

**University of Technology Sydney
Blackfriars Precinct Research Building Industry Hub
4-12 Buckland Street Chippendale NSW**

Response to Submissions

Section 4.55(2) Modification Application

**SSD 6746 Blackfriars Concept Development Proposal
UTS Blackfriars Precinct Research Building**



February 2019



Cover Image: Artists Impression of proposed Blackfriars Research Building
 Source: Tonkin Zulaikha Greer Architects

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Attachments

Drawing A02 – Proposed Building Envelope Plan, Revision 2, prepared by TZG

Drawing A08 – Shadow Diagrams - AXO (Proposed) am2, Revision 2, prepared by TZG

Drawing A16 – Detailed Shadow Analysis – 1, Revision 1, prepared by TZG

Drawing A17 – Detailed Shadow Analysis – 2, Revision 1, prepared by TZG

Abbreviations

Council	Council of the City of Sydney
Codes SEPP	SEPP (Exempt and Complying Development Codes) 2008
Education SEPP	SEPP (Educational Establishments and Child Care Facilities) 2017
EIS	Environmental Impact Statement
Infrastructure SEPP	SEPP (Infrastructure) 2007
SEPP	State Environmental Planning Policy
SLEP2005	Sydney Local Environment Plan 2005
SLEP2012	Sydney Local Environment Plan 2012
SRD SEPP	SEPP (State and Regional Development) 2011
The Act	Environmental Planning and Assessment Act 1979
The Proponent	University of Technology Sydney
The Proposal	The proposed development the subject of this request
The Regulations	Environmental Planning and Assessment Regulations 2000
TZG	Tonkin Zulaikha Greer Architects
UTS	University of Technology Sydney

1 Agency Submissions

A total of three agency submissions were received in relation to the proposal:

- Transport for NSW did not object to the proposal and made no comment.
- The Office of Environment and Heritage did not object to the proposal and made two submissions that recommended conditions of consent relating to archaeology, to which UTS has no objections.

2 Council Submission

The Council did not object to the proposal, but made a submission that raised a number of issues that are addressed below.

The Department is advised that UTS made several attempts to meet with Council to discuss any concerns that it might have regarding the application however Council declined to meet with UTS,

The Department may further note that UTS made substantial efforts to ensure that the Council's interests were well represented in the Design Competition Jury. Graham Jahn, the City of Sydney's Director of City Planning, Development and Transport was a Design Competition Jury member, as was Peter Werrick, who is also a member of Council's Sydney Design Advisory Panel. Further Ken Maher, who is chair of the Council's Sydney Design Advisory Panel, also chaired the Competition Jury.

2.1 Heritage palisade fence

Issue Raised:

Council has raised a concern that the proposal seeks to completely remove and replace the heritage significant fence – refer to Council's comments 1.a) at page 1 of its submission.

Response:

The Modification does not include provision for any changes to the palisade fence compared to the approved development (which also does not include the complete removal or replacement of the heritage fence). The proposal remains unmodified in this regard.

The Stage 2 application will address the appropriate conservation of the palisade fence. In general terms the following information is relevant:

- there will be a need to relocate gate pillars which will result in the redistribution of some panels of fencing along the line of the fence
- the fence has substantial stone erosion issues typical of many historic cast iron palisade fences which will require reconstruction of the stone bases effectively resulting in its temporary removal by sections.
- the above approach is consistent with heritage best practice in relation to the conservation of palisade fences

Proposed amendments to address the issue:

- No design change is proposed as the Modification does not include provision for any changes to the palisade fence

- For clarity, the notes on drawing A02 - PROPOSED BUILDING ENVELOPE PLAN have been changed from "EXISTING HERITAGE FENCE TO BE REMOVED AND REUSED" to "EXISTING HERITAGE FENCE TO BE SALVAGED AND TEMPORARILY REMOVED THEN REUSED/RESTORED". An amended Drawing A02 with this change is attached and the proponent is happy to substitute this plan to satisfy Council's concern.

2.2 Setbacks to interpret Grafton Street alignment

Issue Raised:

Council has raised a concern that the setbacks to Buckland Street remain inadequate and fail to preserve the setting or interpret the Grafton street alignment – refer to Council's comments 1.b) at page 2 of its submission.

Response:

The matter of appropriate setbacks for the building envelope was assessed and determined as part of the original concept development application, which set the envelope parameter for the southern edge of the envelope. This southern alignment is as per the current conditions of approval. Condition A7 (d) requires that for the envelope, *"a single southern alignment is provided and a continuous open space area from Buckland Street to the eastern wall (boundary of the site) can be provided whilst maintaining a minimum 8.6 metre separation from the existing buildings on the sites"*. Accordingly, a setback to the south of 8.6 metres is proposed, between the wall of the proposed envelope and the wall of the former boys school building (Building CB25) in accordance with the current conditions of approval (Note: This dimension relates to the distance wall to wall – the setback of the eaves and gutters above is 7.9m as endorsed by the design competition jury and shown on Drawing A02 - PROPOSED BUILDING ENVELOPE PLAN). The separation to the former girls' school (Building CB22) is even greater at approximately 16.7m between walls. The proposed Modification reflects this approved alignment.

The matter of setbacks was also addressed in the design excellence competition process with the winning scheme responding to the setback requirements of the original concept approach. In particular the Department should note that the Competition Jury unanimously supported the single southern alignment described in the winning design, the alignment of which is identical to the alignment shown in the proposed modification documentation.

In addition to the above it must be noted that Grafton Street has never extended into the Blackfriars site. While early developer's subdivision plans for the former Brisbane Distillery (which include part of the Blackfriars site) showed an internal street that was an extension of Grafton Street this remained an idea on paper only and was never physically created because the site was acquired by the NSW Government and developed with the school buildings currently extant on the site. These significant heritage school buildings do not align with Grafton Street. UTS is concerned that responding to street alignments that have never existed on the site will tend to confuse rather than support interpretation of the site's heritage significance.

Council's submission notes concerns that the view of Grafton Street currently extends into the campus and incorporates the northern facade of Building CB22. This is inaccurate. Currently, the view along Grafton Street is terminated by the existing former one storey childcare building. Views of the northern facade of CB22, the former girls' school building, which does not align with Grafton Street, can only be seen from the far eastern end of Grafton Street as they are blocked by the residential flat building at 2 Grafton Street beyond about 20m west of the corner.

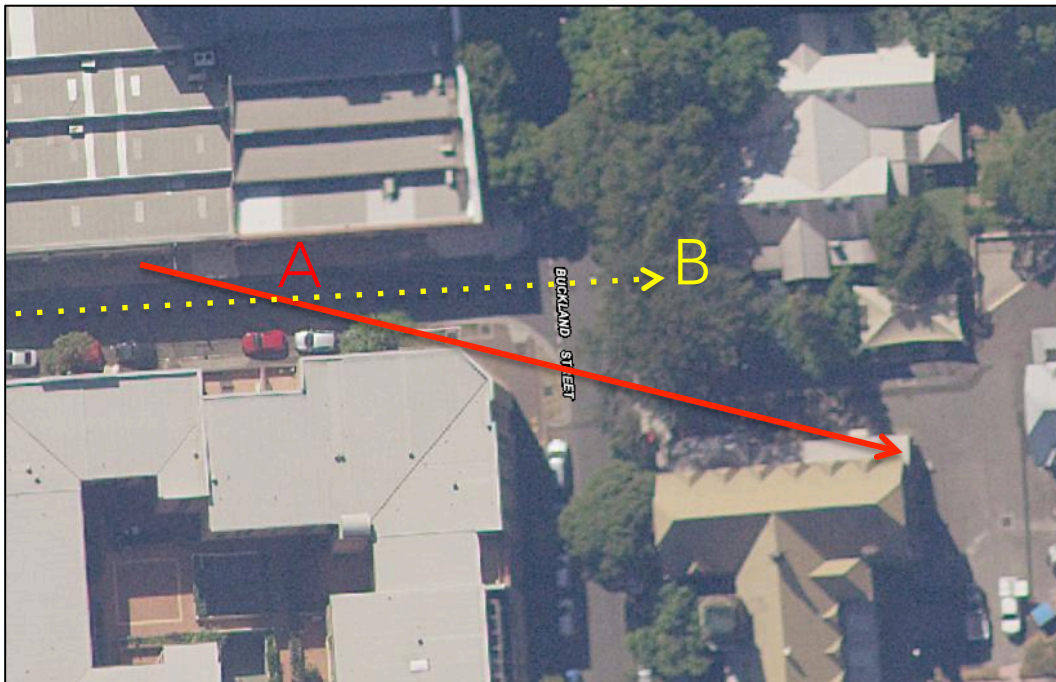


Figure 1 Aerial Photograph of the Grafton Street/Buckland Street Corner.

Source: NSW Government Spatial eXchange (<https://maps.six.nsw.gov.au/>)

Position "A" shows the line along Grafton Street at which the northern façade of the former Girls' School CB22 first comes into view looking east (approximately 20m west of Buckland Street on the centreline). West of this line, CB22 is not visible.

Position "B" shows the alignment of Grafton Street is terminated by the former childcare centre building and its ancillary structures

The proposed modification will not reduce the available views of the northern façade of CB22, and will instead, as noted above, open a 16.7m wide space connecting Buckland Street with the heritage significant quadrangle space in the centre of the Blackfriars Site. The size and alignment of this space is in accordance with the current Concept Development Approval for the site, which responds to the alignment of the existing heritage buildings on the site. These significant setbacks will clearly allow meaningful vistas from the end of Grafton Street and from Buckland Street into and beyond the campus boundary.

UTS submits that the matter of southern setback has already been addressed and determined by the current approval, and that further setbacks to create a new alignment with Grafton Street would:

- be significantly more onerous to the existing concept approval
- be inconsistent with the results of the design excellence competition process and the Design Competition Jury's unanimous recommendations
- detract from the design excellence of the competition winning scheme (the envelope of which is completely consistent with that shown in the Modification Application drawings) and
- could act to undermine rather than support interpretation of the site's heritage, and that the southern alignment as proposed by the Modification application is an appropriate alignment, which respects the alignment of the heritage buildings on the site and allows a generous open space between the buildings connecting Buckland Street and the heritage significant courtyard in the centre of the Blackfriars site.

Proposed amendments to address the issue:

No design change is proposed.

2.3 Setbacks to Buckland Street and use of sunken gardens and lightwells

Issue Raised:

Council has raised concerns that the setbacks to Buckland Street are not accurate, that the setback area includes retaining walls and sunken gardens (refer to Council's comments 1.c) at page 2 of its submission), that proposed lightwells to basements are uncharacteristic of the area.

Council's submission also raised concerns relating to the removal of trees (refer to Council's comments 1.f) at page 3 of its submission).

Note: For reasons of clarity the response to the issue of removal of trees is not addressed in this part of the report. Responses to issues raised in relation to tree removal and the appropriate size of setbacks on the Buckland Street frontage are addressed in one location at section 2.7 of this report.

Response:

The inclusion of basements is consistent with the current Concept Development Approval and with the results of the design excellence competition process and the Design Competition Jury's unanimous recommendations, as is the proposal to provide natural lighting to these spaces through the provision of lightwell and void spaces below ground level including along Buckland Street. The setbacks to Buckland Street proposed in the Modification Application exactly match the setbacks to Buckland Street of the competition winning design and are as dimensioned on Drawing A02 - PROPOSED BUILDING ENVELOPE PLAN.

The imposition of setbacks along Buckland Street in the Concept Development Approval had several purposes including to manage the bulk of the new building, to manage the interface and relationship to adjacent heritage buildings, to manage solar access and to ensure a landscaped setting for the site would be maintained. The reduced setbacks in the Buckland Street shown in the proposed Modification arose out of the design competition process, with the Competition Jury supporting reduced setback areas in order to produce a superior urban design response and a better relationship with the former girls' school building while still providing for the unique landscaped setting for the site to be maintained (this is more fully described in Section 2.6 of this report).

It is considered that the use of landscaped areas and below-ground void spaces, including lightwells, sunken courtyards and low height retaining walls within the setback areas along Buckland Street is entirely consistent with the purposes of the setback. These features do not contribute to building bulk, have no adverse impact in relation to adjacent heritage items (and may offer opportunities for public interpretation of the site's archaeological heritage (subject to the findings of the archaeological test trenches which are to inform the Stage 2 design as required by Conditions B9 and B11 of the Concept Development approval), can contain plantings visible from the street, and will contribute to the landscaped setting of the site along the Buckland Street.

Council's comments include a concern that the proposed lightwells to basements are uncharacteristic of the area. It is considered that Blackfriars block is atypical of Chippendale on many grounds including the lack of a consistent street wall (most of the immediately adjacent Chippendale area is built to the street boundary), and the landscaped setting of its heritage items (the zero lot alignment for most of the immediately surrounding areas means that street trees rather than front gardens are the predominant landscape elements). Accordingly, it is considered that the inclusion of a

small area of sunken garden/courtyard below ground level does not give rise to impacts in terms of inconsistency with the remainder of the area (as most of the built form arrangement on the site is already inconsistent with the surrounding area) or in terms of setting unwanted precedents.

It is submitted that while the detailed design of these spaces as sunken gardens, lightwells or courtyards is a matter for the Stage 2 application, there are no significant adverse impacts in relation to the inclusion of these spaces as proposed in the Modification Application.

Proposed amendments to address the issue:

No design change is proposed.

2.4 Setbacks to Buckland Street to retain solar access

Issue Raised:

Council has raised a concern that the overshadowing information provided with the modification application is inadequate and it has questioned whether two hours solar access to 2 Grafton Street apartments is maintained. Council has also noted its position that solar access cannot be relied on to these apartments after 11.30 due to the orientation of Grafton Street – refer to Council's comments 1.d) at page 2 of its submission.

Response:

Drawing A08 - SHADOW DIAGRAMS - AXO (PROPOSED) AM submitted with the Modification Application provides axonometric views of the shadows cast on the east (Buckland Street), northeast (splayed corner) and north (Grafton Street) elevations of 2 Grafton Street/23 Buckland Street on 21 June at half hourly intervals from 9:30 am until 12 noon. These drawings show that there is a small overshadowing impact on some apartments within the apartment block known as 2 Grafton Street/23 Buckland Street.

TZG have also produced additional shadow analysis diagrams submitted with this response to submissions specifically to address Council's concerns noted above. This very high level of documentation more than adequately demonstrates the shadow impacts of the proposed envelope as modified are minimal and insignificant and are not in conflict with State policy.

State Policy

While State Environmental Planning Policy 65 and the ADG do not apply to the proposed development nevertheless they provide guidance in relation to State policy in regard to acceptable solar access for apartments in the Sydney metropolitan area, and as to what impacts on existing apartments should be considered acceptable in accordance with that policy.

The NSW Apartment Design Guide *Objective 4A-1* establishes that good design is achieved when two hours of midwinter solar access is provided to private open spaces and living areas of apartments for 70 percent of the apartments within a development. Importantly, the ADG does not set a midwinter solar access requirement for the other windows or spaces of apartments (such bedroom windows, bathroom windows, kitchen or laundry windows which are not required to have solar access).

In order to assess whether or not the overshadowing impact on 2 Grafton Street/23 Buckland Street is an acceptable impact in accordance with State policy it is therefore

essential to understand which are the windows to living areas or private open spaces of the affected development as well as the extent of the shadow resulting from the proposed envelope. Figure 2 shows the uses behind the windows facing Buckland Street and Grafton Street. Only windows A, B, J are windows to living areas. In accordance with State policy, what needs to be assessed is whether these windows and the private open spaces in front of them have their solar access reduced to below two hours in midwinter by the envelope as proposed by the Modification.

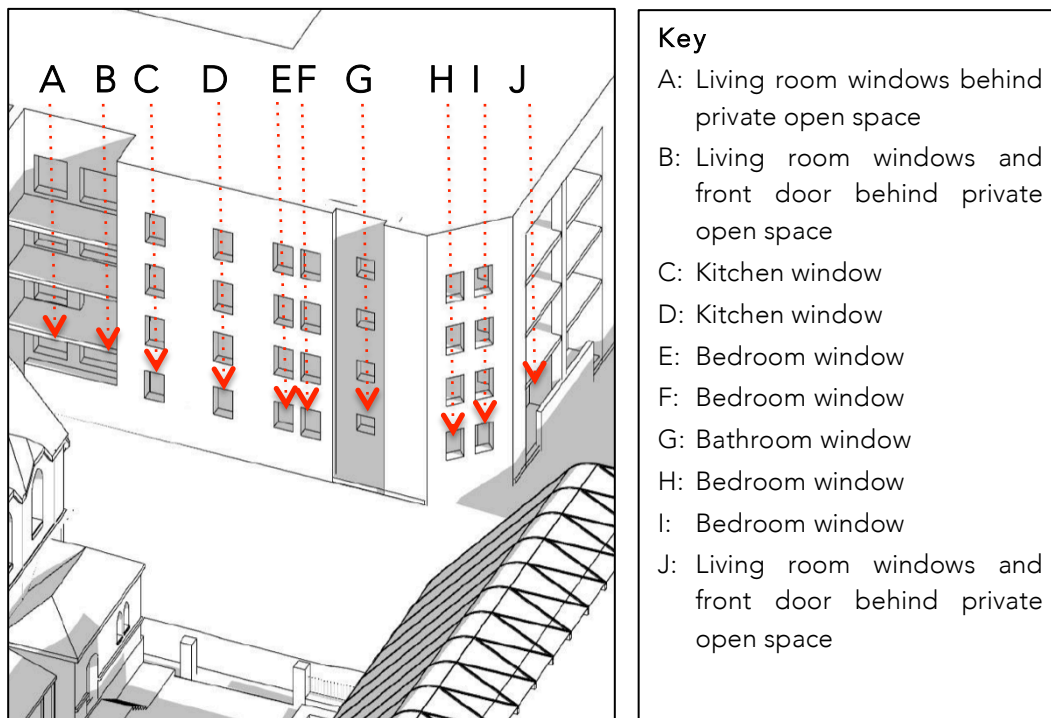


Figure 2 2 Grafton St/23 Buckland Street – Living Room Windows

Source: Base drawing axonometric TZG architects Drawing A08 and information from Drawing A16

UTS accepts Councils assertion that sunlight after 11.30 cannot be relied upon for windows on the Buckland Street elevation due to their orientation. This means that the two hours prior to 11.30am – ie from 9.30am to 11.30am in midwinter – is important in assessing whether any additional overshadowing from the proposed development as modified is acceptable.

Figure 3 shows shadows from the proposed envelope as modified on the elevation of 2 Grafton St/23 Buckland Street in a three dimensional axonometric diagram. Taking into account which windows are to living areas and the location of private open space (as shown in Figure 2) Figure 3 clearly shows that the only dwelling whose private open spaces or living area room windows are affected by shadows from the proposed modified envelope after 9.30am is the ground floor unit of 23 Buckland Street (circled with a blue dotted line in the figure), unit 29.

Solar Access to Unit 29/23 Buckland Street

Unit 29 of 23 Buckland Street, on the ground floor facing east, is the only dwelling which has its living room windows or private open space overshadowed by the proposed development after 9.30. Accordingly, this unit is impacted upon by shadows from the proposed development

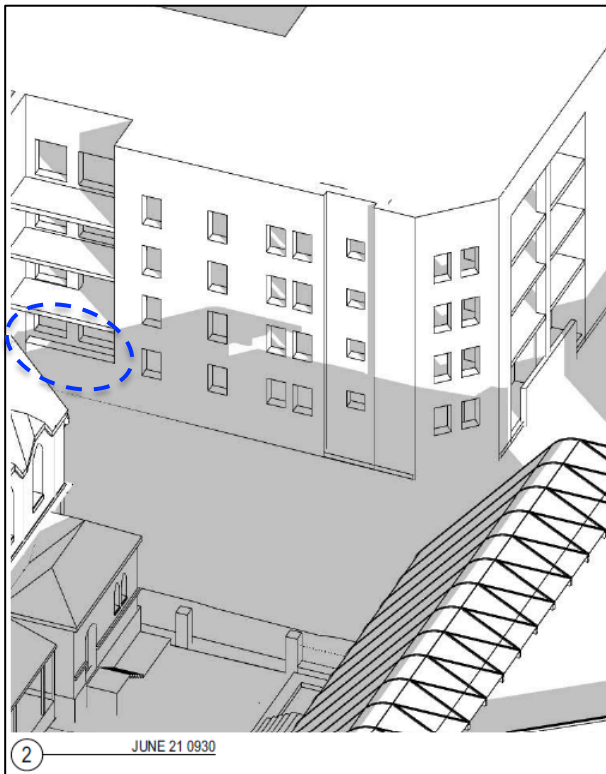


Figure 3 Unit 29/23 Buckland Street – midwinter shadows 9.30

Source: Base drawing TZG architects Drawing A08 - SHADOW DIAGRAMS - AXO (PROPOSED) AM

Unit 29 Living Room Direct Solar Access

TZG architects have modelled both the existing solar access within the living room of this apartment and the solar access resulting from the proposed development (see Figure 4). This extraordinary level of detail shows that the living room of Unit 29 currently achieves some direct midwinter solar access after 9am but:

- does not achieve 2 hours of midwinter solar access after 9am (it instead achieves approximately 45minutes of direct sunlight after 9am)
- does not achieve effective solar access (defined in the ADG as being a minimum of 1m² of direct sunlight, measured at 1m above floor level, achieved for at least 15 minutes)

After the proposed modification, Figure 4 shows that:

- the living room of Unit 29 will still achieve approximately the same duration of midwinter solar access after 9am that it currently achieves but with the amount of sunlight partially reduced in area
- the shadow from the proposed development will not cause the unit to fail to meet the State policy regarding midwinter direct solar access

Given that the windows to the living room of Unit 29 do not meet the State policy in their current state either in terms of direct solar access duration or area, and that the proposal maintains the equivalent duration of solar access but with a partially reduced area it is considered that the proposed development as modified has only a minor impact on the amenity of this room.

EXISTING INTERNAL VIEW



PROPOSED INTERNAL VIEW

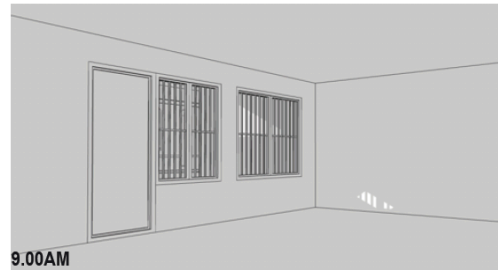


Figure 4 Unit 29/23 Buckland Street – Internal View Existing and Proposed

Source: TZG architects Drawing A17

Unit 29 Private Open Space Direct Solar Access

The private open space of Unit 29 is configured as an accessway and public front entrance for the apartment and includes steps and an access path between the street and the apartment front door, as illustrated in Figure 5.

While this area may technically meet the definition of private open space for Unit 29, this front space has a very low level of amenity. This is a result of its dual use as an entry, its total lack of privacy, its narrow width that does not permit useful furnishing, and its heavy existing overshadowing. Altogether this means that the space provides little or no amenity for the apartment's residents.

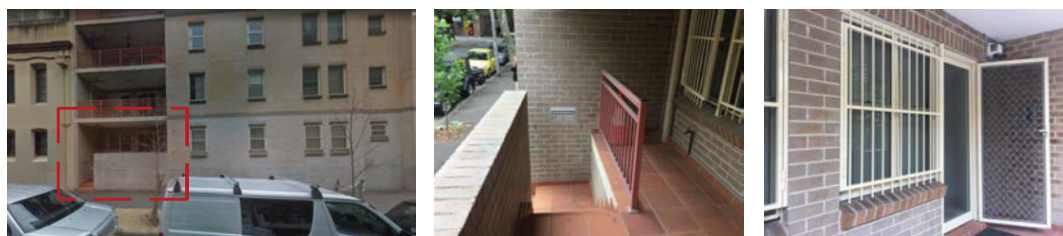


Figure 5 Unit 29/23 front Private Open Space

Source: TZG architects Drawing A17

The proposed development does not cause significant additional overshadowing of this space after 9.00am because the space is already almost completely overshadowed by its high brick balustrade and by its indented northern wall. The only part that currently receives sun is an area of less than half a square metre at the bottom of the stair landing immediately adjacent to (and effectively an extension of) the footpath. It is considered that the residential amenity of this front space is of such low quality that the minor overshadowing of the bottom of the stair landing as a result of the proposed development between 9am and approximately 9.45am in midwinter will have no discernible impact on the amenity of this space or on the potential for this space to be used by residents.

Solar Access to other units

For all the other units in the 2 Grafton St/23 Buckland St, the existing midwinter solar access to living room windows and private open spaces for the 2 hours between 9.30 and 11.30 is unaffected by the proposed development. Accordingly, these dwellings continue to have access to 2 hours of midwinter solar access between 9.30am and 11.30am in accordance with their original approval and consistent with State policy.

In summary, the additional overshadowing from the proposed development as modified is considered to be minimal and insignificant because:

- it affects only one dwelling in relation to reducing below 2 hours the direct midwinter solar access to living room windows and private open space, and
- despite this reduction, it does not cause that dwelling to fail to meet the State's direct solar access policy
- it maintains the existing duration of solar access to that dwelling with a partial reduction in the area of sunlight reaching the interior, which overall is considered not to have a significant impact on the amenity of this room taking into account its existing circumstances
- it does not significantly increase the overshadowing of the unit's private open space (which is already heavily overshadowed) and has no significant impact on the amenity or usability of this space taking into account its existing circumstances.

The Department should also note that the above arguments which are important in the proper assessment of the shadow impact would appear to be somewhat academic to the 'man in the street' literally, in light of the fact that the shadows cast by Council's Buckland Street street tree planting appear to completely overshadow the windows of Unit 29 in the midwinter mornings irrespective of the proposed envelope.

The Department may also note that no submissions were received from residents or owners of dwellings in the 2 Grafton Street/23 Buckland Street development in relation to the proposed modification.

Proposed amendments to address the issue:

No design change is proposed.

2.5 Height on the eastern edge

Issue Raised:

Council has raised a concern that the height of the proposed envelope along its eastern edge is too high and will have a detrimental effect on the St Benedicts Church and Notre Dame Courtyard – refer to Council's comments 1.e) at page 3 of its submission.

Response:

The design of the eastern edge of the envelope as proposed in the Modification Application is consistent with the results of the design excellence competition process and the Design Competition Jury's unanimous recommendations. The Modification proposes increases to the height of level three by 410mm (resulting from the need to comply with the flood planning level as required by Condition B20 of the Concept Development Approval) as well as the addition of a balustrade in order to provide for use of this roof space as an outdoor deck. Because the height increase arises as a result of compliance with the minimum flood planning level established for the ground floor by the City of Sydney Interim Floodplain Management Policy there is no opportunity to reduce this increase without the deletion of an entire floor, which would be contrary to the envelope established by the design excellence competition process and the Design Competition Jury's unanimous recommendations.

The possible adverse impacts of this minor additional height on the eastern edge compared to the current approval fall into three categories:

1. Privacy Impacts
2. Visual Impacts and Potential Bulk and Scale Impacts
3. Overshadowing Impacts

In relation to privacy impacts, it is acknowledged that the use of the roof on the eastern edge of level three outside of the building envelope as a deck has the potential for increased overlooking of the St Benedicts Church and Notre Dame courtyard. The Notre Dame courtyard functions as a public space ancillary to an educational establishment and the church – these uses do not give rise to privacy issues in the way that, for example, residential uses might. The Notre Dame courtyard and the church are typically open to the public throughout the year and effectively public (i.e. privately owned but publicly used) spaces rather than private.

In the unlikely event that there were privacy concerns arising out of the use of either the Church, the courtyard or the adjacent University of Notre Dame Australia buildings, it would be appropriate to consider the potential for any impacts that might arise out of the proposed modification.

As noted above, although the NSW Apartment Design Guide does not apply to the proposed development, it nevertheless provides some policy guidance in relation to design for privacy. It establishes that between far more sensitive *residential* uses, a distance of 12m is considered adequate to manage visual and acoustic privacy and is indicative of good design. The nearest uses across the Notre Dame courtyard are the St Benedicts Church 15m to the east, and the University of Notre Dame Australia building at 3 Abercrombie Street more than 30m east and south. These separation distances far exceed the best practice guidelines of the ADG. As a result there is no doubt that the proposed envelope as modified would perform very well in terms of managing potential privacy impacts even if the adjacent uses were much more sensitive residential uses. It is considered this indicates any privacy impacts arising out of the proposed envelope as modified are minimal and insignificant.

In addition the envelope provides for balustrading to this deck space. While this is a matter for the Stage 2 application it is also noted that a range of options exist for the design of balustrading, and these could include planters or other devices to further manage any potential overlooking.

It is also noted that it is generally considered highly advantageous to have good and increased levels of passive surveillance of public (and quasi-public) open spaces. The current western boundary of the St Benedicts Church and Notre Dame Courtyard is a blank masonry wall of 5m height offering no opportunities for passive surveillance. The addition of a deck to the rooftop of level 3 as proposed in the Modification Application would improve passive surveillance of this area and act to improve the security and safety of the Notre Dame courtyard space. Accordingly, it is assessed that the introduction of such a deck would result in positive impacts in relation to public safety.

In relation to visual impacts and potential bulk and scale impacts the installation of a balustrade to the proposed level three deck increases the wall height on the eastern edge of the building. This impact is considered to be minor and inconsequential because the eastern edge of the proposed envelope will be viewed against the remainder of the approved UTS envelope as viewed from significant locations within the Notre Dame courtyard including southern door of the St Benedicts Church, the entry to the courtyard space on Abercrombie Street or from the entry doors to the University of Notre Dame Australia building at 3 Abercrombie Street.

This higher part of the envelope is set back 8.4m from the eastern boundary and approximately 7m from the eastern edge of the UTS envelope, consistent with the results of the design excellence competition process and the Design Competition Jury's unanimous recommendations. It provides a consistent backdrop to the eastern edge of the proposed envelope. As a result, it is considered that the proposed modification in relation to the eastern edge of the proposed envelope will not be strongly identifiable in this context and will be generally imperceptible to most users of the courtyard compared to the envelope as currently approved. As a result, it is considered that the proposed modification does not give rise to any identifiable adverse visual impact, or result in any bulk or scale impacts.

UTS also strongly argues that setbacks already required by the current approval have effectively managed any interface and bulk impacts, and that these are not undermined by the minor height increase proposed along the eastern edge.

In relation to overshadowing, the Concept Development Approval has already assessed and determined what is an acceptable degree of overshadowing for the St Benedicts Church and Notre Dame Courtyard. This is set out in Condition B2 which states:

B2. Any future building must be designed to ensure that there is no greater than 20 per cent additional overshadowing of the St Benedict's Church courtyard and the childcare centre playground at any time between 9 am and 3 pm on June 21 to ensure that adequate solar access is provided.

As the Modification Application clearly documents, the proposed envelope as modified results in additional overshadowing of the St Benedicts Church and Notre Dame Courtyard of only 13.58 percent, far lower than permitted by the current approval.

UTS acknowledges that the additional height of the balustrade will have a small impact on the extent of shadow cast on the St Benedicts Church and Notre Dame Courtyard, as documented and noted above, but considers that impact is not significant. The proposed

envelope as modified provides for significantly more sunlight to the courtyard than is required by the current approval.

In light of the above consideration of the issue, any overshadowing impacts are assessed as being minor and insignificant.

In summary, the modification as lodged should be supported taking into consideration that there are no adverse privacy impacts, and a clear beneficial impact in terms of increased passive surveillance of adjacent semi-public open space; no visual impacts have been identified; any impacts in relation to bulk and scale are minor and insignificant; and because the overshadowing performance of the envelope as modified in terms of its impact on the Notre Dame courtyard is better than is permitted by the current approval.

Proposed amendments to address the issue:

No design change is proposed as the Modification is consistent with the results of the design excellence competition process and the Design Competition Jury's unanimous recommendations, and the impacts of the minor height increase on the eastern edge have been assessed as being minor and insignificant.

2.6 Flood hazard and habitable basements

Issue Raised:

Council has raised concerns regarding the flooding hazard for the proposed habitable spaces in the basements – refer to Council's comments 1.g) at page 4 of its submission.

Response:

The current Concept Development Approval included assessment of a Flood Assessment for the land prepared by WMAwater Pty Ltd and which formed part of the documentation provided in the response to submissions (and specifically in response to Council's submission to the original application). This flood assessment states "although the New UTS Building will not have a below-ground car park, it is likely that the proposed habitable basement will require the ground floor to be above the PMF level of 10.08 mAHD".

The proposed envelope as modified is based on achieving a ground floor minimum height of 10.08 mAHD, which is above the probable maximum flood level. In order to comply with this requirement access to all basement areas will be at or above this level. This includes the edges of any void spaces providing light to basements. As a result, there would be no flooding of lightwell areas, even in the event of a maximum flood. Lightwell spaces would also be equipped with sumps and pumping equipment as required by relevant Australian Standards and regulations.

It must also be noted that the provision of lightwells and the adoption of the ground floor minimum height of 10.08 mAHD is consistent with the results of the design excellence competition process and the Design Competition Jury's unanimous recommendations.

Proposed amendments to address the issue:

No design change is proposed.

2.7 Landscaping and trees

Issue Raised:

Council has raised a concern about tree removal – primarily refer to Council's comments 2.a) and b) at page 3 of its submission.

Response:

The reduced setbacks in Buckland Street shown in the proposed Modification arose out of the design competition process, with the Competition Jury supporting reduced setback areas in order to produce a superior urban design response and a better relationship with the former girls' school building. These reduced setbacks reference the unique and special nature of the Blackfriars Site, which is atypical within the Chippendale area. Specifically the setbacks are designed to respond to the varied nature of the front setbacks around the site, which range from zero (ie built on the boundary) to 6.7m providing comparatively long narrow landscape spaces along the street. This stepped nature of the front setbacks is reflected in the plan alignment of the former girls' school building as well as the zero alignment of the new childcare centre on Blackfriars Street recently approved by Council.

The setbacks of the proposed envelope, which are identical to that of the competition winning design, reference this stepped nature of the Blackfriars site frontage, whilst being subordinate to the girls' school building. This is achieved by aligning the main elevation of the envelope with the long, southern wing of the former girls' school building set back 6.7m from the Buckland Street boundary. The southern part of the proposed envelope steps forward to be 3.7m from Buckland Street, referencing the step in the former girls' school building, but set back from the street boundary in order to allow the heritage building to be visually dominant on the Buckland Street frontage. The proportioning of the proposed envelope and elevational composition of the new building within the envelope then reference the gothic proportions of the adjacent girls' school building in a contemporary way, ensuring that there is a high quality urban design and heritage relationship and a cohesion to the built form on the site, exhibiting a high level of design excellence.

The reduced setbacks do not support the retention of tree T33 and T34, as the building would encroach into the root protection zones of both trees, and this was recognised and unanimously supported by the Competition Jury. Initially it had been hoped to retain tree T35, but updated survey information obtained in the course of the competition design development showed that the updated extent of this tree was also in conflict with the alignment of the building envelope arising out of the design competition process and unanimously endorsed by the Competition Jury.

UTS agrees and acknowledges that the removal of the trees will have a short term impact on the streetscape and the landscape setting of the site. While both UTS and Council acknowledge that the trees themselves do not have heritage value, their contribution to the setting of the site's significant heritage items is considerable. UTS regrets the temporary loss of tree canopy but is confident that the overall landscape design will, over time, not only offset this loss but will lead to a greater tree coverage over the overall site. New advanced trees are proposed, selected and located to support and interpret the site's significant heritage and support the strong visual relationships between landscape and heritage on the site, rather than being randomly self sewn and located by accident. This comprehensive landscape design, which includes the internal courtyard and quadrangle spaces as well as the Buckland Street frontage, will complement the significant urban design positives flowing out of the envelope selected by the design

excellence competitive process – these include a very high quality architectural design for the new building, commensurate with the University's recent award winning design initiatives; the highest standard of interface with the site's significant heritage buildings in terms of sympathetic alignments and proportions combined with contemporary design and materiality; the desire to open the site up as a part of the University's long term commitment to the improvement of the Chippendale and Ultimo areas (as evidenced by the University's development of Alumni Green on the opposite site of Broadway); and the desire to ensure that the landscape setting of the Blackfriars site will endure into the next Century. As the department would be aware, the detail of the landscape design, which will address the above outcomes, is a matter for Stage 2, however the Modification Application included information regarding the landscape design in order to demonstrate its intentions in this area. UTS is a committed participant in the life of Chippendale for the long-term future. UTS's property decisions are not made for short-term development gains, but instead are designed with timeframes of 50 and 100 years in mind, designed to support the ongoing success of the university far into the future. This long-term commitment underlies UTS's clear desire for a high quality urban design, heritage and landscape design outcome for the site.

In summary, while the temporary loss of tree canopy for the site is regretted, UTS strongly advocates for getting the urban design parameters for the building envelope right, as set by the competition process, and ensuring that new and increased levels of mature landscaping, including signature canopy trees designed to offset the loss of trees T3, T34 and T35, are established quickly and are well maintained in order to ensure the landscaped setting of the site is continued into the next century.

Proposed amendments to address the issue:

No changes are proposed.

2.8 Other observations

Issue Raised:

Council has raised a concern about spaces within the envelope identified for particular uses – refer to Council's comments 3. at page 4 of its submission

Response:

UTS agrees with Council in that a Concept Development Approval should not generally assign spaces within the envelope for particular uses. UTS wishes to clarify that the Modification Application does not seek to assign uses to spaces within the approved envelope.

Council's comments appear to relate to some of the supporting information, particularly drawing A13 and A14, which have been included in the Modification Documentation only in order show the refinement of the design between the competition and the modification application. As is clear from the Modification documentation approval is not sought for these plans, which are provided for information only.

These 'for information only' plans were only included after Council staff declined to meet with UTS regarding the Modification prior to lodgement but, in lieu of meeting, requested that the application:

1. confirm that the version being submitted is consistent with the design competition winning scheme (*yes it is completely consistent*)

2. confirm whether the Jury decision was a unanimous decision (*yes, the decision was unanimous*)
3. confirm if there had there been any changes from the winning competition and if there had why has it changed and the justification? (*there have only been minor and inconsequential changes that do not affect the envelope, as described on drawing A13 and A14*)
4. highlight any of the changes from the winning design to current proposal (*the sole purpose of drawing A13 and A14 is to highlight these inconsequential changes to address the Councils concerns*)

Some internal spaces are also shown on Drawing A12 - GROSS FLOOR AREA DIAGRAMS providing preliminary indicative overall gross floor area calculations. These plans test the proposed envelope against the approved maximum floorspace and consent is not sought for drawing A12 as part of the Modification Application. The purpose of providing these 'for information only' plans was to satisfy the Department that the envelope as modified would be compliant with the approved gross floor area for the building. As both the Department and Council would be aware, it is necessary to apply some assumptions regarding the use of internal spaces when calculating GFA as whether or not a particular space is captured by the Sydney LEP (Standard Instrument) definition of GFA depends on the use of that space.

We agree with Council that the Modification Application should not assign the particular use of spaces within the envelope (such as end of trip facilities), which are matters for the Stage 2 application. Accordingly we reiterate that consent is not being sought for the plans that show this indicative detail - only for drawing A02 PROPOSED BUILDING ENVELOPE PLAN and drawing A03 PROPOSED BUILDING ENVELOPE SECTION.

Proposed amendments to address the issue:

No changes are proposed. The Department would note that the modification does not seek consent for any plans that show spaces with particular uses within the envelope plans – consent is only sought for drawing A02 PROPOSED BUILDING ENVELOPE PLAN and drawing A03 PROPOSED BUILDING ENVELOPE SECTION. As an option, on the basis that the plans provide supporting information only, UTS would be happy to withdraw these plans if that would address Council's concerns.

3 Public Submissions

Only one public submission was made in relation to the proposed modification:

Issue Raised:

Joanne Mobbs, of Chippendale NSW objected to the proposal only in relation to the removal of any Street Trees in the area for the convenience of UTS's construction. Her submission states: *I oppose the removal of any Street Trees in the area for the convenience of UTS's construction. The Street Trees on Buckland Street in particular are significant extremely old plane trees that extend the length of the road, no mature canopy tree that could be moved could possible replace these enormous established trees. The trees are not on the proposed development site so could only be being removed for convenience for the build process. I have no objection to the other items in the proposed modification.*

It should be noted that the large plane trees to which the submission refers are south of the vehicle access into the centre of the UTS site and are not affected by the proposed development.

Response:

The modification does not propose any changes in relation to street trees.

Proposed amendments to address the issue:

No design change is proposed as the modification does not include provision for any removal of street trees.

URBANAC