



Planning &
Environment

**STATE SIGNIFICANT DEVELOPMENT
ASSESSMENT REPORT:
UNSW Biological Sciences Project Stage 2
(SSD 7865)**



Environmental Assessment Report
Section 89H of the *Environmental Planning and
Assessment Act 1979*

April 2017

ABBREVIATIONS

Applicant	University of New South Wales
BSB	Biological Sciences Building
BSP	Biological Science Project
CIV	Capital Investment Value
Consent	Development Consent
Council	Randwick City Council
DA	Development Application
DCP	Development Control Plan
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
Minister	Minister for Planning
OEH	Office of Environment and Heritage
RLEP	<i>Randwick Local Environmental Plan 2012</i>
RMS	Roads and Maritime Services
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development
Stage 1	BSP Stage 1 (SSD 6674)
TfNSW	Transport for New South Wales
UNSW	University of New South Wales

Cover Photograph: Northern elevation of Building D26 from Michael Birt Gardens (*Source: the Department*)

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EXECUTIVE SUMMARY

This report is an assessment of a State significant development (SSD) application lodged by the University of New South Wales (UNSW – the Applicant), seeking approval for the internal refurbishment of Building D26 at the UNSW Kensington Campus, Kensington. The proposal is the final stage of the Biological Sciences Project, which is being delivered to address long-term teaching and research needs of the Faculty of Science.

The proposal has a capital investment value (CIV) of approximately \$80 million and would potentially generate 211 construction jobs.

The development is SSD under clause 15 of Schedule 1 to the *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP), as it is development of education facilities and has a CIV of more than \$30 million. Therefore, the Minister for Planning is the consent authority.

In accordance with the Minister's delegation dated 16 February 2015, the Executive Director, Priority Projects Assessments can determine the subject application as Council has not objected to the proposal, no political disclosure statement has been made and less than 25 public submissions have been received objecting to the proposal.

The site is zoned SP2 Infrastructure under the *Randwick Local Environmental Plan 2012* (RLEP) and the development of an education establishment is permissible with consent.

The proposal was exhibited for 56 days from 7 December 2016 until 31 January 2017. The Department of Planning and Environment (the Department) received a total of five submissions from public authorities, including Council, during the exhibition of the application and no submissions from the general public. The matters raised in the submissions related to development contributions and management of potential cumulative construction impacts, which the Department considers to be the key issues associated with the project.

The Department concluded that it would be unreasonable to require development contributions for this development as the proposal is only for refurbishment works and does not support new staff, students or result in any additional floorspace therefore not creating any additional pressure on existing Council infrastructure. The Department considers the construction impacts can be appropriately managed subject to implementation of standard construction management practices and preparation of construction noise and traffic management plans.

The Department is satisfied that the impacts of the proposal have been addressed in the Environmental Impact Statement and can be adequately managed through the recommended conditions. The proposal would provide improved teaching and learning outcomes by refurbishing existing facilities to ensure that they are able to meet current standards and provide more flexible research and educational spaces.

The Department considers the application is consistent with the objects of the *Environment Planning and Assessment Act 1979*, *State priorities*, *A Plan for Growing Sydney* and the *Draft Central District Plan*. The Department is satisfied the subject site is suitable for the proposed development as it would maintain the ongoing education use of the site and would be in the public interest as it would deliver ecologically sustainable development by extending the life cycle of the existing building. It is therefore recommended that development consent be granted, subject to the recommended conditions.

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1. BACKGROUND AND PROPOSED DEVELOPMENT

1.1 Background

Building D26, the existing Biological Sciences Building, is located within the Biomedical Precinct that is currently being redeveloped, located at the UNSW Kensington Campus (refer to **Figure 1**). UNSW (the Applicant) proposes internal refurbishment of all floors within the existing Building D26, except for the ground floor. The subject development is known as the Biological Sciences Project (BSP) Stage 2. The project location is shown in **Figure 2**.



Figure 1: UNSW Kensington Campus (source: EIS)



Figure 2: Project location and surrounding context (source: nearmaps)

Stage 1 of the BSP (SSD 6674) was approved on 20 August 2015 by the then Executive Director, Infrastructure and Industry Assessments, as delegate of the Minister for Planning for construction of a new building and some works to existing buildings, including Building D26. This approval comprised:

- construction of a new nine storey Biological Sciences Building (BSB - identified as Stage 1 in **Figure 2**);
- relocation of existing operations from the existing Building D26 to the new BSB;
- 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 façade of Building D26;
- construction of a new loading dock and access way; and
- associated landscaping.

The construction of the new BSB in Stage 1 of the BSP is complete. The refurbishment works and additional plant are still under construction. The Applicant has lodged a concurrent application seeking to modify SSD 6674 as follows:

- inclusion of an additional plant level to Building D26;
- amendment of roof top plant and equipment;
- revision of awning and façade treatment to Building D26;
- revision of 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;
- revision of 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 BSB) and replacement with new concrete slab; and
- amendment to development contributions to remove the monetary payment towards an intersection upgrade.

The Department is currently assessing the modification application (SSD 6674 MOD 1).

1.2 Site Description and Surrounding Development

The site contains the existing Building D26 but excludes the southern wing known as the Biolink Building. The site is bounded by Botany Street to the east, Chancellery Walk to the west, Michael Birt Gardens and the Wallace Wurth Building to the north and Stage 1 to the south (refer to **Figure 2**).

Approximately 50 metres to the north is the Lowy Cancer Research Centre fronting High Street. The eastern side of Botany Street is a low scale residential area. Approximately 180 metres further to the east is the Sydney Children's Hospital.

1.3 Project Description

The proposal is the final stage of the BSP, which is being delivered to address long-term teaching and research needs of the School of Biological, Earth and Environmental Sciences and the School of Biotechnology and Biomolecular Sciences within the Faculty of Science. It would also support the functional needs of the wider Biomedical Precinct located in the upper part of the UNSW Kensington campus.

Approval is sought to refurbish the remaining floors of Building D26 that were excluded from Stage 1. The proposal would complement Stage 1, which included refurbishment of the ground floor, additional rooftop plant and a new façade. The proposal would not result in any additional staff or students but would support the Stage 1 works, which resulted in an additional 95 new

staff and 75 post graduate students. No additional floorspace is proposed. **Table 1** provides a summary of the proposal's key components and features.

Figure 3 illustrates the site layout and **Figure 4** illustrates the extent of works forming the proposal and relationship with SSD 6674 MOD 1 works.

Table 1: Key development components

Development Summary	Demolition of existing structures on the lower ground floor and floors one to six within existing Building D26 (except the columns, lift and stair cores and sheer walls on the east and west) and internal refurbishment of these levels.
New Facilities on the Floors	<p><u>Lower Ground Floor</u></p> <ul style="list-style-type: none"> Plant; and western lift core to support conversion to a goods lift. <p><u>Level 1</u></p> <ul style="list-style-type: none"> Anatomy laboratories; wet teaching laboratory and preparatory area; dissection room; and classrooms. <p><u>Levels 2-5</u></p> <ul style="list-style-type: none"> Open workspaces; open laboratories; specialised equipment and support laboratories; and offices. <p><u>Level 6</u></p> <ul style="list-style-type: none"> Animal house; and Plant.
Capital Investment Value (CIV)	\$80,000,000
Jobs	211 construction jobs

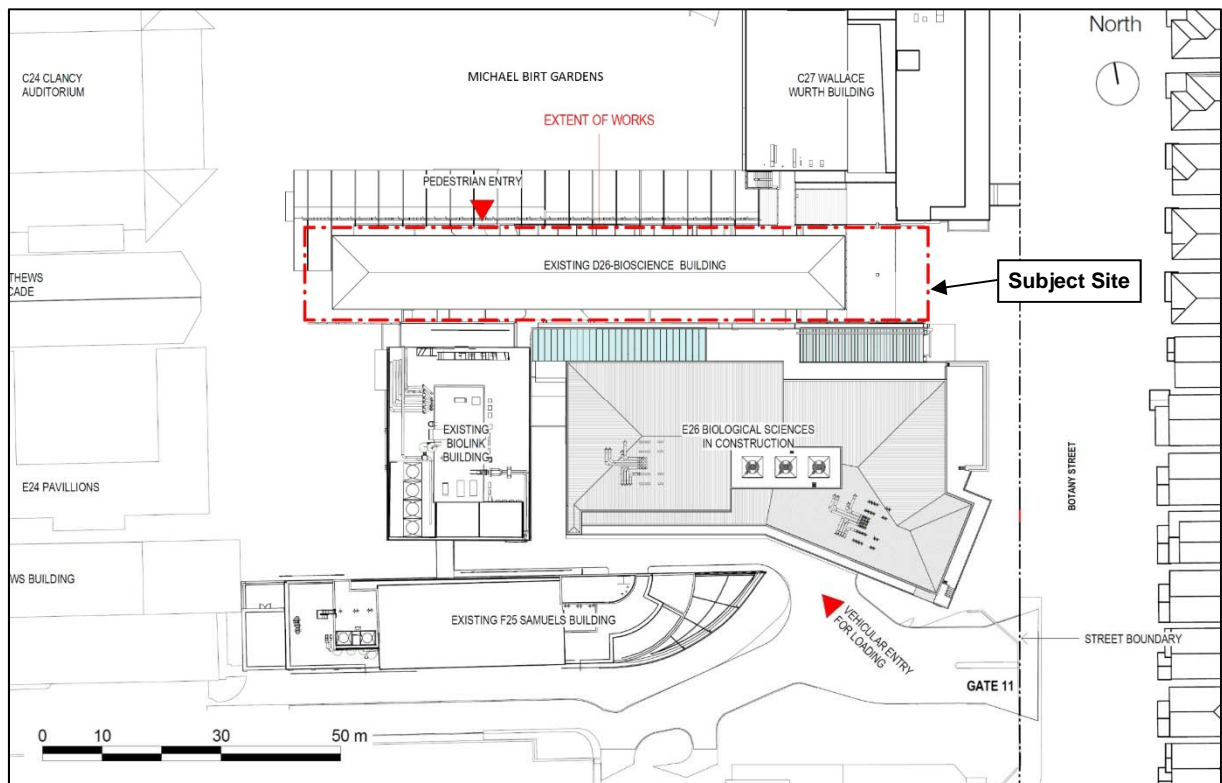


Figure 3: Site layout (source: EIS)

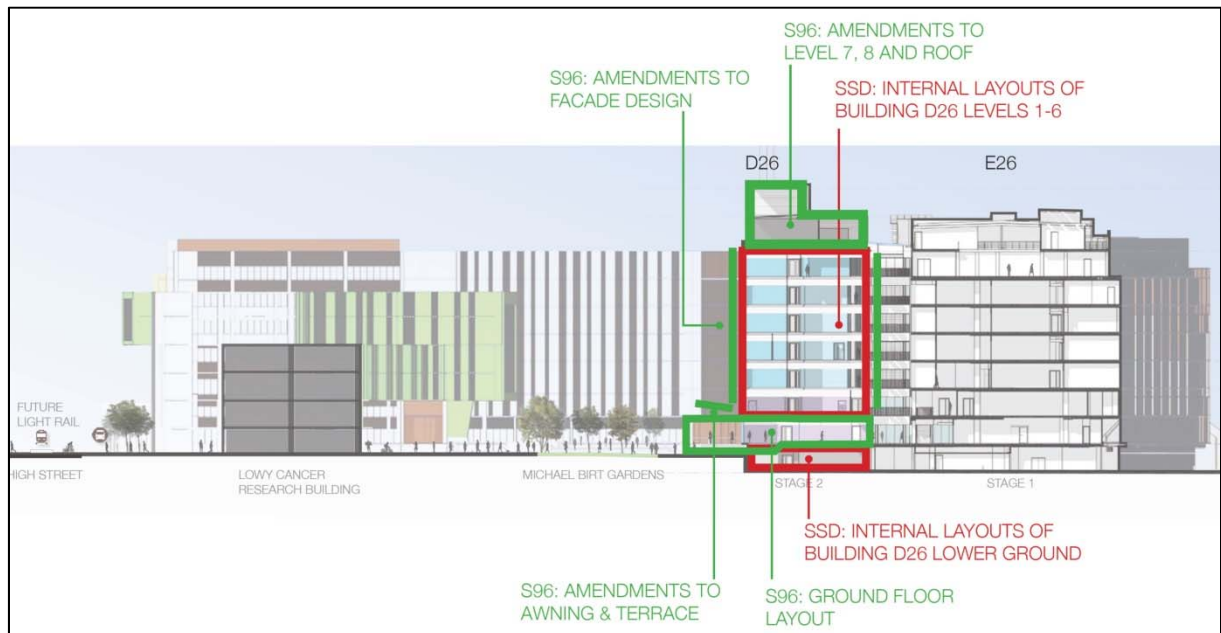


Figure 4: Relationship of refurbishment works (red) with proposed modification (green)
(source: EIS)

1.4 Project Need and Justification

The requirements for university teaching and research space have evolved and as such the University has identified the need for large scale and highly serviced space. The renewal of existing space and integration with the new spaces in Stage 1 is required to maximise capacity to support the largest faculty. The proposal would also ensure contemporary flexible spaces are provided that can adapt to short term and long term requirements for teaching space at UNSW.

The proposal is consistent with *A Plan for Growing Sydney* and the *Draft Central District Plan* which identifies supporting the delivery of education-related land use and infrastructure within the Randwick Education and Health Precinct.

2. STATUTORY AND STRATEGIC CONTEXT

2.1. SEPP (State and Regional Development) 2011

The proposal is classified as SSD because it is development for the purpose of an educational establishment with a CIV in excess of \$30 million in accordance with Schedule 1 of the SRD SEPP. Therefore the Minister for Planning is the consent authority.

2.2. Delegated Authority

In accordance with the Minister's delegation dated 16 February 2015, the Executive Director, Priority Projects Assessments can determine the subject application as Randwick Council has not objected to the proposal, no political disclosure statement has been made and less than 25 public submissions have been received objecting to the proposal.

2.3. Permissibility and Zoning

The site is zoned SP2 Infrastructure under the Randwick Local Environmental Plan 2012 (RLEP) and the development, categorised as an 'educational establishment' is permissible with consent. The proposal is consistent with the objectives of the zone as it seeks to maintain an existing infrastructure use and ensure the education facilities are fit-for-purpose and meet current best practice standards.

2.4. Environmental Planning Instruments

The Department of Planning and Environment's (the Department's) consideration of relevant Environmental Planning Instruments (EPIs) and draft EPIs is provided in **Appendix B**, including the following:

- *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP);
- *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP);
- *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55);
- *Randwick Local Environmental Plan 2012* (RLEP); and
- *Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (Draft Education SEPP).

The Department is satisfied that the proposed development complies with the relevant provisions of these EPIs and draft EPIs.

2.5. Objects of the EP&A Act

Decisions made under the *Environmental Planning and Assessment Act 1979* (EP&A Act) must have regard to the objects of the EP&A Act, as set out in section 5 of the Act (see glossary at **Appendix C**). The proposal complies with the objects of the EP&A Act, particularly those listed below.

Table 3: Objects of the EP&A Act relevant to the proposed development

Object	Consideration
5(a)(i)	The development would ensure the proper management and development of suitably zoned land for the social welfare of the community and State.
5(a)(ii)	The development would economically serve the community through new construction jobs and infrastructure investment.
5(a)(iii)	All necessary services would be provided to the site in a coordinated manner.
5(a)(iv)	The development is for tertiary education and education related purposes.
5(a)(vi)	The proposal is located on a previously developed and disturbed site. It would not result in the loss of any threatened or vulnerable species, populations, communities or significant habitats
5(a)(vii)	The proposal is consistent with the relevant Ecologically Sustainable Development (ESD) principles (see Section 2.6).
5(b)	The development has been assessed in consultation with relevant government agencies and Council.
5(c)	The application was exhibited in accordance with section 89F(1) of the EP&A Act to provide public involvement and participation.

2.6. Ecologically Sustainable Development

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

- the precautionary principle,*
- inter-generational equity,*
- conservation of biological diversity and ecological integrity,*
- improved valuation, pricing and incentive mechanisms.*

The Department has considered the project in relation to the ESD principles. The Precautionary and Inter-generational Equity Principles have been applied in the decision making process via a thorough and rigorous assessment of the environmental impacts of the project. The proposal is considered to be consistent with ESD principles as described in Section 6.13 of the Applicant's EIS, which has been prepared in accordance with the

requirements of Schedule 2 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation).

The proposal would extend the life cycle of existing resources and captures and re-uses the embodied energy in the existing building. The site is not subject to any known effects of flooding and is not subject to bushfires. The site is unlikely to be impacted by changes in sea level resulting from climate change.

The Applicant has also identified a range of ESD initiatives within the design of the project, including:

- use of energy efficient fixtures – including the use of LED and fluorescent lighting, and occupancy/motion sensors;
- energy saving and water conserving metering and monitoring systems – including sub metering and the use of a Building Management System;
- ventilation control and heat recovery to minimise energy use;
- optimisation of air conditioning to suit the spaces to ensure peak efficiency;
- installation of WELS rated efficient water fixtures and fitting – 4 Star toilets, 5 Star hand basins, 3 Star showers and 3.5 Star dishwashers; and
- use of bore water.

The Department has considered the development in relation to the ESD principles and is satisfied that the proposal would encourage ESD, in accordance with the objects of the EP&A Act and EP&A Regulation.

2.7. Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for Notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with.

2.8. Strategic Context

The Department considers that the proposal is appropriate for the site given it:

- is consistent with the *Premier's Priorities* and *NSW State Priorities* to build infrastructure to support an extra 850,000 people over the next 10 years and to ensure NSW residents have the best educational infrastructure;
- is consistent with the priorities of *A Plan for Growing Sydney* to support education infrastructure in the Randwick Education and Health Precinct;
- is consistent with the priorities of the *Draft Central District Plan*, as the proposal refurbishes an existing educational building to strengthen the capacity of UNSW aiding in reinforcing the reputation of Sydney City as a progressive global business and financial hub;
- is consistent with *NSW Long Term Transport Master Plan 2012*, as it proposes to strengthen usage of existing public transport services by not providing additional car parking and encouraging sustainable transport use; and
- would provide direct investment in the region of approximately \$80 million, which would support 211 construction jobs.

2.9. Secretary's Environmental Assessment Requirements

The EIS is compliant with the Secretary's Environmental Assessment Requirements (SEARs) and is sufficient to enable an adequate consideration and assessment of the proposal for determination purposes.

3. EXHIBITION CONSULTATION AND SUBMISSIONS

3.1. Exhibition

In accordance with section 89F of the EP&A Act and clause 83 of the EP&A Regulation, the application and accompanying information was publicly exhibited from 7 December 2016 until 31 January 2017 for 56 days:

- on the Department's website; and
- at the Department's Information Centre and Randwick City Council's Customer Service Centre.

The Department also advertised the public exhibition in the Sydney Morning Herald and The Daily Telegraph on 7 December 2016 and the Southern Courier on 6 December 2016. The Department notified adjoining landholders and relevant State and local government authorities in writing.

The Department received a total of five submissions during the exhibition of the application from public authorities, including Randwick City Council (Council).

A summary of the issues raised in the submissions is provided in the following section.

3.2. Public Authority Consultation and Submissions

No public authority objected to the proposal, however, Council, Roads and Maritime Services (RMS), Transport for NSW (TfNSW), the Environment Protection Authority (EPA) and Sydney Water provided comments for consideration in the Department's assessment of the application. A summary is provided below.

Council considers that section 94A contributions should be applied for the following reasons:

- development contributions should be required as the development does not fall within the exempt categories in Council's Section 94A Contributions Plan;
- Council's ongoing provision of local infrastructure supports the operation of the University, which is dependent on the ongoing provision of infrastructure by Council;
- the lack of parking and the additional staff population would continue to place pressure on Council's infrastructure; and
- the payment of contributions is appropriate and reasonable and Council is not supportive of the exemption request by UNSW or levying based on net increase in staff and/or student numbers.

TfNSW provided recommended conditions requiring the Applicant to consult with TfNSW CBD Coordination Office and the Sydney Light Rail Team to ensure cumulative construction traffic impacts can be managed.

RMS acknowledged that there will be minimal change to total site traffic generation compared with existing levels and no further additional parking is to be provided.

EPA advised that matters raised previously for Stage 1 should be considered including ensuring adequate noise levels are set for nearby residences and hospitals in accordance with the EPA *Industrial Noise Policy* (INP). The EPA also previously requested conditions be imposed to address potential contamination, construction noise and vibration and other construction impacts, waste management, radiation control and energy efficiency and water conservation.

Sydney Water provided recommended conditions to ensure potential impacts to Sydney Water infrastructure are minimised.

The Department has fully considered the issues raised in submissions in its assessment of the development as detailed in **Section 4** of this report.

4. ASSESSMENT

4.1. Section 79C Evaluation

Table 2 identifies the matters for consideration under section 79C (see glossary at **Appendix C**) that apply to SSD, in accordance with section 89H of the EP&A Act. The table represents a summary for which additional information and consideration is provided for in **Section 4** (Key and Other Issues) and relevant appendices or other sections of this report and the EIS, referenced in the table.

The EIS has been prepared by the Applicant to consider these matters and those required to be considered in the SEARs and in accordance with the requirements of section 78(8A) of the EP&A Act and Schedule 2 of the EP&A Regulation.

Table 2: Section 79C(1) Matters for Consideration

Section 79C(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Complies - see Appendix B
(a)(ii) any proposed instrument	<p>The Draft Education SEPP will:</p> <ul style="list-style-type: none"> • simplify and standardise the approval process for child care facilities, schools, TAFEs and universities, including broadening the range of development that can be undertaken as exempt development and complying development; • set out clear planning rules for these developments, including where they can be built, what development standards apply, and consultation requirements; and • establish state-wide assessment requirements and design considerations to improve the quality of these facilities and to minimise impacts on surrounding areas. <p>The proposal is consistent with the provisions of the Draft Education SEPP.</p>
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, DCPs do not apply to SSD. Notwithstanding, consideration has been given to relevant DCPs at Appendix B .
(a)(iia) any planning agreement	Not applicable
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to DAs (Part 6 of the EP&A Regulation), public participation procedures for SSDs and Schedule 2 of the EP&A Regulation relating to EIS. Refer to discussion at Section 2.7 .
(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development	Appropriately mitigated or conditioned - refer to Section 4.2
(c) the suitability of the site for the development	Suitable - Refer to Sections 2.8 and 5 .
(d) any submissions	Refer to Sections 3.2 and 4.2 .
(e) the public interest	Refer to Section 4.2.3 .
Biodiversity values exempt if: (a) On biodiversity certified land (b) Biobanking Statement exists	Not applicable.

4.2. Key and Other Issues

The Department has considered the EIS and the issues raised in submissions in its assessment of the proposal. The Department considers the key issues to be:

- development contributions; and
- construction impacts.

4.2.1. Development Contributions

The Applicant has requested a full exemption from Council's Section 94A Development Contributions Plan 2015 (Section 94A Plan), which applies a one per cent levy for development with a capital investment value greater than \$200,000. Whilst the Section 94A Plan does allow for exemptions from this levy, the proposal does not fall within the categories that are afforded an exemption (e.g. hospitals, places of worship, police and fire stations, small scale charity retail outlets, etc.). Therefore, the contribution normally required for this development under Council's Section 94A Plan would be approximately \$800,000. UNSW sought an exemption for the following reasons:

- it is a not-for-profit organisation;
- it is an education facility and a nominated charity;
- there has been a consistent approach adopted by the Department in relation to UNSW on previous applications of this nature, whereby the Department has 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;
- its functions are inherently of a public nature, providing educational and employment opportunities to the Randwick community and the public at large;
- the guidance provided by Circular D6 which sets out reasons why Crown developments should be able to seek exemptions from development contributions;
- it would not result in any additional staff, students or floorspace on the campus;
- Council is seeking to levy for infrastructure, such as open space and recreation facilities as well as a range of community facilities, which are already provided on campus for use by staff, students and general public;
- Council has collected nearly \$4 million in levies where only \$1 million of works are scheduled for the Randwick Strategic Centre; and
- it is unreasonable that the University is required to pay for provision of services and infrastructure in the Randwick Strategic Centre when development on the hospital campus is exempt.

Council, however, still considers that development contributions should be required as the development does not fall within the exempt categories and Council's ongoing provision of local infrastructure supports the operation of the University. Council notes the lack of parking is an example of continued reliance on Council's infrastructure.

The Department's levying of development contributions for educational establishments has varied as each case is considered on its merits and in the context of the various section 94 or section 94A plans that have applied. In response to a previous request from UNSW for Council to amend its Section 94A Plan to exempt the University from section 94A contributions, Council agreed to amend the Works Schedule within the Plan to include public domain works around the University and linking to the nearby town centres.

Section 94A plans do not require any connection between the development on which the levy is imposed and the facilities to be funded by the levy. Section 94A plans are used where it is difficult to prepare a section 94 plan to establish a nexus between development and the increased demand for public facilities and services. Notwithstanding, a section 94A contribution has to be reasonable, and as the University is a 'not-for-profit' organisation providing a social benefit, the Minister must consider this when determining whether to apply a contributions requirement. In

accordance with section 94B(2)(b) of the EP&A Act, the Minister may impose a condition under section 94A, and if imposed, may have regard to any contribution plan that applies.

The proposal is Crown development as UNSW is identified as the Crown pursuant to clause 226 of the EP&A Regulation. While Council's Section 94A Plan does not grant exemptions to Crown development, the Department notes that in accordance with Circular D6, a clear nexus needs to be established for development proposed by the Crown and the works for which contributions would be collected. The Department considers Circular D6 to be the guiding document in relation to Crown applications and development contributions. The effect of Circular D6 is that where the Applicant is the Crown and the development is for educational purposes, no contributions would be applied for open space, community facilities, parking and general local and main road upgrades.

While Council noted an increase in staff and students, this increase in population is the net increase for the precinct. The resulting increase in demand generated by the increased population on Council's infrastructure was considered in Stage 1. The approval of Stage 1 required the payment of development contributions for public domain and road works in the vicinity of the Stage 1 redevelopment site, in lieu of the full section 94A contribution. The works that were to be funded include footpath upgrades along Botany Road (calculated at a cost of \$261,000) and the signalisation of the intersection of Gate 11 with Botany Road (calculated at a cost of \$150,000). This would require a total contribution by the Applicant of \$411,000. SSD 6674 MOD 1 is seeking to reduce the contribution to \$261,000 as the signalisation of the intersection of Gate 11 with Botany Road is not supported by RMS and will not proceed.

In accordance with the guiding principles which apply to Crown development, the Department is of the opinion that the levy should not apply in this circumstance given that the proposal would result in no increase in the overall number of staff, students or floorspace across the campus and Stage 1, and the subsequent modification application, address the increased demand on Council's infrastructure.

4.2.2. Construction Impacts

Construction Noise and Vibration Impacts

The Acoustic Assessment submitted with the EIS predicts that the construction impacts would meet the noise management levels in the *Interim Construction Noise Guideline* (ICNG) when works are being undertaken indoors and would intermittently exceed the noise management levels at the surrounding residences and educational receivers if the façade works have not been completed. The predicted construction noise levels are not expected to exceed the highly noise affected level of 75 dBA for sensitive residential receivers.

Construction vibration is expected to comply with criteria for the surrounding sensitive residential receivers. Consultation with users of laboratories will be undertaken to ensure vibration loggers would be installed for sensitive laboratory areas to ensure relevant personnel are notified if vibration is to exceed relevant triggers established in accordance with *Assessing Vibration: A Technical Guideline*.

The Acoustic Assessment concludes that noise impacts can be suitably managed to prevent unreasonable impacts as implemented successfully for Stage 1.

The Department has recommended construction hours of between 7 am and 6 pm Monday to Fridays and between 8 am and 5 pm on Saturdays. These are outside of standard construction hours identified in the ICNG, however, are consistent with the construction hours permitted for Stage 1, where no noise complaints have been received, and construction noise management measures have been effectively implemented. The extended construction hours are consistent with the construction hours generally permitted by Council for local development.

The Department considers that given the potential exceedances of the noise management levels at the closest sensitive residential receivers and education receivers, the preparation of a Construction Noise and Vibration Management Plan would be required as the façade works may not be completed prior to commencement of the internal refurbishment works. The Department has recommended conditions requiring the preparation of this plan and its implementation during construction. The plan should:

- be prepared in consultation with residential noise sensitive receivers where the highly affected noise management level is predicted to be exceeded and users of the adjoining education buildings;
- no works to be undertaken outside of standard construction hours identified in the ICNG where they exceed the highly affected noise management level;
- identify appropriate measures to mitigate the noise impacts;
- monitor noise impacts; and
- establish a complaints management system.

Construction Transport Impacts

The proposal is expected to generate approximately 30 - 45 heavy vehicle trips per day (up to five trips per hour). The applicant concludes that this additional traffic would have a minimal impact on surrounding roads and intersections. The applicant has also advised that there would be construction car parking on site and that given the cost of parking within the site and restricted parking near the site, construction workers would most likely take public transport to the site.

TfNSW advised that construction works are likely to coincide with works for the light rail, which would potentially impact general traffic, bus operations and the safety of pedestrians and cyclists. TfNSW noted that bus routes and bus stops have been incorrectly identified in the Traffic and Transport Report and Construction Traffic Management Plan (CTMP) submitted with the EIS. TfNSW also provided recommended conditions requiring the Applicant to consult with TfNSW CBD Coordination Office and the Sydney Light Rail Team to ensure cumulative construction traffic impacts can be managed. The Department has included conditions to this affect. This would also ensure that the CTMP reflects the most current bus routes and stops in the final CTMP. The Department is satisfied that the construction related vehicle traffic can be accommodated and adequately managed in co-ordination with TfNSW.

4.2.3. Other Matters

Operational Traffic and Parking Impacts

The EIS identifies that the proposal would not result in any additional traffic generation or demand for car parking as there will be no new students or staff as a result of the development.

The proposal is for internal fit-out works of an existing building and would not result in any additional floorspace. The traffic impacts from the redevelopment of the precinct were considered and addressed as part of Stage 1.

The Department is satisfied that the proposal would not result in significant traffic impacts.

Operational Noise and vibration impacts

The Acoustic Assessment submitted with the EIS concludes that the proposal is not expected to generate any adverse noise impacts on adjoining sensitive residences as the works are internal and noise emissions would likely reduce due to enclosing currently open plant areas on the lower ground.

The Department considers that the use of the refurbished building, including operation of the additional plant, is unlikely to generate adverse noise impacts but as there are numerous components of the redevelopment of the precinct that it would be prudent to require the Applicant undertake a noise monitoring program of the mechanical plant within 60 days of the

commencement of use to verify that the measured noise levels of the mechanical plant do not exceed the noise criteria. The Department has recommended a condition to this affect.

Public interest

The proposal is considered to be in the public interest as it would provide the following public benefits:

- maintain the delivery of quality educational and employment opportunities for the local community and the wider public;
- providing updated flexible research and teaching facilities, which would ensure NSW remains competitive in attracting staff, researchers and students and ongoing contribution to the community of scientific research;
- providing more appropriate teaching and research space, which promotes collaboration between the Faculty of Science and other aligned Science and Engineering Schools;
- delivering ecologically sustainable development by extending the life cycle of an existing building; and
- contributing to the growth of the Strategic Centre as a hub for education and health, which is consistent with *A Plan for Growing Sydney* and the *Draft Central District Plan*.

5. CONCLUSION

The Department has reviewed the EIS and considered advice from the public authorities, including Council. Issues raised in the submissions have been considered and all environmental issues associated with the proposal have been thoroughly addressed.

The Department considers it would be unreasonable to require development contributions for this development as the proposal is only for refurbishment works and does not support new staff, students or result in any additional floorspace therefore not creating any additional pressure on existing Council infrastructure. The Department's assessment concludes that the construction impacts can be appropriately managed subject to implementation of standard construction management practices.

The application is consistent with the objects of the EP&A Act (including ecologically sustainable development), *Premier and State Priorities*, *A Plan for Growing Sydney* and the *Draft Central District Plan*. The Department is also satisfied the proposal would provide significant public benefits through the provision of improved education facilities within the highly accessible education and health.

The Department is satisfied that the proposal satisfactorily responds to the issues raised and recommends that the SSD application for the UNSW Biological Sciences Project Stage 2 be approved, subject to the recommended conditions.

6. RECOMMENDATION

In accordance with section 89E of the *Environmental Planning and Assessment Act 1979*, it is recommended that the Executive Director, Priority Projects Assessments, as delegate of the Minister for Planning:

- (a) **consider** all relevant matters prescribed under section 79C of the EP&A Act, as contained in the findings and recommendations of this assessment report and appended documentation;
- (b) **grant consent** to the State significant development application for UNSW Biological Sciences Project Stage 2 (SSD 7865), subject to conditions of consent set out in the attached instrument at **Appendix D**; and
- (c) **sign** the attached development consent at **Appendix D**.

Prepared by: Megan Fu, Senior Planner

Endorsed by:



7/4/17

Karen Harragon
Director
Social & Other Infrastructure Assessments

Approved by:



David Gainsford 21/4/17
Executive Director
Priority Projects Assessments

APPENDIX A RELEVANT SUPPORTING INFORMATION

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. Environmental Assessment
http://www.majorprojects.planning.nsw.gov.au/?action=view_job&job_id=7865.
2. Submissions
http://www.majorprojects.planning.nsw.gov.au/?action=view_job&job_id=7865.

APPENDIX B CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENT(S) AND DCP(S)

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

The aims of the SRD SEPP are to identify SSD and State significant infrastructure and confer the necessary functions to joint regional planning panels to determine development applications.

The proposal is for SSD in accordance with section 89C of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it is development for the purpose of an educational establishment with a CIV in excess of \$30 million, under clause 15 (educational establishments) of Schedule 1 of the SRD SEPP.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

SEPP 55 aims to provide a state wide approach to the remediation of contaminated land. In particular, SEPP 55 aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment by specifying under what circumstances consent is required, specifying certain considerations for consent to carry out remediation work and requiring that remediation works undertaken meet certain standards.

The preliminary review of contamination submitted with the EIS concludes that there would be no increased risk in relation to environmental issues as the works are generally confined to internal works except for limited excavation on the lower ground floor for a lift.

The Department considers that the site is suitable for the continued education use as the proposal consists of internal works. While there would be excavation works, the Department is satisfied that there is unlikely to be contaminants given the previous investigations undertaken within the vicinity of the site for Stage 1 found no elevated levels of contaminants except for an underground storage tank which has been removed as part of the Stage 1 works. The preliminary review of contamination recommended further sampling and testing to confirm contamination status and undertake waste classification prior to disposal of soils.

The Department is satisfied that, in accordance with clause 7 of the SEPP, the investigations undertaken of the subject site demonstrate that the site can be made suitable for the continued use for the intended purpose. The Department has recommended a condition requiring sampling and waste classification be submitted to the certifying authority prior to commencement works. The Department has also included a condition recommended an unexpected finds protocol be developed.

State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)

The aim of the Infrastructure SEPP is to facilitate the effective state wide delivery of infrastructure by providing greater flexibility in the location of infrastructure and service facilities, allowing the development of surplus government land, identifying relevant environmental assessment categories for development and relevant matters to be considered and providing for consultation with relevant public authorities.

Schedule 3 of the Infrastructure SEPP requires traffic generating development to be referred to the RMS. The proposal was referred to the RMS who raised no objection to the development.

Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Draft Education SEPP).

The Draft Education SEPP will:

- simplify and standardise the approval process for child care facilities, schools, TAFEs and universities, including broadening the range of development that can be undertaken as exempt development and complying development;
- set out clear planning rules for these developments, including where they can be built, what development standards apply, and consultation requirements; and
- establish state-wide assessment requirements and design considerations to improve the quality of these facilities and to minimise impacts on surrounding areas.

The proposal is consistent with the provisions of the Draft Education SEPP.

Randwick Local Environmental Plan 2012 (RLEP)

The development is consistent with the aim of the special uses zone in the RLEP to support the development of land for educational purposes. Consideration of the relevant clauses of the RLEP is provided in **Table 1**.

Table 1: Consideration of RLEP

RLEP	Criteria	Department Comment / Assessment
Clause 6.1	Acid Sulfate Soils	The works involves disturbance of less than 1 tonne of soil.
Clause 6.10	Essential services	The Department considers the site is adequately serviced and can cater for the development as the proposal seeks to predominantly refurbish existing floor space.
Clause 6.12	Development requiring the preparation of a DCP	A DCP or guidelines / controls that would normally be addressed in a DCP must apply to the land given the site has an area greater than 10,000 sqm. Randwick DCP 2013 incorporates provisions for Specific Sites, including the Randwick Education and Health Specialised Centre. Randwick DCP 2013 is considered in the following section.

Development Control Plans

It is noted that clause 11 of the SRD SEPP provides that development control plans do not apply to SSD. Notwithstanding, consideration of relevant controls in Randwick DCP 2013 has been given in **Table 2**.

Table 2: Consideration of the relevant provisions in Randwick DCP 2013

DCP Provisions	Department Comment / Assessment
4.2.1 Sustainability <ul style="list-style-type: none"> • consistent with UNSW Environmental Management Plan • demonstrate energy efficiency • reduce potable water use • target 5 star green star rating • increase open space 	The development is consistent with the whole-of-life cycle approach as it extends the life cycle of the existing BSB through refurbishment. The Applicant has demonstrated that appropriate sustainability measures have been incorporated in the proposal as discussed in Section 2.6 of the report.
4.2.2 Sense of Place <ul style="list-style-type: none"> • demonstrate consistency with key sense of place features 	The refurbishment of the Building D26 is being undertaken to complement the works being undertaken with Stage 1 to provide renewal of the upper campus and improve the presentation to Botany Street and the University entrance at Gate 11.

DCP Provisions	Department Comment / Assessment
4.2.3 Legibility <ul style="list-style-type: none"> maintain and enhance views address desired permeability provide gathering spaces joined by a network of connections significant places at intersections of major pedestrian routes 	<p>The refurbishment of the Building D26 would be consistent with the objective for buildings to define and address open space areas. The circulation space within the floors has been located along the southern portion of building which ensures the northern façade along the Michael Birt Gardens is activated.</p>
4.2.4 Knowledge Clusters and Hubs <ul style="list-style-type: none"> hubs for concentration of activities collection of uses and spaces new hub at edge of Michael Birt Gardens 	<p>The Michael Birt Gardens is located immediately to the north of Building D26. The refurbishment of the Building D26 would facilitate the promotion of a hub at the Michael Birt Gardens as circulation space has been located to allow activation of the northern façade and overlooking of the Michael Birt Gardens.</p>
4.2.6 Buildings <ul style="list-style-type: none"> regulate built form of existing buildings new buildings or extensions to be located behind identified building alignments 	<p>The proposal is consistent with the objective to adopt whole-of-life cycle approach for buildings, optimising sustainability and allowing for flexibility and adaptation to accommodate new approaches to teaching and research.</p>
4.2.10 Transport and Parking <ul style="list-style-type: none"> demonstrate consistency with Transportation Strategy, including reduction in parking permits whilst providing short term visitor spaces 	<p>The proposal is consistent with the strategy as it provides no additional car parking.</p>

APPENDIX C GLOSSARY

Ecologically Sustainable Development can be achieved through the implementation of:

- (a) *the precautionary principle - namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:*
 - (i) *careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
 - (ii) *an assessment of the risk-weighted consequences of various options,*
- (b) *inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,*
- (c) *conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,*
- (d) *improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:*
 - (i) *polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,*
 - (ii) *the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,*
 - (iii) *environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.(Cl.7(4) Schedule 2 of the Regulation).*

Objects of the Act

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

Section 79C Evaluation

(1) Matters for consideration—general

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 proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
- (iii) any development control plan, and
- (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
- (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),
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.

Note. See section 75P(2)(a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.

Note. The consent authority is not required to take into consideration the likely impact of the development on biodiversity values if:

- (a) the development is to be carried out on biodiversity certified land (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995), or
 - (b) a biobanking statement has been issued in respect of the development under Part 7A of the Threatened Species Conservation Act 1995.
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APPENDIX D RECOMMENDED CONDITIONS OF CONSENT
