research functions) conflicts with the public tenet of the Contributions Plan. Indeed, to do so would be simply diverting education-based funding away from the University for other unrelated purposes, potentially with no nexus to UNSW.

An exemption is considered appropriate as the University is a not-for-profit public institution which relies on government grants, donations, and community funding to provide new facilities for both the University community, and the wider public at large. The levying of a development contribution would divert a portion of these public funds, which have been specifically provided for educational and research purposes, to local services without any direct nexus to the impact on those services.

It is noted that the proposed development will not result in any additional students on the University Campus, rather will involve a reduction, and a maximum of only 95 additional staff over time. As outlined in further detail below, the nature of the development, and its location within a University Campus, means that many of the categories of infrastructure that Council is seeking to levy for are already provided by the University, for use by staff, students and the general public. On this basis, it is considered unnecessary that the development be levied for community facilities, public domain or new open space contributions.

The University's position is supported by the provisions of Circular D6, as discussed below.

Crown applications – Department of Planning Circular D6

Again, it is noted that Council does not automatically grant exemptions to Crown Developments, however the Department of Planning's Circular D6 sets out the reasons why Crown developers should be able to seek exemptions from developer contributions payments.

While the Department of Planning's Circular D6 "Crown Development Applications and Conditions of Consent" was formulated in 1995, it still remains the guiding document in relation to Crown applications and development contributions. The effect of this circular is, that where the applicant is a Crown authority and the development is for Educational Services, no contributions should be collected for open space, community facilities, parking, and general local and main road upgrades. As the proposed development is integral to supporting the University's academic functions it is clearly part of the University's Educational Services. Whilst contributions may be levied for stormwater works, the University caters for all stormwater run-off on-site and will not further burden any Council-related infrastructure.

Other Public Amenities Provided by the University on the Kensington Campus

The exemption from payment of contributions relating to community facilities, public domain and new open space is considered appropriate, as the University provides significant areas of accessible open space and recreation, as well as a range of community facilities available to the general public.

The availability of these amenities and services on the Campus, which are maintained by the University, reduces the demand on public amenities outside the Campus.

Taking into account the significant public benefits which the proposed development, and the presence the University generally, provides, and the minimal impact this development has on local infrastructure, it is considered that no development contributions should be levied against this development.

Consistent approach for UNSW

In the recent determination made by the DPE for the Tyree Energy Technologies Building (MP 09_0163), and Materials Science and Engineering Building, a rational approach has been adopted with regard to contributions.

In the assessment of these applications, the Department considered that given the University is a not-for-profit organisation the principle of reasonableness should be adopted in the calculation of contributions with the levy relating only to the increase demand on public services and infrastructure.

On this basis, any contribution (if any at all) should be based on the demand generated by the additional population, noting that the development results in a maximum of 95 additional staff on the Campus, and a reduction in students.

A similar approach was taken by the Department in its earlier determination for the Wallace Wurth Building (MP09_0075) whereby it reduced the levy via a formula based on the estimated increase in staff generated by the project, noting that students accommodated within the building would be those relocated from other buildings on the Campus.

UNSW has recently made a submission in respect of the Councils S94A Contribution Plan (see attached at **Appendix I**), reiterating the numerous reasons for exemptions to contributions. At the end of the submission a table of all contributions for UNSW project is provided, demonstrating the significant inconsistencies in the way project are levied. It also demonstrated that despite the numerous valid justification for exemption, UNSW has paid over \$3.5million to Council.

2.8 Landscaping

2.8.1 Issue

In their submission, Council have requested that the proponent consider the importance of soft landscaping elements adjacent to Michael Birt Gardens and the Chancellery Walk. They have also requested that possible options in which landscaping can be provided towards the northern edge or provide any agreed replacement of trees or compensation strategies be considered. Council also appears to be uncertain as to the trees that are proposed to be removed on the northern side of the site.

However, the Landscape Comments (presumably from Council's Landscape Architect) confirms that Council does not object to the removal of trees within the Campus, particularly this in the north-wester corner, given a range of factors, as described in the submission.

Finally, Council has raised concern over the legibility of building, in particular the western entry to the site from the Chancellery Walk. It has also been recommended that differentiated threshold treatment at Gate 11 is introduced in order to not read as a public road going through the campus, and to provide a continuous and safe pedestrian footpath.

2.8.2 Proponent's Response

A Landscaping Response has been prepared by Black Beetle (**Appendix E**). This report addresses the specific comments received from the DPE and Council (as noted above), and provide further rational for proposed landscaping amendments.

The proposed selection of palms (*Livistona australis*) to the western courtyard, adjacent Chancellery Walk provides a continuation of the existing palms (highlighted as 'high retention priority' in figure 5.6a) – see **Figure 6**. It also provides an opportunity to establish a significant grove of palms along the Chancellery Walk. Importantly, the proposal does not erode or affect the existing pedestrian pathway or sight lines along Chancellery Walk. Similarly, the proposed landscaping does not impact on the eligibility of the western entry to the building, but rather provides identification and 'markers' of the building entrance in this location

For clarity, the trees identified as 'highest retention priority' and 'high retention priority' within Michael Birt garden as per the Randwick DCP 2013 (Figure 5.6a) will be retained as part of the proposed development, and will not be impacted.

The trees proposed to be removed are identified as 'other trees', as shown below in **Figure 6**. The Landscape statement notes that the majority of the trees in this location are considered as invasive environmental weeds.

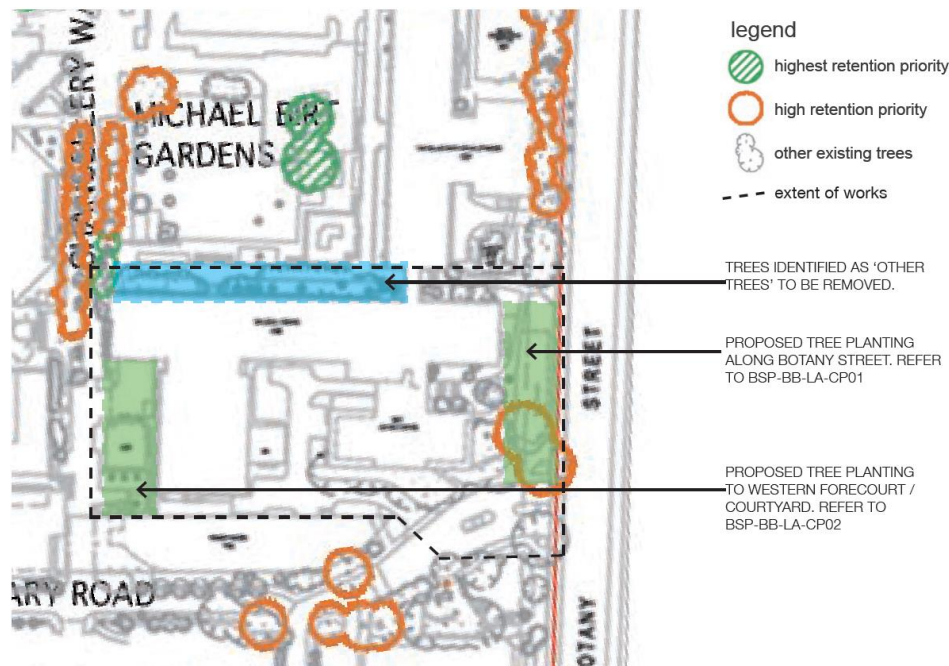


Figure 6 – Figure 5.6a of Randwick Council DCP 2013
 Source: Randwick City Council and Black Beetle

The intersection between the Chancellery Walk and East Mall is part of the overall university master plan and way finding strategy.

Black Beetle disagrees with widening the path to 6m and propose a compromised 3m wide path is in order to maintain an active and passive green pocket space amongst the existing hardscape pedestrian links (Chancellery Walk and East Mall) and surrounding buildings. The provision of the ramp provides and accessible path to the building entrance rather than the main pedestrian through link for the University, located adjacent the ramp with a width of some 12m.

This green space and landscaping in this location is the forecourt to the building and is designed to activate and encourage use by staff and student as well as servicing as extension of the internal informal learning and study space, rather than being a sole pedestrian access away.

Gate 11 Entry Design and Treatment

A differentiated paving and threshold treatment of cobbles has been proposed as part of the Gate 11 enabling works to replicate the cobbled pavement at the existing Gate 11. The location of this crossover is restricted by below ground services in the zone directly adjacent Botany Street. The arrangement, along with University sign posting will contribute to the entry not reading as a public road. The proposed arrangement, designed in accordance with Council road design requirements, also provide continuous paths of travel for pedestrians travelling north/south along the western side of Botany Street as shown below in **Figure 7**.

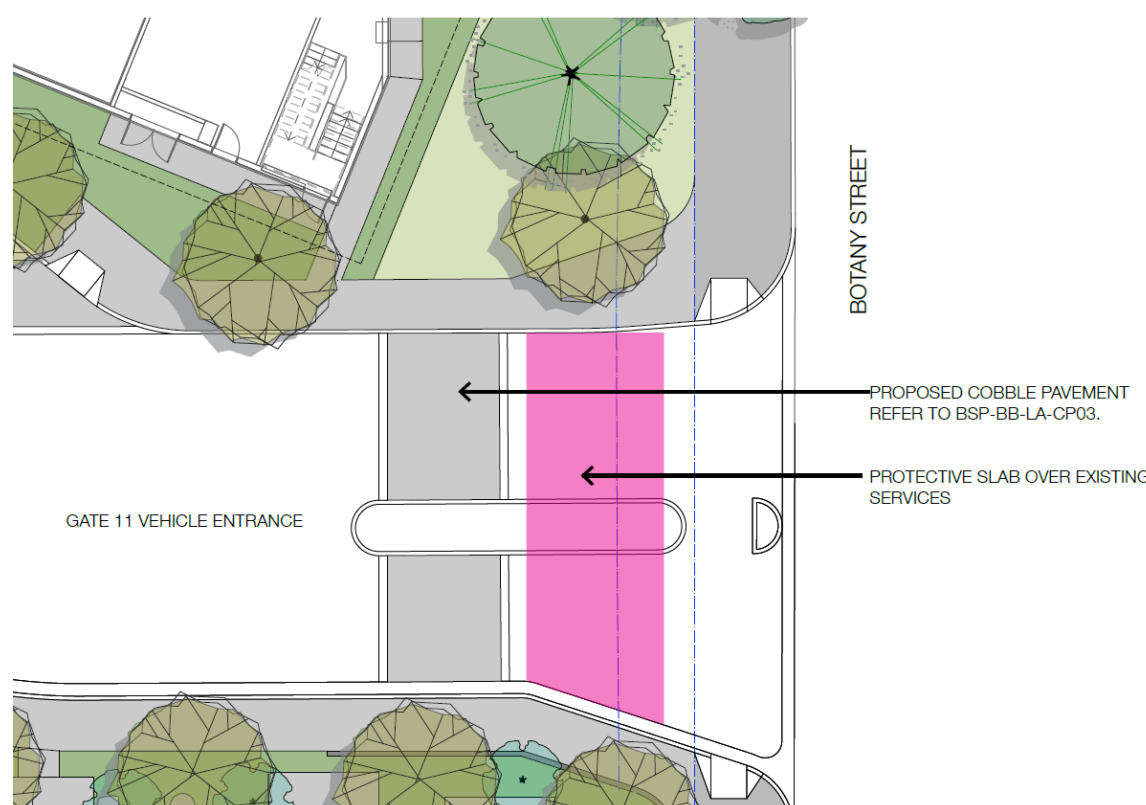


Figure 7 – Proposed Gate 11 landscape treatment

Source: *Black Beetle*

2.9 Building Height

2.9.1 Issue

Council have queried whether the proposed variation to the building height variation (Clause 4.6) gave consideration to the objectives of the building height control. Further consideration of the proposals compliance with these objectives has been subsequently been requested by Council.

2.9.2 Proponent's Response

As part of the EIS submitted with the SSD, a comprehensive assessment of the relevant provision and requirements of clause 4.6 was provided. Specifically this was addressed in Section 7 of the EIS on pages 65 to 73.

In response to Council's submissions, an assessment against the 'Height of Buildings' objectives (Clause 4.3 of LEP 2012) was provided in Table 13 on Page 67 of the EIS. This table included a specific assessment against each objectives of this control, and demonstrates that the proposed variation to the building height control will still result in a development that achieves the objectives of the building height development standard.

Importantly, in their submission Council have noted that the proposed development maintains a similar visual bulk and scale to the Wallace Wurth Building (C27) directly north of the subject site given the similarities in building height and mass. With regards to the non-compliance to the maximum wall height, Council have also noted that the proposal will remain compatible with adjoining campus buildings including the Wallace Wurth building and the Biolink building (D26) of similar wall heights.

Despite the variation to the building height control, Council believes the proposal will continue to maintain a similar height and scale of the adjoining buildings whilst reinforcing the eastern edge along Botany Street. The lack of amenity impacts to surrounding residential uses (on the western side of Botany Street) has also been noted, acknowledging that as demonstrated on the shadow diagrams, these residences will maintain three hours of solar access in mid-winter between morning and 1pm. This is further confirmed in the revised overshadowing plans provided at **Appendix B**, as requested by the DPE.

Council have also acknowledged that in accordance with Section 4.2.2 of DCP 2013, the scale of the proposed building along Botany Street is favourable in order to define the site frontage, particularly towards the corner of Botany and High Streets.

2.10 Sustainable Design

2.10.1 Issue

In their submission, Council raise the level of detail provided as part of the SSD, with regard to sustainable design and operational commitments.

2.10.2 Proponent's Response

In response to the comments from Council, an additional response has been prepared by EMF Griffiths, providing clear commitments to sustainable building design and operation (**Appendix H**).

The response sets out a list of initiatives that are confirmed as being included in the building design, as commitments to sustainable design. It is further noted that all strategies and initiative are in line with the University's policies and internal benchmarks on sustainability, with many requirements being sources from Green Star, Section J, as well as best practice design principles.

2.11 Contamination and Soils

2.11.1 Issue

In their submission, the EPA have recommended that a further validation report be undertaken prior to the works being undertaken as part of the EIS. Additionally, Council requested further detail be provide in relation to acid sulphate soils.

2.11.2 Proponent's Response

Contamination

In response to the item raised by the DPE, Council and EPA further clarification has been sought from Douglas Partner (**Appendix F**). This advice confirms that as stated in the Preliminary Site Investigation (submitted with the SSD), the site can be made suitable for the proposed Educational Establishment Use.

The advice confirms that Douglas Partners have been engaged to provide the following:

- Validation of the removal of the underground petroleum storage system (UPSS) in accordance with Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014;
- Further soil testing in the footprint of the now demolished building (which was not accessible at the time of the Preliminary Site Investigation (PSI));
- Provision of a report detailing the results of the UPSS validation and further testing in general accordance with the NSW Office of Environment and

Heritage (OEH) Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites. The report will include comments on the site suitability for the proposed development; and

- Douglas Partners believe that further groundwater investigations are not required based on the previous groundwater investigation results and no potential contamination of concern being identified in the available UPSS validation results. If significant contamination is identified following removal of the UPSS pipework (currently not accessible for removal), the need for further groundwater investigation will be reviewed.

Acid Sulphate Soils

Council, in their submission, noted that the proposal had not considered the impact of Acid Sulphate Soils. The EIS submitted with the SSD, confirmed in Section 6.9.3 (page 54) that the site is not mapped under Randwick LEP 2012 as having Acid Sulphate Soils, nor are they anticipated on the site according to Douglas Partners investigations.

3.0 Design Amendments to the Proposal

In response to the submissions received, and as a result of design development, amendments have been made to the project.

The following section outlines the scope of development for which approval is sought, based on the revised Architectural Drawings and Addendum Architectural Report prepared by Woods Bagot (refer to **Appendix C**).

3.1 Changes to the Proposal

Table 3 (and **Appendix C**) provides a complete list of the modifications to the proposal as part of the response to submissions. Consequently, revised architectural plans have been submitted for approval (**Appendix B**).

Ground Floor Plan and Landscaping

Minor modification have been made to landscaping at ground level along Botany Street and to the west of the site adjacent Chancellery Walk. The Botany Street frontage landscaping has been simplified, with the proposed pedestrian pathway removed to discourage pedestrian movements and entry through the northern side of Gate 11, but rather, further north on Botany Street.

Changes have also been made to the western courtyard landscaping and access, in response to the submission received from Council. This includes the widening of the access ramp to 3m.

With regards to the building, internal amendment have been made to the informal learning and circulation areas.

Level 7 and Roof Plant

In order to improve the efficiency of the plant and feasibility of the building, several minor changes have been made to the design of the roof and roof-top plant zone. None of these modifications will result in any changes to the building height or mass. The reorientation of the flues to the rooftop will also reduce the visual impact from the Botany Street.

Table 3 – List of proposed amendments

Location	Description of Modification
Lower Ground	▪ Internal Planning Layouts
Ground Floor	▪ Simplifications of landscaping along Botany Street
Level 1-5	▪ Internal layout modification to offices and riser to the west of the western passenger lift ▪ Replanning of the toilet cores
Level 2	▪ Revised layout to the informal lounge layout
Level 6	▪ Replanning of plant layout ▪ Realignment of south west corner stair
Level 7	▪ Replanning of plant room ▪ Revision of flue locations
Roof	▪ Orientation of the of
Botany Street (East)	▪ Glazing on D26 Building replaced with ventilation louvre

4.0 Conclusion

UNSW, Woods Bagot and its consultant team has considered all of the issues raised by the Department, Randwick City Council and State agencies during the public exhibition period, and have revised the exhibited EIS via this documents and its appendices, to address these concerns. The result of this process is the modified project, which presents the most appropriate and best planning outcome in terms of environmental impacts, public benefit, and achieving strategic planning objectives for the provision of research and educational facilities.

This response has demonstrated that the development will not have any significant adverse environmental effects. As a result of the amendment, no changes to the Mitigation Measures (including in the EIS) are required.

The proposal will result in positive economic, environmental and public benefit by providing a world class education and research building within the Upper Campus precinct.

Given the environmental planning merits described above, and significant public benefits proposed, it is requested that the Minister approve the application under section 89E of the EP&A Act.