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Department of Planning and Environment
Attn: Director – Social and Other Infrastructure Assessments
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Dear Ms Fu

SSD 14_6746 - 2-14 BUCKLAND STREET CHIPPENDALE NSW

This submission is authorised by and prepared on behalf of the University of Notre Dame Australia (UNDA). The University of Notre Dame Australia has not been consulted to date in relation to this application but would welcome such dialogue with UTS Sydney and with the Department of Planning and Environment as part of the assessment of this application. We are of the view that significant revisions are required to be made to the proposal prior to it proceeding and we would welcome the opportunity to be involved in such discussions.

I have reviewed the Environmental Impact Statement (EIS) for a proposed use and maximum envelope (including height and floor space) for a six storey educational establishment over a site area of 6,043sqm, and wish to object to this proposal.

This submission was prepared in relation to the impacts of the proposed development on the University of Notre Dame Australia (2 Buckland Street Chippendale) and this objection is raised in regard to the significant heritage impacts of the proposal on the immediate area and the site, and the extent to which the proposed development significantly disregards and unreasonably contravenes the relevant key planning controls applicable to the site.

Our objections centre on three key matters:

- The inappropriateness of the development with respect to its significant heritage 'garden' setting. It is our opinion that significant building footprint reductions are required in order to respect the curtilage, views and setting of surrounding heritage buildings on both the UTS and UNDA campuses, and
- The excessive height and bulk of the development. It is our opinion that the development must be reduced in height to be no greater than the 9m statutory maximum under Sydney LEP 2012,
- The lack of any northern curtilage for the proposed building and the necessity of providing setbacks to the University of Notre Dame Australia. It is our considered option that a minimum 3m – 6m setback is required from the common boundary wall between Notre Dame and the University of Technology Sydney is required in order to provide space for light, air and maintenance purposes.

Our client is not opposed to the use of the site for the purpose of research and education purposes, however, it is our considered opinion that a more appropriate outcome could be possible if the proposal were to consist of either adaptive reuse and renovation of existing buildings, or a significantly reduced proposal that is more sympathetic to its heritage significance, setting, and curtilage and to the surrounding area.

This proposal in its current position, form and orientation will result in significant heritage impacts for the subject site and the local area.

The remainder of this submission describes why this proposal should be rejected or substantially amended.

BACKGROUND

The University of Technology is seeking development consent for a stage 1 building envelope for a research facility with a maximum height of 27.95m, site area of 6,043sqm and a gross floor area of 6,225sqm. The proposed building envelope comprises a half basement, and six floors of approximately 1,000 square metres with a total GFA of 6,225sqm.

The proposal is located at 2-14 Buckland Street Chippendale and comprises of multiple lots including Lot 1 in DP832799, Lots 10-16, 18-20, 22-25 Sec 3 in DP466, Lots 1-14 Sec 4 in DP466, Lots 9-12 Sec 5 in DP466, Lot 221 in DP133367, Lot 1 in DP724081, and Lot 1 in DP122324. The architectural drawings (Appendix 5 of the EIS) indicate that the proposal is at the northern end of the Blackfriars Campus on a shared boundary with the University of Notre Dame Australia at Buckland Street, Chippendale.

It is expected that a Stage 2 *State Significant Development* application will seek approval for the detailed design of the building.

UNSUBSTANTIATED AND IRRELEVANT CONSIDERATIONS SUPPORTING PROPOSED OVERDEVELOPMENT

The argument proffered in the EIS is that the proposed floor space is 'necessary' in order to achieve the required floor space for a project of this nature. It is also irrelevantly argued that providing a building which complied with the floor space ratio control would result in a development that '*would not be at a sufficient scale to yield material benefits to the University, the State or the City*'. This argument in the EIS that the specific nature of the proposed use demands the variation to the planning controls is without adequate substantiation pursuant to clause 4.6 of Sydney LEP 2012 and without any legal basis.

The supporting documentation briefly outlines that alternative sites are not available to the university, due to property prices and lead times for acquisition. However, the admitted failure of University of Technology Sydney (UTS) to acquire sufficient land for its stated purposes or to plan sufficiently for its own future, should not give rise to inappropriate overdevelopment of the subject site, and indeed the poor planning of the land that it does control.

In this case, the proponent has failed to adequately demonstrate that there are no feasible alternative sites available; or that the quantum of floor space cannot be accommodated elsewhere; or that there are no unacceptable amenity impacts from the resulting additional built form, which would necessarily arise from such a building located on the boundary of UNDA.

NIL SETBACKS TO UNIVERSITY OF NOTRE DAME AUSTRALIA (UNDA)

The UTS building envelope includes a zero setback to the north along University of Notre Dame Australia's boundary. There is no urban design discussion or architectural justification for this approach in the submitted documentation which considers the existing or future development on the adjoining site to the north.

Presumably if such a building to be authorised to be erected, UTS would also object to UNDA being able to reasonably build upon their own site, given the probable impacts upon their inappropriately sited future building, and their future need for light, ventilation, maintenance and expectation of outlook across the UNDA campus.

The proposal includes no information concerning the architectural treatment of any future building(s) that addresses the boundary to the north. While the proposal clearly indicates that detailed design of the future building would occur in the future as part of a Stage 2 DA, it is inadequate to simply remain silent on the future architectural design and *proof-of-concept* floor plate considerations given the heritage significance of the precinct and how the proposed building will relate to the current or future development on the UNDA site (particularly in light of the proposed zero setback).

It is necessary that a minimum setback of 3 metres is to be provided to the common boundaries with UNDA and where there are to be glazing or openings in any elevation, a minimum recommended setback of 6m is to be provided.

HERITAGE VALUE OF THE PROPOSAL SITE

The UTS Blackfriars Campus Group (4-12 Buckland Street) comprises of the "*Former Blackfriars Public School and Headmaster Residence including interiors, fence, grounds and archaeology*" (City of Sydney Local Environmental Plan 2012). The proposal intends to demolish the Blackfriars Children's Centre (UTS Building CB23) and timber hall (UTS Building CB24). Ancillary storage structures and mature trees on the site, as well as a boundary fence on Buckland Street are also proposed to be removed. Since the proposal is within the grounds of the UTS Blackfriars Group this represents a significant heritage impact upon the subject site.

HERITAGE VALUES OF THE AREA

The proposal is in a General Conservation Area (City of Sydney Local Environmental Plan 2012) and is part of the heritage item 'UTS Blackfriars Campus Group' (I170) (Figure 1). The proposal site is also adjacent to St Benedict's Church group (I165) and within 30m of the Former Warehouse 'WA Davidson Clothing Manufacturers' (I170) and 'Pioneer House' (I166) (Figure 1). In addition, the grounds of UTS Blackfriars Campus Group and St Benedict's Church Group have heritage value.

Therefore, the potential for adverse impacts with respect to the preservation of the setting of the identified local heritage items, their curtilage, views and amenity which contribute to the overall heritage value of these items and the conservation area needs careful consideration when evaluating the proposal's potential for adverse environmental impacts.

The proposal does little to respond the heritage values of the site or the local area.

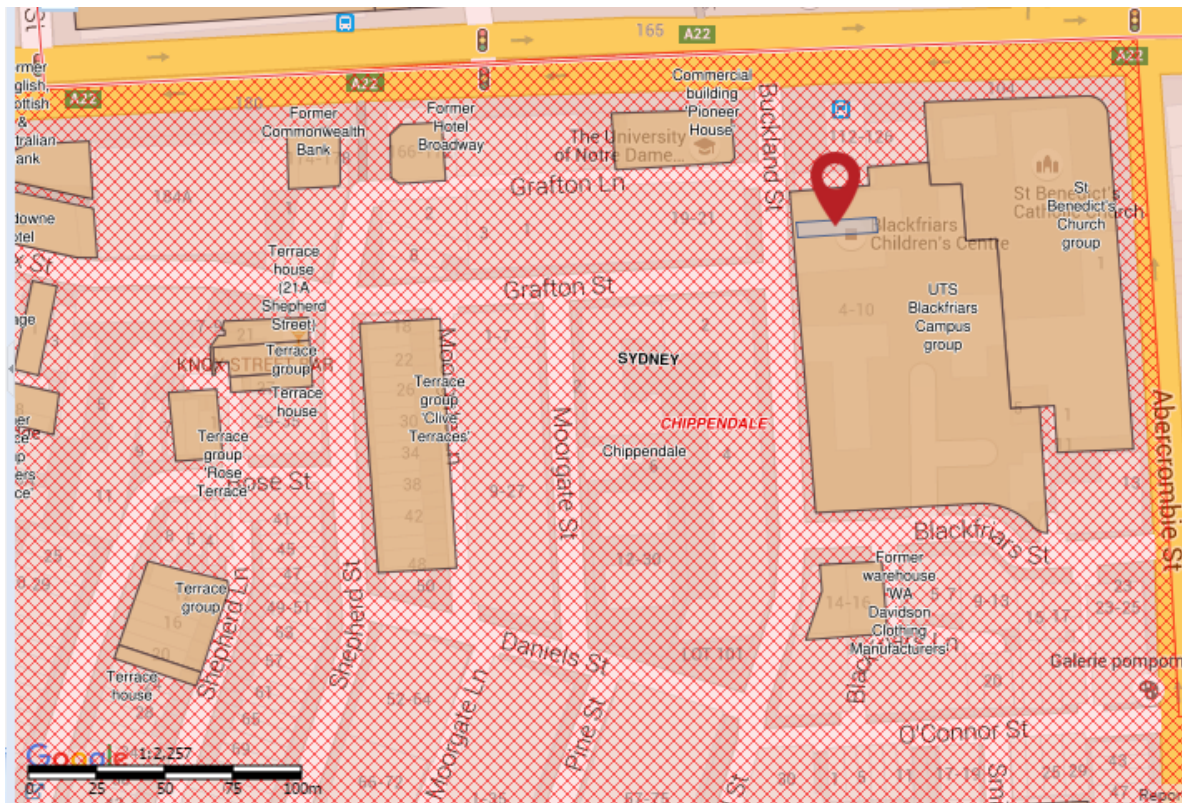


Figure 1. The heritage conservation area is represented in red thatch and the heritage items are shown in beige. The approximate proposal site on the UTS Blackfriars Campus Group is highlighted with a red arrow.

BUILDING DESIGN

In addition, the massing, bulk and height of the proposal does not appear to respect the form, height and urban grain of the existing heritage values of the area, or have any regard to the statutory height controls (being a maximum of 9m in this case) established specifically for this significant listed heritage precinct.

Buildings within the UTS Blackfriars Campus Group and St Benedict's Church Group are 2-3 stories high; their heights and grain indicative of their history which contributes to forming cohesive heritage values for the whole conservation area (Figure 1). The proposal, on the other hand, is seeking a building envelope 27.95m high (comprising 6 floors plus rooftop plant and equipment), with an effective floor plate of approximately 1000m². The proposal envelope would abut the common boundary between the St Benedict's Church site and the UTS Blackfriars Campus Group as well as the street boundary to Buckland Street. It would also eliminate any effective curtilage between heritage buildings on the site.

The potential bulk and massing of this building proposal does little to respond to the local heritage values of the site or the area, or to respond in any meaningful way to the environmental planning controls specifically established to control the bulk of future buildings on the subject site.

The proposal is unsympathetic to the heritage values of the site and the area. It is necessary that a maximum building height of 9m be applied to the site in accordance with the statutory maximum height applicable to the site under Sydney LEP 2012.

STREETSCAPE VIEWS

Due to the excessive bulk and massing of the proposal, views from Broadway to the UTS Blackfriars Campus Group and its setting would be blocked and much of the streetscape values around the site would be compromised. Large trees on the site, which provide heritage value, character, shade and amenity to Buckland Street and the site, are also proposed to be removed. These trees contribute to the heritage setting of the curtilage and help to frame the views of the site from the street and within the area. In addition the proposal would have a nil setback on Buckland Street. This means that the heritage setting of the streetscape, its amenity, and the linkages between the UTS Blackfriars Campus Group and the street will be adversely affected.

The proposal represents significant streetscape impacts for the UTS Blackfriars Campus Group and the Conservation Area around Buckland Street.

NON-COMPLIANCE WITH THE CITY OF SYDNEY LOCAL ENVIRONMENTAL PLAN (LEP) 2012

Under the City of Sydney LEP 2012, the proposal site is within B4 Mixed Use land use zone. Key matters for consideration are in the table below.

Table 1. Matters for consideration under the City of Sydney LEP.

Aspect	Detail	Assessment
Land Use Zoning	B4 Mixed Use	Permitted with consent
Building Height	The maximum building height is 9m. Proposed maximum building height is 27.95m	Does not comply
Floor Space Ratio	The maximum FSR for the site is 1.25:1. The stated FSR is 1.5:1. It is noted that Clause 4.5(6) states that “(6) Only significant Development to be Included <i>The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.</i> In this instance, the FSR is proposed to be ‘harvested’ from various separate allotments which comprise the Blackfriars Campus. However, the mandatory considerations pursuant to Clause 4.5(6) for calculating FSR have not been addressed.	Does not comply
Heritage	The site is within a ‘Conservation Area’ and is part of the UTS Blackfriars Campus Group (General Heritage Item). St Benedict’s Church Group (is adjacent to the subject site) Near site: Former warehouse ‘WA Davidson Clothing Manufacturers’ and Commercial building ‘Pioneer House’	Does not comply

As the Table 1 shows, the proposed building height breaches the local height limit by 18.95m (LEP height limit is 9m) (Table 1). This proposed height is excessive, inappropriate, overbearing and is not congruent with the local statutory development standards established specifically for a listed heritage precinct.

The site is also within a Conservation Area and it is part of a Heritage Item (UTS Blackfriars Campus Group), therefore, these matters need careful consideration with respect to site context (the conservation area) and the proposal site (heritage item I170) with respect to the proposed development (Table 1, Figure 1). Indeed, under the City of Sydney LEP, this proposal does not address the objectives for Heritage Conservation (s5.10(1)(a)(b)). These objectives being:

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of the City of Sydney,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*

In light of the objectives for Heritage Conservation the key points are:

- As the proposal site is within UTS Blackfriars Campus Group (heritage item I170) and is within a heritage conservation area, the possibility of adverse impacts to either the item or the conservation area cannot be discounted.
- The proposed excessive height, bulk and massing is not congruent with the local heritage values of the site or the area.
- Views within the site and from Broadway would be obstructed by the proposal.

The proposal does not endeavor to conserve the heritage significance of item I170 nor the heritage conservation area.

NONCOMPLIANCE WITH THE CITY OF SYDNEY DEVELOPMENT CONTROL PLAN (DCP) 2012

It is useful to consider Sydney DCP 2012 when evaluating the appropriateness of a proposal within an area. Under the DCP, *development principles* relating to the Chippendale area, in which the proposal is located, include but are not limited to;

- a) Development is to respond to and complement the heritage items and contributory buildings within heritage conservation areas, including streetscapes and lanes.*
- b) Maintain **the visual prominence and landscape setting of the Blackfriars campus**, the Mortuary Station and public housing on Balfour Street, Peace, Strickland and Balfour Street Parks.*
- c) Retain the rich mix of building types, and encourage the adaptive re-use of heritage and warehouse buildings.*
- d) Ensure the new infill buildings reinforce the predominant street frontages in terms of height, setbacks and street alignment in the eastern part of Chippendale.*
- e) **Design additions and alterations to retain the scale and massing of front elevations and the original roof form as viewed from the primary street frontages.***
- f) Retain and protect early industrial and prewar, interwar and post war warehouse buildings.*
- g) **Design institutional development to be sympathetic to the scale and fine grain character of the area.***

Essentially any development proposals in the Chippendale area need to respond to and complement the heritage values of the area.

Under the City of Sydney DCP 2012, the proposal site is identified as a contributory heritage item; that is, a building which makes *“an important and significant contribution to the character and significance of the heritage conservation area.”* In addition, adjacent to the Blackfriars site is the St Benedicts site which is also a significant group of local heritage items. This means that any development within either item or within sight of either item needs to consider the potential for adverse heritage impacts.

NEGATIVE IMPACTS ON THE ST BENEDICT’S CHURCH GROUP

Since the proposal abuts the northern boundary between the UNDA, the UNDA sites (notably the former car wash and backpacker’s sites) would be significantly impacted as the proposal would ‘borrow’ amenity from our site, thus creating conflicts with our reasonable development opportunities for Notre Dame University. Accordingly, it is necessary that a minimum setback of 3m is to be provided to the common boundaries with UNDA and where there are to be glazing or openings in any elevation, a minimum setback of 6m is to be provided.

Such setbacks would also enable the heritage items to ‘*breathe*’ as described in the EIS (Appendix 3, p9). Indeed providing appropriate spacing between heritage items and infill development would respect their value and help protect the views from Broadway and the surrounding streets.

ADVERSE IMPACT ON STREET VIEWS

The visual prominence and landscape setting of both the Blackfriars site and St Benedicts Church site would in our opinion be compromised by the proposed development as envisaged by the specific Sydney DCP 2012 development principles for Chippendale (cited above). For the St Benedict’s Church Group site the proposal would overshadow the form and shape of the buildings on Abercrombie Street and Broadway. For Blackfriars, the proposal would overshadow the heritage buildings on Buckland Street and Broadway. These heritage items represent an important group of heritage items, and a modern ‘*warehouse style building*’ as envisaged would diminish the heritage value of the whole block; with the proposal’s form and massing detracting from the heritage value of the streetscape.

The height and bulk of the proposal would diminish the heritage value of the St Benedict’s Church site and Blackfriars when viewed from Broadway, Abercrombie and Buckland Streets.

OPTIONS FOR DEVELOPMENT

The Blackfriars Campus and St Benedict’s Church Group sites each represent important heritage items for the City of Sydney. They are considered to be a significant matters of heritage value and they are identified as contributory items in the Sydney DCP.

While my client recognizes that education needs are ongoing and development may be necessary, we suggest that a more appropriate form of infill development is required. Indeed, the s4.6 height states that (p6), *“many infill residential building and commercial buildings in the surrounding (conservation) area replicate the forms of the three-five storey buildings that are seen in this part of Chippendale”*.

The proposal is unlike other forms of infill development as the maximum height and area of the proposal is considerably higher than other recent developments. Indeed, the massing, height and bulk of the proposal are so great that they would detract from the existing relationship of the buildings in the UTS Blackfriars Campus

site and its relationship to the conservation area; particularly St Benedict's Church Group heritage buildings.

The development, as it is, seeks approval for a *'warehouse style development'*. However, this proposal does not respond to the character of the site or its surrounds. The site, being a former primary school site originating in the nineteenth century, has several 2-3 storey buildings over the site which individually and together support the heritage values of the site. While the City of Sydney acknowledges that *'buildings in this area are to be demolished and replaced with contemporary buildings that respond to the scale and form of nearby warehouses'* (p7 s4.6). The City of Sydney also states that *'such buildings are to be designed to protect the internal landscaped quadrangle and solar access.'* It is unlikely that the proposal in its present form, would protect the internal landscaped quadrangle and solar access as architectural drawings indicate that the bulk and scale of the proposal would present an overbearing contemporary built form which also will detract from its amenity.

We suggest a sensitive infill development which respects the heritage values of the site and the area is considered. Indeed, a 9m high future development that responds to the existing urban grain of the site on a smaller floor plate would be more appropriate to the site and its context.

We are not opposed to the use of the site for research and education but we are seeking a sensitive development which responds to the heritage, their significance, and curtilage and to existing surrounding buildings.

SUMMARY

This proposal generates numerous heritage impacts both within the heritage item and to the conservation area, and proximity related impacts upon the campus of UNDA. The siting of the development pays insufficient regard to its heritage setting of the precinct or of the need to maintain sufficient separation distance between the subject site and neighbouring buildings, and to ensure the orderly and economic development of all land, not solely the exploitation of subject site to its fullest capacity. The siting of the subject building envelope immediately upon the boundary of the common boundary with UNDA is inappropriate, unreasonable and unnecessary.

It is our considered position that it would be a more appropriate outcome if the proposal were to only consist of the adaptive reuse of existing buildings on the site, or alternatively consider a significantly reduced development that is sympathetic to the urban grain and massing of buildings on the site, and complies strictly with the maximum height limit established for the site under Sydney LEP 2012.

Please contact the undersigned should I be able to be of further assistance,

Yours sincerely,



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