

14 February 2014

**NSW Planning Assessment Commission's Determination Report on the
Modification to MP07_0158 for the Sydney University Abercrombie
Precinct Redevelopment (MOD 2)**

1. DELEGATION TO THE COMMISSION

The above modification application has been referred to the Planning Assessment Commission (the Commission) for determination under Ministerial delegation dated 14 September 2011 as the project received more than 25 objections.

The Commission constituted to determine the matter consisted of Mr Paul Forward (chair) and Mr Richard Thorp.

2. APPROVAL SOUGHT TO BE MODIFIED

The University of Sydney Abercrombie Precinct Redevelopment Project Approval comprising mixed use purposes (educational facilities, student accommodation etc) was approved on 16 November 2012.

Since the 2012 approval the project has been modified once for a two month extension to a submission deadline of a Pedestrian and Bicycle Access Strategy.

A summary of the modification is detailed in the Department's assessment report.

3. THE SUBJECT MODIFICATION APPLICATION (MOD 2)

The proposed modification sought approval to modify the business school building, associated landscaping, public domain and basement car parking. The modifications include the relocation of the 550 seat lecture theatre; relocation of two of the 300 seat lecture theatres; re-orientation of Pods A and B fronting Codrington Street; retention of the Faculty of Business and Economics Building (*approved to be demolished*); increased setbacks to the southern and northern boundaries and Mandelbaum House; consolidation and centralisation of rooftop plant; amended landscape and public domain design; relocation of the Abercrombie Street basement car park entrance; provision of wheel chair access direct from Darlington Lane; revision of the green star rating ESD conditions; and rationalisation of the basement car park areas onto a single level.

4. THE ASSESSMENT REPORT

The Department's assessment report identified the key issues for this application to be:

- Amenities;
- Ecologically sustainable development;
- Built form and urban design;
- Landscaping and public domain; and
- Traffic and transport.

The report concluded that the proposed modifications are reasonable noting the bulk and scale remains consistent with the original approval and the application is recommended for approval subject to conditions.

5. MEETINGS

Meeting with Proponent

Following a review of the Department's assessment report, the Commission met with the proponent and its consultants on the 22 January 2014 for a briefing on the project.

The proponent briefly outlined the history of the project. The meeting then focused its discussion on the issue of amenity, primarily during the construction phase, the deletion of the green star rating, the location of the ventilation stack for the underground car park and the interface of the modified design with the surrounding residential development.

The proponent also requested that a number of the Department's recommended conditions be modified which are discussed in Section 7 of this report.

City of Sydney Council

The City of Sydney Council were invited to meet with the Commission however they declined indicating Council's concerns remain as identified in their submission to the Department of Planning & Infrastructure during the exhibition period.

Public Meeting

On Tuesday 4 February 2014 the Commission held a public meeting to hear the community's views on the assessment and recommended conditions. Six **(6)** speakers registered to speak at the meeting initially however only 3 speakers presented (refer **Appendix 1**).

16 people, including the registered speakers, attended the meeting.

Concern was raised with construction activities associated with the existing approval including noise, dust, potential lead contamination and lack of communication in addition to concerns raised relating to the modification application which included car park access issues; deletion of the green star rating; bulk and scale; and concern over the location of the car park ventilation stack being sited close to a child care centre.

6. COMMISSION'S CONSIDERATION

The Commission has carefully considered the Department's Assessment Report and recommendations, other relevant documents, written submissions, the comments provided during the public meeting and views expressed by the Council.

The Commission's comments of relevant issues are as follows:

6.1 Construction Activities

Dust

Speakers were concerned that children at Darlington Public School are being impacted by dust generated through the construction of the development. The

Commission visited the site and surrounds and observed various mitigation measures in place including fog nozzles providing a misting system between the project site and the school in addition to the raised acoustic hoarding panels.

Noise

The community were concerned that children at Darlington Public School are being impacted by construction noise which would interfere with their classes.

The commission observed the raised acoustic panels and noted the bulk of the work on site is now occurring within the excavated footprint of the site which in the view of the Commission would limit noise generation.

Contamination

The community raised concern that asbestos may be uncovered during further excavation works in addition to the potential for the presence of lead on school grounds.

The Commission raised this with the proponent who advised that significant environmental testing had been conducted to date and that no asbestos or ground based lead had been identified.

Class Room amenity treatment

Speakers were concerned that only a limited number of classrooms facing the project site had been treated (*i.e. air conditioning so windows can remain closed*).

The proponent advised the Commission that in discussion with the principal of Darlington Public School, the upper level classrooms were agreed to be provided with air conditioning due to the classrooms being subject to higher temperatures in summer. Following discussions between the proponent and the principal of Darlington Public School, the lower level classrooms were considered to not require air conditioning as they were not as subject to higher temperatures and are screened from construction impacts by the acoustic fence along with the misting system.

The Commission notes air conditioning of classrooms was not required by the project approval. The Commission also notes that a number of classrooms are below the various amenity measures that have been implemented by the proponent and agrees they would not be as subject to construction issues as the upper level, treated classrooms.

The Commission has reviewed the proponent's responses and along with the various conditions imposed on MP07_0158 which relate to environmental management, in particular asbestos, and considers the integrity of the existing conditions will act to ensure the health and safety of residents and school children is maintained.

The Commission is satisfied that appropriate measures have been implemented to address the amenity impact on the school.

6.2 Communication

The community raised concern that parents had been directed to raise any issues in relation to construction activities with the principal of Darlington Public School rather than with the project builder. Also construction related documents, including the Construction Environment Management Plan (CEMP) and monitoring data, have not been made publically available.

Construction Updates

The proponent advised the Commission it has negotiated an agreed approach with the principal of Darlington Public School to provide information on the status of construction.

The principal of Darlington Public School advised the Commission the proponent provides the school with a weekly progress update which is made available to parents. The principal also stated that when the proponent is aware of construction works that may potentially impact on the school, the proponent advises the principal who can issue advice to all parents via the school's email register.

With regard to the point of contact, the Commission has reviewed the proponent's response and considers that a single point of contact would minimise the potential for miscommunication between the parents, the school, the local community and the proponent and is therefore generally supportive of this approach.

The proponent advised that any construction related issues which require immediate attention can be directed to the project's 24 hour contact number for action.

Access to Information

Regarding the communities concern with access to information, the Commission is of the opinion that information relevant to the project, such as management plans and monitoring data, should be publically available. The Commission therefore has included an additional condition that requires documentation to be made publically available:

Schedule 2, Part A:

Condition A13 ACCESS TO INFORMATION

The Proponent shall:

- (a) *make the following information publicly available on its website:*
 - *a copy of the Construction Environmental Management Plan, Noise Management Plan, Waste Management Plan and Compliance Report required under conditions of this approval;*
 - *a comprehensive summary of the monitoring results of the project, which have been reported in accordance with the various plans approved under the conditions of this approval; and*
- (b) *keep this information up to date, to the satisfaction of the Director-General.*

6.3 Green Star Rating

Speakers were concerned with the removal of the requirement to achieve a 5 star ecologically sustainable development.

The Commission notes the project approval, through Conditions B9 and D1 requires the project to target a 5 star, green star rating.

The proponent has indicated their intention to continue with a similar target through the Green Star – Education v1 rating tool.

The Commission is of the view the changes proposed for the project, including the use of photo-voltaic cells (*refer 7 Condition Modifications below*) will assist the development in working towards a 5 star rating and therefore agrees with the Department's recommendation.

6.4 Basement Car Park Access

Concern was raised regarding access to the car park via Darlington Lane and the vicinity of the school entrance.

It should be noted that the originally proposed car park entrance off Abercrombie Street was deleted by the Commission in its previous determination at the request of parents from Darlington Public School and other members of the local community.

The Commission examined the plans for the car park as well as visiting the site and surrounds and agrees with the Department's recommendation that the revised access arrangements will provide suitable and safe access to the development while ensuring the safety of pedestrians. This includes consideration of the car park having limited vehicle movements due to its use being restricted to teachers and post graduate students.

6.5 Building Bulk

The subject modification is located on the south-eastern edge of the project precinct. The community expressed the view that the modification to Level 4 would impact on the streetscape.

The Department assessed the variation to the height and scale of the buildings and found the proposal to be generally in accordance with the underlying intent of the Project Approval built form and urban form outcomes and noting the building will be set back further from the street frontage.

The Commission agrees with the Department that the proposed modifications are generally consistent with the Project Approval and general planning principles for the precinct in the approved Concept Plan.

6.6 Car Park Ventilation Stack

The location of the ventilation stack and its proximity to the adjoining child care centre was raised as a concern by speakers.

The Commission agrees with the Department that following the relocation of the ventilation stack away from the adjoining boundary, the separation buffer and height above ground now provided in addition to the low level of use of the car park will ensure the ventilation stack has minimal impact on the amenity of the child care centre and is therefore acceptable.

6.7 Other Matters

Other issues raised in submissions and during the public meeting, have been considered by the Commission and are considered to have been largely addressed in the Department's Assessment Report. The Commission is satisfied that the recommended conditions provide adequate controls to manage, and mitigate, these issues.

7 Condition Modifications

The proponent requested that various recommended conditions be reviewed including:

- *Recommended Condition B5 Design Modifications*
In order to minimise amenity impacts on Mandelbaum House, the louvres of the business school building facade fronting Mandelbaum House are to be fixed to minimise overlooking and privacy impacts on the adjacent residential college. Details are to be submitted to the satisfaction of the PCA and referred to the department for its information prior to the certification of Crown Building Works for above ground works.

The proponent has entered into a written agreement with Mandelbaum House to provide internal window dressings and screening in place of louvers to the facade of the business school building. The Commission is of the opinion the proposed measures (*that can be operated / deployed by Mandelbaum House occupants*) will achieve the same level of privacy for occupants of Mandelbaum House while enhancing the external facade of the business school building and therefore is supportive of the proposal.

Accordingly the Commission has revised the Department's recommended Condition B5, reflecting the proposed window dressing and screening measures, to read:

Condition B5 Design Modifications

In order to minimise amenity impacts on Mandelbaum House, the internal window dressing and screening measures outlined in the Mandelbaum House letter of 20 January 2014 are to be provided to minimise overlooking and privacy impacts on the adjacent residential college. The agreed measures are to be installed prior to occupation of the University of Sydney Business School building.

- *Recommended Condition B25 (b) Business School Building Landscape Plan*
(b) The landscape plan must also provide details for the establishment of a green roof between level 4 and the roof level.

The proponent advised that the University sought to install photo-voltaic cells on the roof to provide power to the new building in place of the proposed green roof.

The Commission is of the view that photo-voltaic cells are a sustainable, green power system providing a renewable solar energy source which will assist the university in achieving its 5 star rating target.

The Commission considers and agrees that the green roof will be of limited benefit in this situation and that photo-voltaic cells are a more appropriate, long term, substitute in this instance. The Commission has therefore modified the recommended condition to read:

Condition B25 (b) Business School Building Landscape Plan

(b) The landscape plan must also provide details for the installation of photo-voltaic cells on the roof of the University as per the drawing prepared by John Holland, 'Indicative location of potential Photovoltaic Cells' dated 23-01-14.

8 COMMISSION'S DETERMINATION

The Commission has carefully considered the information available including the assessment report and submission's made by the Council, agencies and the public and agrees with the Department's recommendation for approval subject to conditions.

The Commission accepts the assessment report has adequately addressed the issues raised in public submissions and, where required, recommends conditions of consent to mitigate potential impacts.

The Commission determines to approve the modification subject to the Department's recommended conditions of consent and as amended by the Commission with regard to:

Schedule 2, Part A:

Condition A13 ACCESS TO INFORMATION

The Proponent shall:

- (c) make the following information publicly available on its website:*
 - a copy of the Construction Environmental Management Plan, Noise Management Plan, Waste Management Plan and Compliance Report required under conditions of this approval;*
 - a comprehensive summary of the monitoring results of the project, which have been reported in accordance with the various plans approved under the conditions of this approval; and*
- (d) keep this information up to date,*
to the satisfaction of the Director-General.

Schedule 2, Part B:

Condition B5 Design Modifications

In order to minimise amenity impacts on Mandelbaum House, the internal window dressing and screening measures outlined in the Mandelbaum House letter of 20 January 2014 are to be provided to minimise overlooking and privacy impacts on the

adjacent residential college. The agreed measures are to be installed prior to occupation of the University of Sydney Business School building.

and

Condition B25 (b) Business School Building Landscape Plan

- (b) The landscape plan must also provide details for the installation of photo-voltaic cells on the roof of the University as per the drawing prepared by John Holland, 'Indicative location of potential Photovoltaic Cells' dated 23-01-14.*



Paul Forward
Member of the Commission



Richard Thorp
Member of the Commission

Appendix 1

Speakers

Planning Assessment Commission Meeting Sydney University Abercrombie Precinct Redevelopment MP07_0158 MOD 2

Date: 4 pm, Tuesday, 4 February 2014

Place: The Rydges Hotel, 9 Missenden Road, Camperdown

1. Maya Saric
2. Colin Sharp
3. Darlington Public School, Michael Keating, President P&C
4. Katharine Vanderwal (*did not speak*)
5. Heather Clement (*did not speak*)
6. Mary Ellen McCue (*withdrew*)