

**City of Sydney**

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9 November 2011

File No : 2011/323720

Mr Cameron Sargent  
A/Director  
Metropolitan and Regional Projects North  
Dept of Planning and Infrastructure  
GPO Box 39  
Sydney NSW 2001

Attention: Kate MacDonald  
By email: kate.macdonald@planning.nsw.gov.au

Dear Mr Sargent

**Response to Submissions for Dr Chau Chak Wing Building, UTS at 14-28  
Ultimo Road, Ultimo (MP 09\_0153)**

I refer to your letter of 27 October 2011 about the abovementioned application.

As previously stated, the City supports the overall proposal by Gehry Partners for the Chau Chak Wing Building, proposed to be located on the former Dairy Farmers Co-operative building site at 14-28 Ultimo Road.

The City generally supports the proposal and agrees that the building will create an iconic feature for the inner city that will contribute to and complement other key developments in the surrounding area including the UTS Broadway building and the Frasers' 'Central Park' development. The City also agrees that the proposal will create a new state of the art facility for the UTS school of Business that will enhance learning and development opportunities for students.

The City is proposing a number of comments and recommendations for the overall development, which will be structured under the following areas:

- Public Domain;
- Signage ;
- Transport, Access and Traffic;
- Landscaping;
- Development Contributions;
- Health and Contamination;.

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## **1. PUBLIC DOMAIN**

Council accepts that paving on Council land will be in accordance with the Sydney Street Design Code.

Although not raised at the 10 August meeting with Council, the City continues to be concerned that the current proposal does not provide sufficient improvement to the public domain.

As previously stated, vegetation is limited to street tree provision with no understorey planting proposed. No fixed seating is suggested despite the likelihood that visitors may want to enjoy the architecture from the outside and the area is likely to serve as a meeting or gathering place.

The City continues to recommend that additional measures are taken to break up the expanse of paving around the building. The City also suggests that the applicant is requested to resubmit Landscape Plans that detail an improved landscape including furnishings and lighting.

Council has previously suggested that public domain benefits could be provided through a VPA in line with Clause 10 of the LEP and the potential “uplift” in FSR that the site is achieving above the Sydney LEP requirements. This issue was discussed in detail at a meeting of relevant parties on 4 November 2011. As noted at the meeting, the Department of Planning can choose to “set aside” the planning controls that apply to the site under Part 3A.

However, the applicant indicated that they would be willing to undertake public domain works in the vicinity of the building including potentially on the UPN and Omnibus Lane. The City supports in-principle these works and will participate on any potential future discussions regarding them.

## **2. SIGNAGE**

The City originally raised concerns about the proposed signage. The applicant has now deleted the signage from the site and will lodge a future DA for signage at a later date. The City supports this approach and recommends that any future DA and Signage Strategy for the site should comply with Council’s Signage and Advertising Structures DCP (2005).

## **3. TRANSPORT, ACCESS AND TRAFFIC**

Overall, the City is supportive of the amendments made by the applicant in relation to Transport, Access and Traffic.

The City strongly supports the additional bike parking; however, the additional spots will now require an increase in shower facilities.

There are currently 3 male, 3 female showers and one unisex/accessible shower. The male and female showers will need to be increased by five (5) each. This will make a total of 17 showers, including the accessible shower. This is in line with the City’s draft DCP.

The new location of the street level bike parking on Mary Ann St is good, as is the increase in lockers. There is no mention whether the area will be monitored by CCTV as per the draft DCP.

The other elements that the City raised in relation to pedestrian access and amenity, will need to be addressed at detail or condition stage.

#### **4. LANDSCAPING**

The City supports the replacement of the Creep Myrtle with Brush Box and Golden Rain Trees and the amended species should be shown on all public domain plans.

The reason for removal of the tree to harmonise tree plantings is now considered acceptable under the clarified circumstances. Council recommends that Tree 3, (Platanus x hybrida) Plane Tree be retained and protected during construction.

Council supports the removal of Trees 1 (Platanus orientalis) and 2 (Platanus orientalis).

#### **5. DEVELOPMENT CONTRIBUTIONS**

As previously stated, the City does not support any exemption from Section 94.

The Ultimo Pymont Section 94 Contributions Plan 1994 does not provide any automatic exemptions for public authorities, Crown authorities or not-for-profit institutions. The Summary of Contributions by Land Use (Schedule 4) provides that if the development does not match up with one of the specified uses, then it is calculated on the basis of "Other Uses (Not Specified)" at a current cost of \$3,354.54 per additional worker.

The Ultimo Pymont Contributions Plan does not provide any exemptions to contributions, except in the case of alterations and additions to an existing dwelling house which does not involve the creation or erection of a new or separate dwelling on the same allotment (at clause 14.4 of the U-P Plan). As previously stated, the argument that UTS is a not-for-profit organisation or Crown authority and, therefore, should be exempt from the contributions is not a matter entertained in the Ultimo-Pymont Plan.

The basis for imposing contributions is set out at clause 14.1 of the Ultimo-Pymont Plan and states that the contribution is calculated on the total number of persons accommodated and/or employed in the proposed development after construction /less any pre-existing population on the site at the date of gazettal of SREP 26 (14 October 1992).

The applicant has stated that the building will accommodate 326 staff and 25-30 support staff. An offset could potentially be calculated for the worker population in the former Dairy Farmers Site at the gazettal date of 14 October 1992. Once the applicant provides the relevant worker population at 14 October 1992, the potential calculation of contributions can be made. Council will work with the applicant to determine the number of workers that existed on site at this date.

#### **6. HEALTH, CONTAMINATION AND NOISE**

These issues were addressed in-part by the City during the Part 4 Assessment for the application for excavation, remediation, shoring and piling.

The City also notes that issues in relation to noise, flooding, air quality and Owners Consent for Omnibus Lane have been resolved.

If you would like to speak to an officer, please contact Kate Bartlett on 9265 9200 or [kbartlett@cityofsydney.nsw.gov.au](mailto:kbartlett@cityofsydney.nsw.gov.au).

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Andrew Rees', written over a horizontal line.

**Andrew Rees**  
**Area Planning Manager**