

## ASSESSMENT REPORT

### University of New South Wales Biological Sciences Project SSD 6674 MOD 1

#### 1. INTRODUCTION

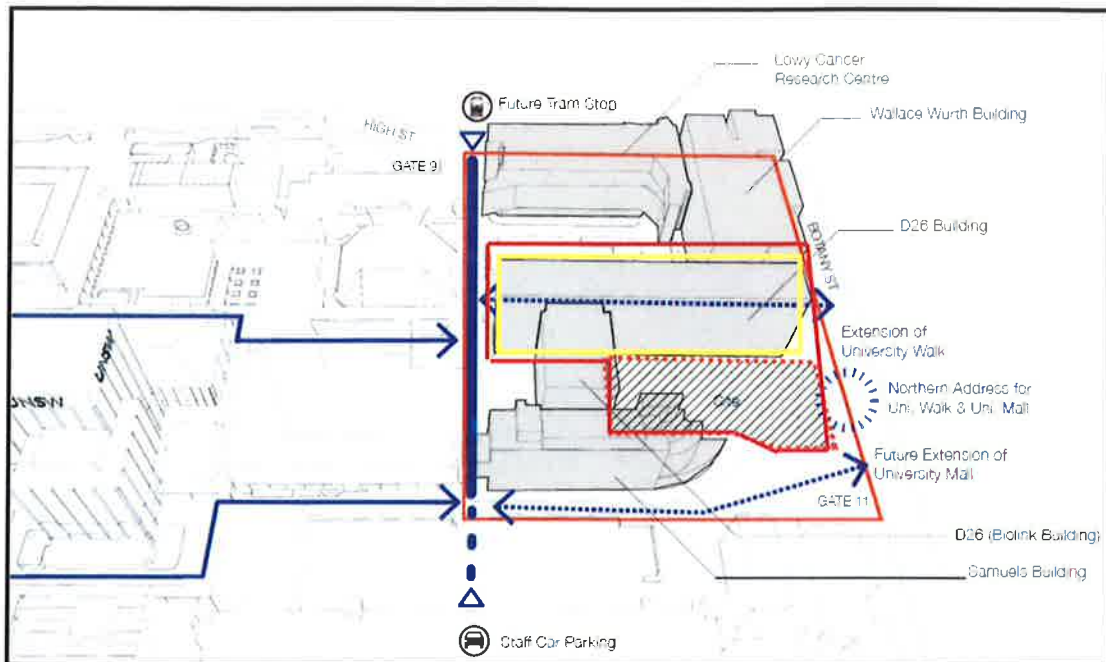
This report is an assessment of an application seeking to modify the State Significant Development (SSD 6674) approval for the Biological Sciences Building (BSB) at the University of New South Wales (UNSW) Kensington Campus in the Randwick local government area. The application has been lodged by UNSW (the Applicant) pursuant to section 96(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval to make internal and external design changes to the approved BSB and changes to development contributions.

#### 2. SUBJECT SITE

The site is located at the eastern edge of the UNSW Kensington Campus within the Biomedical Precinct (see **Figure 1**). The site fronts Botany Street to the east and university development including: the Chancellery Walk to the west; Michael Birt Gardens and the Wallace Wurth Building to the north; and the Samuels Building to the south (see **Figures 1 and 2**). Lower scale residential development adjoins the site on the opposite side of Botany Street.



**Figure 1:** Site Location (outlined in red)



**Figure 2:** Subject site (outlined in red) Location of new BSB E6 (shown cross hatched) and Location of building D26 (outlined in yellow)

### 3. APPROVAL HISTORY

#### 3.1 Original approval

On 20 August 2015, the Minister for Planning granted SSD approval for the BSB Project, including:

- construction of a nine storey BSB (identified as E26);
- relocation of existing operations from the BSB (D26) to E26;
- refurbishment of the lower ground floor southern wing of the Biobank building;
- refurbishment of the ground floor of building D26, including the Biobank 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 façade of building D26;
- construction of a new loading dock and access way; and
- associated landscaping.

The proposal has not previously been modified.

#### 3.2 Concurrent State Significant Development Application

A concurrent SSD (SSD 7865) has been submitted to the Department. It seeks approval for the internal fitout of building D26, levels 1 to 6.

The additional roof level plant proposed as part of this modification is required in order to service the new internal layout proposed by SSD 7865. SSD 7865 is currently under assessment.

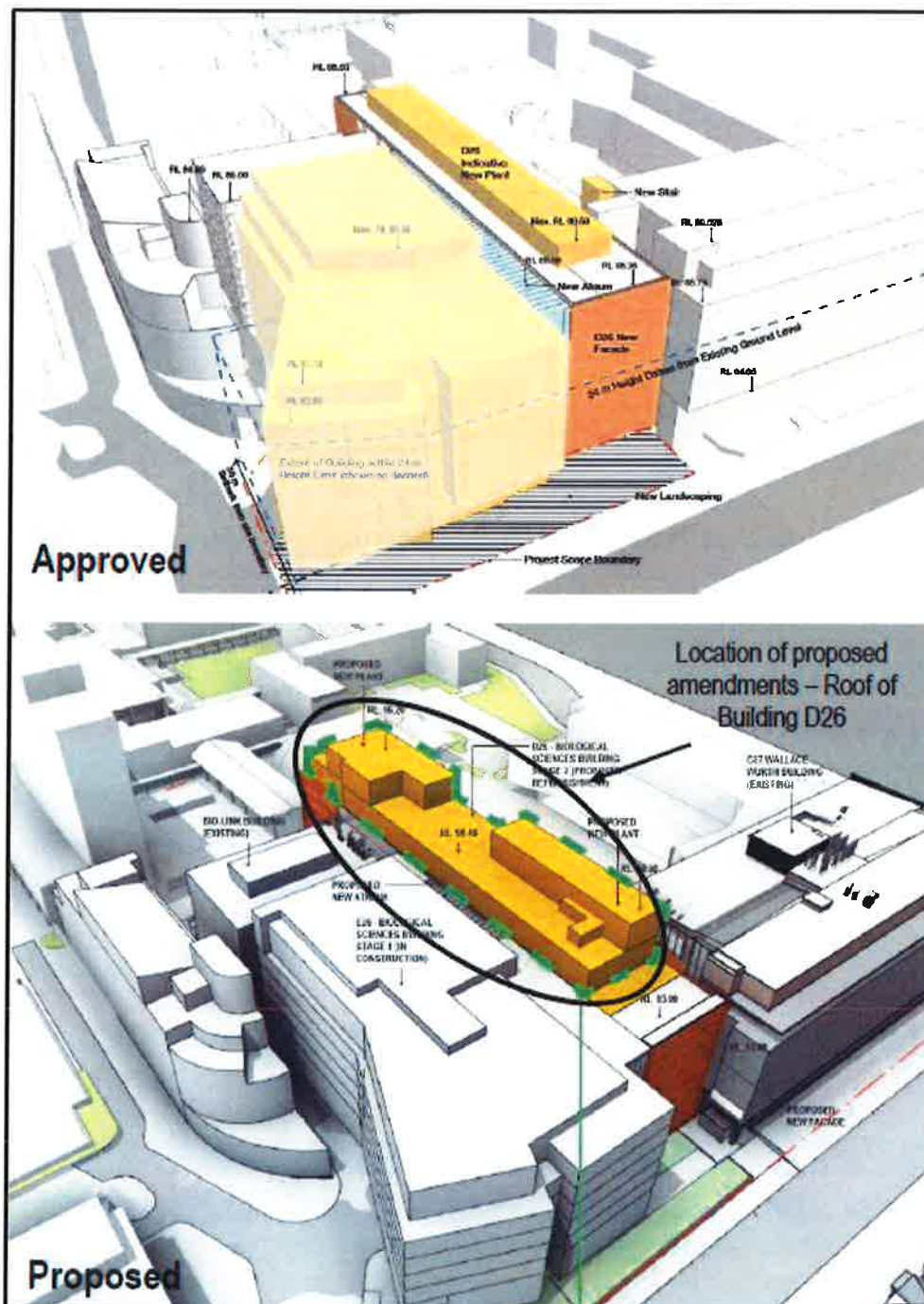
### 4. PROPOSED MODIFICATION

On 16 November 2016, the Applicant lodged an application (SSD 6674 MOD 1) seeking approval for:

- inclusion of an additional plant level to building D26;
- amended roof top plant and equipment;
- revised awning and façade treatment to the building D26;

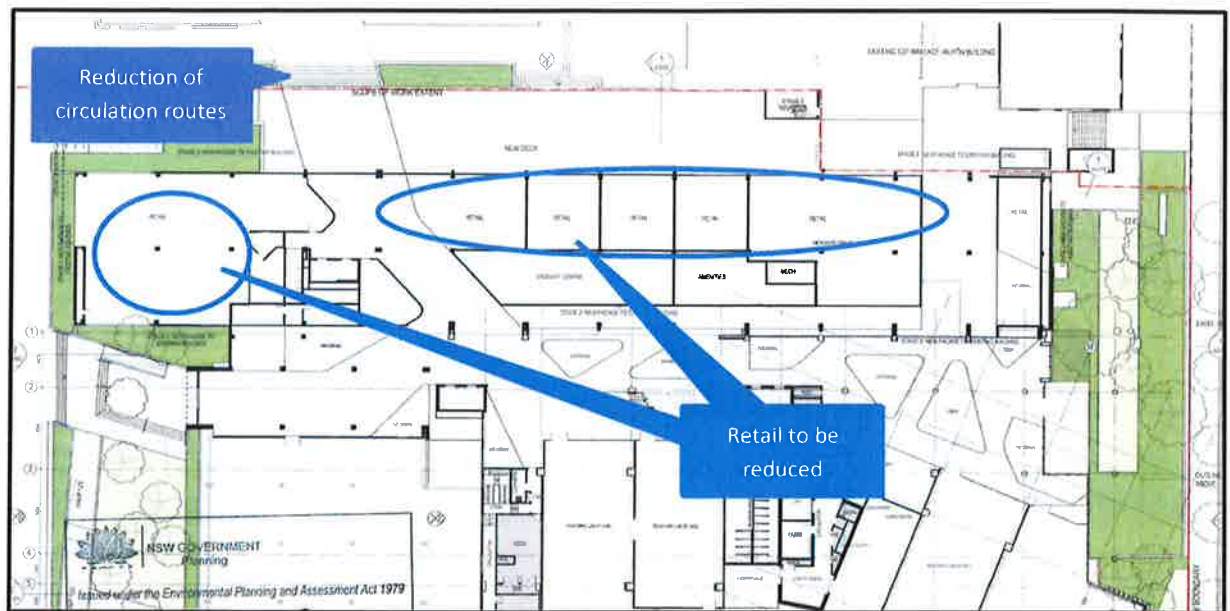
- revised ground floor layout to Building D26 and the Biolink Building including an increase in teaching space, reduction in retail space, changes to access and entries and associated relocation of trees;
- revised northern ramp and terrace arrangements to Building D26;
- deletion of external stairs to the north elevation of Building D26;
- reduction in the extent of glazed skylight over west atrium (between building D26 and the Biological Sciences Building) and replacement with new concrete slab; and
- amendment to development contributions to remove the monetary payment towards an intersection upgrade.

The modification is requested on the basis that it would provide improvements to the facility's appearance and functionality. It would also remove a requirement to pay monetary contributions for the upgrade of an intersection that is no longer required. The proposed changes are shown in **Figures 3 to 5**.

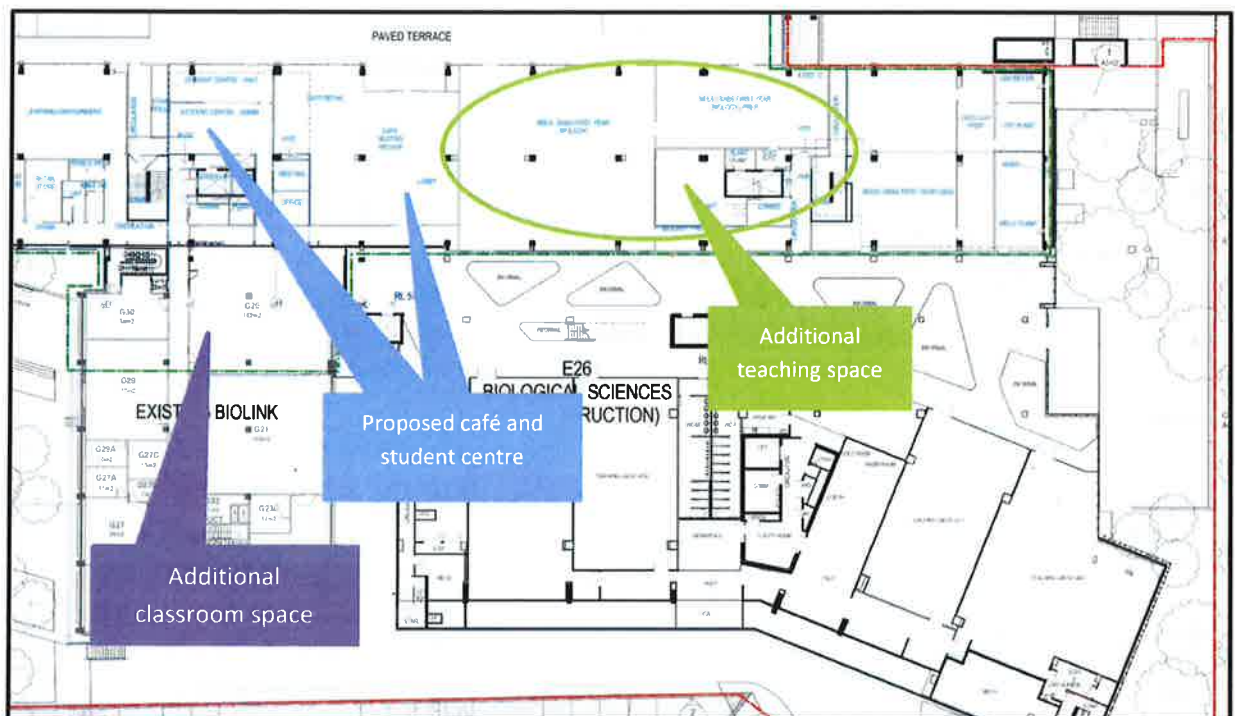


**Figure 3:** Approved and proposed development showing changes to building D26





**Figure 4:** Approved floor plan of buildings D26 and E26



**Figure 5:** Proposed ground floor plan of buildings D26 and E26

## 5. STATUTORY CONSIDERATION

### 5.1 Modification of approval

Section 96(2) of the EP&A Act requires the consent authority to be satisfied that the following matters are addressed in respect of all applications that seek modification approvals:

Section 96(2) matters for consideration	Comment
That the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).	The Department is satisfied the proposal is substantially the same development for which consent was original granted, as: <ul style="list-style-type: none"><li>• The changes are not significant in the context of the overall approved development;</li><li>• The additional height of the plant room would not result in a substantial change to the overall development when viewed from the public domain;</li><li>• The additional plant would be set back from the eastern building line and therefore not a dominant visual element in the streetscape;</li><li>• The change does not add any additional floor space. It merely provides plant necessary to service the development; and</li><li>• The proposed modification would not result in any significant adverse amenity impacts on surrounding properties or the locality.</li></ul>
The application has been notified in accordance with the regulations	The modification application has been notified in accordance with the regulations. Details of the notification are provided in <b>Section 6</b> of this report.
Any submission made concerning the proposed modification has been considered.	The Department received five submissions on the proposal. The issues raised in submissions have been considered in <b>Section 7</b> of this report.

### 5.2 Environmental Planning Instruments (EPIs)

The following EPIs are relevant to the application:

- *State Environmental Planning Policy (State and Regional Development) 2011*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy No. 55 – Remediation of Land; and*
- *Randwick Local Environmental Plan 2012 (RLEP).*

The Department undertook a comprehensive assessment of the redevelopment against the above mentioned EPIs in its original assessment. The Department has considered the above EPIs and is satisfied the modification does not change the proposal's consistency with the EPIs. The Department has also considered the proposal against the requirements of the recently released draft Education and Childcare State Environmental Planning Policy 2017 (SEPP), and is satisfied the proposal is consistent with the requirements of the SEPP.

### 5.3 Approval Authority

The Minister for Planning is the approval authority for the application. The application cannot be determined under delegation as Randwick City Council object to the proposal and the Applicant is a Public Authority.

## 6. CONSULTATION

The application was notified in accordance with the *Environmental Planning & Assessment Regulation 2000*. The modification request was exhibited for 14 days with advertisements in the Sydney Morning Herald and Daily Telegraph, made publicly available on the Department's website and referred to Randwick City Council (Council), Environment Protection Authority (EPA), Roads and Maritime Service (RMS), Transport for NSW (TfNSW), and Office of Environment and Heritage (OEH) and surrounding landowners for comment.

**Council** advises it objects to the deletion of monetary contributions for the upgrade of an intersection. Council's preference is that the intersection be upgraded, but if not, then the funds should be reallocated to other works for the benefit of the community. Council also raised concerns with the visual impacts of the proposed roof level plant, and suggested conditions to manage tree transplanting potential and noise impact associated with the proposal.

**RMS** advised it has no objection to the proposed modification. In addition, it confirmed that the traffic lights at Gate 11 are not supported by RMS.

The **EPA**, **OEH** and **TfNSW** all advised they had no comment.

There was one **public** submission received on the proposal which raised concerns regarding the potential overshadowing impacts of the proposal.

## 7. ASSESSMENT

The Department considers the key issues associated with the proposed modification are building height and scale and development contributions.

All other issues are considered in **Table 2** below.

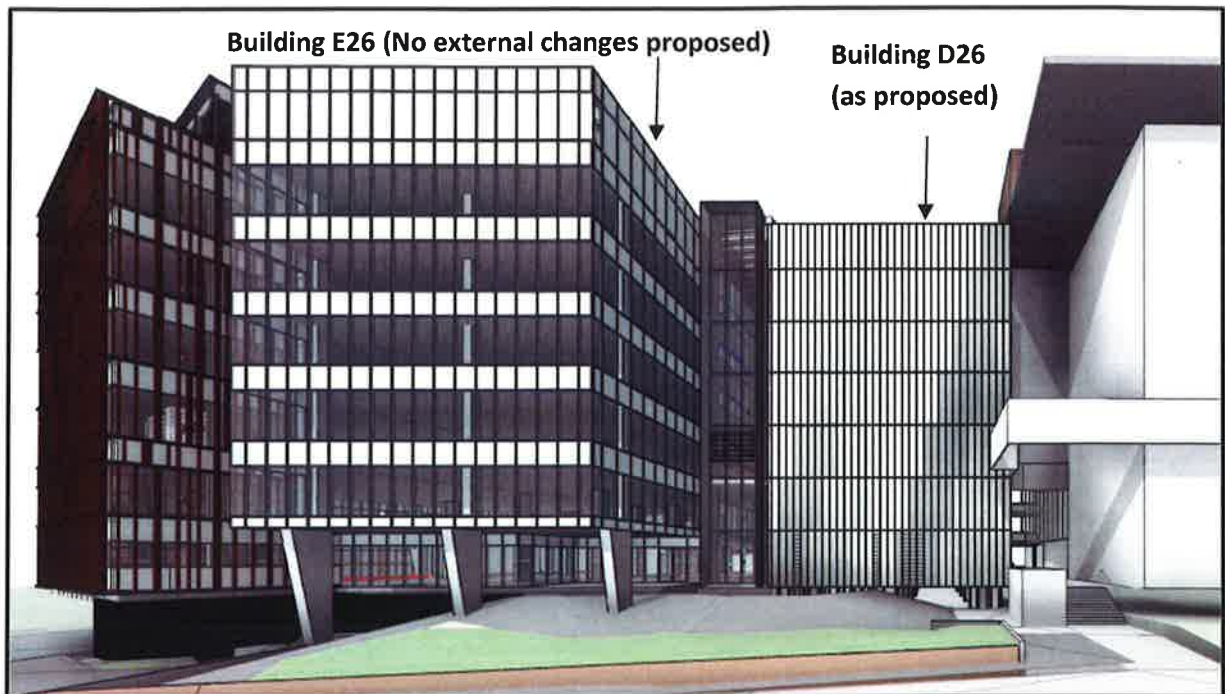
### 7.1 Building height and scale

The proposal seeks approval to include an additional level of plant on Building D26. This would increase the height of the building by 5.8 metres (from 35 metres to 40.8 metres) as shown in **Figures 6 to 8**. The proposal also includes changes to the design of the facades. These changes have been considered in **Section 7.3**.



**Figure 6:** View of the proposed building from Botany Street as approved.





**Figure 7:** View of the proposed building from Botany Street as proposed (Note – additional plant levels not visible from this vantage point).

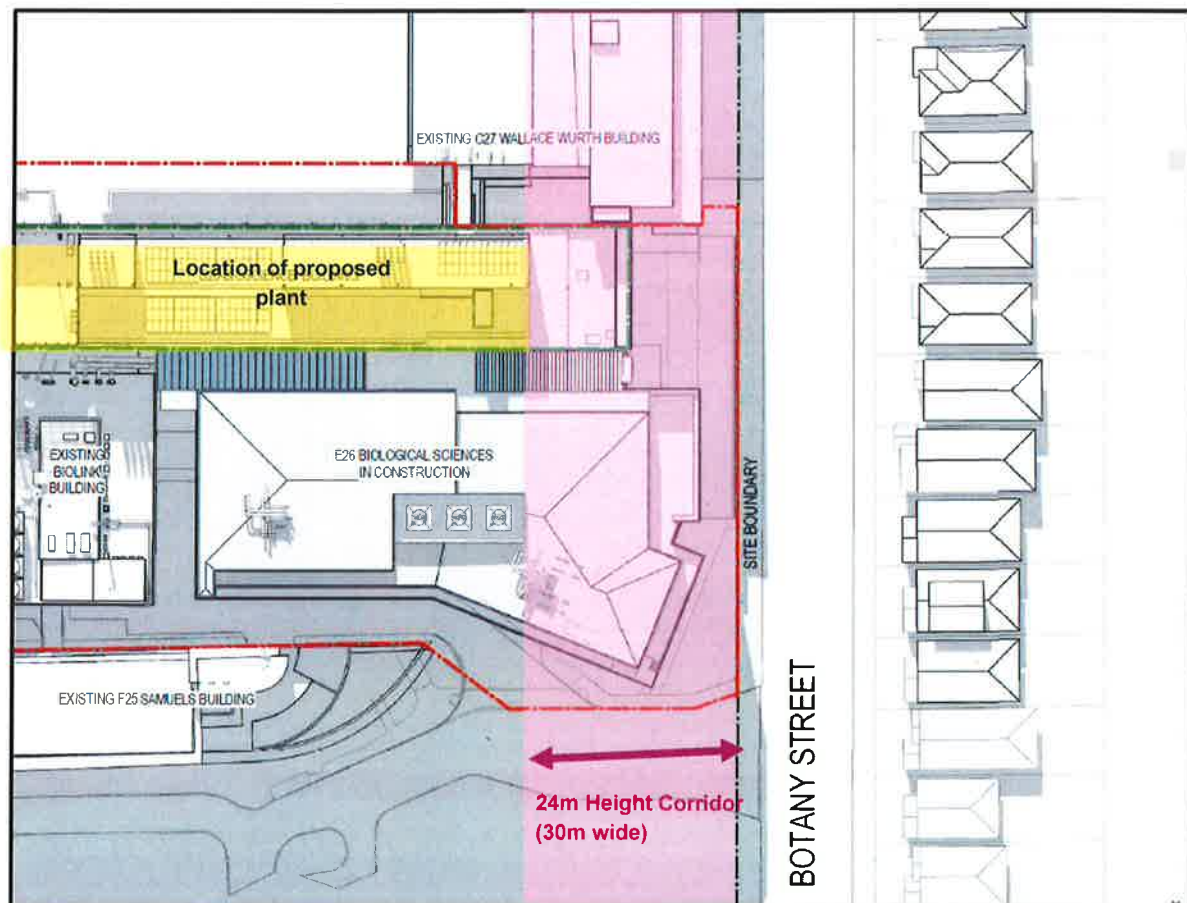


**Figure 8:** Approved and proposed western and northern elevation façade treatment (as viewed from inside the University) including changes to awning design.

Council raised concern that the plant levels would be visually intrusive when viewed from the public domain and therefore an alternative design should be investigated.

The subject site is located at the eastern edge of the UNSW campus fronting Botany Street. The built form at this location transitions from larger scale university buildings to lower scale residential development on the eastern side of Botany Street. This built form relationship and its potential impact on the Botany Street streetscape was a key issue considered in the Department's assessment of the original project.

The original proposal was assessed under clause 4.3 of RLEP 2012, which establishes a 24 metre height limit within a 30 metre wide corridor along the site's eastern boundary (Botany Street). The balance of the site to the west is not subject to a height control. The intent of the control is to provide an appropriate height transition at the outer edge of the campus to the adjoining lower scale land uses.



**Figure 9:** Proposed plant levels (shown in yellow) relative to 24 metre height control (pink).

The modification would increase the overall height of the building from 35 metres to 40.8 metres at its highest point. However, as shown in **Figure 9**, the additional building height is located outside the height control area, and as no height control applies to the remaining part of the site, the proposed modification is therefore consistent with the requirements of RLEP 2012.

The Department has carefully considered the visual impacts of the additional building height and concludes the modifications are appropriate, as:

- the rooftop plant has been designed to minimise its visual impacts, by setting the plant back from all edges of the building, and screening it with materials which are in keeping with the design of the building;
- the plant is set back 30 metres from the eastern façade, so it would not be highly visible from Botany Street (as seen in **Figure 6**) and would appropriately transition to the lower scale residential development to the east of the site;



- when viewed from vantage points outside the University, the plant would generally be obscured from view by the existing buildings on the site; and
- the increased height would not generate any adverse amenity impacts such as overshadowing, view loss or privacy impacts (refer to discussion in **Section 7.3** below).

The Department's assessment therefore concludes the proposed plant level is acceptable as it is consistent with the RLEP 2012 height controls and would not result in any unreasonable visual or amenity impacts.

## **7.2 Development contributions**

Condition A8 requires the payment of development contributions to Council, comprising \$150,000 for an intersection upgrade and \$261,000 for public domain improvements along Botany Street. The contributions were negotiated between the Applicant and Council prior to the determination of the original SSD.

The Applicant seeks to amend the condition to remove the contribution for the intersection upgrade as RMS does not support the upgrade. The intersection upgrade was suggested by Council and consists of the construction of a signalised intersection on Botany Street at the Gate 11 entrance to the campus. The need to upgrade the intersection was not identified in the original traffic impact assessment undertaken for the proposal.

RMS advised it does not support the upgrade, as:

- the RMS traffic signal warrants are not met (i.e. there is insufficient traffic through the intersection to warrant traffic signals);
- completion of the light rail network is likely to decrease traffic through the intersection as more people use public transportation; and
- signalisation is not required for pedestrian movements, as pedestrian facilities have been provided at the intersection of Botany and High Streets just a short distance to the north.

Council does not agree with the RMS's assessment of the need for the intersection and request that if the intersection upgrade does not proceed, the contribution should be reallocated to other public domain works. Council has not identified any specific public domain works that should be funded.

The proposal is Crown development as UNSW is identified as the Crown pursuant to clause 226 of the EP&A Regulation. Council's Section 94A Plan does not grant exemptions for Crown development, or for universities. However, the Department's Circular D6 (Crown Development Applications and Conditions of Consent) outlines circumstances where it is appropriate to levy development contributions on educational institutions.

The Circular provides that a clear nexus needs to be established for development proposed by the Crown and the works for which contributions would be collected. Where the Applicant is the Crown and the development is for educational purposes, Circular D6 indicates that no contributions should be applied for open space, community facilities, parking and general local or main road upgrades. However, it may be appropriate to levy contributions for local area traffic management measures required as a direct consequence of the development.

The Department notes RMS do not support the intersection upgrade and the original SSD and the proposed modification do not trigger the need for the intersection to be upgraded. Therefore, the Department considers the need to upgrade the intersection as a direct consequence of the development has not been established. On this basis, the Department considers it is appropriate to delete the contribution for the intersection upgrade.

Further, based on Circular D6, the Department does not consider it would be appropriate to reallocate these funds to other unspecified public domain works, as no nexus has been established between the proposed development and the direct need for additional public

domain works. The Department also notes the Applicant is already required to make a \$261,000 contribution for public domain improvements along Botany Street which is considered to be sufficient.

### 7.3 Other Issues

**Table 2: Assessment of Other Issues**

<b>Issue</b>	<b>Consideration</b>	<b>Recommendation</b>
<i>Changes to Façade Design</i>	<ul style="list-style-type: none"> <li>As seen in Figures 6 to 8, the proposal includes a number of changes to the design of the façade of building D26, including: <ul style="list-style-type: none"> <li>replacement of red brick with aluminium cladding on the western and eastern facades;</li> <li>amendments to northern façade design incorporating aluminium and glazed panels with vertical solar shading fins; and</li> <li>amendments to the design and canopy line of the northern awning.</li> </ul> </li> <li>The Department considers the proposed changes to the façade are minor and acceptable as the proposal includes appropriate materials consistent with the character of buildings in the immediate vicinity.</li> <li>The Department is satisfied no adverse visual impacts would arise from the proposed changes.</li> </ul>	No additional conditions necessary
<i>Acoustic impacts</i>	<ul style="list-style-type: none"> <li>An acoustic assessment was submitted by the Applicant to assess the potential acoustic impacts associated with the roof top plant.</li> <li>The assessment concluded that the additional plant would be capable of achieving compliance with the existing condition relating to operational noise which requires that noise from plant is not to exceed 5 decibels above the background noise level, as measured at the boundary of the site.</li> <li>Council have recommended a noise validation report be undertaken within three months of commencement of use to confirm the proposal complies with the relevant provisions of the <i>Protection of the Environment Operations Act 1997</i>, EPA/DECC Noise Control Manual and Industrial Noise Policy and conditions of the approval.</li> <li>The Department considers Council's suggested noise validation requirement is reasonable as it would ensure the plant operates as predicted in the acoustic assessment. Subject to the recommended condition, the Department is satisfied the proposed modification is satisfactory with regard to acoustic impacts.</li> </ul>	New condition relating to a noise validation report
<i>Tree impacts</i>	<ul style="list-style-type: none"> <li>Two additional trees (Cabbage-tree Palms) are proposed to be removed to make way for an access ramp as part of the modification. An arboriculture assessment was provided with the original application and the modification. It identified that the trees are suitable for transplantation.</li> <li>Council recommended that the two trees (identified as T61 and T62) be transplanted within the site into undisturbed deep soil. The Applicant agreed to this and advised they would accept a condition requiring the transplantation of the trees into an area of suitable deep soil, if viable.</li> <li>The Department considers that subject to their transplantation, the removal of two trees from this location is appropriate as it would provide space for an access ramp allowing the proposal to meet its operational requirements.</li> </ul>	New condition recommended relating to trees
<i>Overshadowing</i>	<ul style="list-style-type: none"> <li>One public submission raised concern about additional overshadowing impacts.</li> <li>The Applicant submitted shadow diagrams which illustrate the shadows cast from the proposal at mid-winter. The shadow diagrams demonstrate the additional overshadowing on nearby residential premises is negligible.</li> <li>Further, the properties on the eastern side of Botany Street would still receive more than three hours of direct sunlight in the morning hours between 9 am and 1:00 pm, complying with the Randwick Comprehensive Development Control Plan.</li> <li>The Department is therefore satisfied the proposal would not result in adverse overshadowing impacts on neighbouring properties.</li> </ul>	No additional conditions necessary
<i>Ground floor modifications</i>	<ul style="list-style-type: none"> <li>The ground floor modifications would reduce retail space and circulation routes through the building in favour of additional teaching space, a café and student centre.</li> <li>The Department considers the proposed changes are acceptable as</li> </ul>	No additional conditions necessary

<i>Issue</i>	<i>Consideration</i>	<i>Recommendation</i>
	it would provide additional teaching and learning space, the café would improve the amenity of the university, and appropriate circulation routes would still be provided.	

## 8. CONCLUSION

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes the proposed modification is appropriate on the basis that:

- the proposed changes to the built form are consistent with the height controls in the RLEP 2012 and would not result in any unreasonable visual or amenity impacts;
- the upgrade of the Barker and Botany Street intersection is not required (consistent with RMS advice); and
- the proposal would meet the operational requirements of the university.

Consequently, it is recommended that the modification be approved subject to the recommended conditions.

## 9. RECOMMENDATION

It is RECOMMENDED that the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **approves** the application under section 96 (2), subject to conditions; and
- **signs** the notice of modification (**Appendix A**).

Prepared by:  
Robin Ward



Anthony Witherdin  
**Director**  
**Modification Assessments**



Anthea Sargeant 5/4/17  
**Executive Director**  
**Key Sites and Industry Assessments**



## **APPENDIX A: NOTICE OF MODIFICATION**

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The notice of modification can be found at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8083](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8083)

## **APPENDIX B: SUPPORTING INFORMATION**

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The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Modification request

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8083](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8083)

2. Submissions

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8083](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8083)

3. Response to Submissions

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8083](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8083)