



University of New South Wales Building D14 Redevelopment

*State Significant
Development Assessment
(SSD 9606)
August 2019*



August 2019

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Cover photo

UNSW Building D14 Redevelopment (Source: EIS)

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Glossary

| Abbreviation | Definition |
|--------------------|--|
| ACHAR | Aboriginal Cultural Heritage Assessment Report |
| AHD | Australian Height Datum |
| BCA | Building Code of Australia |
| CIV | Capital Investment Value |
| Consent | Development Consent |
| Council | Randwick City Council |
| CNVMP | Construction Noise and Vibration Management Plan |
| CTMP | Construction Traffic Management Plan |
| Department | Department of Planning, Industry and Environment |
| EESG | The Department of Planning, Industry and Environment's Environment, Energy and Science Group (as the former OEH) |
| EIS | Environmental Impact Statement |
| EPA | Environment Protection Authority |
| EP&A Act | <i>Environmental Planning and Assessment Act 1979</i> |
| EP&A Regulation | Environmental Planning and Assessment Regulation 2000 |
| EPI | Environmental Planning Instrument |
| ESD | Ecologically Sustainable Development |
| GANSW | Government Architect NSW |
| HCA | Heritage Conservation Area |
| LEP | Local Environmental Plan |
| Minister | Minister for Planning and Public Spaces |
| Planning Secretary | Secretary of the Department of Planning, Industry and Environment |
| RtS | Response to Submissions |
| SDRP | State Design Review Panel |
| SEARs | Secretary's Environmental Assessment Requirements |
| SEPP | State Environmental Planning Policy |
| SRD SEPP | State Environmental Planning Policy (State and Regional Development) 2011 |
| SSD | State Significant Development |
| TfNSW | Transport for NSW |
| TfNSW(RMS) | Transport for NSW (Roads and Maritime Services) |



Executive Summary

This report provides an assessment of a State significant development (SSD) application for the Building D14 Redevelopment (SSD 9606). The site is located within the University of New South Wales (UNSW) Kensington Campus, located at Anzac Parade, Kensington. The Applicant is UNSW and the site is located within the Randwick local government area (LGA).

Officers of the Department of Planning, Industry and Environment (the Department) identified built form, urban design, heritage, transport, construction traffic management, noise and development contributions as the key issues for assessment. The Department has considered the merits of the proposal in accordance with the relevant matters under section 4.15(1) and the objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the principles of Ecologically Sustainable Development (ESD) and the issues raised in submissions.

The Building D14 Redevelopment will provide new areas for student study and collaboration, add flexible formal learning spaces, and better accommodate university staff in a visually striking and ecologically sustainable new building. The proposal will strengthen the educational facilities of the Randwick Collaboration Area in a highly accessible location.

The impacts of the proposal have been addressed in the Environmental Impact Statement (EIS), the Response to Submissions (RtS) and supplementary information. Conditions of consent are recommended to ensure that the impacts are managed appropriately.

The proposal, as amended by the RtS, will have no significant amenity impacts upon surrounding land uses, will provide an improved landscape setting, and will not adversely affect the heritage significance of the adjacent contributory items. Therefore, the Department recommends the proposed development be approved.

Project Summary

The proposal seeks approval for:

- construction of an eight storey multi-purpose building, including retail, teaching, faculty and student uses (Building D14).
- excavation and earthworks to accommodate the structural footings and foundations.
- removal of three trees.
- landscaping and public domain works.
- remediation works.
- services and utilities works.

Demolition of the existing structures on the development site is being undertaken under a separate Review of Environmental Factors (REF) approval.

The proposal has a Capital Investment Value (CIV) of \$117,540,000 and would generate 100 construction jobs. The Applicant states in the EIS that the proposal will not directly generate any new operational jobs, with the exception of an expected 12 staff in retail tenancies in the new building. The proposal is SSD under clause 15 of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011, as it is development for the purpose of an educational establishment with a CIV of more than \$30 million. Therefore, the Minister for Planning and Public Spaces is the consent authority.

Engagement

The EIS was publicly exhibited between 16 January 2019 until 22 February 2019 (37 days). The Department received a total of seven submissions, all from public authorities. No submissions were made from the public. An additional six submissions from public authorities were received in response to the Applicant's RtS.

The key issues raised in the submissions include heritage, landscaping, ecologically sustainable development measures, construction management, site contamination, noise impacts and development contributions.

The RtS included further information and addressed the key issues raised in the submissions. The RtS enlarged the site area, amended the design of the building to address concerns raised by the Government Architect NSW, clarified the extent of tree removal, expanded the proposed landscaping, provided an amended Statement of Heritage Impact, and provided additional information on the proposed site contamination investigation procedures.

Assessment

The Department considered the key issues for assessment include built form, urban design, heritage, transport, construction traffic management, noise impact, development contributions and site contamination.

The assessment of the key issues found:

- the proposed built form will not result in unreasonable amenity impacts upon surrounding land uses and is considered an appropriate aesthetic response to the site context.
- the proposed landscaping and urban design arrangements will result in a significant improvement in the quality of open space in the vicinity, despite the loss of trees in the related REF approval. The Department is satisfied that significant trees in the vicinity of the works proposed for retention will be adequately protected, subject to recommended conditions.
- conditions are recommended to require the proposed building to achieve a 6 Star Green Star rating, as targeted by the Applicant, to ensure that the building is ecologically sustainable.
- the proposal will not adversely affect the heritage significance of the Old Tote and Figtree Theatre Heritage Conservation Area, which partially overlaps the subject site area.
- the development will not generate new car-parking demand, and the proposed transport access arrangements are adequate, subject to condition requiring the provision of 45 bicycle parking spaces across the site.
- a number of conditions are recommended to mitigate and manage the impacts of construction traffic, noise and vibration.
- the Department recommends a number of conditions to ensure that future site contamination investigation and validation occurs in accordance with the contaminated land planning guidelines.



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1. Introduction

This report provides an assessment of a State significant development (SSD) application for the Building D14 Redevelopment at the University of New South Wales at Kensington Campus (SSD 9606).

The proposal seeks approval for:

- construction of an eight storey multi-purpose building, including retail, teaching, faculty and student uses (Building D14).
- excavation and earthworks to accommodate the structural footings and foundations.
- removal of three trees.
- landscaping and public domain works.
- remediation works.
- services and utilities works.

The application has been lodged by the University of New South Wales (the Applicant). The site is located within the Randwick local government area (LGA).

1.1 Site description

The subject site is located at UNSW Kensington Campus, and is legally described as Lot 3 in Deposited Plan 1104617. The site is broadly rectangular in shape and is bounded by the UNSW Village student housing complex to the north, The White House (a two storey white timber building) and Fig Tree Lane to the east, the Quadrangle to the south-east, College Walk and the UNSW Business School building to the south and Alumni Park to the west (see **Figure 1**, with development site outlined red).

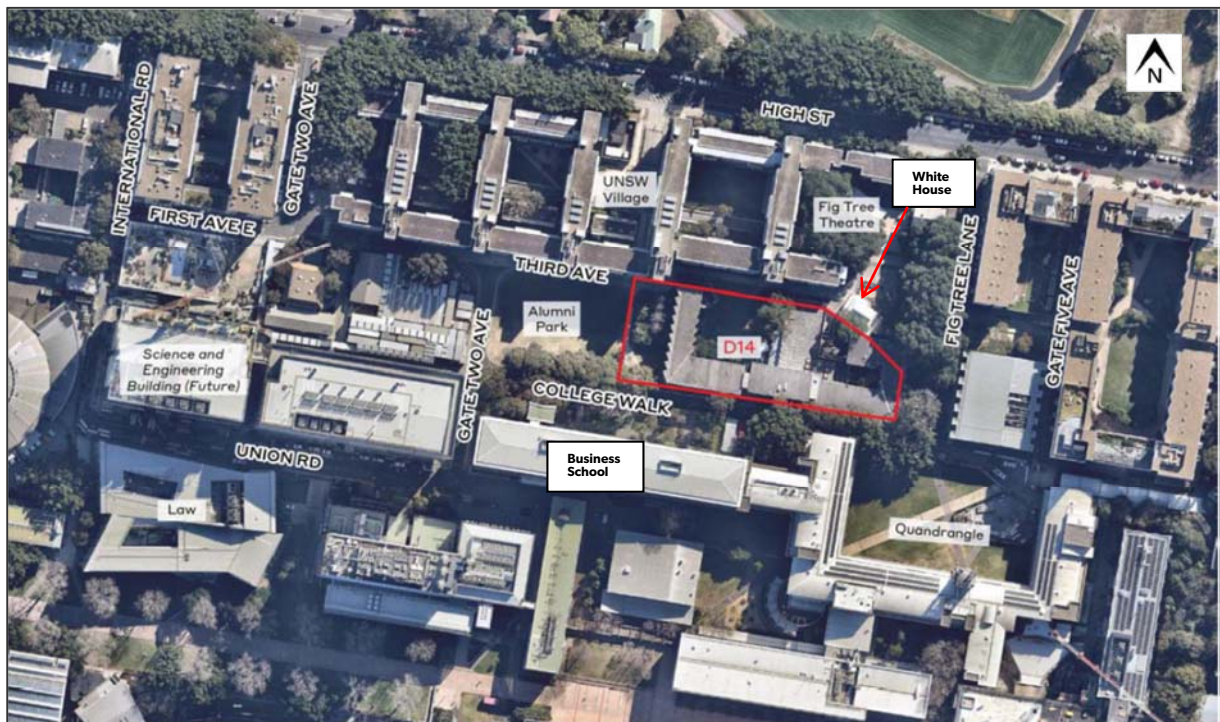


Figure 1 | EIS site area context in relation to UNSW Kensington Campus (Source: EIS)

The site is 5,229sqm in size and is occupied presently by the UNSW Hall student housing complex. The Applicant proposes to demolish UNSW Hall under a Review of Environmental Factors (REF), however this has not yet occurred. Students accommodated by UNSW Hall will be relocated to part of UNSW Village (which is currently undergoing refurbishment works to accommodate the UNSW Hall residents, plus five additional beds).

The perimeter of the site slopes gently from east to west. The site is accessed by foot from College Walk and Fig Tree Lane. External vehicular access to High Street is located via Third Avenue and Gate Two Avenue to the north-west. The site is surrounded by four major open spaces: Fig Tree Lane, Goldstein Courtyard, the Quadrangle and Alumni Park.

The Old Tote and Figtree Theatre Heritage Conservation Area (HCA) covers part of the north-eastern area of the site and extends to the north-east (See **Figure 2**). The HCA encompasses three buildings which pre-date the university within an open space: the Old Tote, Fig Tree Theatre and the White House.

The subject site and surrounding area contain a number of existing trees, many of which are proposed for removal by the related REF. The following significant trees are relevant to the SSD application:

- a large Black Wattle Tree directly to the south of the White House.
- two Eucalyptus trees to the west of the existing UNSW Hall building, on the southern side of Alumni Park
- a row of large Hills Fig trees along Fig Tree Lane which form part of the curtilage of the Old Tote and Figtree Theatre HCA.

The Applicant expanded the site area in the RtS to facilitate more landscaping to be integrated into the proposed SSD application, as demonstrated by **Figure 2**.

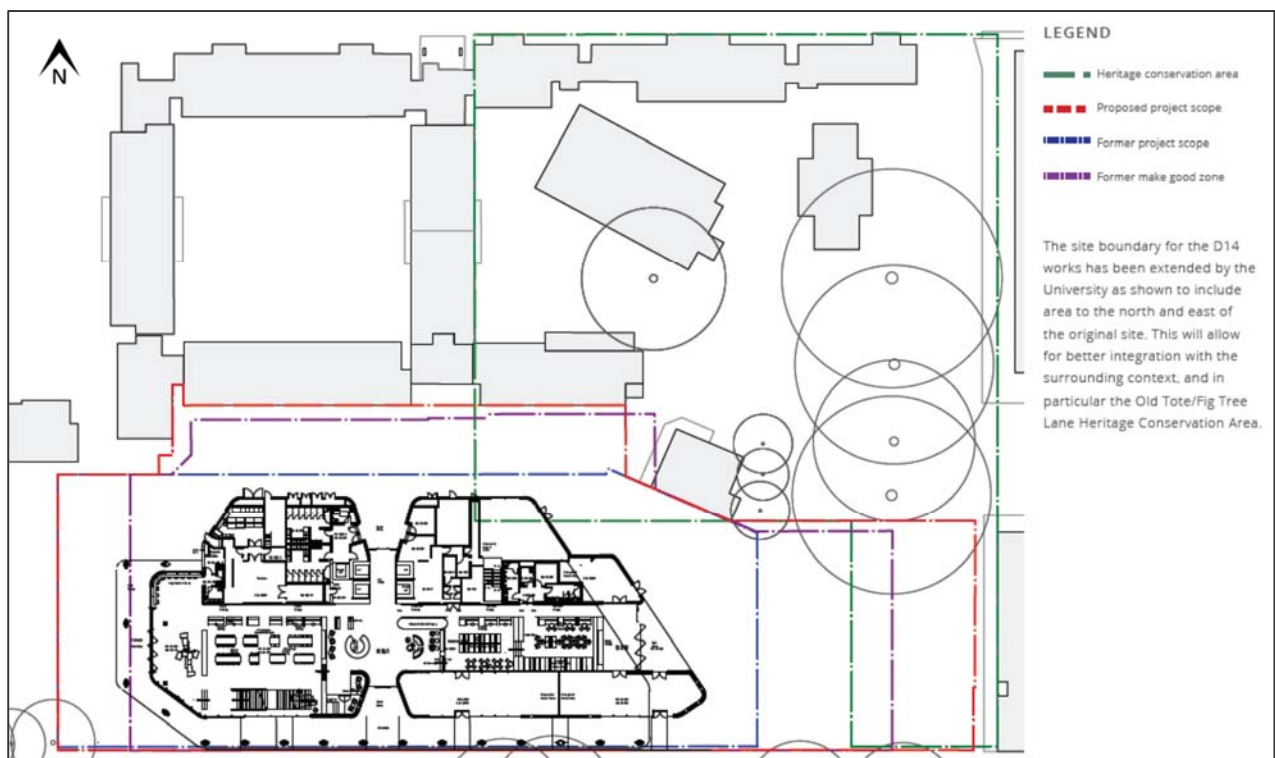


Figure 2 | Purple line: EIS site boundary

Red line: RtS site boundary

Green line: Old Tote and Figtree Theatre HCA boundary

(Source: RtS)

1.2 Surrounding development

The UNSW Kensington Campus (the campus) is located in Randwick LGA. The campus is located approximately five kilometres southeast of Sydney CBD (see **Figure 3**). Randwick Racecourse is located to the north of the campus, Prince of Wales Hospital to the east, medium density housing to the south and the National Institute of Dramatic Arts across Anzac Parade to the west.

Frequent bus routes service Anzac Parade and High Street. The CBD and South East Light Rail is under construction along Anzac Parade to the west of the campus and High Street to the north. Frequent light rail services to Central Station and Sydney CBD are expected to begin in 2020.

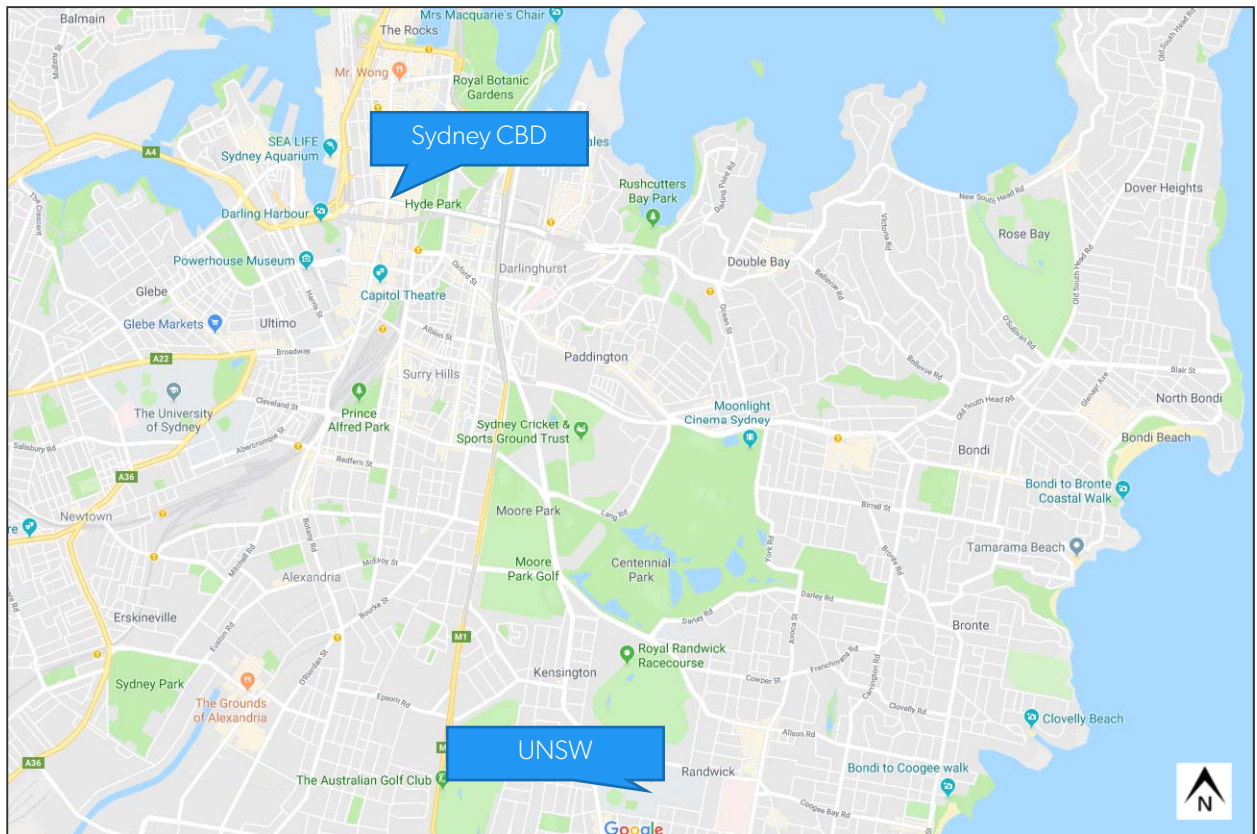


Figure 3 | Site context in relation to metropolitan Sydney (Source: Google Maps)



2. Project

The key components and features of the proposal, as amended in the Response to Submissions, are provided in **Table 1** and are shown in **Figures 4 to 7**.

Table 1 | Main components of the project

| Aspect | Description |
|-------------------------------|--|
| Project Summary | Construction of Building D14 at UNSW Kensington Campus by replacing the UNSW Hall student accommodation complex with an eight storey multi-purpose building, including associated earthworks, remediation, tree removal, services, and new landscaping. |
| Built form | <ul style="list-style-type: none">• a new eight storey building comprising retail, student, teaching and faculty office uses.• a timber frame and glass curtain wall façade.• a colonnade to the southern side of the building along College Walk, and a series of external terraces at Level 1 accessed by an external stair. |
| Heritage | <ul style="list-style-type: none">• the proposed building and associated landscape works are located within the curtilage of The Old Tote and Figtree Theatre HCA, but no works to the contributory buildings comprising the HCA are proposed. |
| Site area | <ul style="list-style-type: none">• 5,229sqm. |
| Gross floor area (GFA) | <ul style="list-style-type: none">• total GFA of 14,988sqm. |
| Uses | <ul style="list-style-type: none">• retail.• student led space.• teaching.• faculty offices. |
| Access | <ul style="list-style-type: none">• road access to the truck service bay is proposed to High Street via Third Avenue and Gate Two Avenue to the north-west.• pedestrian access. |
| Car parking | <ul style="list-style-type: none">• none proposed. |
| Bicycle parking | <ul style="list-style-type: none">• 45 bicycle racks. |
| Public domain and landscaping | <ul style="list-style-type: none">• removal of three Eucalyptus trees: two from Alumni Park and one adjacent to the White House.• a first floor external terrace including a lawn, trees and planter boxes. |

- new paving, planter boxes, gardens and trees to the west, north and east of the site, including a new 'Grove Courtyard' between the White House and the Quadrangle.
- a grassed series of terraces and paved stairs from the west entry colonnade down to Alumni Park.

| | |
|-------------|---|
| Signage | <ul style="list-style-type: none"> • building identification signage adjacent to the south and east entries. |
| Jobs | <ul style="list-style-type: none"> • 100 construction jobs. • no direct increase in staff or students (relocated from other buildings on the campus), however potential for 80 new staff to occupy vacated buildings • 12 retail jobs. |
| CIV | <ul style="list-style-type: none"> • \$117,540,000. |
| Remediation | <ul style="list-style-type: none"> • Category 1 remediation of the site following demolition of the existing buildings under a REF approval in accordance with the submitted Remediation Action Plan (RAP). |

2.1 Physical layout and design

The eight-storey D14 Building is proposed to be located in the centre of the site, bounded by College Walk, Alumni Park, UNSW Village and Fig Tree Lane (see **Figure 4**). An external colonnade level with the ground floor is proposed around the south and west elevations of the building, with associated retaining walls, terraces and steps. Vehicular access for trucks is proposed from Third Avenue to an external Truck Service Bay, with the internal waste room access located at the north-west elevation. Extensive landscaping, including new garden planters, seating, paving and trees is proposed to the north and east of the building.

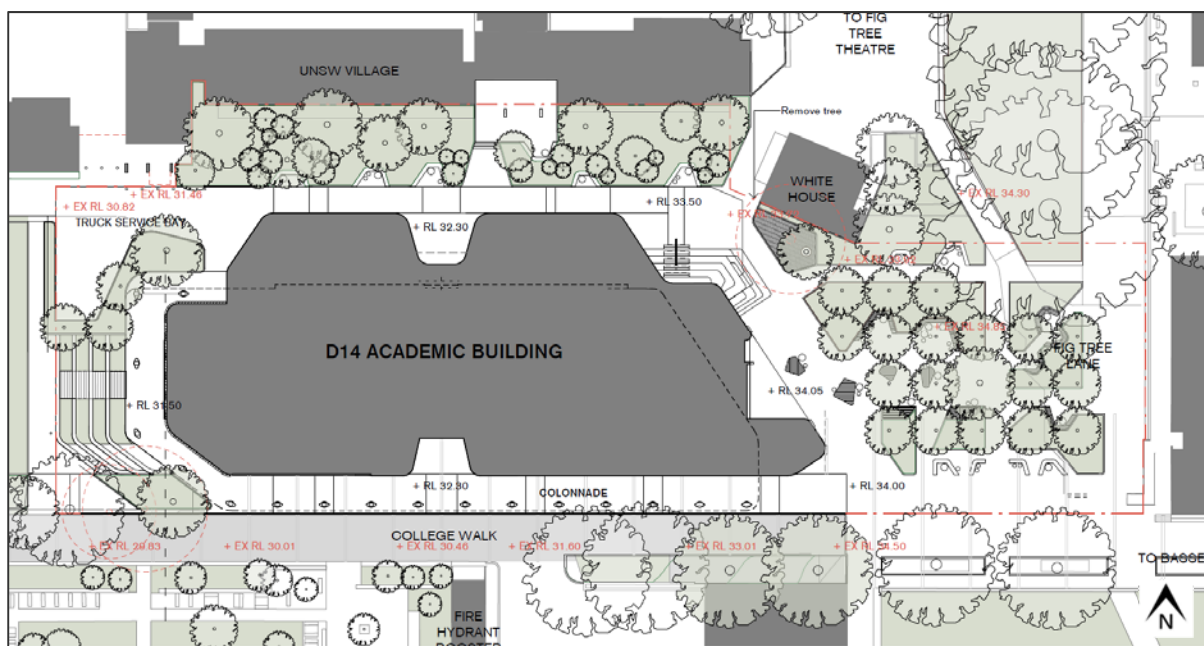


Figure 4 Site Map (Source: RtS)

An external stair with associated bleachers is proposed to a first floor terrace from the new courtyard adjacent to the White House (**Figure 5**).

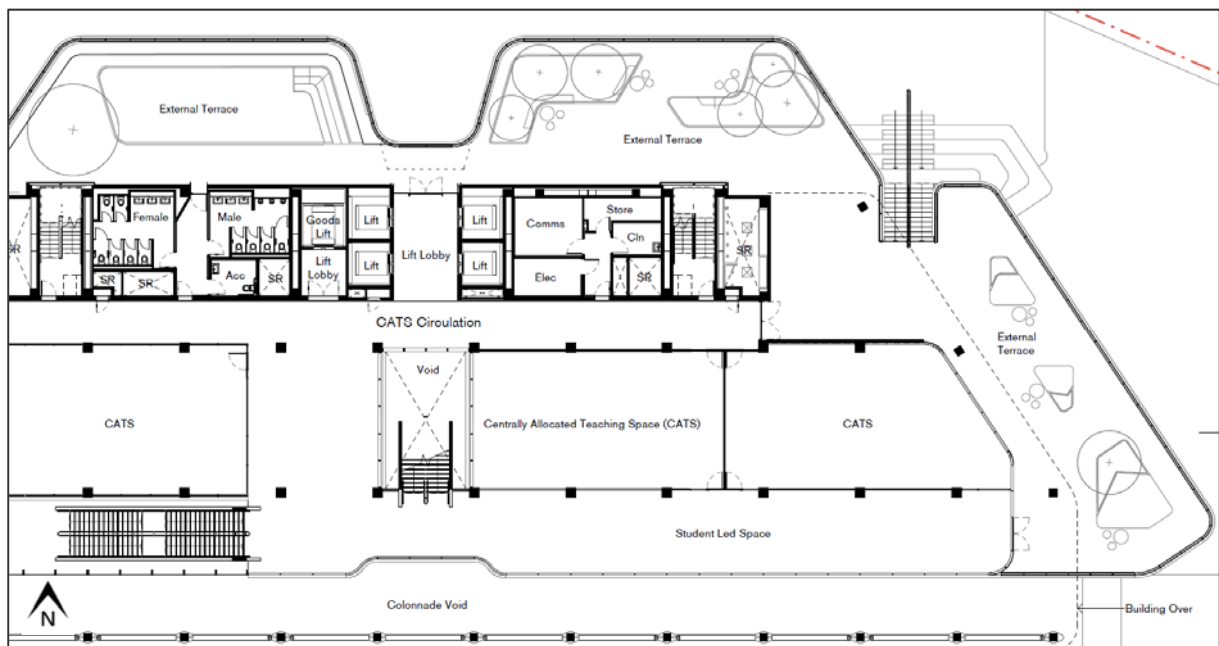


Figure 5 | First Floor Plan, including external terrace and bleachers to the north-east (Source: RtS)

The proposed building incorporates a distinctive timber frame and curved glass curtain wall façade, as depicted in **Figure 6 and 7**.



Figure 6 | Render of the west elevation from Alumni Park (Source: EIS)



Figure 7 | East elevation. Note the silhouette of The White House lower-right (Source: RtS)

2.2 Uses and activities

The building is proposed to be used for:

- five ground level retail tenancies.
- student led space for study and gatherings at the ground, first and second floors.
- Centrally Allocated Teaching Space (CATS) at the first and second floors.
- faculty offices at levels three to six.

2.3 Project phasing

The development is proposed to be delivered in a single stage consisting of three phases.

The first phase of works involves upgrading UNSW Village to accommodate additional beds to compensate for the loss of the UNSW Hall building. The Applicant notes that this work does not form part of the SSD application and it was completed in February 2019. Demolition of UNSW Hall, tree removal and excavation is proposed to follow under a REF approval pathway (see **Section 2.4** below). The third phase involves data gap site contamination investigation and remediation, and construction as proposed by the subject SSD application.

2.4 Related development

The Applicant intends to conduct the following works by way of a Review of Environmental Factors (REF) under Part 5 of the EP&A Act:

- demolition of UNSW Hall.
- removal of 44 trees.
- utility relocation and upgrade.
- installation of site hoarding, scaffolding and temporary fencing.
- installation of temporary site accommodation and truck loading areas.
- resurfacing to paved and landscaped areas to redirect pathways.

In addition, the Applicant states that the occupants of UNSW Hall will be housed in part of the existing UNSW Village, until a new dedicated accommodation is provided.



3. Strategic Context

The construction of the project is estimated to employ 100 people, while the completed Building D14 will deliver enhanced education facilities for staff and students.

Further, the Department considers that the proposal is appropriate for the site given:

- it is consistent with the Greater Sydney Commission's A Metropolis of Three Cities, The Greater Sydney Regional Plan, as it supports the development of an internationally competitive education precinct at Randwick.
- it is consistent with the Transport for NSW's Future Transport Strategy 2056 as it would enhance an educational facility in a highly accessible location.
- it is consistent with the Greater Sydney Commission's Eastern City District Plan, as it would strengthen the Randwick education precinct.
- it would provide direct investment in the district of approximately \$117,540,000.



4. Statutory Context

4.1 State significant development

The proposal is SSD under section 4.36 (development declared SSD) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as the development has a CIV in excess of \$30 million (\$117,540,000) and is for the purpose of a tertiary institution under clause 15 of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011.

The Minister is the consent authority under section 4.5 of the EP&A Act.

In accordance with the then Minister for Planning's delegation to determine SSD applications, signed on 11 October 2017, the Executive Director, Priority Projects may determine this application as:

- the relevant Council has not made an objection.
- there are less than 25 public submissions in the nature of objection.
- a political disclosure statement has not been made.

4.2 Permissibility

The site is identified as being located within the SP2 Educational Establishment zone by the Randwick Local Environmental Plan (RLEP) 2012. A tertiary institution is permissible with consent within the zone, as is the proposed ancillary retail use. Therefore, the Minister for Planning and Public Spaces or a delegate may determine the carrying out of the development.

4.3 Other approvals

Under section 4.41 of the EP&A Act, a number of other approvals are integrated into the State significant development approval process, and consequently are not required to be separately obtained for the proposal.

Under section 4.42 of the EP&A Act, a number of further approvals are required, but must be substantially consistent with any development consent for the proposal (e.g. approvals for any works under the *Roads Act 1993*).

The Department has consulted with the relevant public authorities responsible for integrated and other approvals, considered their advice in its assessment of the project, and included suitable conditions in the recommended conditions of consent (see **Appendix C**).

4.4 Mandatory matters for consideration

4.4.1 Environmental planning instruments

Under section 4.15 of the EP&A Act, the consent authority is required to take into consideration any environmental planning instrument (EPI) that is of relevance to the development the subject of the development application. Therefore, the assessment report must include a copy of, or reference to, the provisions of any EPIs that substantially govern the project and that have been taken into account in the assessment of the project.

The Department has undertaken a detailed assessment of these EPIs in **Appendix B** and is satisfied the application is consistent with the requirements of the EPIs.

4.4.2 Objects of the EP&A Act

The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects. Therefore, in making an assessment, the objects should be considered to the extent they are relevant. A response to the objects of the EP&A Act is provided at **Table 2**.

Table 2 | Response to the objects of section 1.3 of the EP&A Act

| Objects of the EP&A Act | Consideration |
|--|--|
| (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources | The proposal would redevelop an existing urban environment to enhance the facilities of a major university. The proposed educational facilities and associated landscaping are considered proper development, subject to conditions, and will directly benefit the social and economic welfare of the community. |
| (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment, | The proposal incorporates satisfactory measures to achieve ecologically sustainable development, as detailed in Section 4.4.3 . |
| (c) to promote the orderly and economic use and development of land, | The proposal to invest \$117,540,000 in educational facilities meets the objectives of the RLEP and is consistent with the permissible uses of the subject zone. |
| (d) to promote the delivery and maintenance of affordable housing, | Not applicable. |
| (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats, | The proposal would not result in the loss of any threatened or vulnerable species, plants, ecological communities or their habitats. The Department's Environment, Energy and Science Group (as the former OEH) advise that the proposed landscaping will improve the overall quality and increase the quantum of open space within the site as well as the broader UNSW campus. |
| (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage), | The proposal is accompanied by an Aboriginal Cultural Heritage Assessment Report which makes a number of recommendations in regard to carrying out the proposed works in a manner sensitive to any potential Aboriginal cultural heritage. See Section 6.1.3 for more detail. |

| | |
|---|---|
| (g) to promote good design and amenity of the built environment, | The preliminary design was reviewed and generally supported by the State Design Review Panel (SDRP) prior to lodgement. The Department considers that the proposal presents an excellent response to context and will substantially improve campus amenity. See Section 6.1 for more detail. |
| (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants, | The Department recommends conditions of consent to ensure the construction and maintenance of the proposed building is undertaken in accordance with the relevant legislation, guidelines, policies and procedures (refer to Appendix C). |
| (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State, | The Department publicly exhibited the proposal (Section 5.1), which included consultation with Council and other public authorities and consideration of their responses (sections 5.2 and 6). |
| (j) to provide increased opportunity for community participation in environmental planning and assessment. | The Department publicly exhibited the proposal as outlined in Section 5.1 , which included notifying adjoining landowners, placing a notice in newspapers and displaying the proposal on the Department's website and at Council during the exhibition period. |

4.4.3 Ecologically sustainable development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. 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 development proposes ESD initiatives and sustainability measures including:

- targeting a best practice 6 Star Green Star As Built rating under the Design and As-Built v1.2 tool by the Green Building Council of Australia.
- external shading, high performance glazing and blinds to minimize energy use, maintain a high standard of thermal comfort and to maintain access to daylight.
- use of LED lighting.
- a sustainably sourced timber structure is proposed which will significantly reduce the embodied carbon associated with the project.
- a rooftop solar photovoltaic array.
- substantial landscape planting.

In its review of the proposal, the Government Architect NSW (GANSW) detailed that the only outstanding area of concern with the design was the ESD performance of the proposed glazed facades. Inclusion of sun shading in the current scheme was acknowledged, however the effectiveness of the proposed shading in addressing solar heat gain in the mid to late afternoon was questioned. In response, the Department has recommended conditions requiring the Applicant to fulfil its commitment to ESD performance by certifying the achievement of a 6 Star Green Star rating both prior to construction and within six months of commencement of operation. These conditions will ensure that the overall environmental performance of the building meets the final State Design Review Panel (SDRP) direction to develop a high performance and energy efficient façade system.

The Department has considered the proposed development 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 proposed development. The proposed development is consistent with ESD principles as described in section 3.8 and Appendix R of the EIS, which has been prepared in accordance with the requirements of Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

Overall, the proposal is consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives will encourage ESD, in accordance with the objects of the EP&A Act.

4.4.4 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.

4.4.5 Planning Secretary's Environmental Assessment Requirements

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

4.4.6 Section 4.15(1) matters for consideration

Table 3 identifies the matters for consideration under section 4.15 of the EP&A Act that apply to SSD in accordance with section 4.40 of the EP&A Act. The table represents a summary for which additional information and consideration is provided for in **section 6** (Assessment) and relevant appendices or other sections of this report and EIS, referenced in the table.

Table 3 | Section 4.15(1) matters for consideration

| Section 4.15(1) Evaluation | Consideration |
|--|--|
| (a)(i) any environmental planning instrument | Satisfactorily complies. The Department's consideration of the relevant EPIs is provided in Appendix B of this report. |
| (a)(ii) any proposed instrument | The Department's consideration of applicable draft EPIs is provided in Appendix B of this report. |
| (a)(iii) any development control plan (DCP) | 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 <i>Refer Division 8 of the EP&A Regulation</i> | The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6 of the EP&A Regulation), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS. |
| (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 | The likely impacts of the development will be appropriately mitigated or conditioned - refer to section 6 and Appendix B of this report. |
| (c) the suitability of the site for the development | The site is suitable for the development as discussed in sections 3, 4 and 6 of this report. |
| (d) any submissions | Consideration has been given to the submissions received during the exhibition period. See sections 5 and 6 of this report. |
| (e) the public interest | Refer to sections 6 and 7 of this report. |

4.4.7 Biodiversity Conservation Act 2016

Under section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act), SSD applications are “to be accompanied by a biodiversity development assessment report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values”.

The proposed works are not likely to have a significant impact on biodiversity values. The Office of Environment and Heritage and the Department have determined that the application is not required to be accompanied by a BDAR and a waiver has been granted accordingly.



5. Engagement

5.1 Department's engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application from 16 January 2019 until 22 February 2019 (37 days). The application was exhibited at the Department and on its website, at the NSW Service Centre and at Randwick City Council's office.

The Department placed a public exhibition notice in the Southern Courier on Tuesday 15 January 2019, and the Sydney Morning Herald and Daily Telegraph on Wednesday 16 January 2019, and notified adjoining landholders and relevant State and local government authorities in writing. A representative of the Department visited the site to provide an informed assessment of the development.

The Department has considered the comments raised in the public authority and public submissions during the assessment of the application (**section 6**) and by way of recommended conditions in the instrument of consent at **Appendix C**.

5.2 Summary of submissions

The Department received a total of seven submissions, all from public authorities. A summary of the issues raised in the submissions is provided at **Table 4** below and copies of the submissions may be viewed at **Appendix A**.

Table 4 | Summary of public authority submissions to the EIS exhibition

Randwick City Council (Council)

Council raised the following issues:

- the bulk and scale of Building D14 should be reduced in the eastern and south-eastern portion, specifically the ground floor retail and student areas and first floor terrace which extend laterally beyond the external wall of the building above.
- the Statement of Heritage Impact does not address the impact of the proposed building's encroachment into the Old Tote and Figtree Theatre HCA curtilage.
- the proposed building will 'box in' the HCA and be visually intrusive due its height, bulk and scale.
- Council requests that the Aboriginal Cultural Heritage Assessment Report (ACHAR) be made available for review prior to works commencing.
- Council requests that further information be provided, such as a tree management strategy and accompanying schedule, to ensure that there be no net loss of tree canopy within the campus.
- further details must be provided to confirm that sufficient soil depth and volume will be provided to the trees proposed upon the first floor terrace.
- a planting plan and schedule should be provided.
- a schedule of the proportions of endemic, native and exotic species comprising the proposed plantings should be provided.

- a lighting strategy for paths and gardens should be provided.
- Council requests that certification of the building's achievement of a 6 Star Green Star rating occur.
- further information should be provided about the proposed end of trip facilities, including the availability of the bicycle parking spaces to staff and students.
- the development must drain in accordance with the UNSW 2025 Stormwater Strategy Management Plan.
- the proposal is not exempt from levies payable under Council's contributions plan, and a contribution should be payable as a condition of consent.

Council recommended additional conditions, should the application be supported.

Transport for NSW (Roads and Maritime Services) (the former Roads and Maritime Services) (TfNSW(RMS))

- TfNSW(RMS) advised imposing a condition requiring a Construction Pedestrian Traffic Management Plan (CPTMP) to be prepared.

Department of Planning, Industry and Environment's Environment, Energy and Science Group (the former OEH) (EESG)

The EESG raised the following issues:

- an Aboriginal Cultural Heritage Assessment Report (ACHAR) must be submitted.
- the development should incorporate green walls and a green or cool roof.
- additional tree canopy cover and green cover should be provided.

Sydney Water

- Sydney Water advised that a hydraulic consultant be engaged to identify utility upgrade works, and that detailed servicing requirements will be provided to the Applicant once the development is referred to Sydney Water in a section 73 application.

Transport for New South Wales (TfNSW)

TfNSW raised the following issues:

- a condition of consent should require the Applicant to prepare a CPTMP in consultation with the Sydney Coordination Office and Sydney Light Rail Team at TfNSW to be endorsed by the Coordinator General, Transport Coordination prior to the commencement of works.
- Details of bus services to train stations should be included in the Traffic Report.

NSW Environment Protection Authority (EPA)

EPA raised the following issues:

- following demolition of the existing structures, the Applicant should undertake further soil contamination investigation.

- the EPA made a number of recommendations in regard to the conduct of site contamination and hazardous material management.
- demolition, site preparation, bulk earthworks, construction and construction-related activities should be undertaken during the recommended standard construction hours, with a regime of intra-day respite periods for annoying and intrusive noise.
- the EPA made a number of recommendations to minimise the acoustic, dust, sediment and waste impact of construction works.
- construction vehicles should not arrive at the site or surrounding precinct outside approved construction hours.
- the EPA recommended the Applicant provide a comprehensive quantitative assessment of operational noise impacts of the development on surrounding noise sensitive receivers.

Commonwealth Department of Infrastructure, Regional Development and Cities

The Australian Government Department of Infrastructure, Regional Development and Cities provided a conditional approval for the controlled activity of an intrusion of Building D14 into prescribed airspace for Sydney Airport to a maximum height of 73.4 metres AHD (including services).

5.3 Response to Submissions

Following the exhibition of the application, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions.

On 18 April 2019, the Applicant provided a Response to Submissions (RtS) (**Appendix A**) on the issues raised during the exhibition of the proposal. The RtS provides responses to the issues raised and makes amendments to the proposal in the following additional information:

- amended architectural plans which extend the site area, consolidate three of the proposed retail tenancies to five, rearrange the internal layout, alter the glazing and louvres of the façade, and modify the roof plant arrangement, including a minor increase to the height of the plant-room and services zone due to detailed design refinement.
- an amended Arboricultural Impact Assessment and Landscape Plan which detail the proposed removal of three significant trees and provide a schedule with an accompanying location plan of new landscape planting across the extended site area.
- an ACHAR.
- an amended concept stormwater and civil design plan.
- an amended Statement of Heritage Impact.
- an Addendum to the Remediation Action Plan detailing additional data gap testing and remediation measures for the expanded site area.
- a revised Construction Management Plan and Preliminary Construction Pedestrian and Traffic Management Plan.
- a revised Access Report.
- a copy of the section 73 Application to Sydney Water regarding sewer and water servicing.
- further information regarding development contributions levied on UNSW approved developments.
- an addendum to the Construction and Operational Noise Report.

The RtS was made publicly available on the Department website and was referred to the relevant public authorities. An additional six submissions were received from public authorities, including the Office of Environment and Heritage, CASA, Sydney Water, EPA, Government Architect NSW (GANSW) and Council. A summary of the issues raised in the submissions is provided at **Table 5** and copies of the submissions may be viewed at **Appendix A**.

Table 5 | Summary of public authority submissions to the RtS

Council

Council made the following additional comments:

- the levels between the White House and the new Building D14 are unclear and may indicate a sunken courtyard with an elevated building platform, which is inappropriate.
- although Council raises concern about tree loss in the related REF (see **Section 2.4**), and recommends the use of alternative Ficus trees, Council considers the proposed landscaping is satisfactory, subject to conditions.
- provided an appropriate unexpected finds protocol is established, the site can be made suitable for the intended use.
- Council does not support the request made by the applicant for work outside of normal construction hours.
- noise validation prior to commencement of use will ensure the required noise level criteria is achieved.
- Council re-iterates that a development contribution should be required as a condition of consent.

EESG

The EESG provided the following comments:

- should the Department determine to grant consent, the EESG recommends that any conditions recommended by the ACHAR be included as conditions of consent.
- the revised Landscape Plans significantly increase the proposed planted areas and canopy cover which will improve the overall quality and increase the quantum of open space within the site and the broader UNSW campus.

CASA

CASA raise no objection to the proposed increase in height of the services zone. These comments are no longer relevant since the Applicant submitted revised plans on 2 May 2019 to delete the proposed increase in height (see below for more detail).

Sydney Water

Sydney Water agrees with the report accompanying the copy of the section 73 Application in the RtS that no upsizing of the sewer or watermain is required.

EPA

The EPA:

- confirms its advice in the submission to the EIS regarding management of hazardous materials, dust, erosion and waste.
- confirms that the 20 proposed sampling locations across the site area is consistent with the number required by the EPA *Sampling Design Guidelines*.
- recommends that the sampling locations conducted as part of the data gap assessment be strategically chosen to provide good vertical and lateral characterisation of the site.
- recommends the use of a site auditor is recommended if more significant contamination is identified during the works.

GANSW

In its submission to the RtS, GANSW provided the final advice of the second meeting of the State Design Review Panel (SDRP) in December 2018, which confirmed that the only outstanding area of design concern was the ESD performance of the glazed facades.

5.4 Supplementary information

On 2 May 2019, the Applicant submitted revised architectural plans which deleted the increase in height of the services zone above the roof plant room initially proposed by the RtS.

On 21 May 2019, the Applicant submitted two section drawings and a detailed plan of the interface of the proposed building with the White House. The Department referred these drawings to Council for comment.

On 24 May 2019, Council provided a revised response to the RtS based on consideration of the Applicant's supplementary information. The revised response states:

- the Applicant's two supplementary section drawings clarify that the proposed building and White House will be at the same ground floor level.
- the proposed bleachers will not obstruct the ground level entry of the proposed building.
- Council requests the bleachers not obstruct the curtilage and useable open space around the White House.
- conditions should be applied which require strategies or programs be established to activate and promote adaptive re-use of the Old Tote and Figtree Theatre HCA.
- conditions should be applied which enhance pedestrian access and permeability between the HCA and the new building's ground and upper levels.
- conditions should be applied which require measures to soften/mask the impact of the new building upon the HCA.



6. Assessment

The Department has considered the EIS, the issues raised in submissions and the Applicant's RtS in its assessment of the proposal. The Department considers the key issues associated with the proposal are:

- built form, landscaping and heritage.
- transport and construction traffic.
- noise and vibration.
- contributions.

Each of these issues is discussed in the following sections of this report. Other issues were taken into consideration during the assessment of the application and are discussed at **Section 6.5**.

6.1 Built form, landscaping and heritage

6.1.1 Built form

The proposed building, as modified by the Applicant's RtS and supplementary information, comprises a new eight storey building, excluding a plant-room upon the roof, to provide 14,988sqm of GFA. The maximum height of the building is 41.8m at RL 73.4. The purpose of the building is to provide additional student study space, new flexible teaching spaces in Centrally Allocated Teaching Space (CATS) rooms, and a large increase in university office space. The internal layout of the building is as follows:

- ground level: a large lobby and student led space which steps up the site's slope from west to east, five retail tenancies, waste and plant rooms, bicycle parking, end of trip facilities, and passenger and goods lift access.
- level one: CATS rooms, student led space and a large external terrace along the north and east sides of the building to be accessed by an external stair near the White House.
- level two: CATS rooms, postgraduate study space, quiet study space and a kitchen.
- levels three to six: faculty office space with associated services.
- level seven: faculty office space, meeting rooms and a winter garden enclosed by the building façade to the western elevation.
- roof: a plant room and photovoltaic arrays.

The building will present as eight storeys to the east and nine storeys to the west due to the double height lobby formed by the sloping ground floor (see **Figures 8 and 9**). The north and south elevations adjoin an external walkway which broadly follows the existing slope of the site from the west at RL 31.5 up to the east at RL 34. Secondary entrances intersect the centre of the internal lobby from the north and south elevations at RL 32.35. The building's lift core is located at this intersection.

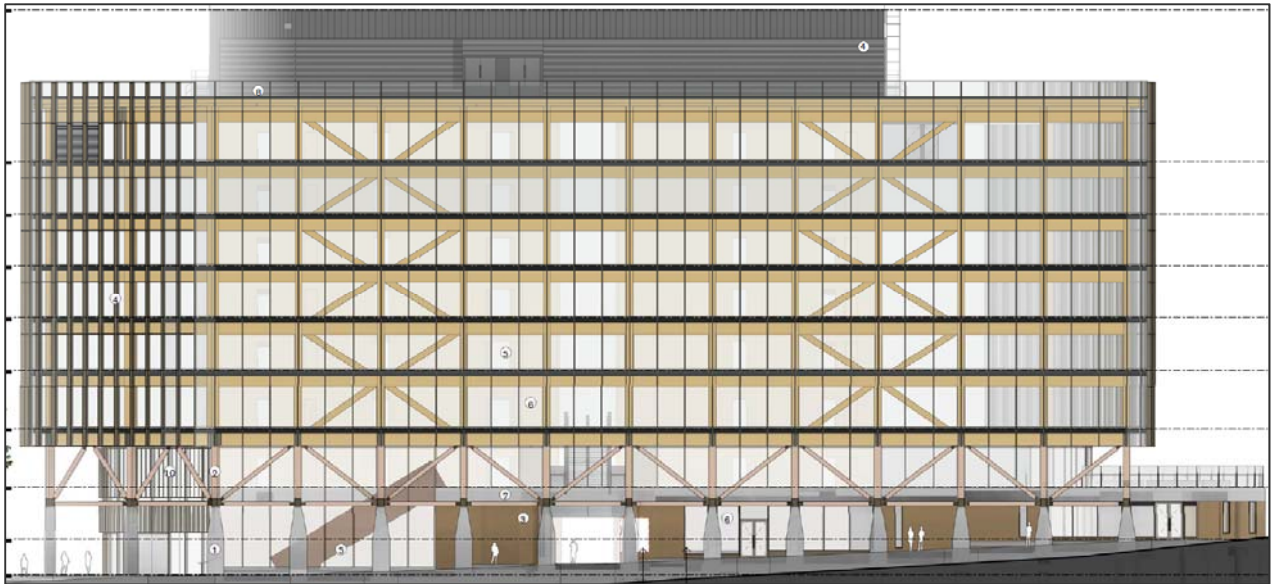


Figure 8 | South elevation (Source: Supplementary Information)



Figure 9 | Long section demonstrating the slope of the ground level, forming a double height lobby at the west (left) entry (Source: Supplementary Information)

A series of ancillary internal stairs link the lobby at the west entry to the CATS and student led space at the first and second levels. In addition, external stairs link from the courtyard adjacent to the White House to the first floor. Together, these stairs simplify access to the areas of the building used regularly by students (see **Figure 10**). Access to the faculty offices is restricted by the core lifts and stairs. This arrangement of internal space is considered to effectively facilitate the proposed uses.

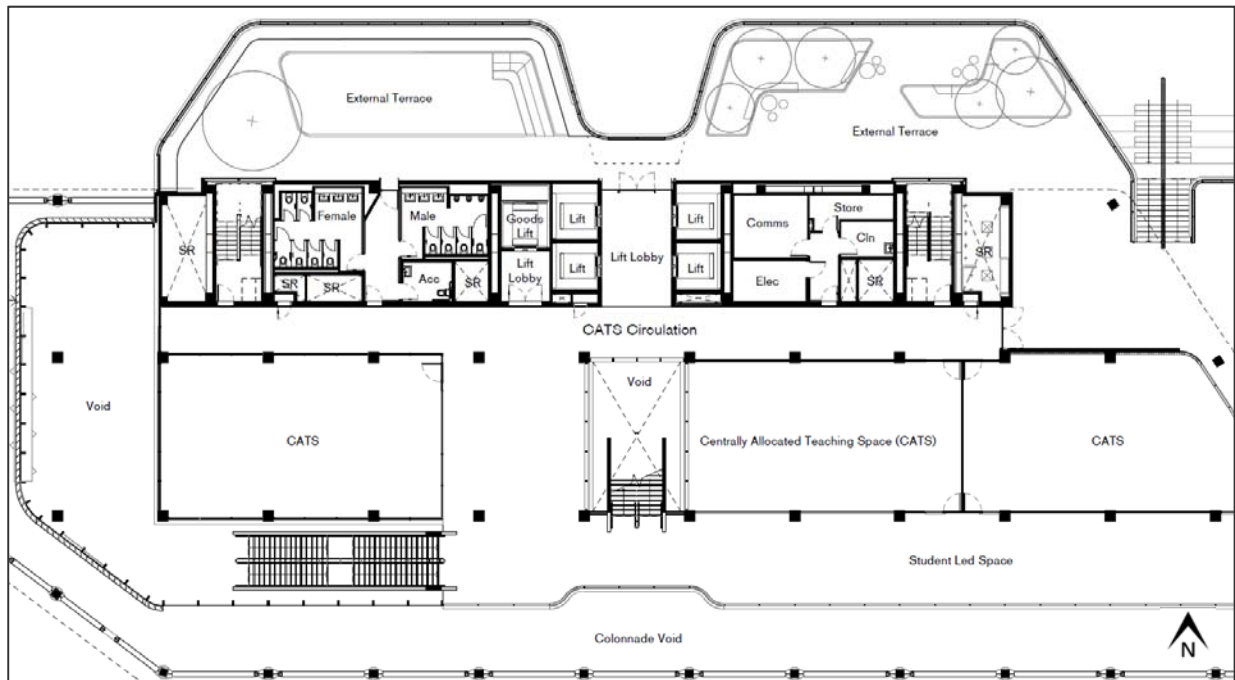


Figure 10 | First level plan demonstrating the publicly accessible stairs from the west entry lobby (left) and to the White House courtyard (right) (Source: RtS)

The tower element from levels two to seven sits above the external colonnade which extends from the west entry along the southern elevation adjacent to College Walk to the proposed Grove Courtyard. The colonnade features off-form concrete pillars which meet timber columns and trusses extending up to the ceiling. The façade incorporates distinct glass curves and timber battens. The relationship between these elements is depicted in **Figure 11** and **12**. Together, this material palette is considered to effectively reference the timber elements of the White House building with a distinctive contemporary design. The overall visual outcome is considered to be aesthetically appropriate to its context.



Figure 11 | Renders of the proposed cross laminated timber structure with a glass curtain wall façade (left) and the proposed concrete colonnade columns and hardwood trusses (right) (Source: RtS)

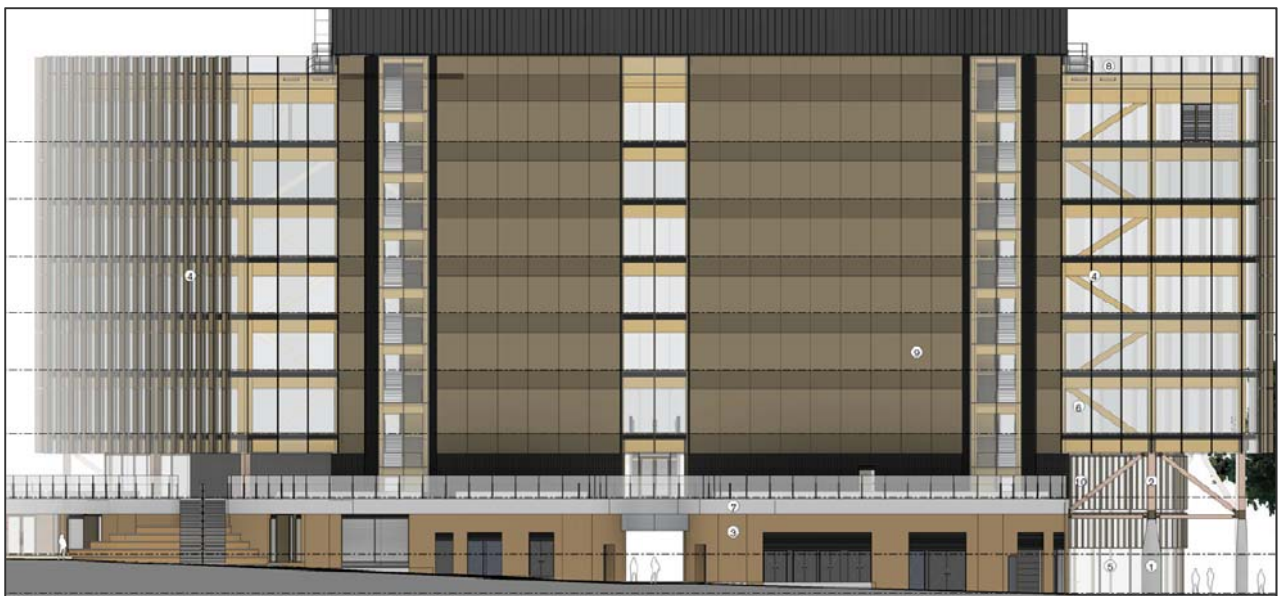


Figure 12 | North elevation. Note the colonnade wraps around the western side of the building (right) (Source: Supplementary Information)

Solar Access

The solar access impacts of the proposal are considered acceptable because:

- despite overshadowing the pocket park at the East Lobby of UNSW Business School building (located to the south-west of D14) throughout the day, approximately 50 per cent of the park's area will retain direct solar access between 12pm and 3pm.
- no significant additional overshadowing of Alumni Park or UNSW Village student accommodation will occur.
- replacing the existing UNSW Hall building with the new building will restore direct solar access to Fig Tree Lane between 11am and 2pm due to the difference in building footprints (new building located further to the west) and location (with the new building located further to the west, opening up the pedestrian avenue).

- the angle of the eastern wall results a form which does not affect solar access to the Quadrangle significantly until 3pm. This impact is considered acceptable since direct solar access to more than 50 per cent of the Quadrangle will remain from 11am to 2pm.

Privacy

Orienting the glass curtain wall façade of the building towards the west, south and east is considered to effectively minimise visual privacy impacts upon student accommodation at UNSW Village to the north. Opportunities for overlooking into units of the student housing complex are limited by the placement of the core and services along the north wall. As such, no additional visual privacy measures are considered necessary.

Views and Outlook

The proposal is considered to enhance view corridors to and through the site because:

- the demolition of the UNSW Hall building and the wall separating the Quadrangle with Fig Tree Lane under the associated REF, and siting of the new building with a chamfered east wall will create a new view corridor from the Quadrangle to the Old Tote, White House and Fig Tree Theatre (see **Figures 13, 14 and 15**).
- the new Grove Courtyard public space between Goldstein Hall and the proposed building will also expand the view corridor from High Street to the Quadrangle, as depicted by **Figures 13, 14 and 15**.

No significant public or private views or vistas will be adversely affected by the proposed building.

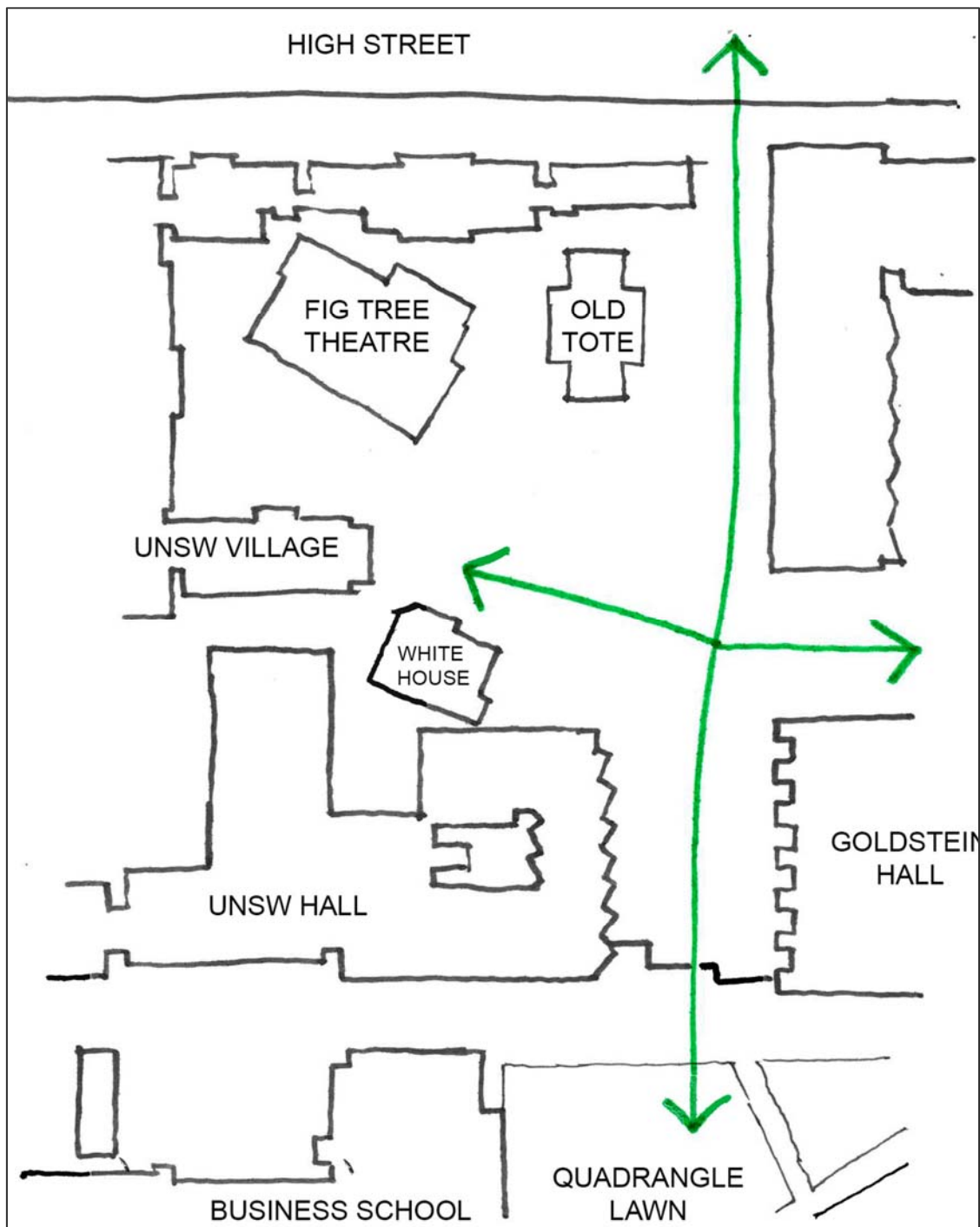


Figure 13 | Existing circulation and view corridors (Source: RtS)



Figure 14 Existing view from the Quadrangle towards Fig Tree Lane. Note the wall separating the two public spaces is proposed for demolition under an associated REF (Source: Google Maps)

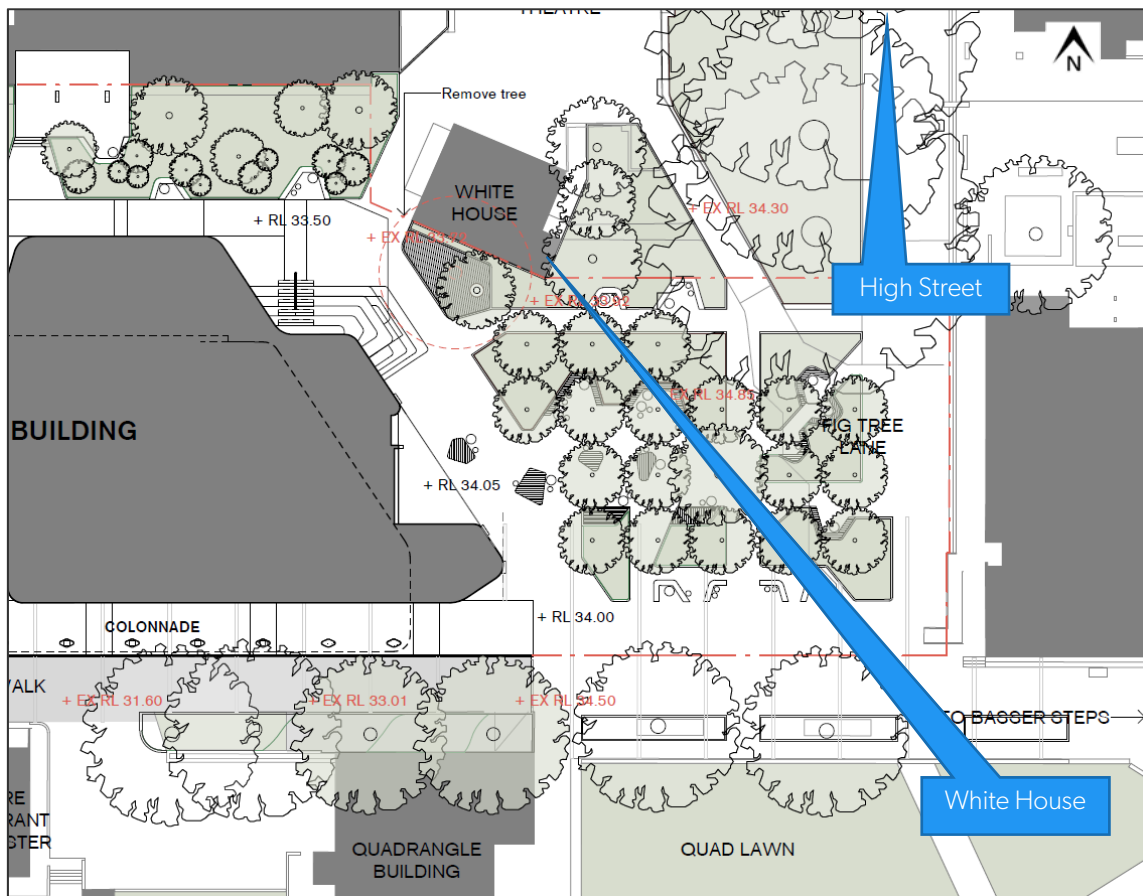


Figure 15 Note the chamfered east wall of the proposed building, when combined with the new courtyard, will create a new view corridor from the Quad Lawn to the White House, whilst also expanding the view corridor towards Fig Tree Lane and High Street (Source: RtS)

6.1.2 Landscaping

The EIS includes an Arborist Report which identifies the trees proposed for removal and retention in both the associated REF (see **Section 2.4**) and the SSD application.

The EIS also includes a Landscape Plan which depicts landscaping at the ground level immediately adjacent to the building and upon the first level external terrace. The Landscape Plan includes an indicative planting palette and states that the design is still under development.

In its submission to the EIS, the EESG raised concern with the limited number of trees and green cover proposed in the design.

Council raised the following issues:

- the lack of a detailed plan and assessment of the trees proposed for removal.
- the Arborist Report should address protection of the significant trees along the southern edge of Alumni Park, which will be close to the proposed vehicle site access loop during construction works.
- the need to ensure that there is no net loss of tree canopy as a result of the trees removed under the REF and SSD proposal.
- the need to provide details about the soil depth and volume of planters for trees upon the first floor external terrace.
- a detailed planting plan and schedule is required which identifies whether the proposed species are native.
- a lighting strategy for paths and gardens is required.

Council also provided a number of recommended conditions of consent in relation to protection of retained trees.

In addition, the Department requested that the Applicant clarify the exact trees proposed for removal under the REF as distinct to the SSD application.

The Applicant addressed each issue raised above in the RtS. The proposal, as modified by the amended Arborist Report and Landscape Plan in the RtS, includes the following:

- an expansion of the site area to incorporate a new 'Grove Courtyard' to the east of the proposed building, and an expanded area of landscaping to Third Avenue north of the proposed building (**Figure 17**).
- the amended Arborist Report identified that 44 trees are proposed for removal under the associated REF and three trees are proposed for removal in the SSD application (Trees 463, 464 and 1119). A plan is provided in the amended Arborist Report (**Figure 16**) which clearly depicts the trees proposed for retention, removal under the REF, and removal under the SSD.
- Trees 463 and 464 are identified as Tallowood (Eucalyptus) trees of medium landscape significance, while Tree 1119 is a Black Wattle of low significance and nearing the end of its life.
- the row of highly significant Moreton Bay Fig trees (Trees 404-408 and 411 – all included in Council's Significant Register) will remain unaffected by the proposed SSD development.
- recommendations are provided in the Arborist Report to protect the trees along the southern edge of Alumni Park (Trees 457-462).
- a total of 38 new trees are proposed across the site, with the amended Landscape Plan providing a detailed planting schedule and accompanying plan (**Figure 17**).

- soil depths of the proposed first level external terrace planters are provided in the amended Landscape Plan.
- an external lighting strategy in the amended Landscape Plan.

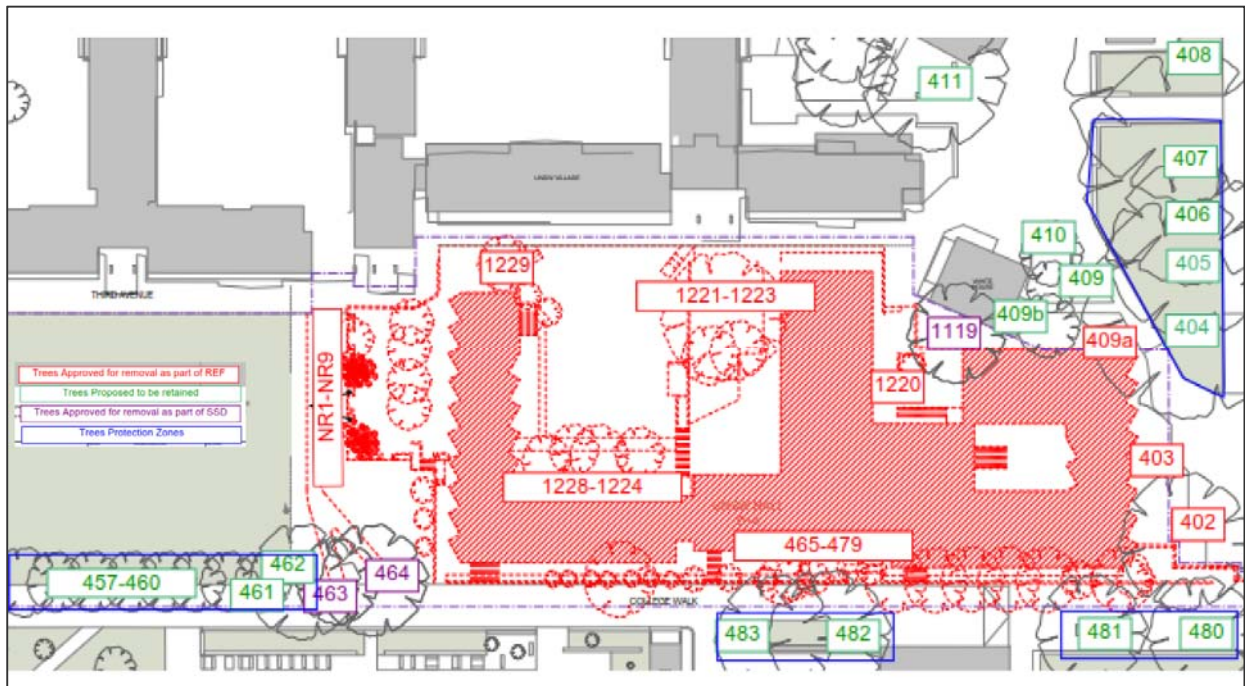


Figure 16 | Trees proposed for removal by REF in red, trees proposed for removal by SSD in purple, and trees proposed for retention in green (Source: RtS)



Figure 17 | Proposed tree planting - the Landscape Plan includes an accompanying legend and schedule (Source: RtS)

In its submission to the RtS, the EESG noted the planted areas and canopy cover proposed has increased significantly relative to the original EIS proposal. The EESG support the proposed improvements to the overall quality and quantum of open space within the University Campus.

Council made the following comments in regard to the RtS landscaping scheme:

- the proposed landscaping is satisfactory in both the size and number of new plantings.
- conditions of consent should establish soil depths for trees proposed to the first floor external terrace and paved finished levels around retained significant trees.
- the fig trees proposed for Fig Tree Lane should be *Ficus Rubiginosa* rather than *Ficus Benjamina* to complement the species of the established trees nearby.
- concern is raised about the shortfall between the 47 trees removed and the 38 proposed.

The Department has considered the proposed landscaping, as modified by the RtS, and the public authority submissions. The Department considers the proposed urban design and landscaping arrangements satisfactory because:

- the proposed Alumni Terraces will provide an appropriately formal entrance to Alumni Park with opportunities for sitting, lying and study upon the partly landscaped steps.
- the proposed seating areas and new plantings to Third Avenue orient activity away from the student accommodation at UNSW Village, thereby increasing the privacy of its occupants.
- the proposed courtyard along the eastern side of the site provides an appreciation of the curtilage of the White House and simplifies wayfinding around the perimeter of the building.
- the proposed bleachers will invite activity up towards the first floor external terrace and provide passive surveillance opportunities.
- the proposed first floor external terrace will provide sufficient entrances and exits to ensure that crime prevention through environmental design principles are met.
- given the scale of the proposed building's footprint and the large canopies of established trees adjoining the site (such as the figs of Fig Tree Lane and the ficus trees adjoining the Quadrangle), the quantity of the proposed replacement tree planting is considered generous; and the primarily native species are considered appropriate to the site context.
- conditions of consent are recommended to ensure the protection of retained trees.

Therefore, the proposed urban design and landscaping is considered satisfactory, subject to conditions.

6.1.3 Heritage

This section considers the impact of the proposed development upon Aboriginal cultural heritage and European Heritage.

The EIS contained a Progress Statement regarding the forthcoming Aboriginal Cultural Heritage Assessment Report and a Statement of Heritage Impacts.

The Progress Statement outlines the progress of the Applicant in preparing an Aboriginal Cultural Heritage Assessment Report (ACHAR) in accordance with the issued SEARs. The complete ACHAR was submitted with the RtS, as discussed below.

The Statement of Heritage Impacts (SHI) provides a statement of significance for the Old Tote and Figtree Theatre HCA which encompasses part of the site, and assesses the heritage impact of the development. The HCA's aesthetic significance can be summarised as:

- three period buildings situated in an open space, surrounded by large fig trees and other buildings on an alignment diagonal to the campus building grid.
- traditional gabled and verandahed building forms.
- the White House and Old Tote are rare examples of early Federation racecourse buildings (when the University land was the Kensington Racecourse, pre-1942), with outstanding details on the White House verandah.
- the row of fig trees is an important point of arrival.

The historic significance of the HCA can be summarised as surviving evidence of the uses of the site prior to its establishment as a university.

The social significance of the HCA derives from its evidence of the historical continuity of human occupation and use of the site.

In regard to European Heritage, Council raised the following issues with the EIS:

- height, bulk and scale of the proposed building, particularly the podium adjacent to the White House.
- the SHI does not adequately address the impact of the proposed building on the HCA curtilage, which the building is considered to encroach upon.

The RtS amended the architectural plans to include a larger courtyard adjacent to the White House, and included the completed ACHAR and a revised Statement of Heritage Impacts.

The ACHAR contains an archaeological assessment in accordance with the former OEH's *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* and documents Aboriginal community consultation in accordance with the *National Parks and Wildlife Regulation 2009*.

The ACHAR did not conclude whether the subject site contains Aboriginal archaeological remains as demolition works had not commenced, however it noted that the surrounding landscape of deep sand dunes are known to contain archaeological evidence of past Aboriginal use. As such, the ACHAR recommended a program of archaeological excavations to ensure that any Aboriginal archaeological remains are identified and investigated. A number of other procedures are recommended, including an Aboriginal Cultural Heritage Induction for all site workers involved in excavation works, and the processes to be followed should archaeological remains be discovered.

In its submission to the RtS, the EESG advised that the recommendations of the ACHAR should be included in the SSD consent. As such, the Department recommends a condition requiring the preparation of an Aboriginal Cultural Heritage Management Sub-Plan which adheres to the recommendations of the ACHAR to form part of the Construction Environmental Management Plan.

The Applicant submitted additional section drawings and detailed plans depicting the area between the proposed building and the White House as part of a supplementary information package. Council provided an amended RtS submission to address this supplementary information which includes the following comments:

- Council notes that the building's ground floor will be approximately level with the White House, and that the proposed bleachers will not obstruct circulation.
- Council suggests the spatial relationship between the proposed building and the White House be improved by:
 - carefully considering the proposed bleachers so that they do not obstruct the White House curtilage.

- requiring strategies or programs to be established to activate and promote adaptive re-use of the Old Tote and Figtree Theatre HCA.
- applying conditions which enhance pedestrian access and permeability between the HCA and the ground and upper levels of the proposed building.
- applying conditions which require measures to soften/mask the impact of the new building upon the HCA.

The Department considers that the proposal will not adversely affect the heritage significance of the HCA because:

- the proposed building will significantly increase the curtilage area of the White House compared to the existing University Hall (see **Figures 18** and **19**).
- the size and quality of the new Grove Courtyard and associated public space surrounding the building adjacent to the White House (**Section 6.1.2** above) are considered to significantly improve both circulation and visual appreciation of the HCA's contributory buildings.
- the proposal will create a new view corridor to the White House from the Quadrangle (see **Figure 15**).
- the proposed bleachers will encourage pedestrian movement between the HCA and the ground and upper levels of the proposed building.
- the program of use for the HCA is beyond the scope of the subject SSD application, however it is noted that the White House is presently adapted for use as a student bar.
- the minimum distance of 15.5m between the White House and the tower façade of the proposed building will provide a sufficient setback to enable appreciation of the White House from significant view-points, including the east from Goldstein Hall and south.
- the proposal is considered to enhance appreciation of the HCA's aesthetic significance by providing a wider curtilage to the contributory buildings and will have no impact on its historic or social significance.
- no additional conditions of consent are considered necessary to ensure the heritage significance of the HCA is retained.

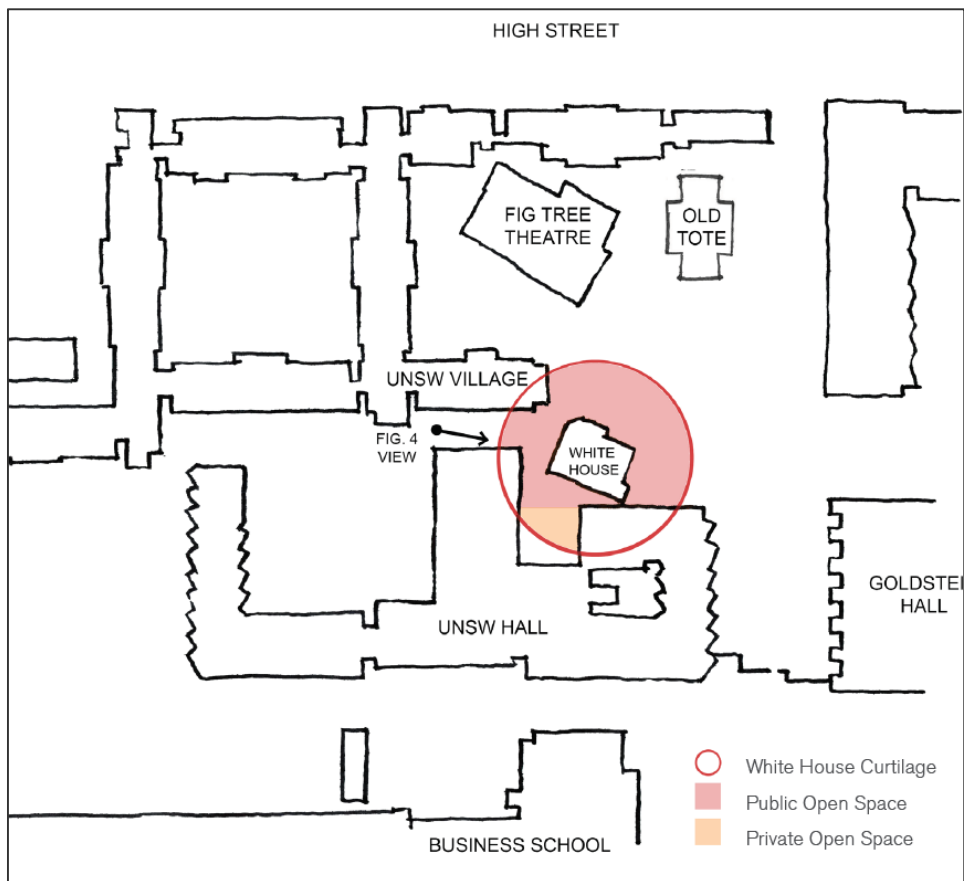


Figure 18 Existing curtilage of the White House (Source: RtS)

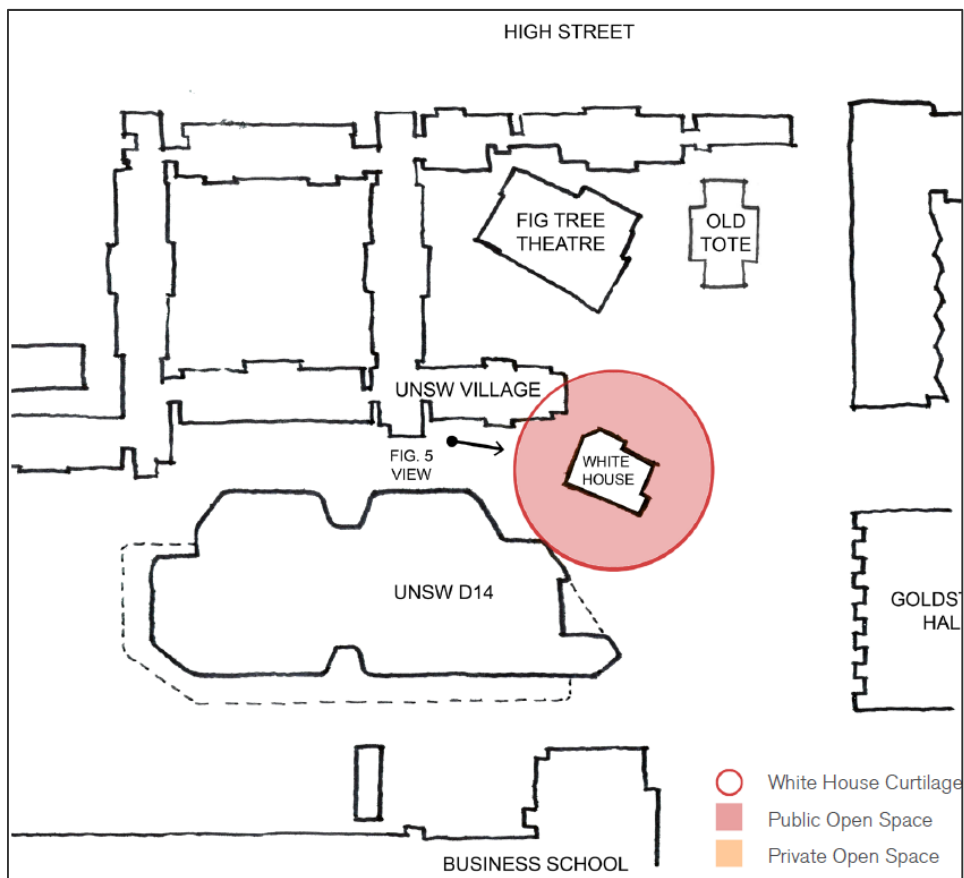


Figure 19 Proposed curtilage of the White House (Source: RtS)

6.2 Transport and construction traffic

6.2.1 Transport

The Applicant states no direct increase in staff or student numbers is proposed. In addition, no new car parking is proposed as users of the new building are already located on the campus.

The EIS is accompanied by a Traffic and Transport Report (TTR). The TTR notes that the closest on-campus carpark is underneath UNSW Village, which is accessed directly from High Street. On-campus parking during the day is limited by a finite number of paid parking permits for staff and students.

The TTR states that 77 per cent of respondents (staff and students) to the UNSW Travel Survey in 2015 travelled to the campus by means other than private vehicle. The site is close to frequent bus services to the CBD, Eastern Suburbs and Green Square from High Street and Anzac Parade. The site is also in close proximity to the CBD and South East Light Rail stops at High Street and Anzac Parade, with frequent services anticipated to commence in 2020.

The TTR identifies the proximity of the site to the existing Doncaster Avenue on-street cycle route and the Wansey Road off-street cycleway, which connect to Anzac Parade and Surry Hills. The TTR estimates that 800 publicly available bicycle parking spaces are provided on-campus, and proposes 45 additional bicycle parking spaces as part of the development, with associated end-of-trip facilities.

In submissions to the EIS, Council, TfNSW(RMS) and TfNSW do not raise issue with the lack of parking provision, or the reliance upon public transport, bicycle and pedestrian access.

The Department notes that the UNSW 2020 Campus Masterplan (a non-statutory document currently under review by the University) includes a policy of not providing additional car parking to service future growth in order to reduce the proportion of people driving to campus. Given this policy, and the high existing accessibility of the campus by public transport, walking and cycling, the Department is satisfied that the development will not generate additional traffic upon the local road network and that no additional car parking spaces should be provided. The additional bicycle parking spaces proposed are considered to effectively encourage staff use of bicycles to access the proposed building.

In its submission to the EIS, Council raised issue with the compact size of the bicycle parking room, given the 45 spaces proposed. The Bicycle Parking Room depicted in the Revised Architectural Plans of the RtS is approximately 36sqm, which is unlikely to contain sufficient space for the entire 45 spaces proposed. As such, a condition of consent is recommended to ensure that at least 45 spaces are delivered, whether securely in the Bicycle Parking room, or by external racks on-site accessible to staff, students and visitors. No condition requiring a ratio of the bicycle racks for staff as opposed to students is considered necessary because a large number of bicycle parking spaces already exist on-campus.

Subject to this condition, the proposal is considered acceptable in regard to access and parking matters.

6.2.2 Construction Traffic

The EIS and RtS are accompanied by a Construction Management Plan (CMP) and a Preliminary Construction Traffic Management Plan (CTMP) which detail proposed construction traffic arrangements.

The sequence of works subject to the SSD application involve:

- bulk and detailed excavation, piling and inground services installation.
- slab pouring.
- erection of the timber structure.

- installation of the façade.
- installation of building servicing, fit-out, finishes and external landscaping.

Construction is anticipated to occur from January 2020 to August 2021.

The CTMP estimates that approximately 60 truck movements per day will occur during the works. A maximum workforce of 250 personnel per day are forecast which may utilise vans, utes and trucks in servicing the site.

The anticipated 20 truck movements per hour are not considered to cause a significant traffic impact since queuing will not be excessive at this rate, and the access to the site via intersection of Gate Two with High Street is signalised. Delivery trucks will be able to enter and exit the site in a forward motion from Gate Two Avenue via a temporary loop built upon Alumni Park, which will minimise reversing movements.

No car parking will be provided for workers given parking pressures at the campus. The CMP states that workers will be encouraged to use public transport to access the site. This approach is consistent with other recently constructed buildings across the campus. Given the limited on-street and on-campus parking options, and high level of public transport accessibility as discussed in **Section 6.2.1**, the traffic and parking impact of construction workers accessing the site is likely to be minimal.

In its submission to the EIS, the EPA requested that construction vehicles not arrive or queue at the site outside approved construction hours. In addition, the EPA recommends the Applicant investigate whether it is practical to use audible movement alarms which minimise noise impact upon sensitive receivers without compromising safety. Conditions of consent are recommended to address these requests.

TfNSW note the heavy use of High Street for bus services during light rail construction, including the UNSW express routes, and as such recommend that the Construction Traffic and Pedestrian Management Plan (CTPMP) be prepared in consultation with the Sydney Coordination Office and Sydney Light Rail Team within TfNSW for endorsement by the Coordinator General, Transport Coordination. TfNSW(RMS) made a submission requesting that the CPTMP be prepared in consultation with the Sydney Coordination Office, TfNSW(RMS) and Randwick Council. The Department notes that the light rail project is anticipated to remain under construction until early 2020, and as such, these requests are reflected in a recommended condition of consent.

Other than the comments discussed above, TfNSW(RMS), Council and TfNSW did not raise issue with the proposed construction traffic arrangements. The proposed construction traffic management is considered acceptable, subject to conditions which require:

- all construction vehicles to be contained wholly within the site before stopping, unless located in an approved on-street work zone.
- investigation of the feasibility of minimising the noise impact of noise movement alarms.
- the preparation of a detailed CTPMP prior to the commencement of construction in consultation with the Sydney Coordination Office and Sydney Light Rail Team at TfNSW, TfNSW(RMS) and Randwick Council for endorsement by the Coordinator General, Transport Coordination.

Subject to these conditions, the Department considers that the construction traffic will have a minimal and acceptable impact on the wider road network.

6.3 Noise and vibration

The EIS is accompanied by a Construction and Operational Noise Report (CONR) which identifies ambient noise levels at the site, identifies receivers in the vicinity, and assesses the construction and operational noise and vibration impacts of the development.

The following receivers were identified, and are depicted in **Figure 20**:

- UNSW Hall (relocated in former UNSW Village accommodation to the north of the subject site).
- UNSW Village student accommodation.
- Colombo House student accommodation.
- The Whitehouse bar.
- UNSW education facilities to the south on College Walk.
- student services at the ARC Precinct.
- Alumni Park.

An external noise logger to determine existing ambient noise levels was established adjacent to the temporary UNSW Hall accommodation north of the site (see **Figure 20**).

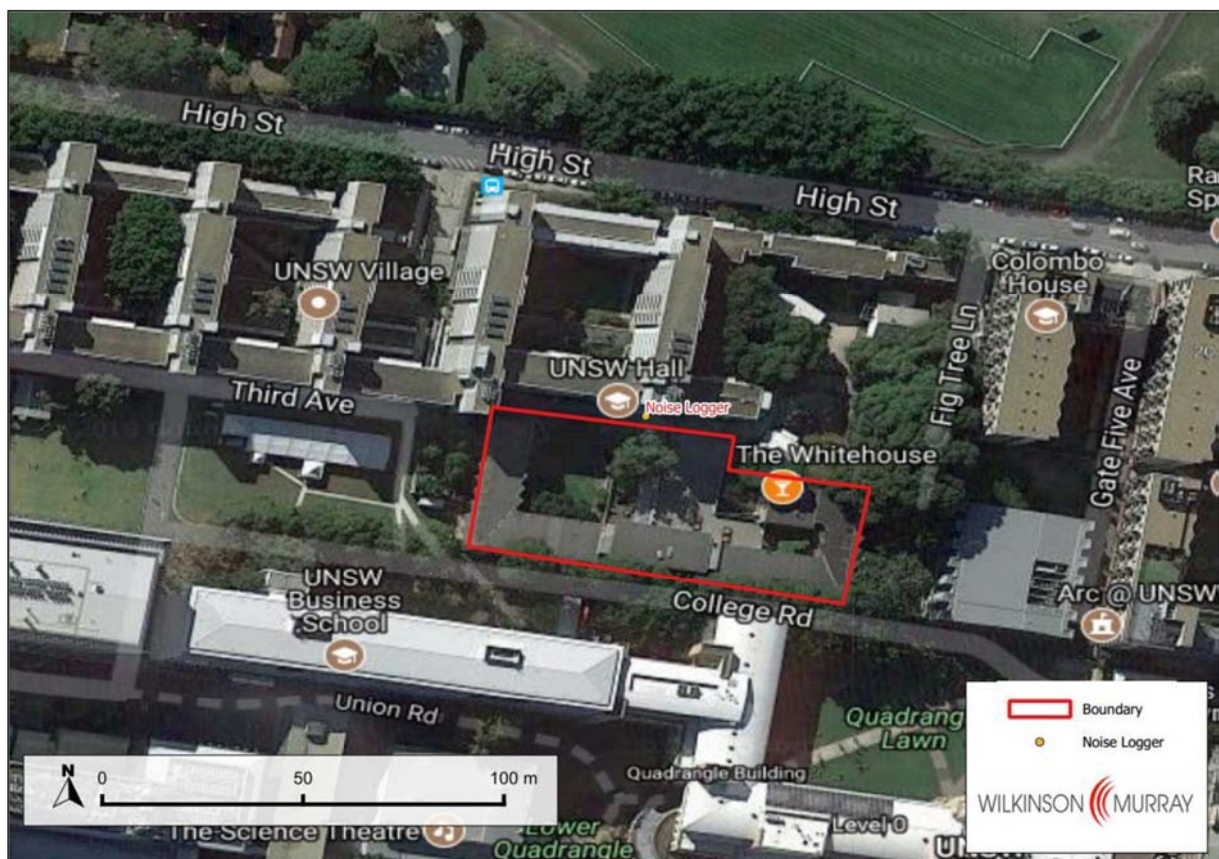


Figure 20 | Receivers identified by the CONR and location of the noise logger (Source: EIS)

Based on the ambient noise level assessment and the EPA *Interim Construction Noise Guideline*, the CONR calculates the following noise management levels ($L_{Aeq,15min}$ dBA) for construction activities at the following receivers:

- Alumni Park: 65.
- ARC Precinct student services: 70.
- Educational facilities: 55 when external windows are open, 65 when external windows are closed.

In regards to the residential accommodation in the vicinity (L_{Aeq} dBA):

- Construction Noise Management Level
 - Day: 63

- Evening: 57
 - Night: 56
 - Saturday: 63 (during standard hours).
- Highly noise affected level
 - 75.

Demolition activities are proposed under a separate REF approval process- see **Section 2.4** for more detail.

6.3.1 Construction

The CONR identifies the following construction noise sources which may affect the amenity of surrounding receivers:

- foundation piling.
- concreting.
- lifting.
- compressors.
- a tower crane.
- a boom truck.
- a lift.
- truck movements.
- a forklift.
- power tools.

The Applicant proposes the following construction hours:

- Monday to Friday: 7am to 6pm.
- Saturday: 8am to 5pm.

The proposed construction hours on Saturday exceed the standard hours set out in the *Interim Construction Noise Guideline*. The CONR justifies this extended period, from 1pm to 5pm, by stating that major noise and vibration generating activities will be carried out in a more efficient manner, thus shortening the period over which sensitive receptors will be exposed.

The EPA advised in its submission to the EIS that site preparation, bulk earthworks, construction and construction related activities should be undertaken during the recommended standard construction hours.

In response to the EPA, the Applicant states in the RtS that demolition and excavation activities generate the loudest noise, yet no demolition and only a small amount of excavation is proposed, since no basement forms part of the project. Further, the Applicant notes that the use of a timber frame construction will result in less noise producing construction activities than a standard concrete structure building.

The EPA advised in its submission to the RtS that despite the limited excavation and use of a timber frame, significant noise impacts may arise in the construction of the building. As such, the EPA recommends adherence to the standard construction hours of 8am to 1pm on Saturdays to ensure that the best practice measures in noise minimisation are achieved in the development. In addition, the EPA recommend the imposition of intra-day respite periods for particularly annoying construction noise. In its submission to the RtS, Council also stated that it did not support the extended Saturday construction hours.

The CONR predicts that the construction noise will likely exceed the noise management levels at UNSW Hall, UNSW Village by up to 10 dBA and the educational facilities south across College Walk (up to 5dBA). As a result,

the report recommends the preparation of a Construction Noise and Vibration Management Plan (CNVMP) prior to the commencement of construction which incorporates the following site-specific mitigation measures:

- notification of works to nearby impacted receivers.
- installation of a 2.4m plywood hoarding around the construction site.
- scheduling foundation works during university holidays or in consultation with the nearest impacted receivers, if feasible.
- selection of the quietest possible construction equipment.
- localised treatment such as barriers and shrouds around fixed plant.
- communication management of noise exceedance to affected students.

The Department notes that construction of the subject building will result in noise impacts on sensitive receivers and, as such, appropriate construction noise and vibration management measures should be implemented to ensure best practice is applied to minimise potential impacts where possible and practical. In this regard, the Department has recommended that construction activities to be allowed to be undertaken outside of standard construction hours on Saturday (i.e. between 1 pm and 5 pm), subject to compliance with the standard noise and vibration requirements. These hours are consistent with other recent SSD approvals across the campus.

Regarding vibration impacts, the CONR notes that the minimum distance between vibration generating activities and surrounding buildings will be approximately eight metres, which is unlikely to lead to adverse reactions. Further, the CONR considers the risk of structural or cosmetic damage negligible.

The Department is satisfied that with sufficient mitigation processes in place, the construction of the proposed development will not result in unreasonable impacts upon neighbouring receivers, including student accommodation and university education facilities. To ensure that this mitigation is achieved, the following conditions are recommended:

- a Construction Environmental Management Plan is to be prepared prior to the commencement of works.
- a Construction Noise and Vibration Management Sub-Plan (CNVMSP) must be prepared by a suitably qualified expert which includes:
 - o procedures in accordance with the EPA *Interim Construction Noise Guideline*.
 - o consultation with the affected community, including affected students, to manage high noise generating impacts.
 - o adherence to the recommendations of the CONR, as modified by the conditions of consent.

Subject to the recommended conditions, the Department considers the noise and vibration impacts of the construction phase can be sufficiently managed and mitigated.

6.3.2 Operation

In regards to the operational noise impacts of the development, the CONR calculates project noise trigger levels and sleep disturbance trigger levels at nearby UNSW residential accommodation based on the *NSW Noise Policy for Industry*.

The CONR considers that the operational noise impacts upon nearby receivers will arise primarily from mechanical plant and activities within the building associated with its use. Of these noise sources, the teaching and office noise will likely be contained within the façade of the building. However, no detail of the proposed plant was provided for the purpose of assessment. The CONR notes that noise control measures may need to be adopted for the plant. As such, the CONR recommends that prior to the commencement of construction, a

detailed assessment of the operational noise missions of the development should occur to ensure compliance with the project noise trigger levels identified in the report.

In its submission to the EIS, the EPA recommend the Applicant conduct quantitative assessment of the mechanical plant on surrounding sensitive receivers. The EPA also consider that background noise monitoring should have occurred at the residences southeast of the development site rather than directly to the north.

The Applicant provided a response to the EPA's submission in the RtS with an Addendum Acoustic Report. It states that compliance with the noise trigger levels at the student residences adjoining the north of the site will ensure that the acoustic amenity of residences to the south-east approximately 350m away from the proposed building is protected.

In its submission to the RtS, Council request that noise validation to ensure compliance with the required project noise trigger levels be achieved prior to the commencement of use of the development.

The Department accepts that the background noise monitoring location at the student residences directly adjoining the site is appropriate since these receivers will be most affected by operational noise. In addition, the Department considers that the significant operational noise impacts of the development will derive from the mechanical plant. The Department is satisfied that adequate noise mitigation of the mechanical plant can occur subject to conditions of consent which require:

- prior to the commencement of construction, the Certifying Authority is to verify that all reasonable and feasible noise mitigation measures have been incorporated into the design to ensure that the operation of the development will not exceed the project noise trigger levels identified in the Construction and Operation Noise Report.
- within two months of the commencement of use, the Applicant must submit a noise monitoring report which has been prepared by an appropriately qualified person to verify that the operational noise levels do not exceed the project noise trigger levels identified in the CONR.

Therefore, the proposal is considered to result in acceptable noise and vibration impacts, subject to the satisfaction of appropriate conditions of consent.

6.4 Contributions

In accordance with section 7.12(1) and section 7.13(1) of the EP&A Act, Randwick City Council's *Section 94A Contributions Plan 2015* (the Contributions Plan) authorises the consent authority to impose, as a condition of development consent, a requirement that the Applicant pay a levy of 1 per cent of the proposed cost of carrying out the development.

The Applicant requests an exemption from the levy in the EIS and RtS on the basis that:

- development which does not increase the demand for the categories of public facilities and services addressed by the Contributions Plan should warrant a merit-based exemption, and justifications for such an exemption include:
 - UNSW is a registered not-for-profit organisation.
 - UNSW is an education facility and a nominated charity.
- the proposed development contributes University's core academic public functions, as opposed to a commercial development where a full levy would be considered reasonable.
- applicants are able to seek as exemption to the levy under section 13.3 of the Contributions Plan.

- the Building D14 redevelopment will not increase the demand for council-provided public facilities or services since no University population increase is proposed. Rather, the new building will meet the existing shortages for student learning and staff office space on-campus.
- the 1995 Circular D6 'Crown Development Applications and Conditions of Consent' provides that where the applicant is a Crown authority and the development is for Educational Services, no contributions should be collected for open space, community facilities, parking, or general local and main road upgrades.
- the University provides significant areas of accessible open space and recreation, as well as a range of community facilities available to the general public, which reduces the demand on amenities outside the Campus.
- the levying of a development contribution would divert a portion of public funds, which have been specifically provided for an educational purpose, to local services without any direct nexus to the impact on those services.
- UNSW has paid over \$4.8 million in development contributions since the commencement of the Randwick Contributions Plan in 2007. The 2012 version of the Plan dedicated \$4 million to 'Public domain improvements within the Specialised Centre', while the 2015 version reduced this amount to \$1 million. Of the total development contributions paid to Council, more than \$1.5 million have been paid specifically for the Specialised Centre/Health and Education Precinct.
- UNSW is unaware of non-UNSW related development within the Specialised Centre/Health and Education Precinct which have been levied contributions. As such, further contributions by UNSW towards the Contributions Plan are unwarranted.
- the consistent approach established in determining prior UNSW SSD applications (see below for more detail).

In its submissions to the EIS and RtS, Council advise that it assessed the Applicant's request against the exemption criteria of the Contributions Plan and found the development not exempt because:

- the purpose of the Plan is to obtain funding from development activities which increase the demand for council-provided public facilities or services, and applies across a wide range of development types, including residential, commercial, accommodation, educational and retail development.
- the Plan is not a nexus-based plan. It applies a flat percentage-based contribution to all development over a nominated value (1 per cent for all development over \$200,000) with limited exceptions.
- Council has consistently considered that development by the University falls under the provisions of the Plan.
- UNSW burdens and benefits from Council provided on-street parking provision and management, local roads and public domain infrastructure, open space and community facilities and services.
- development by the Crown is not automatically exempt from payments under the Plan.
- UNSW is a business providing education on a fee-for-service basis and does not meet the types of development exempted under the Plan.
- Council reviews its schedule of works in the Plan regularly by identifying priority areas and works for delivery.
- Council regularly meets with UNSW to discuss the Randwick Health and Education Precinct Collaboration Area, and it is noted that funding to implement public domain improvements is a key action of the Greater Sydney Commission's *Randwick Place Strategy*.
- the Department has consistently levied development contributions on UNSW State Significant developments.

The Department has considered the Contributions Plan and notes:

- the Plan applies to the subject land and the subject development under sections 4 and 5 of the Plan.
- the proposed educational establishment does not form part of the developments listed which Council may consider for exemption from a levy. The Department notes that in the case of works proposed to be undertaken for charitable purposes by, or on behalf of, a not-for-profit charity, the development must be *both*:
 - of a small scale, such as a retail outlet operated by the Salvation Army, which the subject proposal for a new building with 14,988sqm of GFA and a total CIV of \$117,540,000 cannot reasonably be classified as, *and*
 - where the Council considers that there will not be an increase in demand for public works or infrastructure.

However, in considering the Applicant's request for an exemption, the Department must also consider that the discretion provided to the Minister for Planning and Public Spaces and his delegate in section 7.13(2) has been applied in the imposition of conditions of consent to SSD applications in the past.

Specifically, the following contributions have been required of UNSW by conditions of recent SSD consents:

Table 6 | Contributions required of recent UNSW SSD consents

| Project | Contribution required |
|---|--|
| SSD 7865: Biological Sciences Project Stage 2 Approved 21 April 2017 | No contribution. Proposal is for refurbishment of a building without any increase in staff or students. |
| SSD 7518: UNSW Science and Engineering Building Approved 13 April 2017 | 0.38 per cent of CIV, equating to \$670,928, only for works in the Specialised Health and Education Precinct, Kensington Precinct and Kingsford Precinct. The contribution amount was offered by the Applicant and accepted by Council and the Department. |
| SSD 7370: UNSW Refurbishment of the Electrical Engineering Building and Rex Vowels Theatre Approved 3 June 2016 | No contribution. Proposal is for refurbishment of a building without any increase in staff or students. |
| SSD 6674: UNSW Biological Sciences Project Stage 1 Approved 20 August 2015 | Payment for footpath upgrades along Botany Road and the signalisation of the intersection of Gate 11 with Botany Road. Total worth: \$411,000 (noting that the signalisation was later cancelled on the advice of the then RMS and the amount of the contribution reduced to \$261,000 under SSD 6674 MOD 1 accordingly). The contribution was offered by the Applicant and accepted by Council and the Department. |
| SSD 5373: UNSW Materials Science and Engineering Building | Funding to the value of \$480,000 for the purpose of public domain works along Barker Street. |

| Project | Contribution required |
|---|--|
| Approved 19 June 2013 | The contribution was offered by the Applicant and accepted by Council and the Department. |
| SSD 5572: Mechanical and Manufacturing Engineering Buildings | No contribution. |
| Approved 10 April 2013 | Proposal is for refurbishment of existing buildings without any increase in staff or students. |

Following further discussions between the Department and the Applicant, the Applicant conceded that the development will likely generate approximately 12 additional workers associated with retail premises within the subject building, and 80 additional people elsewhere on the campus as a result of freed up floor area resulting from the relocation of staff and students into the new Building D14. Therefore, in light of the potential that the Building D14 development will result in an increase in the number of staff and students on campus, the Applicant has offered to pay a monetary contribution of 50 per cent of the section 7.12 contribution calculated in accordance with Council's contributions plan (amounting to \$587,770). In an email to the Department dated 7 August 2019, Council stated that it was satisfied with the contribution amount.

The Department considers that payment of 50 per cent of the full 1 per cent levy, as offered by the Applicant, is reasonable and appropriate because:

- the Department has considered the Contributions Plan and found that it does not exempt the subject development and that it authorises a contributions levy.
- the 1995 Circular D6 'Crown Development Applications and Conditions of Consent' pre-dates the establishment of s94A (now s7.12) of the EP&A Act, which require no nexus between the subject development and the object of the contributions plan (whereas the circular discusses conditions which do require a direct connection). As such, the circular should not be used to guide the Department's recommendation in this instance.
- in regard to precedent, all recent UNSW SSD consents for the erection of new buildings that result in an increase in staff/students have included a condition requiring a contribution, albeit with an alternative to a full contributions levy by agreement between the Applicant and Council. In this case, the Applicant has also made an alternative offer, which has been agreed to by Council.

Therefore, the requirement that the Applicant make a contribution to Council totalling \$587,770 forms a recommended condition of consent.

6.5 Other Issues

The Department's consideration of other issues is provided at **Table 7**.

Table 7 | Department's assessment of other issues

| Issue | Findings | Department's consideration and recommended conditions |
|--------------------|--|--|
| Site contamination | <ul style="list-style-type: none"> The EIS contains a Contamination Assessment Report and a Remedial Action Plan (RAP). The Contamination Assessment Report includes an analysis of soil from six boreholes and identifies elevated levels of Benzo(a)pyrene, however it concludes that these concentrations do not significantly impact the suitability of the site for the proposed use. The Contamination Assessment Report recommends that a further data gap assessment be undertaken within the footprint of the UNSW Hall structures following their demolition under a REF to fully characterise the contamination status of the site. The Report also recommends the preparation of a RAP to outline the scope of the data gap assessment and the remedial process for the most likely remediation works, if required. The RAP forms part of the EIS and recommends a data gap assessment which includes five test pits and four additional test bores. The RAP states that should the data gap assessment not identify any contaminated soil, and if no unexpected finds occur, no remediation works are required to confirm the site suitability for the proposed use. In its submission to the EIS, the EPA state it is inappropriate to conclude at this time that the risk of contamination is low since further investigation is required. The EPA make a number of recommendations, including requiring the Applicant to conduct further investigation within the footprint of the demolished UNSW Hall structures prior to any construction. | <ul style="list-style-type: none"> The Department recommends conditions which require adherence to the recommendations of the RAP and RAP Addendum. Conditions require the Applicant to engage an EPA accredited Site Auditor to prepare a Site Audit Report and a Section A Site Audit Statement. The report and statement must verify the site is suitable for the proposed use and be provided to the satisfaction of the certifying authority either at the conclusion of the data gap assessment (should no remediation be required) or at the conclusion of the remediation works, should they be required. Further conditions are recommended in line with the EPA and Council advice in regard to the conduct of the data gap assessment and site validation. |

- In the RtS, the Applicant included a response to the EPA comments and an Addendum to the RAP which addresses the expanded site area (as amended by the RtS). The Addendum recommends the data gap assessment include the expanded site area with a desktop review, site inspection and the excavation of a further five test pits or boreholes.
- In its submission to the RtS, the EPA advised that combined total of sample locations (six carried out in the Contamination Assessment Report, nine proposed by the RAP and a further five proposed by the RAP Addendum) meets the EPA *Sampling Design Guidelines*.
- In its submission to the RtS, Council advised that the site can be made suitable for the intended use and recommend a condition requiring the site be validated in accordance with SEPP 55 and the NSW Guidelines.
- The EPA do not advise that further investigation should be undertaken prior to demolition, and the Department considers it reasonable that further investigations occur following the demolition of the existing structures. As such, the Department is satisfied that no further site investigation is required prior to the granting of consent.

Flooding and stormwater

- The subject site is not located in a flood planning area. The EIS contains a Stormwater Management Report prepared in accordance with the UNSW 2025 Stormwater Strategy Management Plan, which details how run-off will be directed towards an on-site detention system, with allowance for safe overflow to the Village Green detention and infiltration system in storm events.
- In its submission to the EIS, Council concur that the proposed development must drain in accordance with the UNSW 2025 Stormwater Strategy Management Plan. Council recommends conditions which
- The Department recommends a condition which requires the Applicant to demonstrate to the certifying authority that detailed stormwater management plans have been developed in consultation with Council prior to the commencement of construction.

exclude the stormwater drainage plans from consent and require the preparation of stormwater drawings and details to a series of stipulated specifications for approval by the crown certifier.

| | | |
|------------------------------|--|---|
| Earthworks | <ul style="list-style-type: none"> • The EIS contains a Geotechnical Report which describes the 0.5m-1.5m of cut and fill required to achieve the sloping ground level, and localised excavations of approximately 2-3m near the centre of the building for the new building's proposed underground water tank and lift pit. • The Geotechnical Report contains a number of recommendations to carry out the proposed works and demonstrates that the proposal is feasible from a technical perspective. • Council do not raise issue with the proposed earthworks. | <p>The Department is satisfied that the proposed earthworks are acceptable, subject to adherence to the recommendations of the Geotechnical Report and a condition of consent requiring the preparation of a Construction Soil and Water Management Sub-Plan prior to the commencement of works.</p> |
| Erosion and sediment control | <ul style="list-style-type: none"> • Demolition of the existing UNSW Hall building is proposed under a separate REF process. • Following the demolition of existing structures, minor earthworks are proposed by the SSD application to level the site, install new landscaping, and to establish the footings and foundations of the new building. No basement level is proposed. | <ul style="list-style-type: none"> • Due to the minor scale of the earthworks proposed, the Department is satisfied that erosion and sediment control can be managed appropriately by requiring a Construction Soil and Water Management Sub-Plan to be prepared prior to the commencement of works approved by the SSD. |



7. Evaluation

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

The Building D14 Redevelopment will provide new areas for student study and collaboration, add flexible formal learning spaces, and better accommodate university staff in a visually striking and ecologically sustainable new building. The proposal is considered to strengthen the educational facilities of the Randwick Collaboration Area in a highly accessible location.

The proposal is consistent with the objects of the EP&A Act, including facilitation of ecologically sustainable development, and is consistent with the State's strategic planning objectives for the site and district. The proposal is consistent with the Greater Sydney Commission's Eastern City District Plan, as it would strengthen the Randwick education precinct.

The EIS was publicly exhibited between 16 January 2019 until 22 February 2019 (37 days). The Department received a total of seven submissions, all from public authorities. No submissions were made by members of the public. An additional six submissions from public authorities were received in response to the RtS.

The key issues raised in the submissions include heritage, landscaping, ecologically sustainable development measures, construction management, site contamination, noise and development contributions.

The Department has considered the merits of the proposal in accordance with relevant matters under section 4.15(1) of the EP&A Act, the principles of Ecologically Sustainable Development, and the issues raised in all submissions.

The Department considered the key issues for assessment include built form, urban design, heritage, transport, construction traffic management, noise impact, development contributions and site contamination.

The proposal is considered acceptable with regard to these key issues because:

- the proposed built form will not result in unreasonable amenity impacts upon surrounding land uses and is considered an appropriate aesthetic response to the site context.
- the proposed landscaping and urban design arrangements will result in a significant improvement in the quality of open space in the vicinity, despite the large loss of trees in the related REF approval. The Department is satisfied that significant trees in the vicinity of the works proposed for retention will be adequately protected, subject to recommended conditions.
- conditions are recommended to require the proposed building to achieve a 6 Star Green Star rating, as targeted by the Applicant, to ensure that the building is ecologically sustainable.
- the Department is satisfied that the proposal will not adversely affect the heritage significance of the Old Tote and Figtree Theatre Heritage Conservation Area, which partially overlaps the subject site area.
- the Department is satisfied that the development will not generate new car-parking demand, and that the proposed transport access arrangements are adequate, subject to condition requiring the provision of 45 bicycle parking spaces across the site.

- a number of conditions are recommended to mitigate and manage the impacts of construction traffic, noise and vibration.
- the Department recommends a number of conditions to ensure that future site contamination investigation and validation occurs in accordance with the contaminated land planning guidelines.

The impacts of the proposal have been addressed in the EIS, the RtS and supplementary information. Conditions of consent are recommended to ensure that these impacts are managed appropriately.

The proposal is in the public interest because:

- the provision of new educational facilities will directly strengthen the service provided by UNSW, which will lead to significant social and economic benefits for the people of New South Wales.
- the potential impacts of the development can be managed and mitigated appropriately.
- approximately 100 construction jobs will result from the development.

In conclusion, the Department considers the site is suitable for the proposed development, the submissions have been adequately addressed and the proposal is in the public interest. The Department recommends the application be approved subject to conditions.



8. Recommendation

It is recommended that the Executive Director, Infrastructure Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report.
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application.
- **agrees** with the key reasons for approval listed in the notice of decision.
- **grants consent** for the application in respect of Building D14 Redevelopment (SSD 9606).
- **signs** the attached development consent and recommended conditions of consent.

Recommended by:

David Gibson

Team Leader

Social Infrastructure

Recommended by:

Karen Harragon

Director

Social and Infrastructure Assessments



9. Determination

The recommendation is: **Adopted by:**

David Gainsford

Executive Director

Infrastructure Assessments

9/8/19.



Appendices

Appendix A - List of Documents

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 Impact Statement**
<https://www.planningportal.nsw.gov.au/major-projects/project/9971>
- 2. Submissions**
<https://www.planningportal.nsw.gov.au/major-projects/project/9971>
- 3. Applicant's Response to Submissions**
<https://www.planningportal.nsw.gov.au/major-projects/project/9971>
- 4. Applicant's Response to Submissions Supplementary Information**
<https://www.planningportal.nsw.gov.au/major-projects/project/9971>

Appendix B - Statutory Considerations

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the EP&A Act, this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment.

Controls considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy No. 64 – Advertising Structures and Signage (SEPP 64)
- Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP)
- Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP)
- Randwick Local Environmental Plan (RLEP) 2012.

COMPLIANCE WITH CONTROLS

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

Table 1 | SRD SEPP compliance table

| Relevant sections | Consideration and comments | Complies |
|--|--|----------|
| 3 Aims of Policy The aims of this Policy are as follows: (a) to identify development that is State significant development | The proposed development is identified as SSD. | Yes |
| 8 Declaration of State significant development: section 4.36 (1) Development is declared to be State significant development for the purposes of the Act if: (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and (b) the development is specified in Schedule 1 or 2. | The proposed development is permissible with development consent. The proposal is specified in Schedule 1. | Yes |
| Schedule 1 State significant development – general (15) Educational establishments (3) Development for the purpose of a tertiary institution (within the meaning of <i>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</i>), including associated research facilities, that has a capital investment value of more than \$30 million. | The proposed development involves a tertiary institution that has a CIV of more than \$30 million. | Yes |

State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure, and providing for consultation with relevant public authorities about certain development during the assessment process.

The proposed development is not considered to be adversely affected by road noise or vibration from High Street, and as such, Clause 102 (1) does not apply.

In addition, no additional capacity for motor vehicle trips or car parking spaces will be generated, and as such, the proposal is not considered traffic generating development for the purpose of Clause 104.

The Department has consulted and considered comments from the relevant public authorities, as detailed in **Section 5 and 6** of this report. The Department has included suitable conditions in the recommended Instrument of Consent (See **Appendix C**).

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

The Education SEPP commenced on 1 September 2017 and aims to simplify and standardise the approval process for child care centres, schools, TAFEs and universities while minimising impacts on surrounding areas and improving the quality of the facilities. The Education SEPP includes planning rules for where these developments can be built, which development standards can apply and constructions requirements. The application has been assessed against the relevant provisions of the Education SEPP.

The proposal is consistent with Clause 45 (1) of the SEPP as the proposed development is for the purpose of a university and is located in a prescribed zone, Zone SP2 Infrastructure.

The proposal was referred to TfNSW(RMS) in accordance with Clause 57 and the Department has considered its comments, as detailed in **Section 5 and 6** of this report.

The accessibility of the site concerned is highly efficient by way of public transport, including trips for the purpose of staff and students, as detailed in **Section 6.2** of this report. As a result, no further need to minimise car travel is necessary in this instance.

The proposed Truck Service Bay provides access via Third Avenue to a signalised intersection with High Street, which is considered to facilitate the efficient movement of waste and delivery services.

Due to the lack of any proposed parking spaces, and efficient access by freight to High Street, the traffic safety, road congestion and parking implications of the development are negligible.

As such, in considering the matters referred to in subclause (3) of Clause 57, to the proposal is considered acceptable.

Therefore, the proposal is acceptable in regard to the Education SEPP.

State Environmental Planning Policy No. 55 - Remediation of Land

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application.

It is noted that the site was used for military purposes during the 1940s, which is a land use nominated on Table 1 of the Contaminated Land Planning Guidelines. The EIS includes a contamination assessment report which is considered to meet the requirements of Clause 7 (2) & (3).

The report identifies elevated levels of Benzo(a)pyrene, but states that these levels do not significantly impact the suitability of the site for the proposed use. The report concludes that additional sampling and analysis is required to identify whether the site is contaminated within the area of the existing structures (UNSW Hall) once they are demolished under a separate REF. A Remedial Action Plan (RAP) was included in the EIS and addresses this data gap with a proposed methodology for further detailed site investigation, and if necessary, remediation and validation.

The EIS acknowledges that the site encompasses part of the Old Tote and Figtree Theatre HCA, and as such, any remediation requires consent in accordance with Clause 9.

The RTS expanded the site area and an accompanying RAP Addendum recommends and details a further data gap assessment to address the expanded area.

Together, the RAP and RAP Addendum identify a methodology to identify whether the land is contaminated by detailed site investigation, and if the land is contaminated, the likely methodology to consider whether remediation is required to ensure that the land is suitable for the proposed educational establishment.

The reports also detail suitable likely remediation works to make the land suitable for the proposed use, if required, and an unexpected finds protocol.

The EPA advised in its submission to the EIS that the data gap assessment must be carried out prior to determining that the site is suitable for the proposed use.

As such, in line with the Contaminated Land Planning Guidelines, the Department recommends a condition requiring the Applicant to engage an EPA accredited Site Auditor to prepare a Site Audit Report and Section A Site Audit Statement. The report and statement must verify the site is suitable for the proposed use and be provided to the satisfaction of the certifying authority either at the conclusion of the data gap assessment (should no remediation be required) or at the conclusion of the remedial works, should remediation be required.

Conditions are also recommended to require adherence to the contamination assessment report, RAP and RAP Addendum in line with EPA advice.

Thus, the Department has considered whether the land is contaminated. With the engagement of a Site Auditor to prepare a Site Audit Report and Section A Site Audit Statement, the Department is also satisfied that if the land is contaminated, it will be suitable for the proposed use with or without remediation, as necessary. Conditions of consent are recommended to ensure that should remediation be required, the land will be remediated and validated before the land is used.

Therefore, the proposal is acceptable in regard to the relevant considerations of SEPP 55, subject to recommended conditions.

State Environmental Planning Policy No. 64 – Advertising and Signage

SEPP 64 applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve.

The EIS states that installation and display of signs are subject to a separate future approval process. As such, the Department recommends a condition which states that no consent is granted to the building signage zone depicted in the Architectural Plans and Architectural Design Report.

Draft State Environmental Planning Policy (Remediation of Land)

The Draft Remediation SEPP will retain the overarching objective of SEPP 55 promoting the remediation of contaminated land to reduce the risk of potential harm to human health or the environment.

Additionally, the provisions of the Draft Remediation SEPP will require all remediation work that is to be carried out without development consent, to be reviewed and certified by a certified contaminated land consultant, categorise remediation work based on the scale, risk and complexity of the work and require environmental management plans relating to post-remediation management of sites or ongoing operation, maintenance and management of on-site remediation measures (such as a containment cell) to be provided to council.

The Department is satisfied that the proposal will be consistent with the objectives of the Draft Remediation SEPP.

Draft State Environmental Planning Policy (Environment)

The Draft Environment SEPP is a consolidated SEPP which proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. Once adopted, the Draft Environment SEPP will replace seven existing SEPPs. The proposed SEPP will provide a consistent level of environmental protection to that which is currently delivered under the existing SEPPs. Where existing provisions are outdated, no longer relevant or duplicated by other parts of the planning system, they will be repealed.

Given that the proposal is consistent with the provisions of the existing SEPPs that are applicable, the Department concludes that the proposed development will generally be consistent with the provisions of the Draft Environment SEPP.

Randwick Local Environmental Plan (RLEP) 2012

The RLEP 2012 aims to encourage the sustainable development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the Randwick LGA. The RLEP 2012 also aims to conserve and protect natural resources and foster economic, environmental and social well-being.

The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the RLEP 2012 and those matters raised by Council in its assessment of the development (**Section 5**). The Department concludes the development is consistent with the relevant provisions of the RLEP 2012. Consideration of the relevant clauses of the RLEP 2012 is provided in **Table 2**.

Table 2 | Consideration of the RLEP 2012

| RLEP 2012 | Department Assessment |
|--------------------------------|---|
| Clause 1.2 Aims of plan | The proposal is considered to achieve the relevant aims of RLEP 2012. |
| Land use table | The subject site is located within Zone SP2 Educational Establishment. The proposed development is for the purpose of an educational establishment, a university, with ancillary related retail use, which is permissible and consistent with the aims of the zone. |
| Clause 4.3 Height of buildings | No maximum height is shown for the subject land on the Height of Buildings Map. |

| | |
|-----------------------------------|--|
| Clause 4.4 Floor space ratio | No floor space ratio is shown for the subject land on the Floor Space Ratio Map. |
| Clause 5.10 Heritage conservation | <p>The Old Tote and Figtree Theatre Heritage Conservation Area (HCA) covers part of the north-eastern area of the site.</p> <p>Removal of trees and substantial landscaping works are proposed within the HCA. In addition, the north-east part of the proposed D14 Building falls within the HCA.</p> <p>As such, development consent is required under Subclause (2).</p> <p>The Department has assessed the proposed works in regard to impact upon the heritage significance of the HCA and considers the application satisfactory in accordance with subclause (4) and (5). See Section 6.1.3 for more detail.</p> |
| Clause 6.2 Earthworks | <p>Following the demolition of existing structures, minor earthworks are proposed by the SSD application to level the site, install new landscaping, and to establish the footings and foundations of the new building. No basement level is proposed.</p> <p>The amenity impacts of the proposed earthworks are considered in Section 6.3. The Geotechnical Report supplied with the EIS which addresses the technical implications of the proposed excavation and fill is considered in Section 6.5. The likelihood of the proposed earthworks harming Aboriginal objects is considered in Section 6.1.3.</p> <p>The impact of the proposed earthworks on environmental functions and processes, neighbouring uses, cultural or heritage items and features of surrounding land have been thoroughly considered in this report. The proposal is considered acceptable in regard to the relevant matters for consideration in subclause (3).</p> <p>As such, the proposal is satisfactory in regard to Clause 6.2.</p> |
| Clause 6.8 Airspace operations | <p>The Department has consulted with Sydney Airport, Civil Aviation Safety Authority and Airservices Australia. Sydney Airport coordinated the application for the Obstacle Limitation Surface (OLS) penetration to the Australian Government Department of Infrastructure, Regional Development and Cities (DIRC).</p> <p>DIRC provided a conditional approval for the controlled activity of an intrusion of Building D14 into prescribed airspace for Sydney Airport to a maximum height of 73.4 metres AHD (including services).</p> <p>As such, the proposal is acceptable in regard to subclause (3) and (4).</p> |
| Clause 6.10 Essential Services | The Department is satisfied that the essential services for the development are available. |
| Clause 6.11 Design Excellence | The proposed Building D14 exceeds 15m in height and as such the design excellence provisions of Clause 6.11 apply to the development. |

The proposal was reviewed twice by the Government Architect NSW (GANSW) State Design Review Panel (SDRP) prior to lodgement of the EIS.

The SDRP provided the Applicant with advice on matters relating to siting, the relationship of the building with surrounding buildings, sustainable design principles, built form, detailing and materials.

The Department has considered the matters in subclause (4) with regard to the comments provided by the GANSW SDRP and concludes:

- A high standard of architectural design, materials and detailing will be achieved which represents an appropriate approach to the site and context.
- The proposed form, terminating the eastern end of Alumni Park, and utilising chamfered and truncated building forms, responds effectively to the desire lines of the campus. The façade is attractive and offers visual warmth. As such, the proposal will improve the quality and amenity of the public domain.
- The location of the core at the northern elevation prevents unreasonable overlooking into the student housing of UNSW Village, while the use of a glass curtain wall façade maximises sunlight penetration, despite the lack of a northern aspect. In regard to massing and scale, the proposed building is considered appropriate with regard to surrounding buildings. As such, the proposal is considered to achieve an appropriate relationship with neighbouring buildings.
- The Applicant amended the pre-lodgement design in response to safety and security concerns at the first SDRP meeting by enclosing the previously external ground floor level lobby. This enclosure also resolves potential wind tunnel issues. In regard to sustainable design principles, the SDRP remained concerned about the thermal performance of the glazed façade. The ESD report provided with the EIS states that the building will achieve a 6 Star Green Star rating under the Design and As-Built v1.2 tool. The Department recommends imposing conditions requiring the Applicant to fulfill this commitment by certifying the achievement of a 6 Star Green Star rating both prior to construction and within six months of commencement of use. Imposing these conditions will ensure that the overall environmental performance of the building meets the final SDRP direction to develop a high performance and energy efficient façade system. Subject to these conditions, the proposal is considered acceptable in regard to sustainable design principles.
- The proposal will establish a new view corridor through a new landscaped courtyard from the Quadrangle to the White House and Fig Tree Theatre. The chamfered design of the eastern elevation permits this outcome, which is considered a positive impact.

Therefore, upon consideration of the matters listed in subclause (4), the proposal is considered to exhibit design excellence, subject to conditions.

Other policies

In accordance with clause 11 of the SRD SEPP, development control plans do not apply to State significant development.

Notwithstanding, consideration of the relevant development controls contained in Randwick Development Control Plan 2013 (RDCP 2013) follows.

Table 3 | Consideration of the RDCP 2013

| RDCP 2013 | Department Assessment |
|--|---|
| B2 4.10 Old Tote/Fig Tree Theatre (UNSW) Heritage Conservation Area | |
| 4.10.1 What is the area's significance? | The aesthetic, historic and social significance of the HCA have been considered and the impact of the proposed development assessed in Section 6.1.3 . |
| 4.10.2 Themes represented | The themes represented by the HCA have been considered in the assessment of the proposed development in Section 6.1.3 . |
| 4.10.3 Existing character values and controls | As no significant works are proposed to the contributory items of the HCA, the Department does not consider that the preparation of a conservation management plan is required in this instance. The preservation of the open space character of the HCA and interface of the proposed building with its surroundings are considered in Section 6.1 . |
| B7 4 Bicycles | |
| 4.2 Bike parking rates and controls | <p>Control (i) requires a bike space rate pegged to the number of car parking spaces provided. The proposal does not involve any new car parking spaces; however 45 bike spaces are proposed by the Traffic and Transport Report (TTR). The Applicant states that the proposal will not result in a net increase in staff or students to the campus. Given that the TTR estimates that there are 800 existing publicly-available bike spaces on campus, the Department considers that the provision of an additional 45 spaces is a satisfactory outcome. The Bicycle Parking Room depicted in the Revised Architectural Plans of the RtS is approximately 36 sqm, which is unlikely to contain space for the entire 45 spaces. As such, a condition of consent is recommended to ensure that at least 45 spaces are delivered, whether securely in the Bicycle Parking room, or by external racks on-site.</p> <p>More than eight showers (11) and more than 45 lockers (72) are proposed, which exceeds the requirements of Table 3 for educational facilities.</p> |
| E2 Randwick Education and Health Specialised Centre | |

1.4 Vision, objectives and strategies

The proposed development is considered to be consistent with the relevant objectives and controls.

E2 4 UNSW Kensington

4.2 Campus design principles and provisions

The proposed development is considered to achieve the relevant design principles which shape the campus experience.

4.2.3 Legibility

The proposal is satisfactory in regard to the relevant controls of 4.2.3 because:

- views into the campus will not be impacted.
- a well-defined major gathering space at the intersection of Campus Walk and Fig Tree Lane will be created adjacent to the Old Tote Courtyard and Quadrangle Lawn.
- the proposal maintains the established building alignment.
- the proposed new Grove Courtyard and expanded Fig Tree Lane to the east of Building D14 are well integrated into existing east-west links, including Campus Walk.
- the proposed colonnade continues the existing and planned covered access along University Walk.
- satisfactory equal access to the public domain and building is detailed in the Access Report of the EIS.
- the proposed Truck Service Bay is generously sized and obstacle free whilst unobtrusively integrated with a pedestrian environment.

4.2.4 Knowledge clusters and hubs

The proposal will enhance the Old Tote Courtyard and Quadrangle Lawn hubs by connecting them with a large new public space. The vibrancy of the hubs will be improved with the provision of a diverse mix of retail, student led space, teaching and faculty office uses.

4.2.5 Landscape

The proposal is acceptable in regard to the relevant controls of 4.2.5 because:

- the two large Eucalyptus trees identified as 'highest retention priority' proposed for removal from Alumni Park will be replaced with five new large Blackwood trees facing Alumni Park.
- the proposed formal landscape planting to the new open spaces of the Grove Courtyard and expanded Fig Tree Lane is appropriate given their role as a new major gathering space.
- the extensive use of native species is considered ecologically appropriate.

4.2.6 Buildings

The design of the proposed Building D14 is considered appropriate with regards to the relevant objectives of 4.2.6, including sustainability, external design quality, public domain interface, equity of access and internal arrangement. See **Section 4.4.3, 6.1 and 6.2** for more detail.

4.2.10 Transport and parking

The proposed access arrangements, including new bicycle parking spaces but no car parking, are consistent with the objective to reduce car dependence. See **Section 6.3** for more information.

Appendix C - Recommended Instrument of Consent

<https://www.planningportal.nsw.gov.au/major-projects/project/9971>