



Section 96(2) Modification SSD 6674 (MOD 1) Environmental Impact Statement



University of New South Wales

Biological Sciences Project - Stage 1

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

November 2016 ■ 15827

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This report has been prepared by:



Stephen Gouge

16/11/2016

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16/11/2016

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Statement of Validity

Development Application Details

Applicant name	University of New South Wales
Applicant address	Botany Street, Kensington
Land to be developed	Kensington Campus, Randwick
Proposed development	Biological Sciences Project as described in Section 3.0 of the Environmental Impact Statement dated February 2015, and as modified by this Report

Prepared by

Name	Stephen Gouge
Qualifications	BPlan (Hons) MPIA
Address	173 Sussex Street, Sydney
In respect of	State Significant Development - Development Application

Certification

I certify that I have prepared the content of this EIS and to the best of my knowledge:

it is in accordance with Schedule 2 of the Environmental Planning and Assessment Regulation 2000;

all available information that is relevant to the environmental assessment of the development to which the statement relates; and the information contained in the statement is neither false nor misleading.

Signature



Name Stephen Gouge

Date 14/11/2016

1.0 Introduction

On behalf of the University of New South Wales (UNSW), we hereby submit an application pursuant to section 96(2) of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) to modify State Significant Development Application SSD 6674 relating to the Biological Sciences Project (Stage 1) at the UNSW Kensington Campus (herein referred to as ‘the site’).

The application involves internal and external modifications to the approved development in response to the proposed uses within Building D26, and in order to appropriately provide services for the Biological Sciences Project.

Specifically, the modifications include the following:

- revised ground floor layout to Building D26 and the Biolink Building, including access and entries;
- revised awning and façade treatment to Building D26;
- revised northern ramp and terrace arrangements to Building D26;
- extent of glazed skylight over west atrium reduced and replaced with new concrete slab;
- inclusion of an additional plant level to Building D26 and amendment to roof top plant and equipment;
- deletion of external stair to the north elevation of Building D26; and
- amendment to development contributions to remove the monetary payment towards traffic signals.

Fundamentally, the proposed changes result in development that is substantially the same as originally approved. The modifications chiefly respond to revised layout and uses within Building D26 and the associated servicing requirements. No changes are proposed to the envelope or internal layout of Building E26 as part of this application.

This application identifies the consent, describes the proposed modifications and provides a planning assessment of the relevant matters for consideration contained in section 96(2) and 79C(1) of the EP&A Act. It should be read in conjunction with the Environmental Impact Statement prepared by JBA dated February 2015 (submitted with the original SSD).

1.1 Background of the Project

The Biological Sciences Project (Stages 1 and 2) is proposed to address long-term accommodation needs of the School of Biological, Earth and Environmental Sciences (BEES) and the School of Biotechnology and Biomolecular Sciences (BABS) within the Faculty of Science (FoS), as well as functional needs of the wider Biomedical Precinct located as part of the UNSW “upper” Kensington Campus. The completed development will align with the University’s strategic priorities as set out in the UNSW 2025 Strategy.

Providing state-of-the-art research and teaching facilities aligns with UNSW Strategic priorities identified in the 2025 Strategy, namely to:

- establish UNSW as being in top 50 research-intensive universities worldwide; and
- be internationally renowned or a world class research environment, addressing major challenges and social justice issues with the highest quality facilities.

1.2 Approval to be modified

Stage 1 of the Biological Sciences Project (SSD 6647) was approved by the Department of Planning and Environment on 20 August 2015. Approval was specifically granted for:

Biological Sciences Project, including:

- construction of a nine storey Biological Sciences Building (identified as E26);
- relocation of existing operations from the Biological Sciences Building (D26) to E26;
- refurbishment of the lower ground floor southern wing of the Biolink building;
- refurbishment of the ground floor of building D26, including the Biolink Building;
- construction of a new fire stair between Wallace Wurth Building and building D26;
- construction of new rooftop plant to building D26;
- refurbishment of the facade of building D26;
- construction of a new loading dock and access way; and
- associated landscaping.

The application has not been modified since consent was granted in August 2015.

1.3 Concurrent SSD – Biological Sciences Stage 2

A concurrent SSD for Stage 2 of the Biological Science Project has been submitted to the DPE with this S96 Modification. Secretary's Environmental Assessment Requirements were received on 22 August 2016.

At the time of the Stage 1 SSD application, the final scope and funding for the second stage of the Project was not confirmed. Given the timing, as well as the scope and nature of the works included in Stage 2, a separate SSD is required.

The SSD application relates the internal fitout of the levels within existing Biological Sciences (Building D26). Specifically, Lower Ground and Levels 1 to 6 of the Biological Sciences Building (Building D26) – as shown in **Figure 1**.

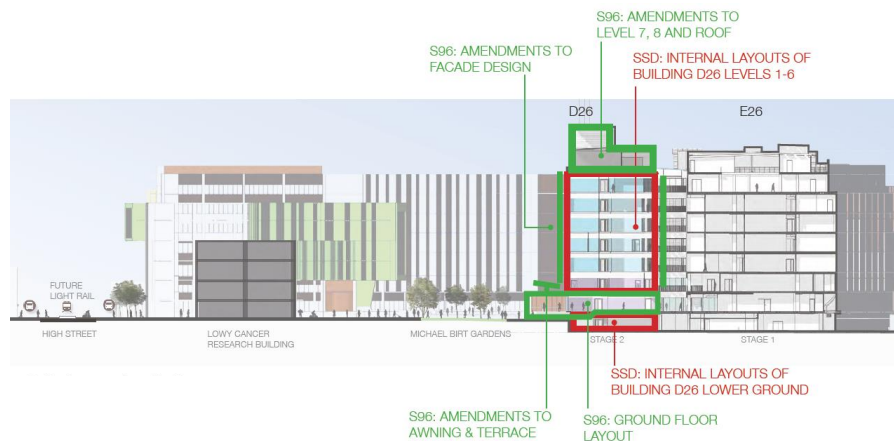


Figure 1 – Identification of proposed SSD works and S96 works
Source: Woods Bagot

1.4 Pre-lodgement Consultation – Randwick City Council

A meeting was held with Council officers on 20 October 2016 (refer to Meeting Minutes at **Appendix L**). At this meeting the scope of the S96 Modification to the Stage 1 DA, as well as the Stage 2 SSD were discussed.

The officers were generally supportive of the proposed development, however raised the following issues to be addressed in the preparation of the S96 Modification:

- car parking – strategy for car parking across the site and mode shift (see **Section 6.11** of this report);
- roof top plant and potential acoustic impacts (see **Section 6.14** of this report); and
- staff and student population figures (see **Section 3.7** of this report).

1.5 Crown Development

Clause 226(1) of the EP&A Regulation provides that a development carried out by an Australian University (under the meaning of the *Higher Education Act 2001*) is a Crown development. UNSW is listed as an Australian University under Schedule 1 of the *Higher Education Act 2001* and as the development will occur on University land, it is a Crown development for the purposes of Division 4 of the EP&A Act.

Under the special provisions for Crown developments, the application cannot be refused (except with the approval of the Minister for Planning), Council cannot impose conditions of consent without the applicant's agreement, the applicant has the opportunity to review the draft conditions and, if the consent authority fails to determine the application within the prescribed period, the application may be referred to the Sydney East Joint Regional Planning Panel for approval.

2.0 Site Analysis

2.1 Regional and Local Context

The UNSW Kensington Campus, is located within the Randwick LGA and sits to the south of the Royal Randwick Racecourse, to the west of the Prince of Wales Hospital Campus / Randwick Health Hub, and between the Kensington and Kingsford town centres on Anzac Parade. The Campus is located 8km south of the Sydney CBD and about 6km north-east of Sydney Airport. The site is also located within the Draft Randwick Urban Activation Precinct area.

See **Figure 2** below for the Campus' sub-regional location relative to the Sydney CBD, Sydney Airport, Port Botany and other sub-regional landmarks.

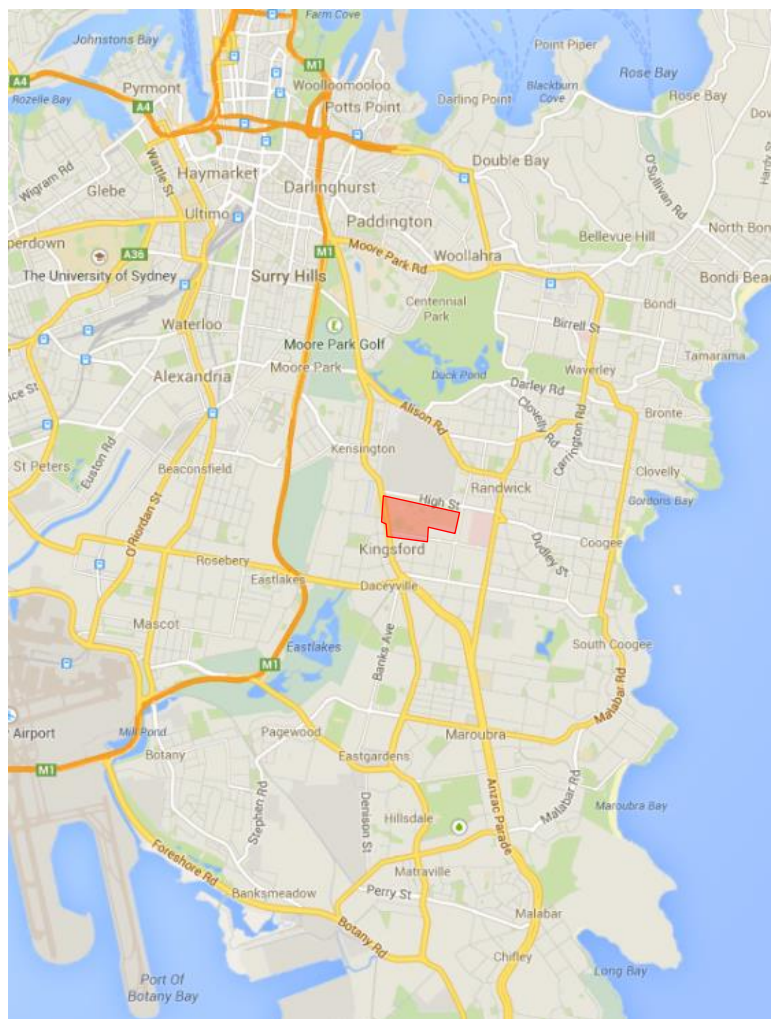


Figure 2 – UNSW Kensington Campus in its sub-regional context
Source: Google Maps and JBA

The Campus includes development that sits within the main Campus boundaries of Anzac Parade (to the west) with the exception of Building L5, High Street (to the north), Botany Street (to the east), and Barker Street (to the south). It also includes developments to the west of Anzac Parade and north of Day Avenue, including NIDA, the University Regiment, and the New College Post-Graduate Village. The Campus currently has approximately 38,260 student enrolments.

An aerial photograph of the Campus is shown below at **Figure 3**.



Figure 3 – UNSW Kensington Campus
Source: Nearmap 2011

2.2 Site Description

The site is located within the Campus at the north-eastern section of Lot 1 in Deposited Plan 510271, which forms the eastern portion of the Campus, also referred to as the ‘upper campus’.

The site, for the purposes of this S96 application is consistent with the SSD. The site is generally rectangular in shape, contained wholly within the Campus as shown below in **Figure 4**.



Figure 4 – The site (site boundary shown in red – location of proposed amendments in green)
Source: Nearmap + JBA

3.0 Description of the Proposed Amendments

This chapter of the report provides a description of the proposed modification to the approved development and to specific conditions of consent. In summary, this application involves the following amendments:

- revised ground floor layout to Building D26 and the Biolink Building, including access and entries;
- revised awning and façade treatment to Building D26;
- revised northern ramp and terrace arrangements to Building D26;
- extent of glazed skylight over west atrium reduced and replaced with new concrete slab;
- inclusion of an additional plant level to Building D26 and amendment to roof top plant and equipment;
- deletion of external stair to the north elevation of Building D26; and
- amendment to development contributions to remove the monetary payment towards traffic signals.

No changes are proposed to the envelope or internal layout of Building E26 as part of this application. A detailed description of the proposed changes is provided below.

3.1 Building Height and Form

The key modifications to the building form occur at the upper levels of Building D26. Amendments to Level 7, 8 and associated plant rooms are proposed, resulting in an increase in building height and form.

Following confirmation of the progression of Stage 2 of the Biological Sciences Project and the design development for Stage 1, a more detailed understanding of the servicing requirements has been established. As a result, additional plant areas and volume is required to service the uses within Building D26.

Level 7 (plant) now extends to generally align with the building façade below, whilst retaining a setback from Botany Street of approximately 30m. An additional plant level (level 8) is then located in two locations setback from the eastern and western building edges to minimise visual impact from key pedestrian routes and Botany Street in particular (see **Figure 6**). No change is proposed to the building envelope of design of Building E26.

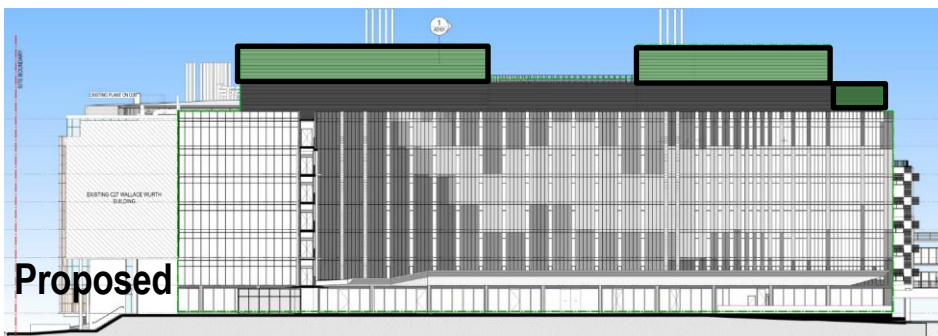
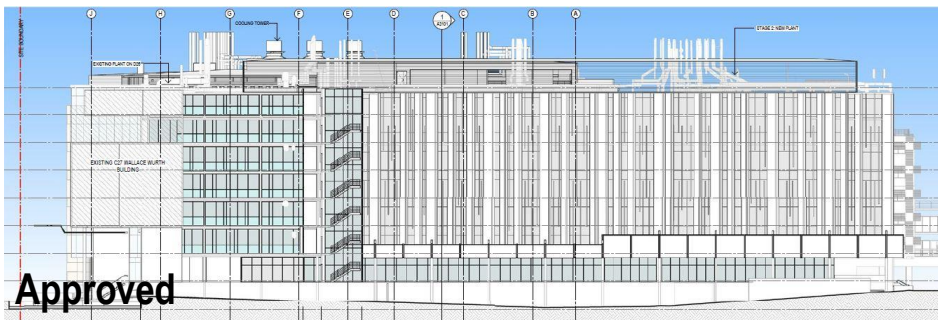
A comparison of the existing and proposed building envelope is provided in **Figure 6**.

3.1.1 Building Height

The proposal seeks to amend the height of roof top plant of D26 in sections of the rooftop, to provide for mechanical services for the uses in the building below. Whilst the plant located on Level 7 is to be expanded (as shown in Figure 5) the height of this plant level and the building parapet are not proposed to be amended. The building height comparison is provided in Table 1 and a comparison of the northern elevation provided in Figure 5.

Table 1 – Building Height comparison

	Existing Approval	Proposal	Change
Building D26 – Building Height			
Top of Plant	RL 90.4	RL 96.2	5.8m (see Figure 5)



Additional plant + Building height shown in green

Figure 5 – Existing and proposed northern elevation of Building D26
Source: Woods Bagot + JBA

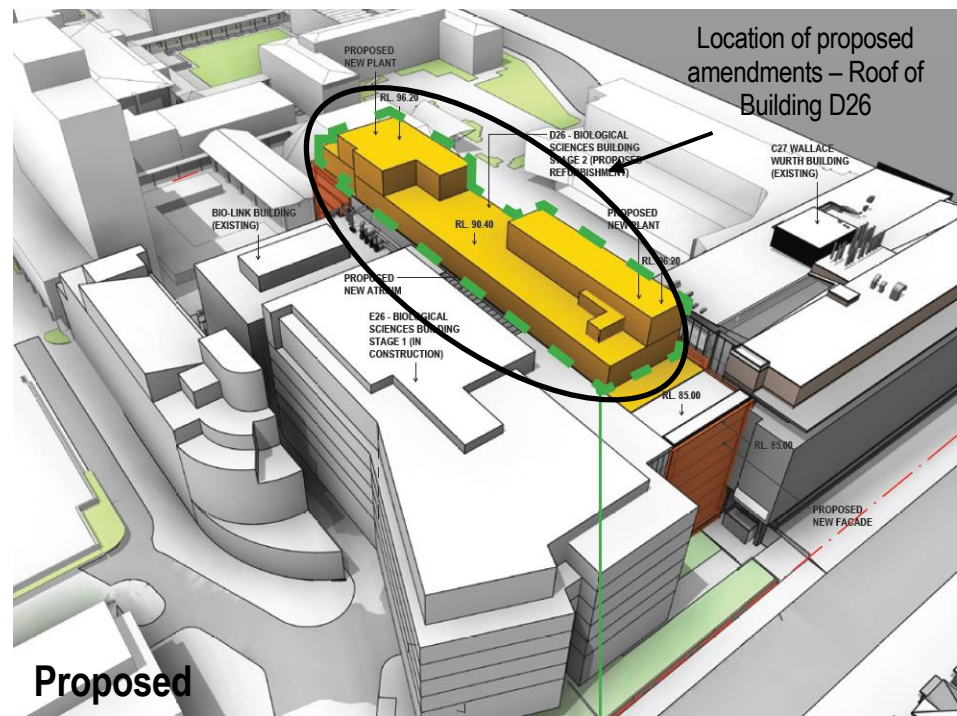
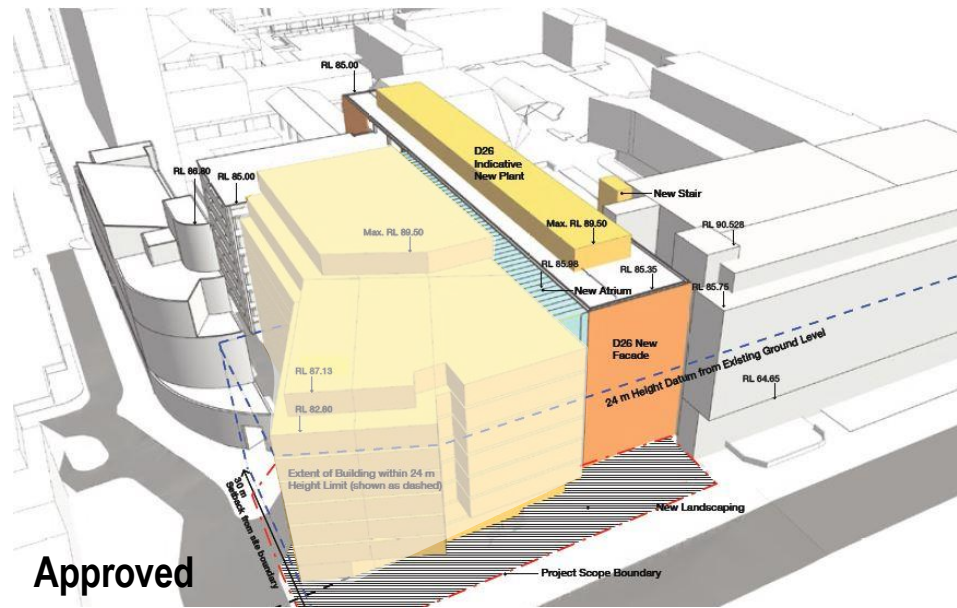


Figure 6 – Existing and proposed building envelope
 Source: Woods Bagot + JBA

3.2 Ground Floor Modifications

The proposed modifications to the ground floor seek to increase teaching and university spaces, resulting in a reduction of the retail spaces provided. The amendments also involve the relocation and reconfiguration of the geometry of the building entry from the north. This allows a more centralised location within the building, and to provide a more appropriate distribution of uses on either side of this entry.

As part of the ground floor modification the access from the D26 Building through to Wallace Wurth has been removed, to provide for a new geology laboratory space. Amendments have been made to the Biolink building to provide additional teaching spaces.

The teaching and laboratory spaces proposed on the Ground Floor were previously allowed for on the upper floors of the D26 Building. The removal of retail uses and reconfiguration of the building entry has allowed for this space to be better distributed through the building on the Ground Floor.

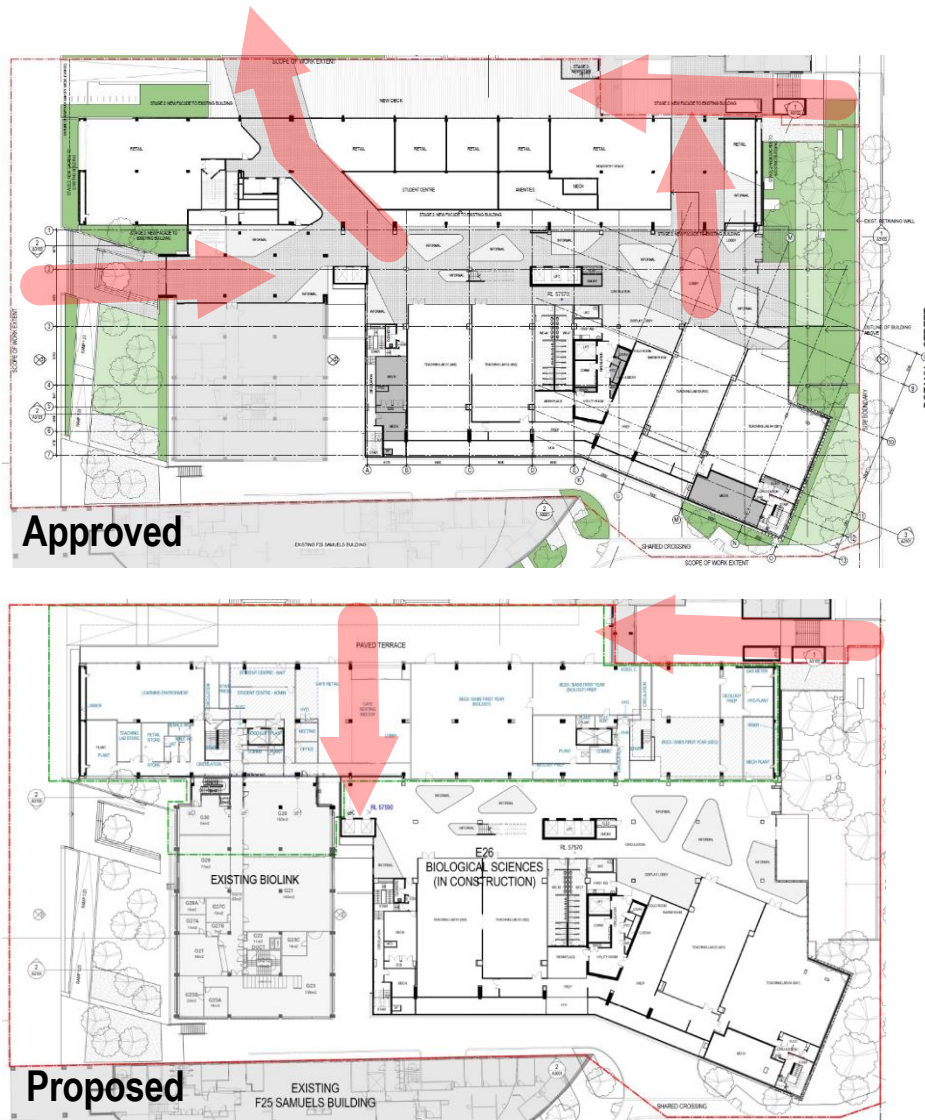


Figure 7 – Existing and proposed ground floor plan
Source: Woods Bagot + JBA

3.3 Tree Impacts

Given the modification proposed to the Ground Floor Level, particularly in the north-western corner of the site, two additional existing trees will be affected. A revised Arboricultural Assessment (**Appendix N**) has been prepared for this application and considers the additional impact proposed (see **Section 6.10**). The additional trees affected as part of this modification are identified as tree 61 and 62 at **Appendix N** and consist of two cabbage tree palms. Tree 60 is proposed to be retained.

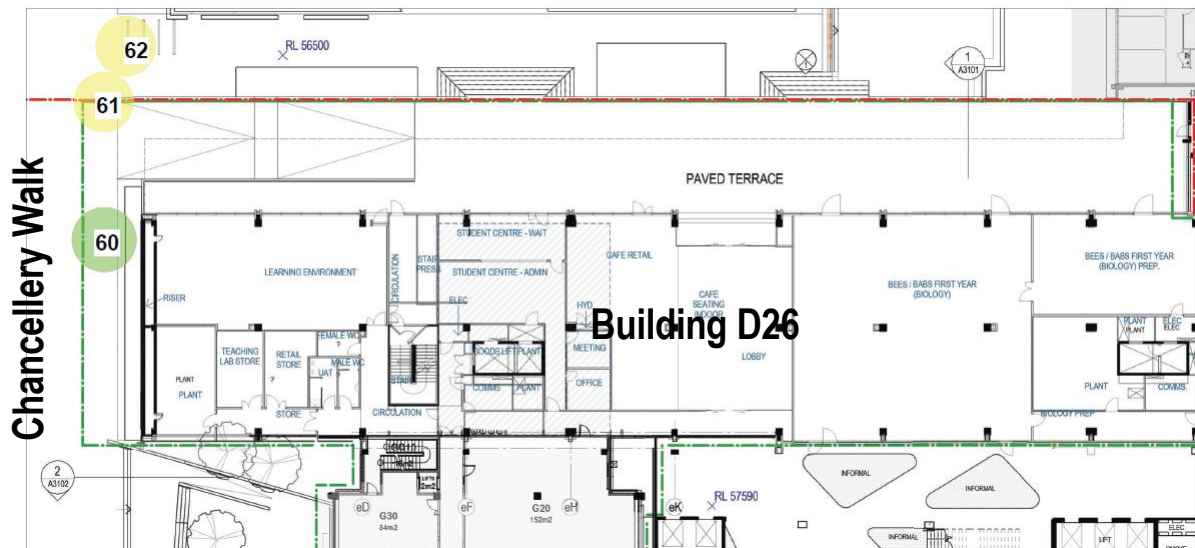


Figure 8 – Tree removal plan
Source: Birds Tree Consultancy

3.4 Additional Roof Top Plant

As noted above, the building height and roof top form is proposed to be modified in order to accommodate additional plant required to service the buildings. As shown in **Figure 9**, an animal house has been added to Building D26 on Level 6 (subject of the concurrent SSD application), that has resulted in the plant being raised to level 7.

Due to the additional requirements of the buildings below the plant of this level is extended to be closer to the parapet of the building below on all elevations with the exception of the eastern elevation to Botany Street, maintaining a 30m setback from the boundary.

As shown in **Figure 5** and **6**, an additional level has also been added to parts of the roof enclosure in order to house fume cupboard exhaust fans, animal house exhaust fans, cooling tower enclosure, and an emergency generator. As shown in **Figure 9** and as detailed on the Architectural Plans at **Appendix B**, the plant will be screened with cladding.

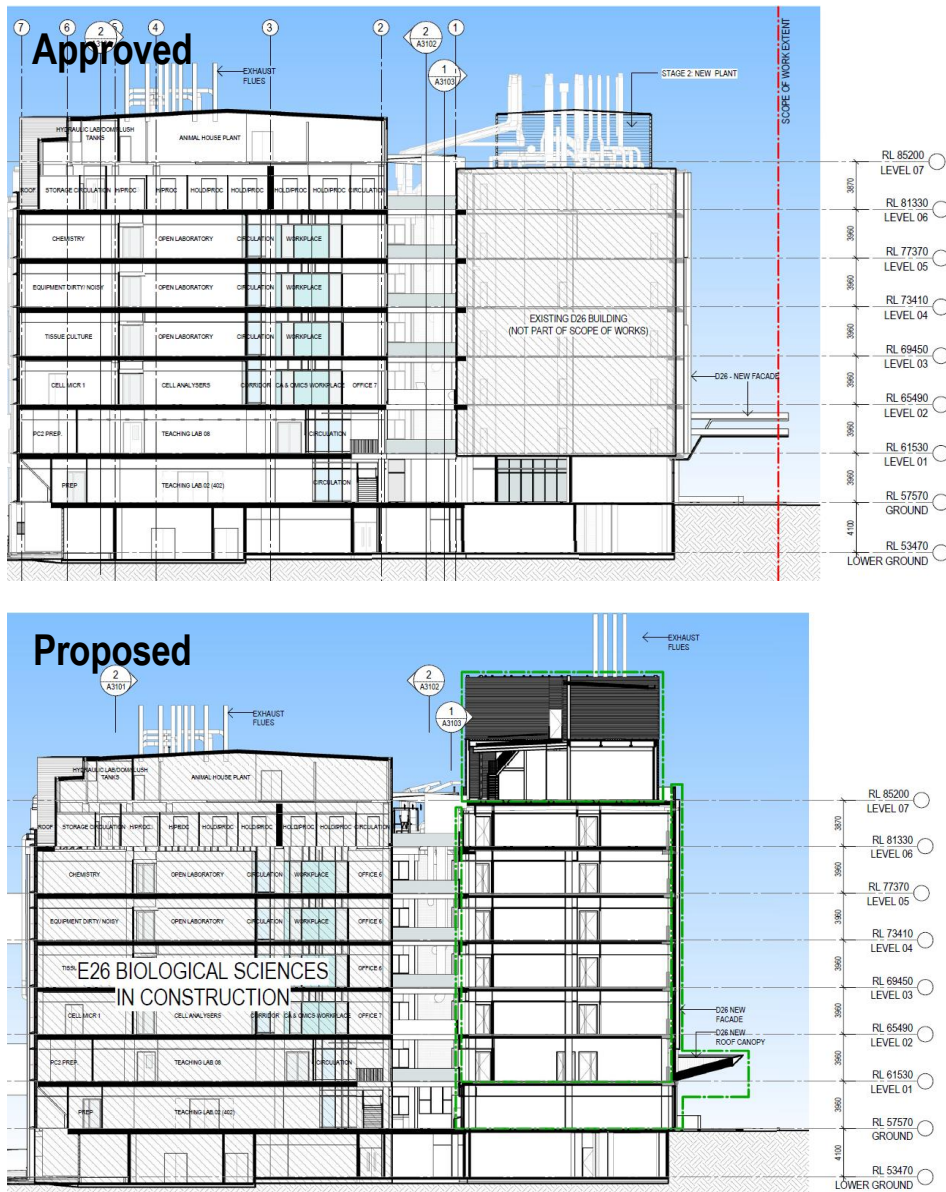


Figure 9 – Existing and proposed building section (north/south section)
Source: Woods Bagot

3.5 Façade Amendments

3.5.1 Northern Elevation and Awning

Northern Elevation

The façade design of the building has progressed in conjunction with the proposed internal uses within Building D26 (as part of the concurrent Stage 2 SSD). The design and materials respond to the location of uses within the building.

Maintaining a consistent verticality in its design, the revised façade consists of aluminium and glazed panels with vertical solar shading fins. On the northern façade, the eastern edge consists of vertical aluminium and glazed panels with the glazing increasing towards the western edge of Building D26 in response to the workplace based uses on this side of the building. The escape stair previously approved between Wallace Wurth Building and Building D26 is now no longer required and shown as an amendment on the architectural plans.

As shown in **Figure 10**, the plant enclosure to the rooftop will reflect the same expression and materiality as the approved plant enclosure.



Figure 10 – Comparison of Building D26 northern façade treatment
 Source: Woods Bagot

Awning

The proposal seeks to amend the design and canopy line of the awning, lowering it from the top of Level 1 (as approved) down to the top of Ground Level. This arrangement provides improved solar and rain protection, whilst providing a more sympathetic relationship to the building façade and proportions. The design of the awning is revised to a rationalised form with a consistent angled fall back towards the building.

The 'step' in the awning is maintained, but relocated to identify the main entry to the building from Michael Birt Garden. A comparison of existing and proposed is provided in **Figure 11** below.



Figure 11 – Existing and proposed awning proposal
Source: Woods Bagot

3.5.2 Southern, Eastern and Western Elevations

Both the eastern and western façade of Building D26 were identified to retain the existing red masonry to each end of the building. Following determination of the SSD this brickwork was identified as requiring replacement due its poor condition and age.

The proposal seeks to modify these elevations and continue to vertical aluminium cladding to these elevation, consistent with the language of the northern elevation and Michael Birt Gardens. At the Ground Floor of the eastern and western elevations, a dark grey large format ceramic tile will be used to provide a consistency in building composition and consistency in materiality within the precinct. Existing and propose façade treatment for the eastern and western elevation are shown below in **Figure 12** and **Figure 13**.



Figure 12 – Comparison of western elevation façade treatment
Source: Woods Bagot



Figure 13 – Comparison of Botany Street façade treatment
Source: Woods Bagot

3.6 Materials and Colours

The proposed modification retains the existing approved materials. Aluminium, glass and terracotta are retained in the design, removing the pre-existing red masonry brickwork.

Colours of the façade have been design to reflect a neutral palette, so as not to dominate or compete with the surrounding buildings, whilst still contributing and continuing the language of the precinct. From within the Campus on the northern elevation, the awning design and colour enhances the visual interest in the façade.

3.7 Building Population

Staff and student population was considered in detail as part of the Stage 1 SSD. The proposed modifications to the Ground Floor, building plant levels and façade do not change the number of staff or students as approved in the Stage 1 SSD.

The areas of teaching and laboratory space on the Ground Floor were previously allowed for within the upper levels of the D26 Building. Given the reconfiguration of main entry and the removal of retail elements on the level, the teaching and laboratory space has been redistributed to the Ground Floor.

3.8 Development Contributions

When assessing the suitability of any development contributions to Stage 1 SSD, the DPE considered that Circular D6 was the guiding document in relation to Crown applications, with the effect being that no contributions would be applied for open space, community facilities, parking and general local and main road upgrades. On the basis of these principles, the Department considered that application of the Section 94A levy not to be applicable or appropriate in the circumstances.

In their assessment report of the Stage 1 SSD the Department included a recommended condition that required payment of the footpath upgrade contribution (\$261,000) prior to the commencement of any works the subject of the development; and the payment of the intersection upgrade (calculated by Council to be at a cost of \$150,000) contribution prior the occupation of Stage 1 of the Project. The delayed levy payment for the intersection upgrade was imposed to allow time for the Council to approve and schedule the upgrade works. These contributions are located at Condition A8 of the SSD approval (**Appendix A**).

Following determination of the SSD, UNSW has been in discussion with the Roads and Maritime Services (RMS) regarding the ability for the identified intersection to be signalised. Correspondence received on 8 July 2016 confirm that the RMS cannot support the installation of signal at the location of Botany Street and Gate 11". A copy of this correspondence is provided at **Appendix M** and identified the following reasons the intersection cannot be supported.

- The location of the new signals is located approximately 160m from the intersection of Botany Street and High Street. Current onsite conditions show right turning vehicles queuing to access Gate 11. It is envisaged that changes in traffic access within the University will direct more traffic to this gate. This will increase the right turn.
- The report details that the new site "does not specifically satisfy the RMS traffic signal warrants at the present moment, the traffic flow warrants are almost met." As this site does not meet the warrants and it is anticipated that upon completion of the light rail network, the existing levels of traffic will be decreased with uptake of the light rail services. Accordingly, motorists should be encouraged to use the public transport infrastructure provided rather than

use private vehicles. In encouraging the use of the light rail network it is expected that the traffic flows will be decreased and the warrants will continue not to be met into the future.

- As above, the report details a number of suggestions to encourage the movement of vehicles in and around the University to avoid the light rail corridor. Patrons of the University should be encouraged to leave vehicles at home and use the public transport and the University should provide strategies that encourage the use of new public transport infrastructure other than the movements of private vehicles.
- Vehicles wanting to turn right out of University of NSW onto Botany Street, would be able to safely turn right when the signals the intersection of High Street and Botany Street are red and holding traffic south bound. In addition, Major Project Integration have identified that the roundabout located at the intersection of Barker St and Botany Street may be upgraded to signals prior to Light rail operation to assist the efficiency in this location. With this proposal this would also help assist vehicle movement out of the University.
- Pedestrians facilities have been provided at the intersection of Botany Street and High Street, just a short distance north.

Given the response received from RMS, it is considered appropriate that condition A8 of the approval be amended to remove the requirement for a monetary contribution to be made to RCC by UNSW for the signalisation of this intersection. The proposed amendment to this condition is provided in **Section 4** of this report.

4.0 Conditions Proposed to be modified

Table 2 specifies the conditions proposed to be amended in order to facilitate the modifications sought as part of this application.

Table 2 – Conditions Proposed to be amended

Condition	Proposed Amendment
Part A – Administrative Conditions	
Condition A2 – Development in Accordance with Plans and Documents	<ul style="list-style-type: none"> Modification of the approved plan list to reflect amendments proposed and align with the Architectural Plans included at Appendix B.
Condition A8 – Development Contributions	<ul style="list-style-type: none"> Modification to remove the requirement for payment towards the signalisation of the intersection at Gate 11 and Botany Street

4.1 Modifications to Conditions

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. Words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in **bold italics**.

PART A – Administrative Conditions

Condition A2

Development in Accordance with Plans and Documents

A2 The applicant shall carry out the project generally in accordance with the:

- a) Environmental Impact Statement titled SSD 6674 Environmental Impact Statement University of New South Wales Biological Sciences Project, prepared by JBA Urban Planning Consultants, dated February 2015;*
- b) Response to Submissions titled SSD 6674 Response to Submissions University of New South Wales Biological Sciences Project prepared by JBA Urban Planning Consultants, dated May 2015; ~~and~~*
- c) **Section 96 Application Environmental Impact Statement prepared by JBA, dated October 2016; and***
- d) **following drawings, except for:***
 - i. **any modifications which are Exempt or Complying Development;***
 - ii. **otherwise provided by the conditions of this consent.***

Architectural (or Design) Drawings prepared by Woods Bagot

Drawing No.	Revision	Name of Plan	Date
Replace existing plan list with plans provided at Appendix B			

Reason: The conditions is proposed to be modified to reflect the submitted S96 application and plans.

Condition A8

Development Contributions

A8 The applicant shall:

- a) prior to the commencement of works, pay a monetary levy of \$261,000 to Randwick City Council for the construction of public domain improvements along Botany Street pursuant to section 94B(2) of the Environmental Planning and Assessment Act 1979. ~~and~~*
- b) prior to the occupation of Stage 1 of the development, pay a monetary levy of \$150,000 to Randwick City Council for its construction of a signalised intersection at the Gate 11 entrance to the UNSW Campus and Botany Street pursuant to section 94B(2) of the Environmental Planning and Assessment Act 1979.***

Reason: As set out in **Section 3** of this report, a request was made to RMS by UNSW for the integration of signals at the intersection of Gate 11 and Botany Street. As this was refused, it is considered appropriate and reasonable for part b) of this condition to be removed.

5.0 Section 96 of the EP&A Act, 1979

5.1 Substantially the Same Development

The power to amend a development consent is found in section 96 of the EP&A Act. Section 96 is an independent facilitative power that is separate to the grant of a development consent.

The statutory requirements to be satisfied for the grant of consent to modify a development consent are set out in Section 96. These depend on whether or not the modification is made under subsection (1), (1A) or (2).

This modification application to the Stage 1 SSD is accordingly made under Section 96(2) of the EP&A Act.

Pursuant to Section 96(2) of the EP&A Act, the Minister or his delegate may modify development consent if:

- (a) *it is satisfied that the development to which the consent as modified relates is **substantially the same development** as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) *it has notified the application in accordance with:*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

The development, as proposed to be modified, is substantially the same development as that originally approved in that:

- the proposal does not alter the existing approved use as an education and research building, within UNSW's Kensington Campus;
- the use remains entirely consistent with the zoning of the land under Randwick LEP 2012;
- the proposed changes considered in the context of the scale of the overall development are of a minor in nature and will not be readily noticeable from areas external to the Campus;
- the modification to the building façade are consistent with the language and design intent of the approved building;
- the development fundamentally retains the same relationship to the public domain and surrounding development, particularly with regard to the relationships externally to the Campus;
- amendments to the rooftop plant design and layout are a direct response to ensure the proper functioning and operation education and research uses within the building modifications to the Ground Floor plan and uses on this

level does not negatively impact on the level of connectivity and accessibility through the building and site, but rather, response;

- the environmental impacts of the modified development are in the order as the approved development; and
- pertains to refinements which improve the overall outcome and operation of the development.

6.0 Environmental Assessment

Section 96(2) of the EP&A Act states that a consent authority may modify a development consent if “it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified.”

The original EIS submitted with the DA addressed all of the relevant matters for consideration and specific issue pertaining to the development. This report addresses the matters relevant to the proposed amendments in the subsections below.

6.1 Section 79(C) Assessment

Section 96(3) of the EP&A Act states:

“In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C(1) as are of relevance to the development the subject of the application.”

Section 79C(1) of the Act states:

“In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:*
 - (i) any environmental planning instrument, and*
 - (ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and*
 - (iii) any development control plan, and*
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.”*

6.2 Consistency with Secretary’s Environmental Assessment Requirements

This application has considered the original SEARs issued by the DPE. Given the nature and scope of the amendments proposed, amended SEARs are not required. All of the relevant items for consideration have been included in this report.

6.3 Consistency with Relevant Planning Instruments

The original EIS prepared for the SSD addressed the following legislation, strategies and planning instruments:

- NSW 2021;
- Draft Metropolitan Strategy for Sydney to 2031;
- Draft East Subregional Strategy;
- Randwick Urban Activation Precinct;
- NSW Long Term Transport Master Plan 2012;
- NSW Bike Plan;
- Planning Guidelines for Walking and Cycling;
- Sydney Cycling Future;
- Sydney's Walking Future;
- Sydney's Light Rail Future; and
- Healthy Urban Development Checklist, NSW Health
- Environmental Planning and Assessment Act 1979 (EP&A Act);
- Environmental Planning and Assessment Regulation 2000 (EP&A Reg);
- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP);
- State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure);
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55);
- Randwick Local Environmental Plan 2012 (Randwick LEP 2012); and
- Randwick Comprehensive Development Control Plan 2013.

The proposed modifications will not alter the compliance of the development with the above strategies. Given there are external building envelope amendments to the proposal, an additional assessment against Randwick LEP 2012 building height controls is provided in **Section 6.5** below.

6.4 Proposed Uses

The modifications proposed in this application do not seek to amend the approved use of the development as a state of the art research and education facility, consistent with the SP2 – Educational Establishment zoning of the site.

The modification to the Ground Floor layout seek to replace previously approved retail spaces, with a student centre and additional teaching space. The use of the additional roof top plant levels is in connection with the operation of Building D26.

6.5 Building Height and Form

Under the LEP 2012 the controls impose a height limit of 24m along the site's eastern boundary (Botany Street), the width of which is 30m as shown below in **Figure 14**. The remainder of the site does not have a maximum building height control.

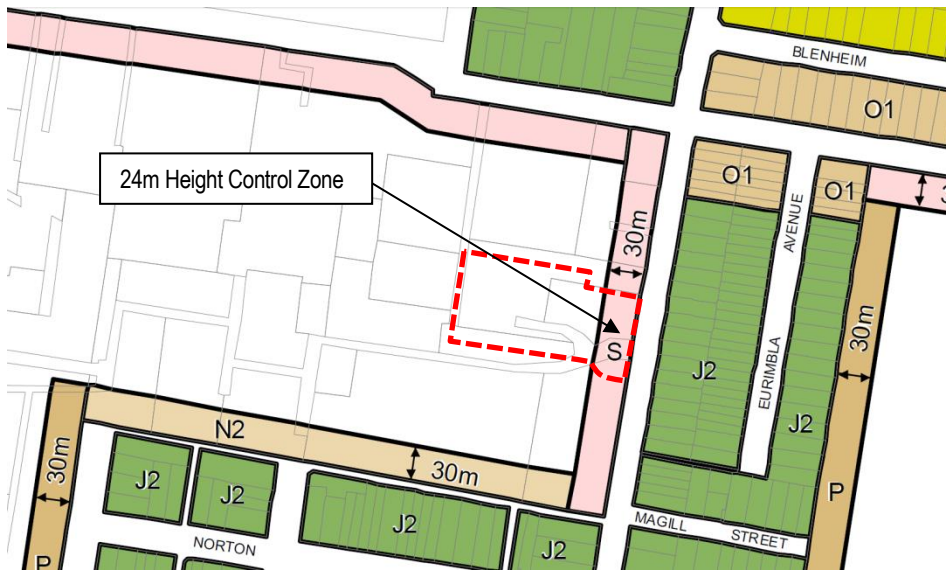


Figure 14 – LEP 2012 – Height Map (site shown in red)
 Source: Randwick Local Environmental Plan 2012 + JBA

Whilst a Clause 4.6 variation request was submitted with the original SSD application, the modification proposed in this S96 application do not seek to vary the building height within the permitter building height zone. The building height that results from additional/reconfigured plant and equipment to the rooftop is located within the Campus and is not located within the 30m wide 24m permitter height control as shown in Figure 145

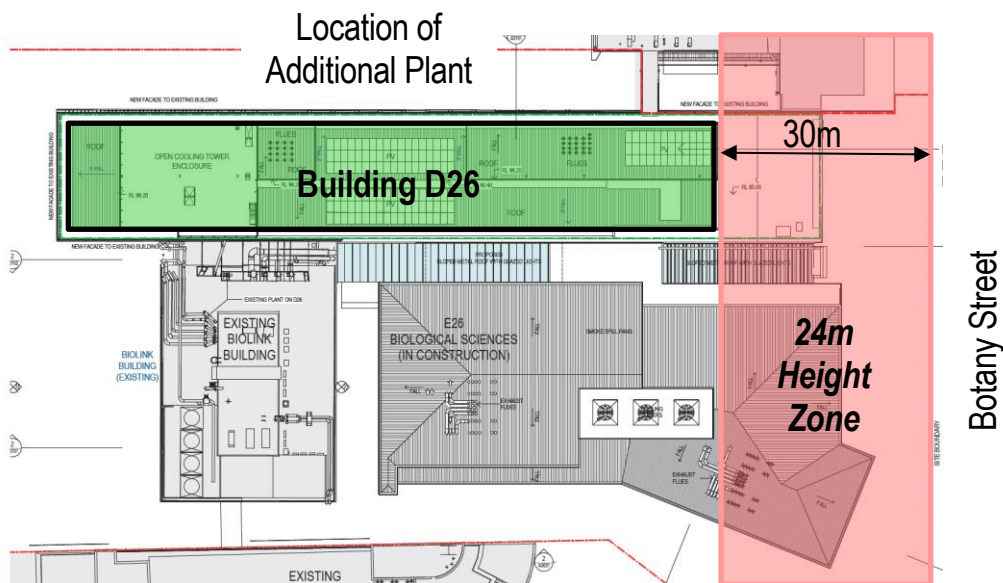


Figure 15 – Roof Plan
 Source: Woods Bagot + JBA

As stated in the SSD, the primary driver of the building form and additional roof top plant are the functional requirements of the proposed laboratory and research uses within the buildings. Whilst not strictly applicable to modification, an assessment against the Building Height objectives of Randwick LEP 2012 has been provided in Table 3.

Objectives of the Control

Table 3 – Building Height Control objectives

LEP CI	Objective	Proposal
Clause 4.3 – Building Height	a) <i>to ensure that the size and scale of development is compatible with the desired future character of the locality,</i>	The proposed envelope of the Project is compatible with the existing character of adjacent University building including the Wallace Wurth Building and Lowy Cancer Research Centre to the north of the site. Furthermore, the proposal is consistent with the intended future character of the area as identified with the Randwick urban Activation Precinct. Due to the location and setback of the additional rooftop plant, it will not adversely affect the compatibility of the building with the existing or future character of the locality.
	b) <i>to ensure that development is compatible with the scale and character of contributory buildings in a conservation area or near a heritage item,</i>	The amended form and scale does not impact upon any heritage items or conservation areas. This is due to the location of the additional plant and building form being set within the Campus.
	c) <i>to ensure that development does not adversely impact on the amenity of adjoining and neighbouring land in terms of visual bulk, loss of privacy, overshadowing and views.</i>	the bulk, size and scale of the development as a result of the modification have minimal additional environmental or amenity impacts on the adjoining and neighbouring land, including the buildings within the campus and nearby residential development

The additional building height is therefore considered appropriate for the following reasons:

- the additional building height is isolated to limited sections of the building envelope;
- given the setback of the plant level to Building D26, the building façade of Building D26 and E26 provide visual screening when viewed from Botany Street;
- the additional plant does not contribute to any additional overshadowing or view loss;
- the additional plant will not adversely impact the streetscape and public domain of Botany Street; and
- the development satisfies the objectives of the land use zone and exhibits a high standard of design and external finishes.

6.6 Randwick LEP 2012 – Design Excellence Provisions

In accordance with Clause 6.11(4) of the Randwick LEP 2012, in considering whether the development exhibits design excellence the consent authority must have regard to a number of matters of consideration. An assessment against each of the matters for consideration is provided in **Table 4** below, confirming the amended building exhibits design excellence.

Table 4 – Clause 6.11 – Design Excellence provisions

Clause	Response/assessment
a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,	As demonstrated in the Architectural Drawings (Appendix B) and Architectural Design Statement (Appendix C), the amended design, material and palette of the Project is high quality, and considerate of the context and proposed uses. The additional plant at the rooftop will be screened as per the approved SSD,
b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,	<p>The form of the additional building elements have been carefully considered and design by Woods Bagot who have been involved in the design of the existing buildings present on the Campus, particularly the Wallace Wurth Building directly north of the site. The location of additional plant has been place to ensure minimum impact to the public domain, particular to Botany Street and surrounding residential land uses.</p> <p>The Project will significantly improve the public domain experience, permeability thought the site, and streetscape of Botany Street as the eastern gateway to the upper Campus.</p>
c) how the proposed development responds to the environmental and built characteristics of the site and whether it achieves an acceptable relationship with other buildings on the same site and on neighbouring sites,	As outlined in the Architectural Design Statement (Appendix C), the concept for the element in the composition of the architecture is to express it as a distinct and visually interesting building form, whilst providing a connection to adjoining building and providing as the transition between the Campus and adjoining land uses. The revised Palette and removal of red masonry brickwork will provide a building that does not dominate the streetscape, but is sympathetic to the adjoining buildings.
d) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency,	The Project has been designed to respond to functional requirements of the use, although seek to maximum energy efficiency whilst ensuring privacy and required internal environment.
e) whether the proposed development detrimentally impacts on view corridors and landmarks.	The Project, as amended, does not detrimentally impact any existing view corridors or landmarks.

6.7 Solar Access and Overshadowing

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).

The additional massing to Building D26 does not have any significant impact on the overshadowing of neighbouring buildings as demonstrated by the overshadowing Diagrams prepared by Woods Bagot (**Appendix B**). Given the location of Building D26, north of Building E26, some additional overshadowing occurs to the northern part of Biolink Building and Building E26, however this does not affect the compliance of solar access being achieved for residential dwellings on the eastern side of Botany Street.

6.8 Overlooking, Privacy and View Loss

The proposed modifications will not result in any adverse overlooking of the neighbouring residential dwellings given the separate distance from the site. The additional building height is attributable to building plant surrounded by screening enclosure, with no opportunity for overlooking.

The proposed modification does not result in any loss of views from surrounding public or private vantage points, including Botany Street, given the profile of the Campus to the west of the site.

6.9 Urban Design, Streetscape and Wind

The refinements to the building facades are proposed in response to further design development of the internal uses within Building D26, along with investigations into the viability of retaining existing brickwork. The modifications result in a more consistent building language, integrating with the adjacent building such as Wallace Wurth and the Lowy Cancer Research Building.

The additional plant to the rooftop of Building D26 has been carefully considered so as to minimise the visual impact from the public domain, whilst providing effective servicing to the uses below. Given the location of this additional plant, and the height of the building parapet to Botany Street, the modification will not be highly visible. The visual impact of the additional plant to Michael Birt Garden within the campus is mitigated by the use of a consistent enclosure/screening material.

Wind conditions for the pedestrian entrance on the northern elevation via Michael Birt Gardens are expected to be acceptable for pedestrian activity (as per the finding of the SSD Pedestrian Wind Environment Statement) due to the shielding provided from the surrounding medium rise buildings. The wind environment in this location will be further improved as a result of lowering the awning on the northern elevation.

6.10 Tree Impacts

The Arboricultural Development Impact Assessment prepared by Birds Tree Consultancy (**Appendix N**) considers the trees that will be impacted from the revised proposal.

Whilst a total of 45 trees will require removal the northern elevation of the D26 Building, 13 of these are identified as being suitable to be transplanted. Importantly, Tree 60, a *Waterhousia floribunda* or Weeping Lilli Pilli will be retained as there is no excavation proposed within the Tree Protection Zone.

The key difference between the original approval and proposed modification is the impact to Tree 61 and 62 (cabbage tree palms) that are affected because of extending the access ramp further west than the original approval. These trees are suitable for transplantation.

All existing trees identified for retention will be kept in good condition for the duration of the works in accordance with *AS4970 2009 Protection of Trees on Development Sites* and the recommendations outlined in the Arboricultural Development Impact Assessment.

6.11 Transport and Parking

A Traffic and Transport Statement has been prepared by Arup (**Appendix J**). The statement confirms that the proposed traffic and transport report that was included with the SSD. Whilst modifications are proposed the building envelope and ground floor layout, no change in staff or student number occurs as a result. The proposal does not affect the layout of any vehicle entries or access to the site.

The existing conditions of consent do not require amendments as part of this application.

It is noted that as part of the assessment for the SSD, no concerns were raised by the RMS or Council in terms of traffic generation and the impact on the surrounding road network. Furthermore, the additional staff was not considered by the DPE to result in any adverse impacts on the operation of the surrounding road network.

The DPE was satisfied that the SSD proposal would not generate any significant additional demand for parking on the site, and the trend in reducing car travel would continue due to public transport upgrades and the promotion of alternative travel modes to private vehicle use.

Reducing private vehicle usage and encouraging sustainable travel is a key objective of RDCP 2013. In consultation with Council, UNSW has identified the following strategies to achieve this:

- implementing public transport upgrades;
- reducing parking supply;
- locating university accommodation on or near the campus;
- managing parking changes; and
- supporting an interactive information system.

6.12 Sydney Airport Corporation

The University initiated the consultation process with Sydney Airport Corporation Limited (SACL), providing initial information of the maximum building height (including flues) via email to the Sydney Airport Airfield Design Manager. Whilst the concurrent S96 application to the Stage 1 SSD seeks approval for the change in building form and height, consideration of the relevant aerospace authority requirements is appropriate for this SSD.

SACL advised that the Obstacle Limitation Surface (OLS) in the location of the site is approximately 85m AHD. Given the Project will have a building height above RL85m it is required to be sent to Air Services Australia and the Civil Aviation Safety Authority (CASA) for assessment, prior to being sent to the Federal Department of Infrastructure & Regional Development for a determination.

Given the existence (and modification) of a series of exhaust rises on the roof of Building D26, SACL also advised that a plume assessment is required for the subject proposal.

A formal application for the approval of the OLS penetration will be prepared and submitted to the relevant agencies. Similarly, an application for the construction crane OLS penetration will be submitted by the contractor.

6.13 Environmentally Sustainable Design

A Statement has been provided from the projects ESD consultants, EMF Griffiths (**Appendix I**) confirming that the proposed amendments will not affect the established ESD principles and objectives of the project, or compliance with Condition B8 of the Stage 1 SSD consent.

6.14 Acoustic Impact

An Acoustic Assessment (**Appendix D**) has been prepared by Acoustic Logic to consider the impact of the proposed modification, particularly the additional plant, to the existing noise objectives and approved conditions of consent. The following comments and recommendations are made in the assessment.

Whilst additional and reconfigured plant is proposed in the modification, the operational noise objectives applicable to the plan are required to be achieved pursuant to condition B4 remain applicable. Provided that mechanical plant installed as part the modification are adequately treated, noise emissions compliant with condition B4 will be achieved.

The proposal incorporates a diesel generator (emergency generator) towards the eastern end of the Building D26 façade. This generator will be housed within a proprietary sound enclosure (including acoustically treated air intakes/discharges and exhaust gas discharges). With this treatment, noise levels complying with the identified intrusive and amenity noise objectives can be achieved (consistent with the approved SSD conditions).

6.15 BCA and Fire Safety

Statements have been provided regarding BCA (**Appendix E**) and Fire Safety (**Appendix F**).

The BCA Statement confirms that the proposed building works are capable of complying with the Building Code of Australia. The modifications proposed do not affect the ability of the development to comply with the BCA.

The Fire Engineering Statement considers that the proposed fire strategy is not significantly impacted on by the Section 96 changes that would result in changes to the SSDA and will not affect the current approved fire engineered design solutions to address specific non compliances with regard to the DtS provisions of the BCA.

6.16 Structural Certification

A statement has been provided by the Project Structural Engineer, Robert Bird Group (**Appendix K**). This confirms that the works proposed to be carried out will not require alterations to the existing structure, as approved under SSD 6674.

6.17 Water Cycle Management

TTW have prepared a Civil Engineering Design Report (**Appendix H**) with regard to stormwater and flooding. The report confirms that the proposed modifications do not affect the existing stormwater infrastructure surrounding the site. As required, stormwater pits and drainage will be amended to connect to the existing stormwater network.

Furthermore, the proposed modifications do not affect overland flow paths surrounding the site or the likelihood of flooding to any surrounding building. The modifications are consistent with the University's Stormwater Strategy Master Plan and does cause affects that require upgrade of downstream flood mitigation structures and devices.

6.18 Suitability of the Site

The Kensington Campus is suitable for the Project and has been considered from a research operations perspective as well as from a site capacity and environmental perspective. The site is considered suitable for the proposed development for the following reasons:

- it is within the Kensington Campus and is co-located with other key and supporting education and research services;

- the Project will further support and strengthen the research and education facilities available on the Campus and within the broader health and education precinct; and
- the location of additional plant levels, required to support the building functions, are positioned so as to minimise their visibility externally to the campus.

6.19 Submissions Made

Any submission to the public exhibition of this application will be considered, and a response provided as necessary.

6.20 Social and Economic Impacts

The Project, as modified, will include new research areas, learning and teaching spaces and office space. The Project will bring a number of social and economic benefits to the region, including:

- supporting and strengthening high quality education and research facilities available to the UNSW community and general public more broadly;
- attracting more funding, academics and students;
- increased employment opportunities during both construction and operation with approximately 300 full time equivalent (FTE) construction jobs and approximately 170 FTE operational jobs being created;
- support and encourage learning;
- establish UNSW as being in top 50 research-intensive universities worldwide; and
- be internationally renowned or a world class research environment, addressing major challenges and social justice issues with the highest quality facilities.

6.21 Public Interest

The proposed modifications to the SSD are in the public interest by:

- providing employment opportunities during construction and operation of the building
- significantly improve research, laboratory and teaching spaces within the Campus in the aim of furthering scientific education and research – including the required plant and equipment required to support these functions;
- supports the delivery of NSW State Government infrastructure, including the CBD and South East Light Rail; and
- supports the continued growth of the Randwick Strategic centre for Education and Health.

7.0 Conclusions

In accordance with section 96(2) of the Act, the proposed modifications will have no significant adverse environmental impact and will result in a development that will be substantially the same as the originally approved development.

The proposed modifications do not raise any additional environmental planning issues and are required in order to appropriately provide for the state of the art education and research facility at UNSW.

In light of the above, we recommend that the Minister or their delegate approve the proposed modifications as described in this submission. We trust that this information is sufficient to enable a prompt assessment of the proposed modifications.

In accordance with section 96(2) of the EP&A Act, Council may modify the consent as:

- the proposed modification is of minimal environmental impact; and
- substantially the same development as development for which the consent was granted.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request.