



**Planning &
Infrastructure**

**MAJOR PROJECT ASSESSMENT:
Dr Chau Chak Wing Building
University of Technology, Sydney
*MP 09_0153***



Director-General's
Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979
March 2012

ABBREVIATIONS

CIV	Capital Investment Value
Department	Department of Planning & Infrastructure
DGRs	Director-General's Requirements
Director-General	Director-General of the Department of Planning & Infrastructure
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
MD SEPP	State Environmental Planning Policy (Major Development) 2005
Minister	Minister for Planning
PAC	Planning Assessment Commission
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PEA	Preliminary Environmental Assessment
PFM	Planning Focus Meeting
PPR	Preferred Project Report
Proponent	University of Technology, Sydney
RTS	Response to Submissions
UPN	Ultimo Pedestrian Network
UTS	University of Technology, Sydney

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EXECUTIVE SUMMARY

The University of Technology, Sydney is seeking project approval for a new Faculty of Business building (known as the Dr Chau Chak Wing Building) at 14-28 Ultimo Road, Ultimo. Early works are currently being undertaken on site in accordance with a Part 4 development approval issued by the City of Sydney Council.

The project application seeks approval for the construction of a 12-storey building for educational use comprising 15,470 m² of gross floor area, and a tri-generation plant. Public domain and landscaping works also form part of the application.

The capital investment value (CIV) of the project is estimated at \$125,655,000. Once operational the building would accommodate 326 workers and up to 1256 students.

The site is zoned 'Residential Business' within the Sydney Local Environmental Plan 2005 (Sydney LEP 2005). The proposed development is permissible in the zone.

The Environmental Assessment was publicly exhibited between 25 May and 24 June 2011. The department received six submissions from government agencies, and two submissions from the general public. No government agencies raised an objection to the application, however concerns were raised in relation to: design excellence, details of the public domain works, signage, access, bicycle parking spaces, tree removal, noise, remediation, traffic management, developer contributions, reflectivity and archaeology. The public submissions raised concern with safety and security along Omnibus Lane and the appropriateness of redeveloping the site for educational purposes.

On 19 October 2011, the proponent submitted a Response to Submissions (RTS) to address the concerns raised during the exhibition period. The RTS proposed minor internal and external reconfigurations to address concerns raised as a result of exhibition, including changes aimed at improving privacy at surrounding residential buildings and to reduce the reflectivity impacts of the project. To address the issues raised by the council, the RTS deleted all signage from the application, introduced 102 additional bicycle parking spaces and racks, and revised the public domain paving and tree planting to meet the Council's requirements.

The RTS was forwarded to the agencies that raised concerns with the application, and placed on the department's website. The City of Sydney Council advised that it holds residual concerns with the proposed landscape treatments on the site, the number of shower facilities proposed for cyclists and the need for a planning agreement for public landscaping works as the proposal exceeds the LEP height control. The Department of Education and Training advised that it has no residual concerns with the project.

The department is satisfied that the site is suitable for the proposed use and that the building, designed by Frank Gehry, exhibits design excellence and will be an iconic building in the Ultimo-Pyrmont area. The department therefore considers that the application is in the public interest and the project should be approved, subject to recommended conditions.

1. BACKGROUND

1.1 The Site

The site is located within the City of Sydney local government area (LGA) and is located at 14-28 Ultimo Road and is legally described as Lot 1 in Deposited Plan 76938. The project location is shown in **Figure 1**.

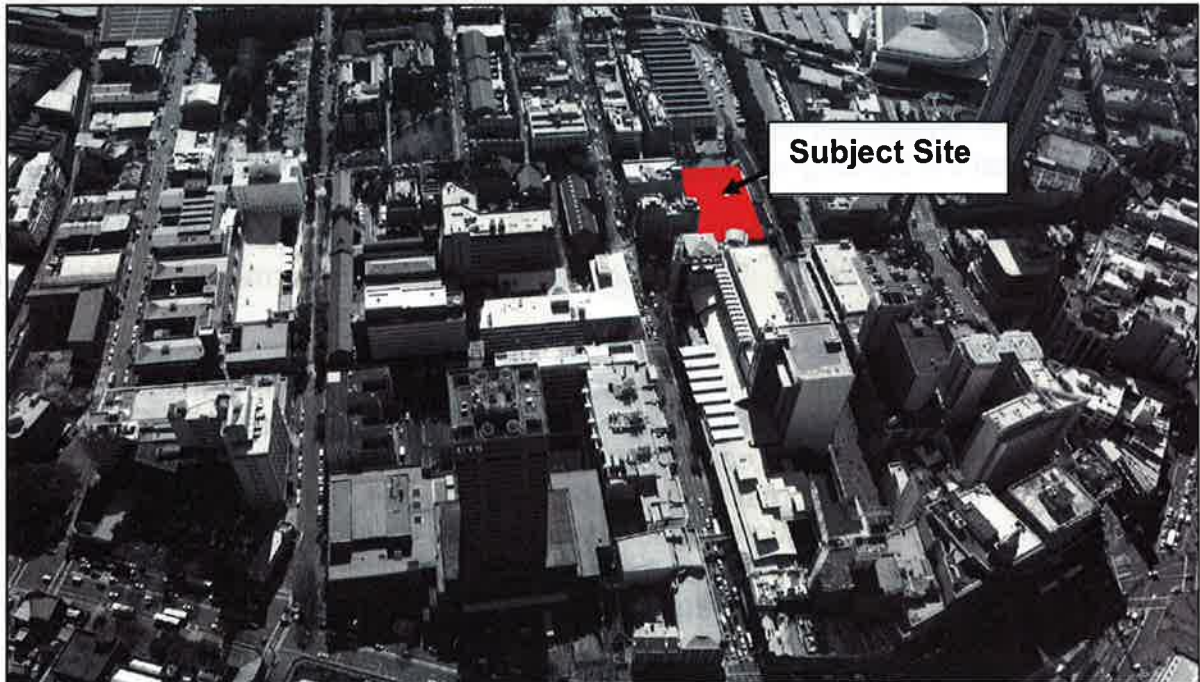


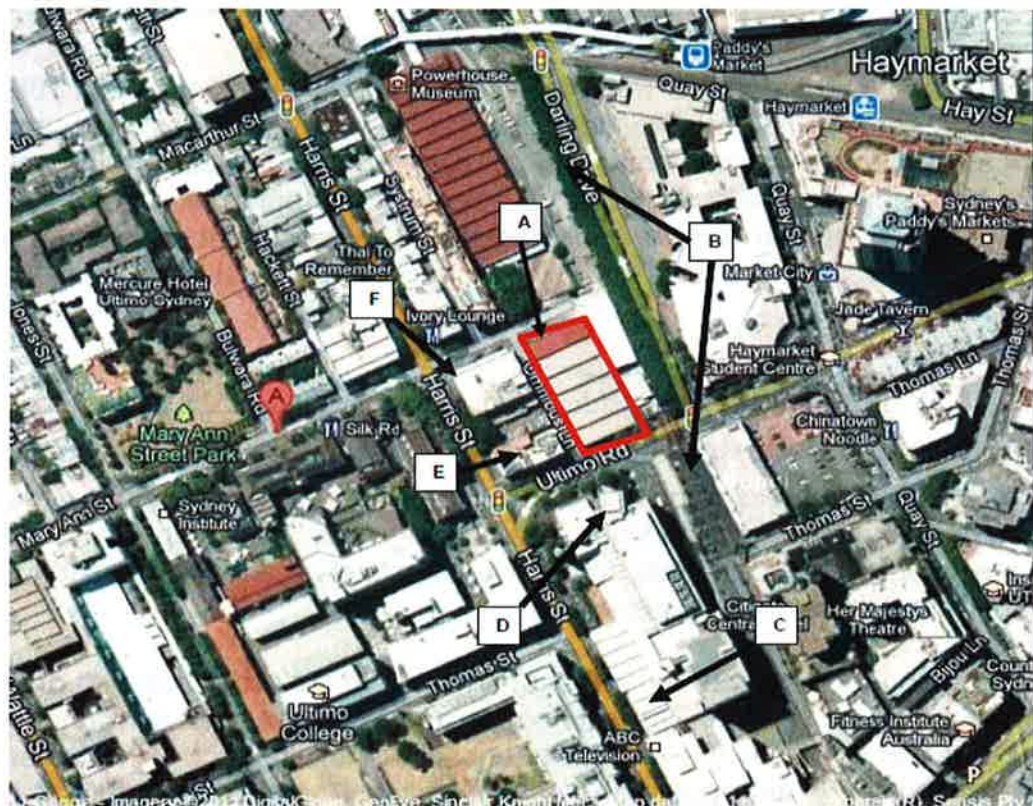
Figure 1: Project Location

1.2 Existing Site Features

The site is approximately 2816 m² in area and has frontage to Mary Ann Street, Omnibus Lane, Ultimo Road and the Ultimo Pedestrian Network (UPN). The site is flat and early works are currently being undertaken in accordance with a Part 4 development approval issued by the Council that permits demolition, remediation, excavation, shoring and piling works on site.

1.3 Surrounding Development

The site is located within a broader commercial and educational precinct. Immediately north of the site is the Powerhouse Museum and a number of 5 to 9-storey commercial buildings. To the east is the Transgrid building and the embankment of the former Darling Harbour Railway Line, which forms part of the UPN. To the south-east of the site is the Ultimo Street Railway Underbridge which is listed as a heritage item on the State Heritage Register. The ABC headquarters and the Inner City Childcare Centre are to the south of the site. To the west of the site is a 10-storey residential flat building and the Former National Cash Register Co building, which is listed as a heritage item in the Sydney Local Environmental Plan (LEP) 2005. **Figures 2 and 3** depict the site and its context.



KEY

- A – Subject Site
- B – Former Darling Harbour Railway Line
- C – ABC Headquarters
- D – Inner City Child Care Centre
- E – Residential Flat Building
- F – Former National Cash Register Building

Figure 2: Site and Site Context



Figure 3: Subject Site Viewed from the Southern Side of Ultimo Road

1.4 Related Development Applications

The proponent lodged a Part 4 development application (D/2001/882) with the Council seeking approval to demolish the existing hardstand area and undertake excavation, remediation, shoring and piling works associated with the construction of the basement car park. The Council approved this application on 12 October 2011, subject to a number of conditions, including the proponent undertaking remediation works and obtaining a Site Audit Statement verifying that the site is suitable for its proposed use.

2. PROPOSED PROJECT

2.1 Project Description

The application seeks approval to construct a 12-storey building for educational use, with basement level car parking. The building would have capacity to accommodate a maximum of 1256 students and 326 academic staff, and is proposed to operate 24-hours-per-day-seven-days-per-week.

The proponent proposed a number of changes to the project as part of its Response to Submissions (RTS). These changes improve privacy at surrounding residential buildings and reduce the reflectivity impacts of the project. The revised drawings reduce the GFA as proposed under the original application (14856.2 m² originally proposed) by 1746.2 m². A breakdown of the GFA is provided in **Table 1**. The height of the building, inclusive of plant, remains as originally proposed (RL 58.70).

Table 1: GFA Breakdown (as revised by the RTS)

Level	GFA
Level 02 (Ground)	1863 m ²
Level 03	1705 m ²
Level 04	1662 m ²
Level 05	1795 m ²
Level 06	1795 m ²
Level 07	1792 m ²
Level 08	897 m ²
Level 09	857 m ²
Level 10	764 m ²
TOTAL	13110 m²
Total Site Area	2816 m²
FSR (GFA/Site Area)	4.65:1

The revised project is depicted in **Figures 4 to 11**, and the key components of the project (as revised) are listed in **Table 2** overleaf.

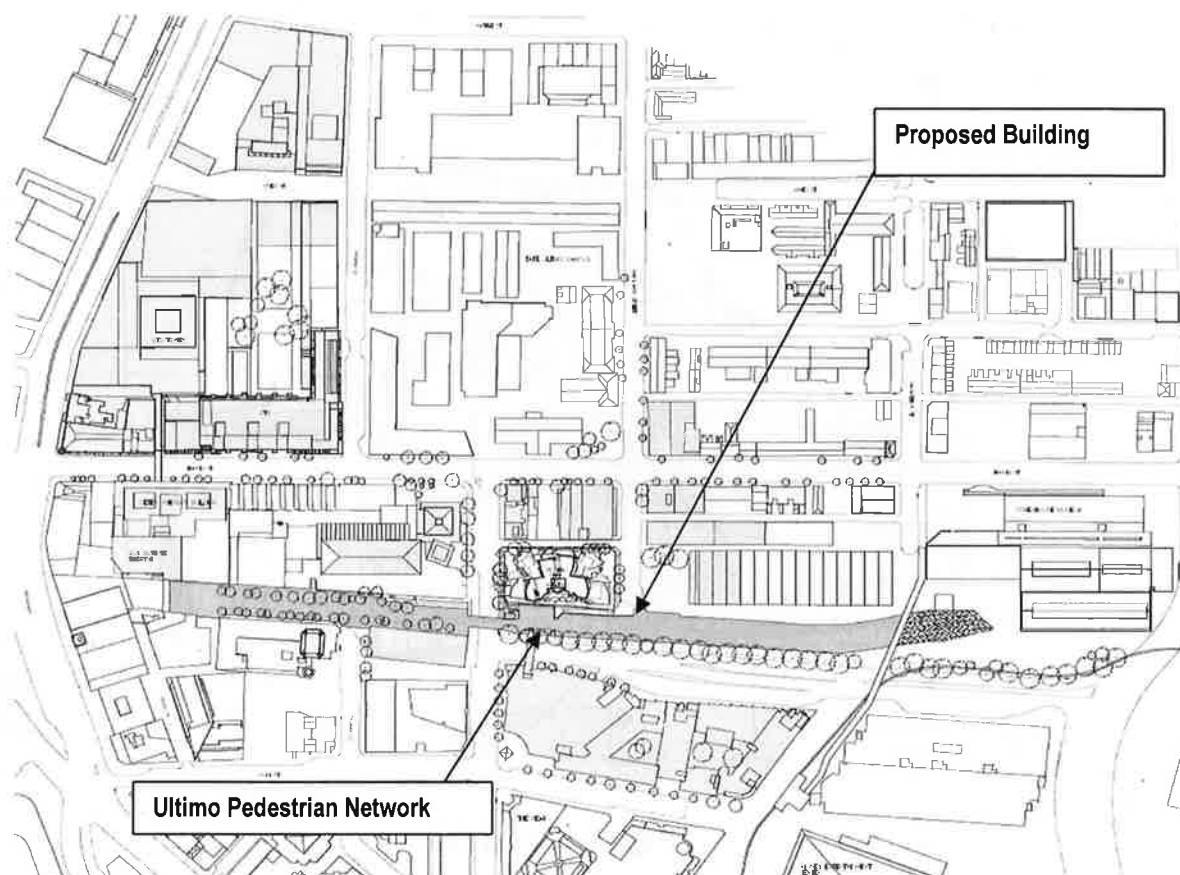


Figure 4: Project Layout

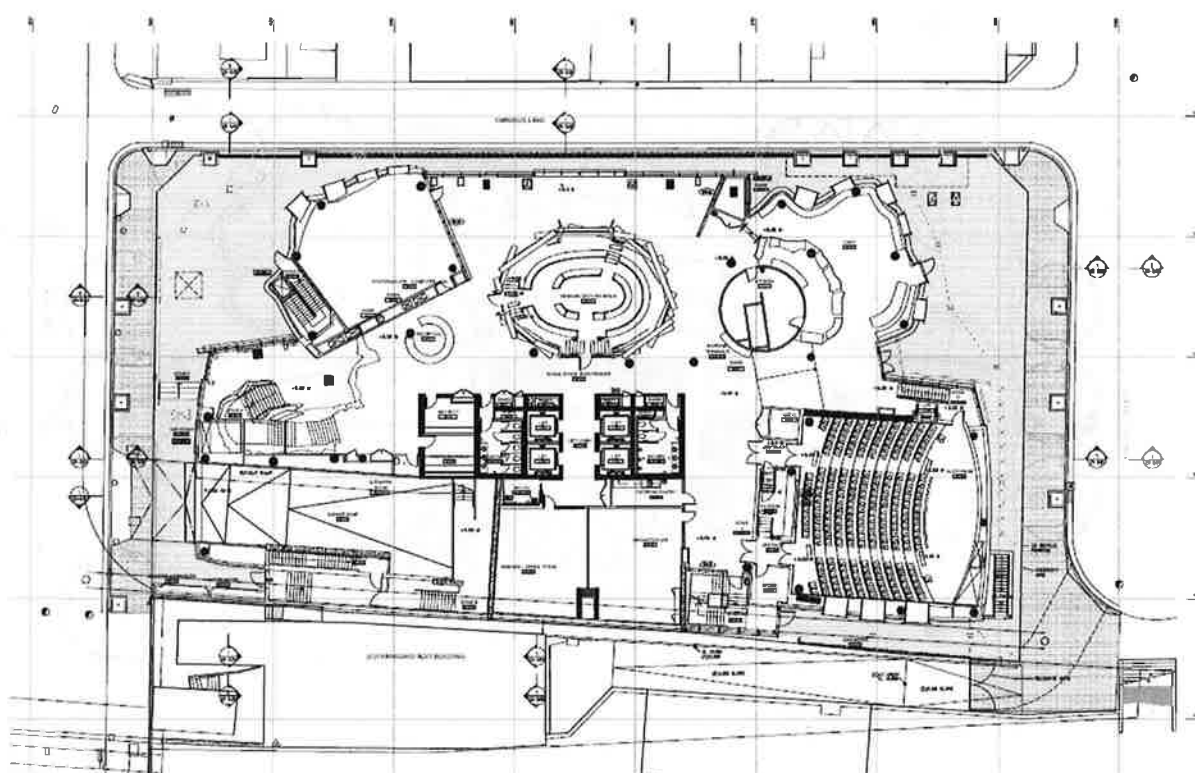


Figure 5: Ground Floor

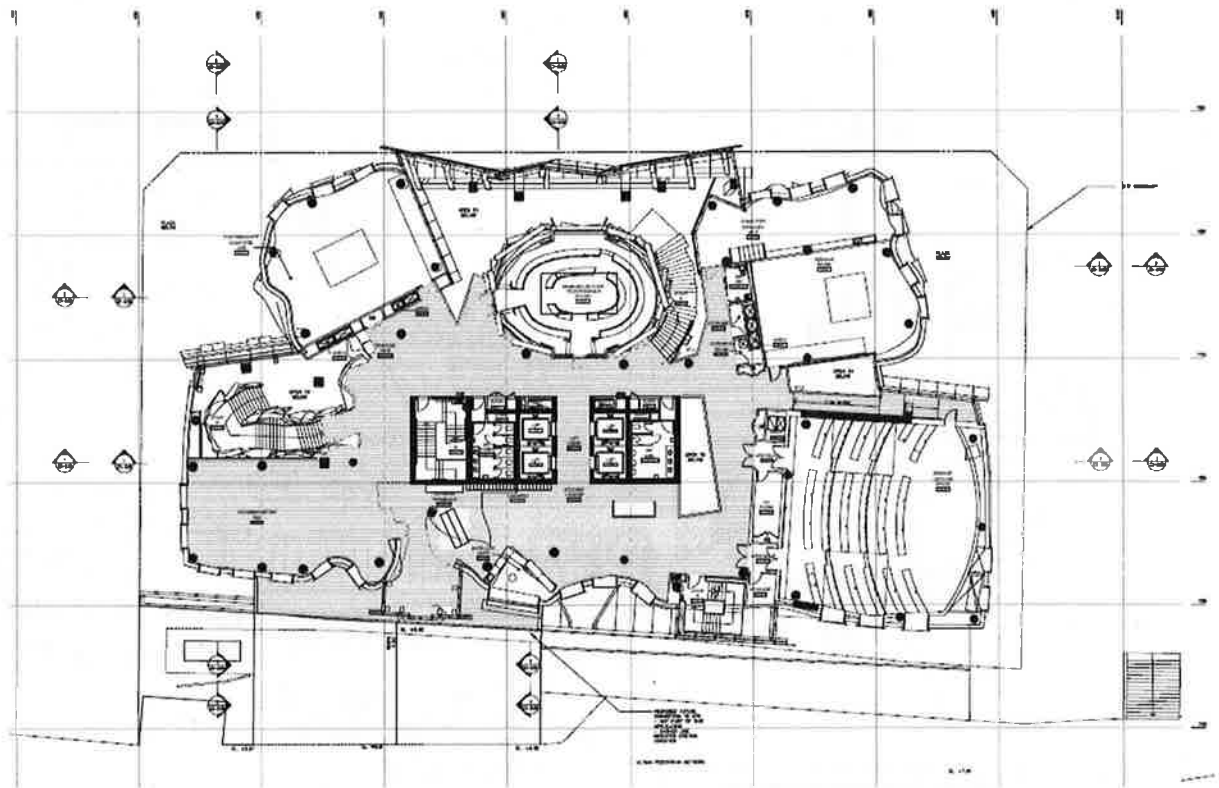


Figure 6: First Floor

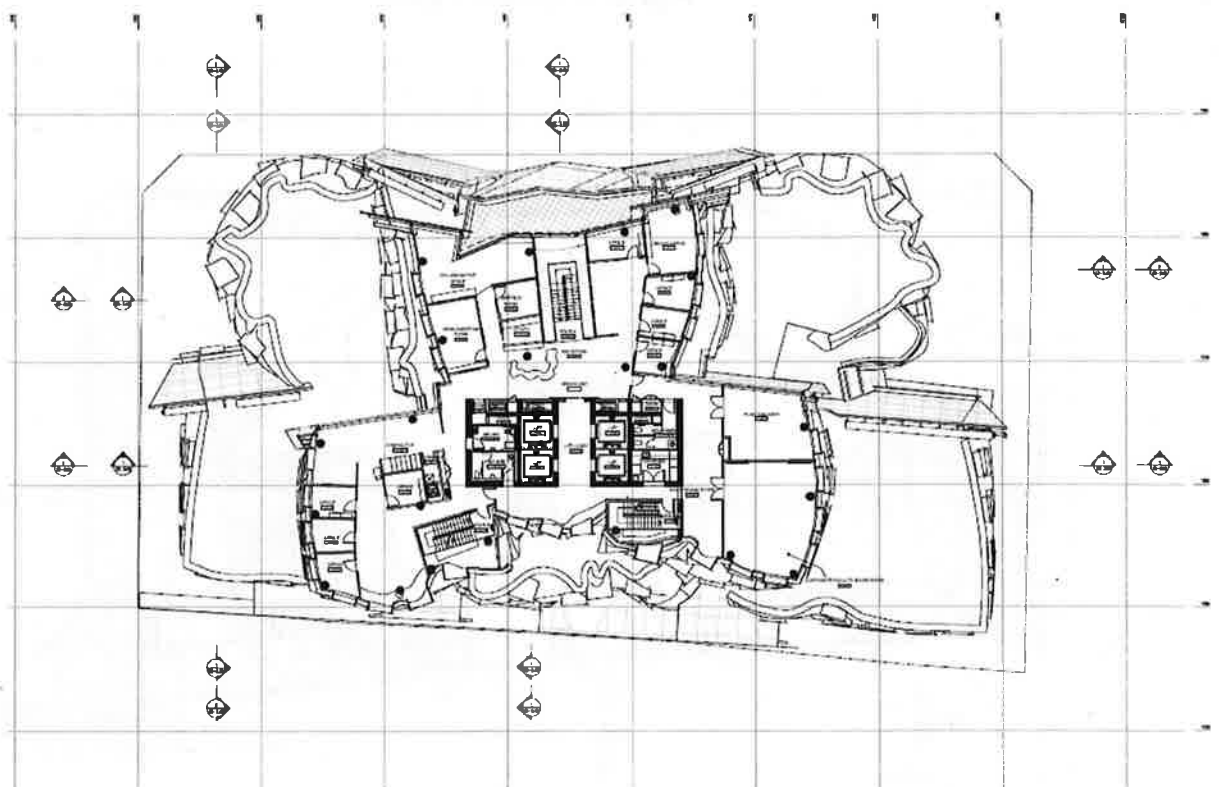


Figure 7: Tenth Floor

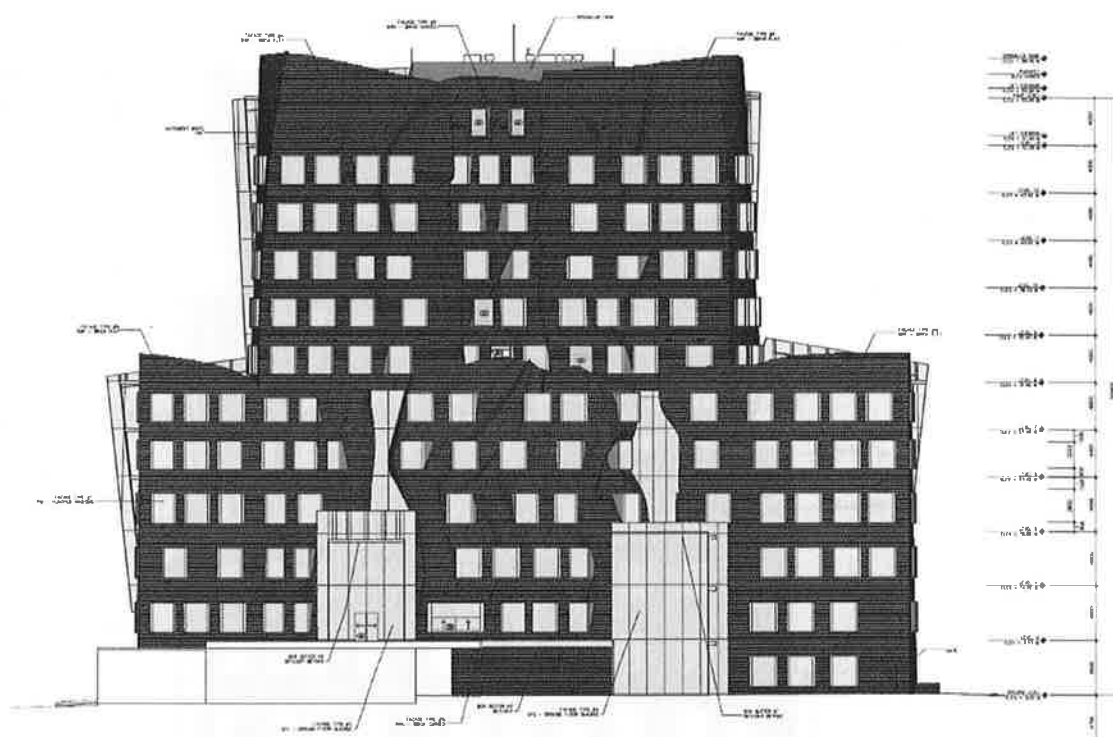


Figure 8: Eastern Elevation

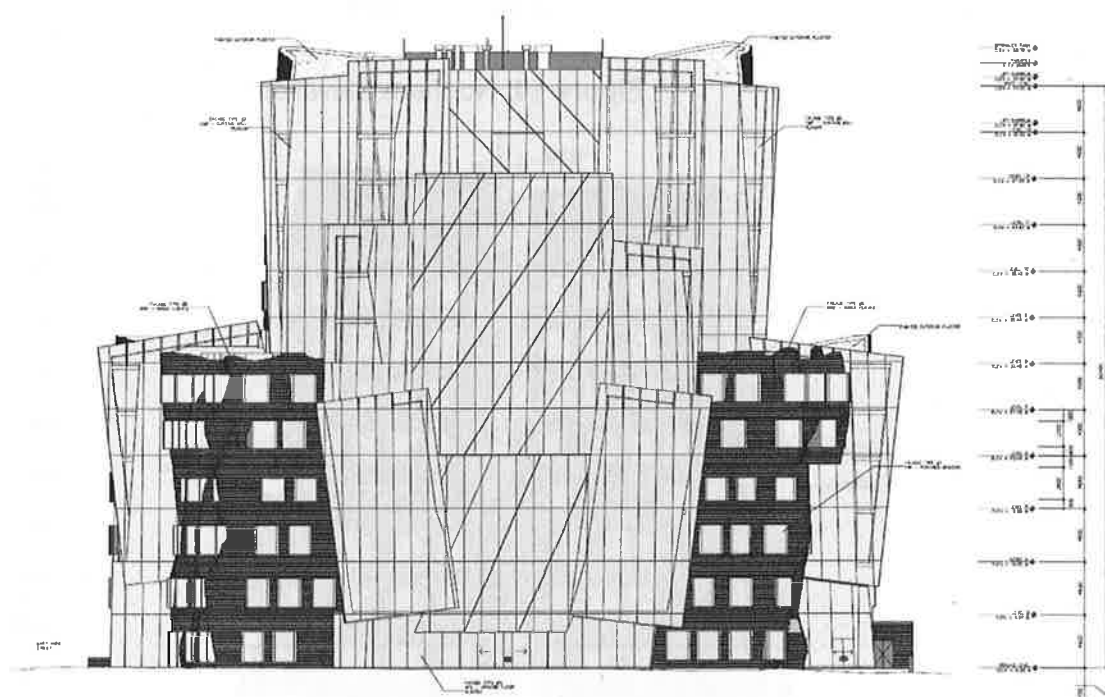


Figure 9: Western Elevation

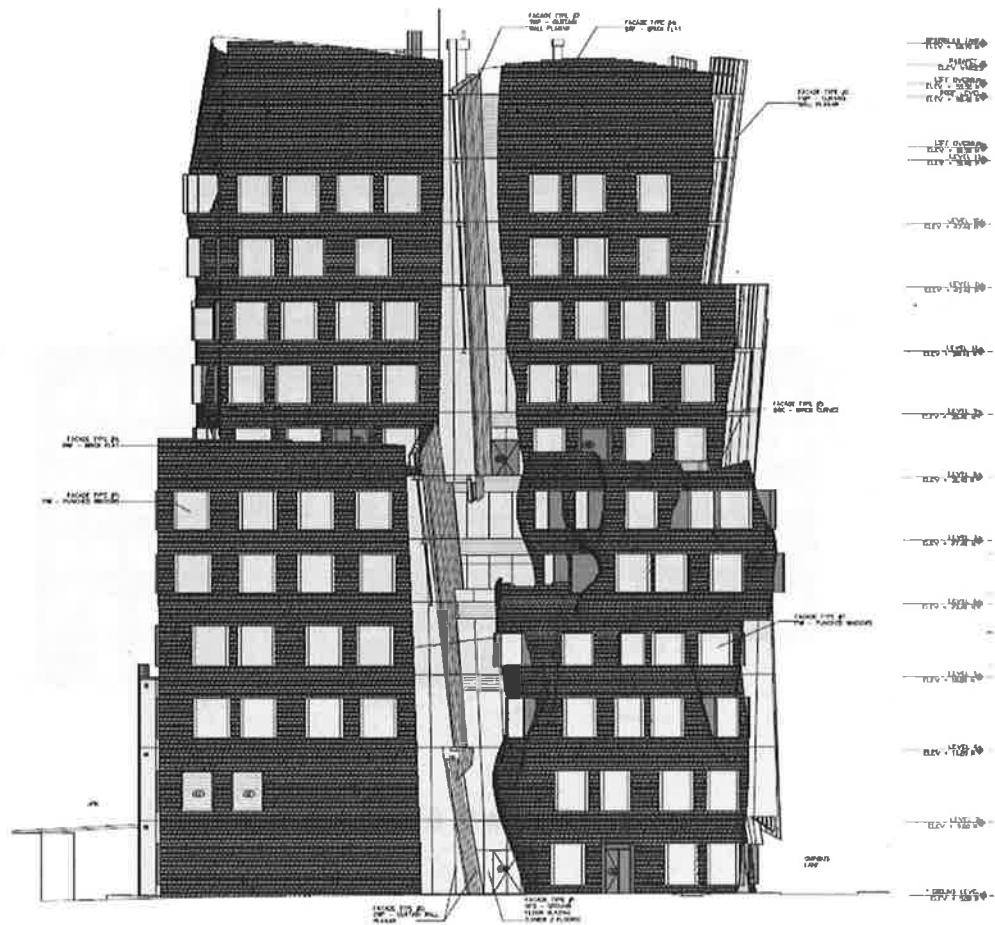


Figure 10: Northern Elevation

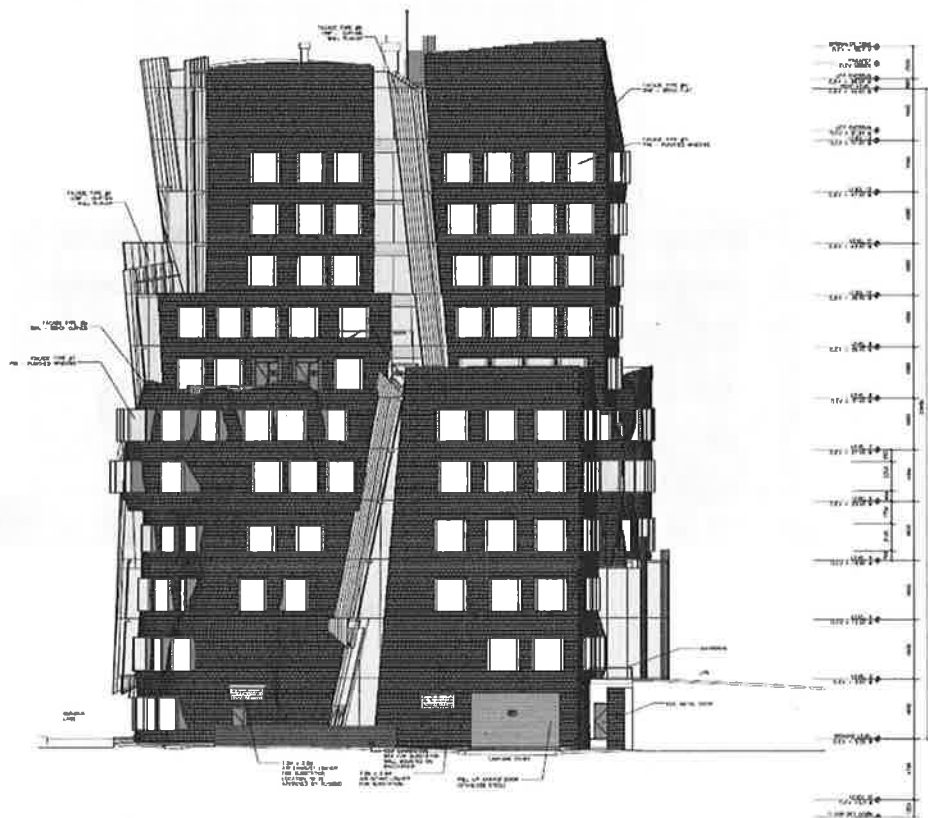


Figure 11: Southern Elevation

Table 2: Key Project Components as Described in the PPR

Aspect	Description
Project Summary	12-storey educational building with associated public domain and landscaping works.
<i>Basement</i>	• 21 car parking spaces • a loading area with capacity to accommodate one 8.8 m heavy rigid vehicle/two 5.2 m small rigid vehicles and 3 courier vans • 155 bicycle parking spaces and 100 storage lockers • bathroom and shower facilities • substation, waste storage, and plant
<i>Ground</i>	• reception facilities • seminar, lecture rooms, cafe and computer lab • car park access
<i>Levels 1 - 2</i>	• student lounge, seminar and lecture rooms, computer lounge and coffee bar
<i>Levels 3 - 5</i>	• offices, meeting and seminar rooms
<i>Level 6</i>	• faculty breakout space, research/seminar rooms
<i>Levels 7- 8</i>	• offices
<i>Level 9</i>	• offices, meeting rooms and research centre
<i>Level 10</i>	• Dean's unit, function area, and faculty boardroom
<i>Level 11</i>	• plant and cooling tower
<i>Public Domain</i>	• installation of concrete pavers within the site boundary • installation of CCTV and pedestrian and street lighting • planting of 11 street trees and asphaltting of the Council's footway • provision of 22 bicycle racks

2.2 Project Need and Justification

The Dr Chau Chak Wing Building will provide a new education facility at UTS and will assist with the implementation of the University's City Campus Masterplan. The building would also provide increased activity and surveillance along the frontage of the site.

The proposed design and scale of the development reflects the role and function of the building. In addition, the building has been designed to facilitate the expansion of the UPN, which when finalised, will provide a direct pedestrian and bicycle connection to Darling Harbour, Railway Square and the Council's cycle network.

The proposal will meet the aims and objectives of the Sydney Metropolitan Plan by providing a facility that increases opportunities for innovation and skill enhancement amongst a cluster of knowledge-based uses.

The proposal also meets the objectives of the Draft Sydney Subregional Strategy as it concentrates activities within an established educational precinct, thereby contributing to the development of Pyrmont-Ultimo as a business location for information technology, communications, and media endeavours.

3. STATUTORY CONTEXT

3.1 Continuing Operation of Part 3A

Part 3A of the EP&A Act, as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A to the Act, continues to apply to transitional Part 3A projects.

Director-General's environmental assessment requirements (DGRs) were issued in respect of this project prior to 1 October 2011, and the project is therefore a transitional Part 3A project.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and the associated regulations, and the Minister (or his delegate) may approve or disapprove of the carrying out of the project under section 75J of the Act.

3.2 Delegation

The Minister has delegated his functions to determine Part 3A applications to the department where:

- the Council has not made an objection
- there are less than 25 public submissions objecting to the proposal
- a political disclosure statement has not been made in relation to the application.

The Council did not object to the proposal, and two public submissions raising concerns with design aspects and the viability of the project were received during exhibition. There has also been no political disclosure statement made for this application, or for any related applications, and no disclosures have been made by any persons who lodged a submission.

Accordingly, the application is able to be determined by the Deputy Director-General under delegation.

3.3 Permissibility

The subject site is zoned 'Residential-Business' under the Sydney LEP 2005. The objectives of the zone are to promote a wide range of uses, particularly business development.

The project would provide contemporary facilities in an existing educational precinct within close proximity to a number of knowledge based industries and public transport facilities. Given the above, the application is permissible in the zone and is considered to be consistent with the objectives of the 'Residential Business' zone.

3.4 Environmental Planning Instruments

Under sections 75I(2)(d) and 75I(2)(e) of the EP&A Act, the Director-General's report for a project is required to include a copy of, or reference to, the provisions of any State Environmental Planning Policy (SEPP) that substantially governs the carrying out of the project, and the provisions of any environmental planning instruments (EPI) that would, except for the application of Part 3A, substantially govern the carrying out of the project and that have been taken into consideration in the assessment of the project.

The department's consideration of relevant SEPPs and EPIs is provided in **Appendix D**.

3.5 Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the Act, as set out in Section 5 of the Act.

The relevant objects are:

- (a) to encourage:
 - (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
 - (ii) the promotion and co-ordination of the orderly and economic use and development of land,
 - (iii) the protection, provision and co-ordination of communication and utility services,
 - (iv) the provision of land for public purposes,
 - (v) the provision and co-ordination of community services and facilities, and
 - (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and
 - (vii) ecologically sustainable development, and
 - (viii) the provision and maintenance of affordable housing, and
- (b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and
- (c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

The department has considered the objects of the EP&A Act and considers that the project application is consistent with the relevant objects. An assessment of the application in relation to the relevant objects of the EP&A Act is provided in Section 5 of this report.

3.6 Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes, and that ESD can be achieved through the implementation of:

- (a) the precautionary principle
- (b) inter-generational equity
- (c) conservation of biological diversity and ecological integrity
- (d) improved valuation, pricing and incentive mechanisms.

The department has fully considered the objects of the EP&A Act, including the encouragement of ESD, in its assessment of the application. Further and detailed assessment of ESD is outlined in Section 5 of this report. On the basis of this assessment, the department is satisfied that the proposal encourages ESD, in accordance with the objects of the EP&A Act.

3.7 Statement of Compliance

In accordance with section 75I of the EP&A Act, the department is satisfied that the Director-General's environmental assessment requirements have been complied with.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

Under section 75H(3) of the EP&A Act, the Director-General is required to make the environmental assessment (EA) of an application publicly available for at least 30 days. After accepting the EA, the department publicly exhibited it from Wednesday 25 May 2011 until Friday 24 June 2011 (31 days) on the department's website, at the department's Bridge Street office, and the Council's One Stop Shop. The department also advertised the public exhibition in the Sydney Morning Herald and Daily Telegraph on Wednesday 25 May 2011, and notified landholders and relevant State and local government authorities in writing.

The department received a total of eight submissions during the exhibition of the EA, six of which were from public authorities and two of which were from the general public.

A summary of the issues raised in submissions is provided below.

4.2 Public Authority Submissions

Six submissions were received from public authorities. All authorities supported the project in principle; however issues were raised in relation to the potential urban design, bicycle parking, access, noise, contamination, archaeological and reflectivity impacts of the project. A summary of agency submissions is provided below.

City of Sydney Council (Council)

The Council generally supports the project, however it raised some concerns with the following aspects of the project:

Urban Design

- As the building projects over Omnibus Lane, the proponent is required to obtain landowner's consent from the Council prior to the project being determined
- the application does not provide a significant contribution to the public domain as required by clause 10(1)(d) of the Sydney LEP. To address this issue, the proponent should enter into a VPA with the Council to provide public domain works within the vicinity of the site
- the proposed signs do not comply with the Council's *Signage and Advertising Structures Development Control Plan* (DCP) (2005), and the Council does not support their installation.

Traffic and Transport

- the EA does not describe how the proposed left in, left out, access arrangement will be controlled
- the application does not incorporate sufficient bicycle parking spaces
- the location of the bicycle racks on Ultimo Road is unsafe

- if the building is not connected to the UPN prior to the commencement of its use, a pedestrian crossing should be installed on the western arm of the Ultimo Road and Darling Drive intersection, and the signal phasing should be set to give pedestrians priority.

Universal Access

- the Access Review does not address the Australian Human Rights Commission's *Access to Premises Standards*
- accessible paths of travel need to be considered if the site is not connected to the UPN

Public Domain

- the paving material proposed within the Council's footway does not comply with the requirements of the *Sydney Street Design Code*
- the level of landscaping within the pedestrian forecourts is insufficient
- the removal of Tree 1 is not supported
- the tree species selected for planting within the Council's footway are inconsistent with the Council's *Street Tree Master Plan*
- lighting and CCTV has not been provided along Ultimo Road, Mary Ann Street and Omnibus Lane.

Noise

- the Acoustic Assessment predicts that construction noise will exceed the management and highly affected noise criteria specified in the DECCW *Interim Guideline on Construction Noise*
- the department should restrict the use of outdoor terraces to 10 pm and prohibit the use of outdoor speakers.

Contamination

- appropriate conditions are required to ensure the site is remediated to accommodate the proposed use prior to the issue of an Occupation Certificate.

Developer Contributions

- Council does not support the proponent's request to waive the section 94 contribution applicable under the Ultimo Pyrmont Section 94 Contributions Plan.

The proponent provided a Response to Submissions (RTS) which was forwarded to the Council for comment. In this regard, the RTS:

- deleted all building signage (will require separate approval)
- clarified that excavation and remediation works would no longer be part of the application (now part of a separate approval from the Council)
- introduced additional bicycle parking spaces within the basement car park, and reconfigured the bicycle parking racks within the pedestrian forecourt
- revised public domain treatments
- provided additional justification for waiving the section 94 contribution applicable to the development
- amended a number of technical appendices to address traffic, noise, and access issues raised by the Council. Further discussion on how the RTS responds to the Council's concerns is provided in Section 4.4 of this report.

Office of Environment and Heritage (OEH)

OEH raised no objection to the application. Notwithstanding, it requested that the proponent amend the Remedial Action Plan (RAP) to include details on the number and location of off-site groundwater wells, and the frequency of ground water monitoring.

In addition, the OEH advised that due to its location, the site may contain archaeological deposits. In order to protect any potential archaeological deposits, the OEH requested the imposition of a condition requiring the proponent to undertake a comprehensive archaeological testing program in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects*, prior to the commencement of excavation works.

As outlined above, the Part 3A application no longer includes excavation or remediation works, as these works are included in the Part 4 development approval issued by the Council. As such, the OEH's concerns are no longer relevant to the assessment of the project application.

Department of Transport (DOT)

DoT advised that it supports the transport initiatives proposed by the application.

RailCorp

RailCorp raised no objection to the application, however it requested the imposition of conditions requiring the proponent to:

- undertake a service search to establish the existence and location of any rail services within the project area prior to the issue of a Construction Certificate
- prepare a dilapidation survey in consultation with RailCorp prior to the commencement of works on site
- provide certification that the project has the ability to withstand intermittent surcharge loads from passing rail traffic prior to the issue of a Construction Certificate.

The department has included the conditions requested by RailCorp in the Instrument of Approval.

Department of Education and Communities (DEC)

The DEC advised that the proponent's Reflectivity Study does not accurately depict potential impacts on the Muse building, which is currently used by TAFE NSW and located on the western side of Harris Street.

The proponent provided a revised the Reflectivity Study in its RTS to address the issues raised by the DEC.

Sydney Regional Development Advisory Committee (SRDAC)

SRDAC raised no objection to the application; however it raised concerns with the level of information provided to address traffic impacts associated with the operation of the loading dock. Following discussions with the department in relation to the content of the proponent's Transport Impact Assessment, the SRDAC advised that the impacts associated with the operation of the loading dock have been addressed.

4.3 Public Submissions

Two submissions were received from the public. One submission objected to the application on the basis that students could be accommodated within UTS's existing buildings. The second submission raised no objection, however it highlighted the need to provide lighting and CCTV along Omnibus Lane in order to improve safety and security around the perimeter of the site.

The department supports the expansion of the UTS campus on the basis that it will service the anticipated demand for tertiary education facilities within proximity to the Sydney CBD. In addition, the department has assessed the potential impacts of crime along Omnibus Lane and agrees that the installation of lighting and CCTV would provide a significant public benefit. The department has recommended a condition of approval requiring the installation of lighting and CCTV cameras along Omnibus Lane.

4.4 Proponent's Response to Submissions

The proponent provided a RTS to address issues raised during the exhibition period (see **Appendix C**). The RTS proposes the following modifications to the project:

- refinement of the internal floor plans to denote the use of all rooms within the building
- reduction of the total gross floor area by 1746.2 m²
- deletion of all external building signage
- removal of 7 car parking spaces in the basement car park, and provision of 102 additional bicycle parking spaces and associated end of trip facilities, bringing total car parking to 21 spaces, and bicycle parking to 177 spaces
- reconfiguration of the bicycle parking spaces within the pedestrian forecourt areas
- installation of asphalt on the Council's footway
- installation of lighting across the site
- deletion of the request to undertake remediation, shoring and piling works for the basement car park (as they were approved under a separate development approval issued by the Council).

The RTS was referred to the Council and the DEC. The Council advised that it holds residual concerns with the proponent's landscape plan, and does not support the proponent's justification for waiving the section 94 contribution applicable to the site. In addition, the Council noted that the proposed shower facilities are inconsistent with the Council's Draft Sydney DCP 2011. These issues are discussed in greater detail in Section 5 of this report.

The DEC advised that it holds no residual concerns with the application.

5. ASSESSMENT

The department considers the key environmental issues for the project to be:

- urban design and built form
- environmental amenity
- transport and access
- developer contributions
- heritage
- ESD measures.

5.1 URBAN DESIGN AND BUILT FORM

The application seeks approval to construct a new 12-storey building for use as a tertiary education facility. The building will provide new facilities for the UTS Business School. The application also proposes a number of public domain works within the project area. A discussion of the urban design and built form impacts of the project is provided overleaf.

5.1.1 Urban Design

The architecture is a product of Gehry and Partners desire to achieve the University's vision of providing an integrated, practical, and collaborative teaching and learning environment which promotes cross disciplinary exchange and interaction, whilst responding to the site's constraints and context.

The firm's architectural philosophy is to design buildings based on one central idea inside and out to produce a unified aesthetic. In this regard, the conceptual response to the University's vision was to design the building around the idea of providing a cluster of 'tree houses' organised around a central 'trunk', with spatial 'cracks' in between.

The intent of the tree house concept is to provide a central space for group collaboration, with a series of smaller spaces around the perimeter for people to retreat and undertake private work. In addition, the use of spatial 'cracks' between each 'tree house' is intended to evoke a sense of curiosity that will encourage the building's users to investigate what activities are being undertaken in the adjoining 'tree house', further reinforcing interdisciplinary exchange and interaction.

The architectural language of each facade is intrinsically linked to the configuration of the building's internal spaces and expresses the tree house concept. In this regard, the building has two juxtaposed aspects, with the eastern elevation comprised of buff coloured brick laid in a configuration that will give the appearance of a soft fabric folding delicately to cover each 'tree house'. The western elevation is comprised of large shards of glass to fully expose the inner workings of each 'tree house', and create a transparent, welcoming entry to the building. A more detailed analysis of the design is provided below.

As previously outlined, the eastern elevation is comprised of buff coloured brick punctuated by large boxed windows. The brick colour was selected due to its similarity to Sydney sandstone, a material found extensively in the Ultimo-Pyrmont area. Furthermore, the fenestration has been designed to provide a link to the warehouse character of the locality. In terms of its interaction with the public domain, the first floor of the building has been designed to incorporate an entrance and future pedestrian connection to the UPN. In addition, a small coffee bar with outdoor seating is proposed adjacent to the pedestrian connection to increase activity and passive surveillance of the UPN. **Figure 12** depicts the eastern elevation.



Figure 12: Eastern Elevation

The western elevation is predominantly comprised of large 'shards' of glass that will fracture and mirror images of the heritage buildings along Harris Street. In addition, the extensive use of glazing on this elevation will provide pedestrians with an opportunity to view the internal workings of the building, and provide a visual representation of the University's desire to have an open relationship with the local community. To further enhance interaction between the building and the public domain, the ground floor plane includes a café with outdoor seating adjacent to the intersection of Mary Ann Street and Omnibus Lane. **Figure 13** below depicts the western elevation.



Figure 13: Western Elevation

The northern and southern elevations provide a transition between the traditional warehouse forms surrounding the site and the deconstructed form of the eastern and western elevations, by providing a more angular built form on the north-eastern and south-eastern corners of the building. In addition, both elevations provide a high degree of interaction with the public domain via the provision of ground level windows and entry points to the building. **Figures 14** and **15** depict the northern and southern elevations.



Figure 14: Northern Elevation



Figure 15: Southern Elevation

In terms of its scale and massing, the building is comprised of a lower six storey element which responds to the street wall height along the perimeter of the site. Beyond the sixth storey, the building is setback to reduce its visual bulk.

Both the upper and lower levels of the building are modulated vertically and horizontally to break down the mass of the building and provide elements of light and shade.

The department considers that the proposed building would be a bold and dramatic insertion in the Ultimo-Pyrmont area which responds to the scale, character and context of the locality. As such the department is satisfied that the project exhibits design excellence as required by clause 26 of the Sydney LEP.

5.1.2 Height, Bulk and Scale

The Sydney LEP sets a maximum height of 42 m for the site. When calculated as per the requirements of the Sydney LEP, the proposed building would have a height of 45.4 m. This represents a 9.2 per cent variation to the height maxima applicable to the site.

The Sydney LEP also sets a maximum floor space ratio (FSR) of 5:1 for the site. The proposed building, as amended, has a gross floor area of 1311 m², which equates to an FSR of 4.65:1, and as such complies with the FSR maxima applicable to the site. Clause 10 of the Sydney LEP permits variations of up to 10 per cent to the height and FSR controls applicable to a site, subject to an application demonstrating compliance with the following criteria:

- (1)
 - (a) *all the objectives of the development standard will be fulfilled, and*
 - (b) *the contravention will not:*
 - (i) *create an undesirable precedent for other development, or*
 - (ii) *diminish the overall effect of the development standard for development in the vicinity of the site, and*
 - (c) *the particular physical attributes of:*
 - (i) *the site, in terms of location, context, slope, site configuration and the like, and*
 - (ii) *the proposed development, in terms of urban form, bulk, height, floor space ratio, car parking, and the like, will render the strict application of the development standard unreasonable or unnecessary in the circumstances, and*
 - (d) *the proposed development will improve or contribute positively to the public domain and would achieve design excellence.*
- (2) *a consent may be granted pursuant to this clause only if the building concerned:*
 - (a) *does not contravene the maximum building height set for the building by Chapter 2 or 3 by more than 10% of that maximum building height or the height of one floor of the building, whichever is the greater, and*
 - (b) *does not contravene the maximum floor space ratio for the building set for the building by Chapter 2 or 3 by more than 10% of that maximum floor space ratio or the proportion of the floor space ratio of the building attributable to one floor in the building, whichever is the greater, and*
 - (c) *does not contravene a maximum amount of vehicle parking set for the building by Chapter 2 or 3 by more than 10% of that maximum amount.*

The Council raised no objection to varying the height control applicable to the site, and advised that it considers the project exhibits design excellence. Notwithstanding, the Council advised that it is not satisfied that the proposed landscape treatments are sufficient to improve, or make a positive contribution to the public domain, as required by clause 10(1)(d) of the LEP.

In order to address this issue, the Council recommended a number of refinements to the proponent's landscape plans, and requested that the proponent enter into a voluntary planning agreement (VPA) to ensure that public domain improvements would be provided within the vicinity of the site. Subject to this occurring, the Council is satisfied that the proposed development would meet the objectives of clause 10 of the LEP.

The proponent's RTS includes a discussion on compliance with clause 10(1)(d) of the Sydney LEP. In this regard, the proponent submits that a VPA is not justified, as the project would result in the construction of a unique building of global architectural significance, and that the Sydney LEP does not require a proponent to provide public domain upgrades outside an application area to demonstrate design excellence. In addition, the proponent reiterated that the project would result in landscape upgrades that would improve the microclimate surrounding the building, accessibility, and safety and security within the public domain.

The department has reviewed the proponent's submissions, and assessed the application against the requirements of clause 10(1)(d) of the Sydney LEP, and considers that the proposed development, as amended, would provide a positive contribution to the public domain by providing:

- a building of outstanding architectural merit
- active frontages on each elevation to increase activity surrounding the site and a high degree of passive surveillance of the public domain
- improved lighting and security (CCTV and security patrols) around the perimeter of the site
- new planting along the perimeter of the site within the Council's footway to provide additional shade during the summer months
- a future connection between the building and the UPN to facilitate improved pedestrian and cycle linkages between the site, Central Station and the Council's cycle network.

On this basis, the department is satisfied that the building has an appropriate height, bulk and scale, and a VPA is not required to provide additional improvements to the public domain within the vicinity of the site. Issues associated with design refinements to the landscape plan/proposed public domain treatments are discussed in detail below.

5.1.3 Public Domain

The application proposes the removal of two street trees within the Council's footway, the planting of 11 new trees and pouring of asphalt within the Council's footway, and the installation of new paving across the site. In addition, the proposed building has been designed to facilitate the future construction of a pedestrian link, which will connect the first floor of the building to the UPN.

The Council advised that it did not support the following components of the proponent's landscape plan:

- the removal of tree number 1, on the basis that it is a healthy specimen
- the use of *Largerstroemia indica* (Crepe Myrtle), as it is not advocated in Council's Street Tree Master Plan
- the lack of understorey planting for trees within the Council's footway
- the lack of street lighting

- the use of concrete pavers within Council's footway, as this material is not included in the Council's standard material palette for Ultimo-Pyrmont
- the expense of paving surrounding the building
- the lack of street furniture proposed to allow visitors to enjoy the building from the public domain.

The proponent addressed these issues in its RTS. In this regard, the proponent advised that:

- tree number 1 requires removal to ensure safe sightlines are provided for pedestrians accessing the site via Ultimo Road
- the tree inventory has been revised to incorporate the planting of *Lophostemon confertus* (Brush Box) along Mary Ann Street, and *Koelreuteria paniculata* (Golden Rain Tree) along Omnibus Lane
- no understorey planting is proposed along Ultimo Road in order to maintain consistency with the surrounding streetscape. In addition, understorey planting is not proposed along Omnibus Lane or Mary Ann Street to ensure the development will be provided with clear paths of travel and clean and tidy street frontages
- lighting will be provided along the frontage of the site in accordance with Council's specifications
- it will lay asphalt within the Council's footway to provide consistency with the standard material palette for Ultimo-Pyrmont
- it has not pursued the installation of fixed seating in the plaza fronting Ultimo Road due to spatial constraints associated with maintaining clear exit paths from the building, and providing unencumbered access to the Ausgrid substation. Furthermore, the proponent considers that it would be more appropriate to locate fixed seating within the UPN to allow visitors to appreciate the building in its context.

The Council reviewed the RTS and reiterated its concerns in relation to the lack of fixed seating, understorey planting, and the extent of hard landscaping surrounding the building. In addition, the Council requested that the proponent provide an amended landscape plan depicting the details of all proposed lighting and street furniture.

The department has reviewed the proponent's justification for the proposed landscape treatments in light of the Council's comments, and has concluded that:

- omitting understorey planting within the Council's footway is acceptable based on the character of the surrounding public domain and accessibility constraints along Omnibus Lane and Mary Ann Street
- maintaining clear paths of travel and access to Ausgrid's assets is a functional and acceptable reason for providing continuous areas of paving. Furthermore, the department notes that there will be opportunities for the installation of fixed seating within the UPN, which would provide a more appropriate location to view the architecture of the building
- the proponent should re-submit a final landscape plan depicting all street and pedestrian lighting, CCT locations, and the location, dimensions, and design of all fixed and movable street furniture. The department has recommended the imposition of an appropriate condition to ensure this occurs, and Council will be given the opportunity to review the plan once it is lodged.

5.2 ENVIRONMENTAL AMENITY

5.2.1 Visual Impact

The EA includes an assessment of the visual impact of the project from within the public domain and at private residences. The view points used to undertake the visual assessment are provided in **Figure 16** below.

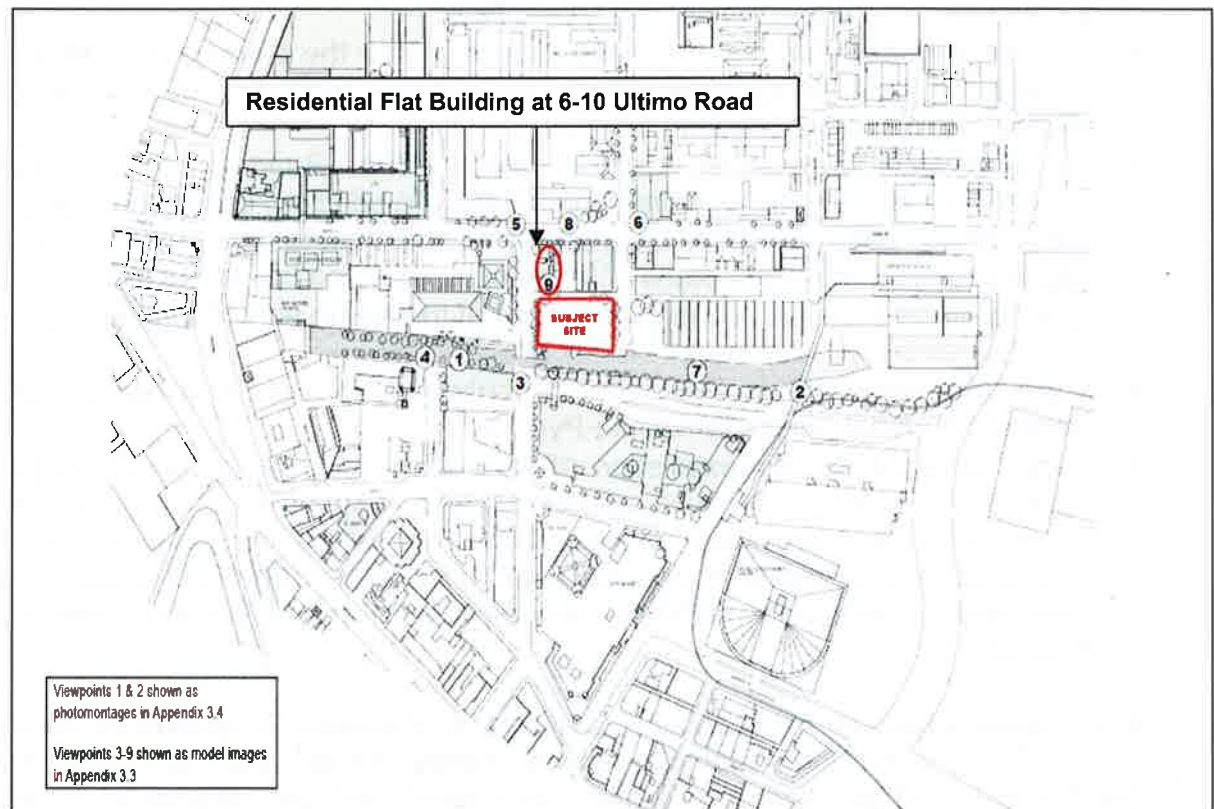


Figure 16: View Points within the Public Domain

The visual impact assessment identified that the project would reduce views to the city from the residential flat building located at 6-10 Ultimo Road. In addition, the assessment concluded that the application would result in a negligible reduction in views of the city skyline from the ABC building, as well as a reduction in views of the former NCR building from the UPN. Photomontages and a summary of the proponent's visual impact assessment are provided in **Table 3**, overleaf.

Table 3: Visual Impacts of the Project
Visual Impact Assessment

View Point No 1

View point 1 is located adjacent to the rear of the ABC building at the south-western end of the UPN (See **Figure 17** below). In the foreground of this vista are the UPN and the subject site. The background is comprised of the eastern and southern facades of the former NCR building.



Figure 17: Before and After Vista from View Point 1

The proposed building would be located in the foreground at this vantage point and would obscure views of the eastern façade of the former NCR building. Views of the southern façade of the NCR building would be retained. The proposed building is considered to enhance views along the UPN at this vantage point by providing an iconic building.

View Point No. 2

View point 2 is located at the north eastern end of the UPN. In the foreground of this vista is the western façade of the Powerhouse Museum and foliage along the eastern side of the UPN (see **Figure 18** below). The residential flat building at 13 - 47 Systrum Street, the UTS tower and the ABC building form the backdrop to this vista.



Figure 18: Before and After Vista from View Point 2

The proposed building would be located in the foreground of this vista, and would partially obscure views of the residential flat building at 13 – 47 Systrum Street and the northern elevation of the ABC building when looking south along UPN. Based on these montages it is possible to see that the proposed building would obscure some views to the city.

View Point No 3: Looking to the East

Existing street views are north south along the UPN. The proposed building would obscure views on the western side of the site to the former NCR building from the UPN. The level of view loss would be

similar to that at view point No. 1.

View Point from 6-10 Ultimo Road

The application would result in the loss of views to the city skyline from north and north-east facing apartments on levels 3 to 8 at 6-10 Ultimo Road. It should be noted that these apartments currently obtain city views as the site is currently vacant and has not been developed to its full potential. A view from an upper level north-east facing apartment is provided at **Figure 19** below.



Figure 19: View from a North-East Facing Apartment on level 8

The department has assessed the findings of the proponent's visual impact assessment in accordance with the principles outlined in the Land and Environment Court's judgement *Tenacity Consulting v Warringah Council (2004)*, and has concluded that:

- the application would not result in the loss of iconic views at view points 1 to 8, and would enhance views to the site from within the UPN (view points 1, 2, 4 and 7)
- based on the layout of the apartments accessed on level 8 of 6-10 Ultimo Road, the application would result in the loss of standing views obtained from balconies adjoining either bedrooms or lounge room areas. It should be noted that no affected landowners' at 6-10 Ultimo Road, have objected to the project
- when using the principles of the Tenacity judgement, these views would not be defined as 'iconic' views, however, the department considers that these views have some value. Notwithstanding, the Tenacity judgement notes that standing views are less valuable than sitting views, and therefore the extent of the visual impact of the proposal is not considered to be 'severe'
- the extent of view loss at the residential flat building at 6-10 Ultimo Road is not considered unreasonable given that the site is located in a dense inner city area, the application is consistent with the height and FSR maxima permitted in the Sydney LEP, and the application includes reasonable setbacks on the upper levels of the building to facilitate view sharing.

The department is satisfied that the building has been designed to minimise the extent of view loss experienced at private residences and from within the public domain.

Furthermore, the department considers that units at 6-10 Ultimo Road would benefit from gaining uninterrupted views to a landmark building, that in all likelihood will become an iconic building in its own right in the future.

5.2.2 Privacy

Notwithstanding that the proposed building is a non-residential building, an assessment using SEPP 65 has been made regarding setbacks from the residential flat building at 6-10 Ultimo Road.

The Residential Flat Design Code recommends the following staggered setbacks between habitable and non-habitable rooms:

- 9 metres between the first and fourth storey
- 13 metres between the fifth and eighth storey
- 18 metres above the ninth storey.

A variation to these requirements is required on levels 4, 5 and 6 of the building, as the minimum setback varies between 8.1 m and 11 - 13 m. The proponent has provided the following justification to support the proposed setbacks:

- the sculptural form of the building, coupled with deep reveals would obscure or limit direct sightlines to 6-10 Ultimo Road
- the windows on the eastern elevation of 6-10 Ultimo Road are high level windows which are likely to service bathrooms. In this case, bathrooms are non-habitable rooms, and the development would therefore comply with the setback requirements for two non-habitable rooms (6 m for four storeys or less, and 9 m for 5 to 8 storey buildings)
- the application complies with the 9 m separation distance recommended in the *Urban Development Plan for Ultimo-Pyrmont Urban Precinct 1999* (UDP).

The department has reviewed the potential privacy impacts in conjunction with the Council, and is satisfied that that the revised development would not generate any adverse privacy impacts at 6-10 Ultimo Road.

5.2.3 Overshadowing

The proposed development is orientated north-south and would result in additional overshadowing at adjoining properties during the winter solstice. These impacts are depicted in **Figure 20** overleaf.



Figure 20: Shadow Diagrams for June 21

In summary, these diagrams demonstrate that the application would result in the following impacts at adjoining premises:

- moderate changes in shadows between 9:00am and 12 pm at TAFE NSW's Muse building, 6-10 Ultimo Road and the former NCR building during winter solstice
- moderate change in shadows between 12 noon and 3 pm at the ABC Building, the UPN and the Inner City Child Care Centre during winter solstice.

The department has reviewed these impacts and notes that the shadows created by the building would not reduce the amount of daylight available at the adjoining premises, and within the public domain, below that recommended in the *Urban Development Plan of Ultimo Pyrmont*. Given the above, the department has concluded that the shadowing impacts generated by the project are typical of an inner city environment and are therefore acceptable.

5.2.4 Reflectivity

The EA includes a Reflectivity Study prepared by Arup, which has been updated to address the concerns of the DEC, and reflect design revisions proposed in the RTS. The Study was undertaken in accordance with the Hassall methodology, which is considered the current best practice industry standard in the absence of an applicable Australian Standard. All observer viewing points are identified in **Figure 21** below.



Figure 21: Observer Viewing Points

The Study modelled solar reflections in a 3D environment to determine the project's potential to generate 'disability' glare for drivers, and 'discomfort' glare for pedestrians and occupants of surrounding buildings. It is important to note that, 'glare' is measured by determining the extent of veiling luminance, which is expressed in candela per metre square (Cd/m^2). When veiling luminance exceeds $500\text{Cd}/\text{m}^2$ it has the potential to cause 'disability glare' and may impact on the ability of an observer to perform visual tasks without taking evasive action. Where luminance exceeds $500\text{ Cd}/\text{m}^2$ within a roadway, it is important to assess whether solar reflections will cause disability glare, given its potential to cause road accidents. A summary of the potential reflectivity impacts outlined in the proponent's Reflectivity Study is provided in **Table 4**, overleaf.

Table 4: Summary of Reflectivity Impacts

Viewing Location	Impact
Harris Street, Thomas Street, Ultimo Road, Broadway	Solar reflections would be blocked by existing buildings, or would not fall in locations that would impact on driver visibility. Given the above the project would not result in any unacceptable reflectivity impacts. This also applies for other surrounding streets.
Mary Ann Street	Veiling luminance would exceed 500 Cd/m ² along the northern side of Mary Ann Street in the afternoon between November and January for a maximum of 30 minutes. Notwithstanding solar reflections would be obscured by existing vegetation, thereby mitigating any potential impacts on driver visibility. Potential glare impacts for pedestrians moving along roadways are similar to those modelled for drivers. As pedestrians move at a significantly slower rate than vehicles, it would be safe for pedestrians to adjust their view in any location where reflections occur. Given the above, the project would not result in any adverse reflectivity impacts at this location.
Darling Drive	Veiling luminance would exceed 500 Cd/m ² along segments of Darling Drive during the early morning and late afternoon all year round, for a maximum of 1.5 hours. Notwithstanding reflections would be obscured by existing evergreen trees which would mitigate any potential impacts on driver visibility. Potential glare impacts for pedestrians moving along roadways are similar to those modelled for drivers. As pedestrians move at a significantly slower rate than vehicles, it would be safe for pedestrians to adjust their view in any location where reflections occur. Given the above, the project would not result in any adverse reflectivity impacts at this location.
ABC Building, 700 Harris Street	Intermittent reflections would occur on the upper floors of the northern façade of the ABC building in the afternoon and early evening for a maximum of 2.5 hours all year round. As veiling luminance would not exceed 500 Cd/m ² , and patches of reflected sunlight would not fall onto individual windows for longer than 20 minutes at any given time, the project is not considered to cause any adverse reflectivity impacts at this location.
Muse Building, Harris Street	Intermittent reflections would occur on the eastern façade of the Muse building in the mid to late afternoon for a maximum of 3 hours and 15 minutes between November and January. As veiling luminance would not exceed 500 Cd/m ² , and the impact of these additional reflections would be less than that of direct sunlight hitting the eastern façade in the morning, the project is not considered to cause any adverse reflectivity impacts at this location.
Residential Apartments, 6 – 10 Ultimo Road	Solar reflections would occur on high level windows of the eastern facade during the afternoon and early evening for a maximum of 4 hours and 15 minutes all year round. These reflections would not exceed 500 Cd/m ² . Due to the height of these windows it is likely that the adjacent rooms would be used as bathrooms or kitchens, and additional reflections in these locations would not have any adverse impacts on building occupants.
Former National Cash Register Building, 622 – 632 Harris Street	Solar reflections would occur on high level windows of the eastern facade during the afternoon and early evening for a maximum of 4 hours and 15 minutes all year round. These reflections would not exceed 500 Cd/m ² , and the impact would be less than that of direct sunlight hitting the eastern façade in the morning.

The department has reviewed the results of the Reflectivity Study and is satisfied that the project would not result in any unacceptable glare impacts for drivers, pedestrians or the occupants of the surrounding buildings. As the results of the Study were premised on the reflectivity of the glazing being under 20 percent, the department has included a condition to ensure this occurs.

5.2.5 Wind Impacts

The EA includes a Wind Effects Study (WES) prepared by Windtech. The study modelled wind speed at critical outdoor locations within a 375 m radius of the centre of the site, using a 1:300 scale model of the project, to determine potential impacts on pedestrian amenity. Testing found that the wind environment for pedestrian comfort around the proposed development is generally satisfactory for pedestrian standing, walking, and sitting subject to the implementation of wind mitigation measures (tree planting and installation of glass balustrades).

The proponent has provided verification from Windtech that the revised building design would not alter the findings of the original WES. The department has recommended the imposition of a condition requiring the proponent to install the recommended wind mitigation measures to ensure there will be no adverse wind impacts as a result of the application.

5.2.6 Noise

The EA includes a Noise Impact Assessment prepared by Marshall Day Acoustics, which considers the impacts of the project against the noise management criteria outlined in the OEH's *Industrial Noise Policy*, *Interim Construction Noise Guideline* and the *Environmental Criteria for Road Traffic Noise*. The assessment identifies four residential and commercial premises that have the potential to be affected by construction and operational noise (use of outdoor terraces in the evening and night-time periods). The affected receivers are depicted in **Figure 22** below. A full assessment of the construction and operational noise impacts is provided below.

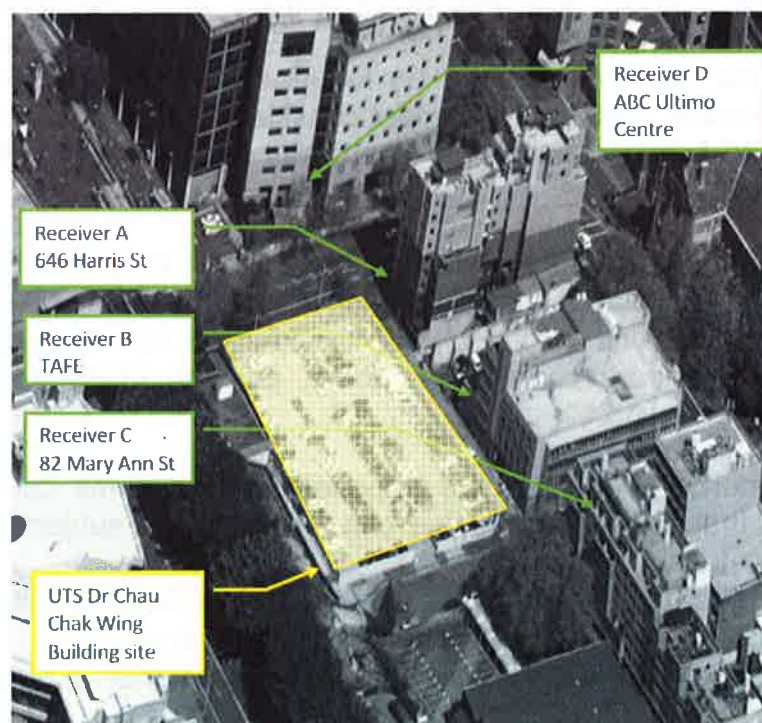


Figure 22: Closest Noise Receivers

Construction Noise

Construction is programmed for 21 months, excluding bulk excavation and remediation works. Based on the current background noise levels at each receiver, the project would exceed the management level (background noise + 5 dB) recommended in the *Interim Construction Noise Guideline* at receivers A, B and C during the construction phase of the project. **Table 5** overleaf depicts the extent of the predicted non-compliances.

Table 5: Compliance with the Interim Construction Noise Guideline

Receiver	Erection of Structure and General Construction		Predicted Noise Level	Compliance
	Management Criterion			
A	67 dB	Worst Case:	84	No (+17)
		Average:	70	No (+3)
B ²	45 dB	Worst Case:	74	No (+29)
		Average:	62	No (+17)
C	67 dB	Worst Case:	75	No (+8)
		Average:	66	Yes
D ²	70 dB	Worst Case:	64	Yes
		Average:	56	Yes

Note:

- Noise levels were calculated at 1.5 m above ground level. Noise at upper levels is likely to be higher.
- Noise levels are internal only.

In addition, construction noise is predicted to exceed the OEH's highly affected noise criterion (75 dB(A)) at Receiver A during the general construction phase of the project.

In order to manage/mitigate the impacts of construction noise, the Noise Impact Assessment recommends the use of silencers, and the installation of acoustic screens to reduce noise impacts at nearby receivers.

The Council advised that the Noise Impact Assessment does not include a complaints handling strategy, and the CEMP incorrectly states the Council's recommended hours of construction for areas outside the CBD. In addition, the Council requested that the department consider restricting the use of highly intrusive appliances to between 9 am and 3 pm Monday to Friday, with regular one hour respite periods.

In order to address the issues raised by the Council, the proponent's PPR:

- provides a Complaint Handling Strategy
- proposes revisions to the CEMP to address the discrepancy related to the Council's standard construction hours, and the incorporation of measures to manage noisy works.

The department has reviewed the proponent's RTS and the Council's comments and is satisfied that construction noise can be managed subject to the imposition of conditions:

- requiring the implementation of reasonable and feasible mitigation measures, as outlined in Table 9 of the Noise Impact Assessment
- requiring the implementation of the Complaints Handling Strategy provided in the PPR.

Operational Noise

The cumulative assessment predicts exceedences of the amenity criteria at receivers A, B and C. These exceedences occur at Receiver A during the evening and night time period, Receiver B when in use, and Receiver C during the evening period. It should be noted that the predicted exceedences are 1dB above the amenity criteria, and only occur when the outdoor terraces are operational. **Table 6** below summarises compliance with the relevant noise management criteria of the Industrial Noise Policy.

Table 6: Compliance with Project Specific Intrusiveness and Amenity Criteria

Time Period	Intrusiveness Criteria $L_{Aeq, 15 \text{ mins}}$			Amenity Criteria $dB L_{Aeq \text{ period}}$		
	Predicted Level	Noise Limit	Compliance	Predicted Level	Noise Limit	Compliance
Receiver A – 6-10 Ultimo Road (Residential)						
Day	53	62	Yes	47	52	Yes
Evening	55	58	Yes	49	48	No
Night	52	55	Yes	46	45	No
Receiver B – Muse Building (TAFE NSW)						
When in use	N/A	N/A	N/A	53	52	No
Receiver C – 13- 47 Systurm Street (Residential)						
Day	53	62	Yes	46	52	Yes
Evening	53	58	Yes	49	48	No
Night	51	55	Yes	44	45	Yes
Receiver D – ABC Child Care Centre						
When in use	N/A	N/A	N/A	44	62	Yes

The proponent's PPR proposes to prohibit the use of the outdoor terraces after 10 pm seven days-per-week. The department is satisfied that prohibiting the use of the outdoor terraces after 10 pm would eliminate exceedences of the amenity criteria at Receivers A, B and C during the night-time period (10 pm to 7 am), when noise exceedences are likely to cause the highest level of nuisance. The department has recommended a condition of approval to this effect.

5.2.7 Air Quality

Construction Impacts

The Construction Environmental Management Plan (CEMP) states that an Air Quality Management Plan will be prepared prior to the commencement of works on site. The department notes that whilst the majority of air quality impacts would occur during bulk earthworks, which were approved by the Council, there is still a need to ensure that dust is managed appropriately during construction works. The department has recommended the imposition of its standard dust management condition to ensure that this occurs.

Operational Impacts

The EA includes an Air Quality Impact Assessment prepared by Arup. The assessment outlines the potential air quality impacts arising from the operation of the proposed tri-generation plant, and has been undertaken in accordance with the requirements of the OEH's *Interim DECC Nitrogen Oxide Policy for Cogeneration in Sydney and the Illawarra*. In addition, the assessment takes into consideration compliance with the air quality goals for PM_{10} emissions as outlined in the *National Environment Protection (Ambient Air Quality) Measure (as amended)*.

The assessment concludes that the cumulative No_x , SO_2 , CO and PM_{10} emissions generated by the tri-generation plant would not exceed the applicable air quality emissions standards. **Table 7** overleaf summarises compliance with the applicable air quality standards.

Table 7: Compliance with DECCW Air Quality Standards

Pollutant	Averaging Times	Maximum Predicted Pollutant Concentration ($\mu\text{g}/\text{m}^3$)	Assessment Criteria ($\mu\text{g}/\text{m}^3$)
PM_{10}	24 hours	0.003 (36.3)	50
	Annual	0.001 (17.4)	30
NO_2	1 hour	52.1 (129.2)	246
	Annual	4.4 (21.0)	62
SO_2	10 minute	0.093	712
	1 hour	0.092 (76.1)	570
	24 hours	0.031 (16.2)	228
	Annual	0.008 (1.9)	60
CO	15 minute	66.5	100,000
	1 hour	65.8	30,000
	8 hour	32.2	10,000

In order to ensure that the proposed tri-generation plant operates in accordance with the appropriate air quality standards, the department has recommended the imposition of conditions:

- limiting emissions of pollutants in accordance with the maximum predicted pollutant concentrations identified in **Table 7** above
- requiring the proponent to prepare an operational environmental management plan to provide for the ongoing maintenance of the gas fired plant
- requiring the proponent to undertake quarterly and annual emission monitoring for a period of 5 years following the commissioning of the gas fired plant.

5.3 TRAFFIC AND TRANSPORT

The proponent provided a Traffic Impact Assessment (TIA) prepared by Arup dated August 2011. The TIA, as amended in the RTS, provides an overview and assessment of the following issues:

- the existing traffic and transport arrangements
- the traffic and parking impacts of the project
- the impact of the project on pedestrian movement, safety and amenity.

A summary of the traffic and transport impact of the project is provided below.

5.3.1 Existing Traffic and Transport Arrangements

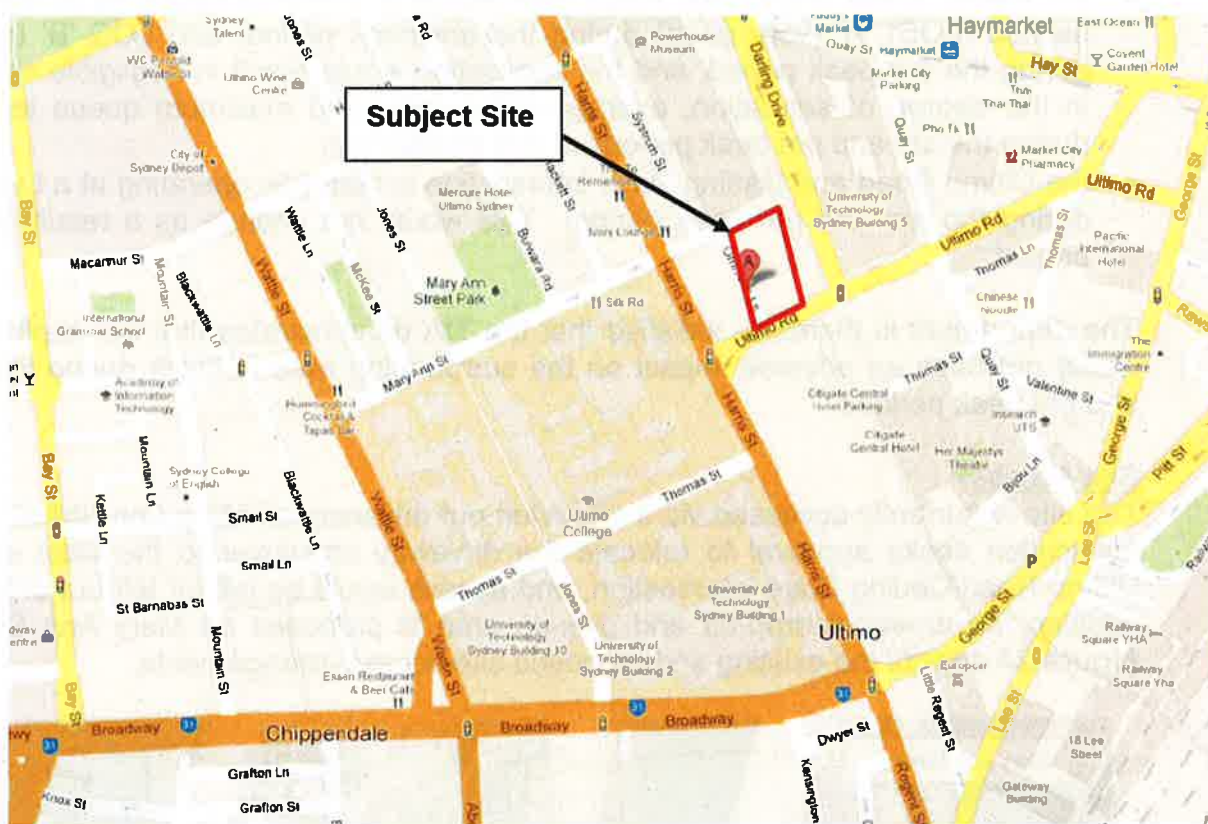
Road Network

The site has frontage to Mary Ann Street to the north, Ultimo Road to the south, Omnibus Lane to the east and Darling Drive to the west. These roads are all classified as local roads and are controlled by the Council. A summary of the functions and character of these roads is provided in **Table 8**, below.

Table 8: Description of Local Road Network

Street Name	Classification	Character
Mary Ann Street	Local Road	provides two-way east-west connection between Wattle Street and Harris Street.
Ultimo Road	Local Road	- two-way road with a kerbside bicycle lane - provides an east-west connection between Thomas Street and Harris Street.
Omnibus Lane	Local Road	provides a two-way east-west connection between Ultimo Road and Mary Ann Street.
Darling Drive	Local Road	two-lane two-way road which provides a north-south connection between Ultimo Road and Pyrmont Bridge Road, and facilitates access to a number of public car parks in the Darling Harbour area.

The project area is also located within close proximity to Broadway and Harris Street, both of which are major arterial roads under the control of the RTA. **Figure 23** depicts the existing road network.

**Figure 23: Surrounding Road Network**

5.3.2 Traffic Impacts

The site previously had approval for use as a 114 space at-grade car park. The proposed development will reduce the number of car parking spaces available on site to 21 spaces. This would result in a net reduction in the number of vehicles exiting and entering the site during the am and pm peak periods (57 trips/hour under the temporary approval, and approximately 20 trips/hour proposed).

The TIA modelled the impact of the development on the Harris Street and Ultimo Road, and Ultimo Road and Darling Drive intersections to confirm that no upgrades

were required as a result of the proposed development. The existing and future performance of the abovementioned intersections is depicted in **Table 9**.

Table 9: Existing and Future Intersection Performance

Intersection	Scenario	AM Peak				PM Peak			
		LOS	DOS	AVD (sec)	Max Queue (m)	LOS	DOS	AVD (sec)	Max Queue (m)
Harris St/ Ultimo Rd	Existing	A	0.545	11.4	91.2	B	0.768	22.5	206
	Future	A	0.548	11.4	91.2	B	0.757	22.7	205.4
Ultimo Rd/ Darling Dr	Existing	A	0.344	10.8	29.0	A	0.451	12.1	53.0
	Future	A	0.340	10.8	29.0	A	0.451	12.1	53.0

In summary the intersection modelling demonstrates that:

- the Harris Street and Ultimo Road intersection is currently operating at level of service (LOS) 'A' (very good) during the am peak period, and LOS 'B' (good) during the pm peak period, and the application would result in negligible change in the degree of saturation, average delay time, and maximum queue lengths during the am and pm peak periods at this intersection
- the Ultimo Road and Darling Drive intersection is currently operating at a LOS 'A' during the am and pm peak period. This would not change as a result of the project.

The department is therefore satisfied that the TIA demonstrates that the application would not have an adverse impact on the surrounding road network during the am and pm peak periods.

Site Access

The site is currently accessed via a left in/left out driveway on Mary Ann Street. The application seeks approval to relocate the driveway crossover to the west of the Ultimo Road/Darling Drive intersection, and access would be left in/ left out only. In addition, an on-street drop-off and pick-up area is proposed on Mary Ann Street. **Figure 24** depicts the existing and proposed site access arrangements.



Figure 24: Existing and Proposed Vehicle Access Points

The proponent provided swept path diagrams for cars and heavy rigid vehicles required to access the site. The department has reviewed the swept path diagrams in conjunction with the Council and the RTA, and has concluded that vehicles can enter and exit the site in accordance with the relevant Australian standards. Notwithstanding, the Council requested that the proponent provide additional information on the design of the proposed left in/left out access on Ultimo Road to allow an assessment of safety impacts.

The revised TIA provides a synopsis of the proposed traffic management measures within the basement car park and along Ultimo Road (signage and line marking). The department has reviewed the revised TIA in conjunction with the Council and has concluded that the traffic management devices proposed by the proponent would maintain safety standards along Ultimo Road. The department has recommended the imposition of conditions to ensure that all traffic management devices are installed prior to the occupation of the building.

Car Parking

For development south of Pyrmont Bridge Road, The UDP sets car parking maxima for commercial developments at 1 car space per 200m² of GFA, and 1 loading bay per 4000m² GFA (no rate is specified for educational establishments). **Table 10** below demonstrates that the application is consistent with the requirements of the UDP.

Table 10: UDP Parking Controls

UDP Parking Rates	Maxima Based on Proposed GFA	Proposed Number of Bays	Compliance
1 car space per 200 m ² of GFA ¹	65.55 spaces	21 car parking spaces ² , one of which is accessible.	Yes
1 loading bay per 4,000m ² of GFA, up to 20,000 m ² of GFA	3.27 loading bays	A loading area with capacity to accommodate one 8.8m heavy rigid vehicle/two 5.2m small rigid vehicles or 3 courier vans.	Yes

Note:

1: One to two per cent of bays must be universally accessible

2: For staff use only

5.3.3 Public and Active Transport

Public Transport

The project area is located within close proximity to Central Station (1000 m), the Paddy's Market tram stop, and a number of bus stops along Ultimo Road which provide services to and from Central Station. Given the above, the department considers that the development is adequately serviced by public transport.

Cycling Facilities

The provision of cycling facilities within the Ultimo-Pyrmont area is governed by the UDP, the Council's *Draft Sydney Development Control Plan 2010* (Draft Sydney DCP) and the department's *Planning Guidelines for Walking and Cycling*. The revised application proposes the creation of 155 bicycle parking spaces within the basement car park, and 22 spaces within the pedestrian forecourt on Mary Ann Street. In addition, the application includes the provision of three male, three female and one unisex change room, the installation of 100 lockers within the basement car

park, and 200 lockers throughout the building. **Table 11** summarises compliance with abovementioned controls.

Table 11: Bicycle Parking Requirements

Control	Number of Bays Required	Compliance
UDP		
1 secure bicycle parking space per 300 m ² of non-residential GFA	51.5 spaces	Yes 177 spaces and 300 lockers provided
1 secure visitor cycling space per 2,500m ² of non-residential GFA	6.2	
Provision of shower and change room facilities adjoining bicycle storage areas		Yes, 7 showers/change rooms provided within the basement car park
Draft Sydney DCP		
1 bicycle parking space per 10 ¹ staff and 1 space per 10 students ²	158.2	Yes 177 provided
1 personal locker for each bicycle parking space 1 shower/change cubicle for up to 10 bicycle parking spaces 2 shower/change cubicles for 11 to 20 bicycle parking spaces Beyond 20 bays, 2 additional showers are provided per 20 bicycle parking spaces	175 lockers 17.5 shower/change cubicles	Yes, 100 lockers are provided within the basement car park, and 200 additional lockers are provided throughout the building No, 7 showers/change rooms are provided within the basement car park
Planning Guidelines for Walking and Cycling		
- The provision of bays for 3 – 5 % full-time staff¹ - The provision of bays for 5 – 10% full time students² - The equivalent of 3 – 5% of the full time student population² being provided for visitors	9.7 - 16.3 spaces 37.6 - 62.8 spaces 37.6 - 62.8 spaces Total: 84.9 – 142 spaces	Yes The application provides bays in excess of the upper limits of the guideline.
Where staff numbers are between 300 and 500, 1 personal locker is required per 3 bicycle racks, and 8 showers (4 male and 4 female) ³ .	5.4 lockers 8 showers	Yes, 100 lockers are provided within the basement car park, and 200 additional lockers are provided throughout the building. No, the application proposes 7 showers/rooms (3 male, 3 female and 1 unisex).

Note:

1: Full-time staff, based on numbers proposed in the EA (326 staff).

2: Student population based on the maximum occupancy rates proposed in the EA (1256 students)

3: No guideline is provided for end of trip facilities for students.

The Council advised that it supports the proposed increase in bicycle parking proposed in the RTS, however it noted that the application has a shortfall of 10 (5 male and 5 female) showers/change rooms when assessed against the provisions of the Draft Sydney DCP. The department has discussed the shortfall in the number of shower and change facilities proposed in the RTS. In this regard, the following additional information was provided by the proponent:

- the university has a target occupancy rate of 45% for all buildings. Based on the target occupancy rate, it is likely that each building would contain a maximum of 565 students at any given time

- applying the university's target occupancy rate, and the Council's draft guidelines for student and staff bicycle parking, 89 parking spaces would be required to service on-site demand. This would in turn reduce the number of shower facilities required from 17.5 to 10
- 2 additional showers can be provided within the basement car park, and one additional shower in the accessible bathroom on level 3 of the building, this would achieve compliance with the guidelines in the Council's DCP
- the additional bicycle parking spaces would be made available to students from other faculties who have classes within proximity to the subject site.

The department has reviewed the proponent's justification for reduced shower facilities and is satisfied that given the transient nature of the student population, it is unlikely that there would be a shortfall of showers available to staff/student's across the day. Furthermore, the department has included a condition of approval requiring the development to be provided with a minimum of 10 shower facilities, which is three more than that originally proposed.

5.3.4 Pedestrian Access

The primary pedestrian access point is proposed at ground floor along Ultimo Road and Omnibus Lane, with a secondary access point provided along Mary Ann Street (see **Figures 25 and 26** over). The application has also been designed to accommodate future pedestrian access from the UPN to the first floor of the building via the construction of a pedestrian link. The proposed arrangements are satisfactory in the long term once the UPN is constructed. However, the Council has advised that in the interim a pedestrian crossing should be installed on the western arm of the Ultimo Road/Darling Drive intersection to ensure safe pedestrian access is provided to the site. In addition, the Council has requested that signal phasing at the crossing be set to give pedestrians priority.

The proponent has advised that it anticipates that the connection to the UPN will be constructed to coincide with the opening of the building. Notwithstanding, as the construction of the connection relies on the finalisation of legal agreements with the adjoining land owner (Transgrid), and the finalisation of the overall UPN design by SHFA, there is a possibility that the building may be open to the public prior to the connection being completed. In order to ensure that appropriate pedestrian access is provided once the building is occupied, the department has recommended the imposition of a condition requiring the installation of a pedestrian crossing at the Ultimo Road/Darling Drive intersection.

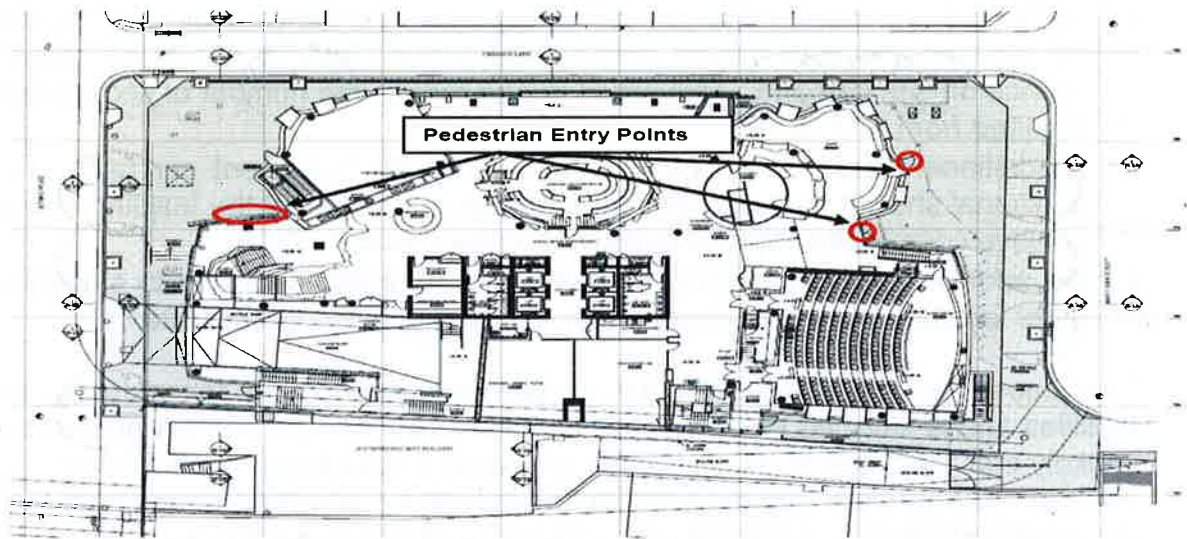


Figure 25: Pedestrian Ground Floor Access Points

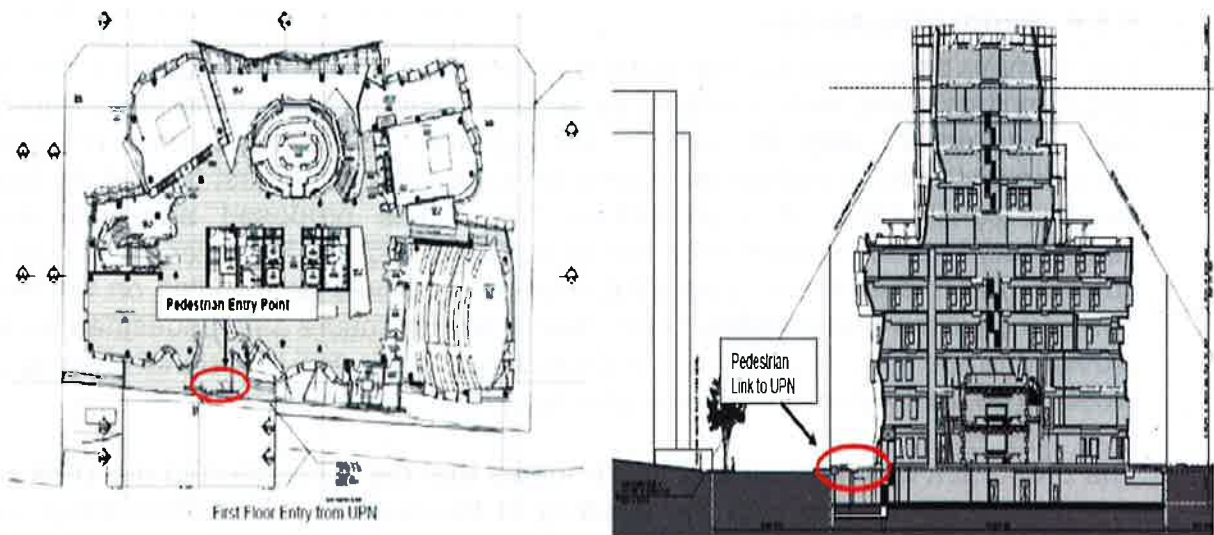


Figure 26: First Floor Pedestrian Access Points

5.4 DEVELOPER CONTRIBUTIONS

Part 14.1 of the Ultimo Pyrmont Section 94 Contribution Plan 1994 (Contributions Plan) requires the payment of a development contribution where an application would increase the resident or worker population on a site. Part 14.2 of the Contributions Plan outlines circumstances where exemptions are permissible. In this regard, exemptions only apply to applications proposing alterations and additions to a residential premise that would not involve the creation of a new or separate dwelling on the same allotment.

Hence, whilst the proposed development is not eligible for an exemption, the proponent is seeking the department's support to waive the requirement to pay a section 94 contribution for the following reasons:

- UTS is a Crown authority as identified in reg 226(1)(c) of the EP&A Regulation 2000
- UTS contributes to the realisation of outcomes which the plan seeks to facilitate by providing open space, community buildings, and public domain improvements across the Ultimo-Pyrmont area

- the proposed development will assist in achieving the objectives of the Campus Masterplan, which when complete will result in \$1 billion of investment within the Ultimo-Pyrmont area. As the UTS campus is an urban campus it will directly benefit the local community and the public domain
- the proposed development contains all of the necessary facilities to support the end users of the building, and would not contribute additional demand for public infrastructure in the same way a business or residential use would
- the project has been designed to minimise on-site car parking in order to ensure it will not result in a significant increase in traffic on the surrounding road network, thereby negating the need to undertake upgrades within the surrounding road network.

The department has reviewed the proponent's justification in consultation with the Council and the Sydney Harbour Foreshore Authority (SHFA), which is the beneficiary of contributions levied under the Contributions Plan. Based on discussions with these agencies, the department has concluded that it is not appropriate to waive the requirement to pay a development contribution on the basis that the proponent is a Crown entity. Notwithstanding, the Council, SHFA and the department agree that the provision of a future connection to the UPN would provide a substantial public benefit, and the cost of undertaking these works could be used to offset any potential liability under the Contributions Plan.

Based on the number of workers proposed on site post-development (326), and the worker credit applicable to the site (23, based on the occupancy of the previous building on site), the department has calculated that the application would generate a section 94 liability of \$1,016 425.04. A full breakdown of the section 94 calculation is provided at **Appendix E**.

The proponent has provided a report from a registered quantity surveyor certifying that the cost of constructing the link to the UPN would be approximately \$1,061,000.00 (see **Appendix F**), therefore exceeding the section 94 contribution applicable to the development.

As the construction of the pedestrian bridge is not included within the works schedule of the Contributions Plan, the department considers it appropriate to use section 94B of the EP&A Act to secure the construction of the pedestrian link. In this regard, section 94B permits a consent authority, other than a Council, i.e. the Minister, to impose a condition that is not in accordance with a development contribution plan, subject to the authority having regard to the intent of the contributions plan applicable to the area. The department is satisfied that imposing a condition requiring the construction of the pedestrian bridge prior to the issue of the final Occupation Certificate is consistent with the intent of the Contributions Plan, given that it will improve accessibility for pedestrians and cyclists within the Ultimo-Pyrmont area and will have significant public benefits.

5.4.1 Revised City West Affordable Housing Program

Pursuant to clause 122 of the SLEP 2005, the proposed development is exempt from the requirement to provide an affordable housing contribution, on the basis that it is development for the purpose of providing a community facility.

5.5 BCA COMPLIANCE

The EA includes a Building Code of Australia (BCA) Compliance Assessment Report prepared by AE&D. The report concludes that there are non-compliances with the following deemed to satisfy (DTS) provisions of the BCA:

- C1.1 - Fire rating levels
- D1.4 - Exit travel distances
- D1.5 - Distance between alternate exits
- D1.6 - Dimensions of exits and paths of travel to exits
- D1.2 - Non-required stairways ramps or escalators
- E1.3 - Fire hydrants
- E1.5 - Sprinklers
- E1.8 - Fire control centres
- F4.8 - Restriction of position of water closets and urinals

The report recommends that the proponent address non-compliances with the DTS provisions of the BCA by way of design amendments, additional information or the provision of alternate performance based solutions.

The proponent has provided a copy of the Fire Engineering Brief (FEB) prepared by AECOM, which provides a framework for assessing alternate fire engineering solutions in accordance with the relevant BCA performance based assessment requirements. AECOM has advised that based on the methodology outlined in the FEB, they are satisfied that the project would be able to comply with the requirements of the BCA. The department has included its standard BCA compliance condition in the Instrument of Approval to ensure the application complies with the requirements of the BCA prior to the issue of a Construction Certificate.

5.6 HERITAGE

The site is located adjacent to the Ultimo Rail Underbridge, which is listed on the NSW State Heritage Register and the RailCorp and SHFA's section 170 Heritage Conservation Register. In addition, the site is located adjacent to the Former National Cash Register Co Building, and is within 100 m of the boundary of the Harris Street Conservation Area, both of which are listed within Schedule 9 of the Sydney LEP 2005.

The proponent has provided a Heritage Impact Assessment (HIA) prepared by Godden Mackay Logan which assesses the impact of the project on the significance of the abovementioned heritage items and conservation area. The department's assessment of the heritage impacts of the project is provided below.

Ultimo Railway Underbridge

The Ultimo Railway Underbridge is located immediately north of the site within the former Darling Harbour rail corridor. In addition, immediately west of the underbridge, on the northern side of Ultimo Road, is a brick plinth previously used to support a railway signal box. The bridge is considered significant as it is the oldest remaining wrought iron underbridge in the state. In addition, the bridge is considered to represent a tangible piece of the earliest goods line structures on the NSW rail system, and is a longstanding piece of industrial fabric within the Ultimo area.

The department has assessed the findings of the HIS and has concluded that the Transgrid building and Ultimo Road would act as a physical barrier between the project area, the underbridge and the brick plinth, and as such it is unlikely that construction works would impact on the integrity of these items. Notwithstanding, the department notes that the Construction Environmental Management Plan proposes the identification and protection of any remaining heritage fabric associated with the former signal box prior to the commencement of works on site. The department supports the use of these management measures.

Former National Cash Register Building

To the west of the site, on the opposite site of Omnibus Lane is the Former National Cash Register Co Building (NCR building). The NCR building is considered significant as it provides a good example of Post-War International Style architecture on a prominent corner location.

The HIA identifies that the project would be visible from the rear of the former NCR building. In order to provide a sympathetic response to the character, proportions and scale of the former NCR building, the project has been designed to:

- incorporate a substantial setback above level six
- respond to the fenestration and materials contained in the facade of the former NCR building.

The department has reviewed the HIS and agrees that the building would provide a sympathetic response to the character of the NCR building.

Harris Street Conservation Area

The Harris Street Conservation area is located 100 m from the north-west boundary of the site. The conservation area contains a number of individual heritage items, and is considered significant as it provides a good example of Victorian residential and commercial development integrated with later Federation era industrial infill.

The HIA concludes that the building would be compatible with the scale and character of buildings within the conservation area. In addition, the development would not reduce views to heritage items or heritage streetscapes within the conservation area. The department agrees with these conclusions.

5.7 ESD

The application proposes the following ESD initiatives:

- use of an optimised HVAC system to control and maximise thermal comfort
- installation of a gas fired tri-generation plant
- installation of high efficiency lighting and tap ware
- installation of on-site water storage tanks to facilitate the use of rainwater on site
- use of zero ozone depletion refrigerants in the air-conditioning equipment.

In addition, the building has been designed to achieve an Australian Green Building Council 5 star rating (Australian Excellence). In order to ensure that the project will achieve a 5 star rating once construction is complete, the department has recommended the imposition of a condition requiring the proponent to provide certification from the Green Building Council of Australia and the OEH that the development achieves a 5 star rating prior to the issue of the final Occupation Certificate.

6. CONCLUSION

The department has reviewed the environmental assessment and duly considered advice from public authorities in accordance with section 75I(2) of the EP&A Act. All the relevant environmental issues associated with the proposal have been assessed, including the outstanding issues raised by the Council in its response to the PPR. In this regard, the department has included a condition to ensure additional shower facilities are provided to service the anticipated demand, and has required the proponent to construct the proposed pedestrian link under Section 94B of the EP&A Act.

The project is consistent with the relevant SEPPs and EPIs and would assist with the provision of educational facilities in accordance with the UST Masterplan. The site is suitable for the project given the high level of access to infrastructure and services. The proposal is consistent with the strategic objectives for the area, being consistent with the NSW 2021, Metropolitan Plan for Sydney 2036 and the Draft Sydney Subregional Strategy.

The department considers that the development, designed by internationally renowned architect Frank Gehry exhibits design excellence, and would take advantage of the site's proximity to strategic transport links and other educational facilities, and is therefore in the public interest. Consequently, the department recommends that the project be approved, subject to conditions.

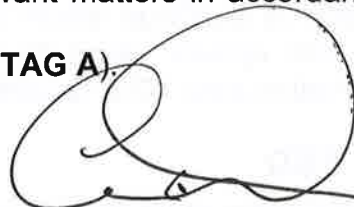
7. RECOMMENDATION

It is recommended that the Deputy Director-General, Development Assessment and Systems Performance:

- a) Consider the findings and recommendations of this report
- b) Approve the project application, subject to conditions, under section 75J(1) of the EP&A Act, having considered all relevant matters in accordance with (a) above
- c) Sign the attached Instrument of Approval (**TAG A**).

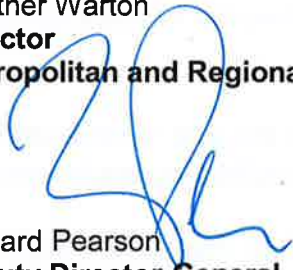


Heather Warton
Director
Metropolitan and Regional Projects North



Chris Wilson
Executive Director
Major Projects Assessment

27.2.12



Richard Pearson
Deputy Director-General
Development Assessment & Systems Performance

4/3/12

APPENDIX A ENVIRONMENTAL ASSESSMENT

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=3421

APPENDIX B SUBMISSIONS

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=3421

APPENDIX C PROPONENT'S RESPONSE TO SUBMISSIONS

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=3421

APPENDIX D CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

The primary controls guiding the assessment of the project are:

- State Environmental Planning Policy (Major Development) 2005
- State Environmental Planning Policy No.55 Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Sydney Local Environmental Plan 2005.

The department has considered the project application against the objectives and aims of these instruments, and is satisfied that the project is consistent with the provisions of all of these instruments. An assessment of compliance with each EPI is provided below:

1 State Environmental Planning Policy (Major Development) 2005

The development was declared a major project to which Part 3A of the EP&A Act applies on 5 August 2009, on the basis that it was development described in Group 7, Clause 20 of Schedule 1 of the Major Development SEPP.

Part 3A of the EP&A Act was subsequently repealed on 1 October 2011. Notwithstanding, Schedule 6A of the EP&A Act continues to apply to transitional Part 3A projects. As Director-General's environmental assessment requirements (DGRs) were issued in respect of this project prior to 1 October 2011, the project is a transitional Part 3A project and can be assessed against the relevant provisions of Part 3A of the Act as in force prior to its repeal.

2 State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7(1) of SEPP 55 provides that a consent authority must not consent to the carrying out of any development on land unless:

- it has consider whether the land is contaminated, and*
- if the land is contaminated, be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, be satisfied that the land will be remediated before the land is used for that purpose.*

Clause 7(2) of SEPP 55 also requires a consent authority, when considering an application for consent to carry out development that would involve a change of use on land, to consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

The application was accompanied by a Remedial Action Plan (RAP) which identified three areas across the site that contained elevated levels of heavy fraction carbons, TPH (C₆₋₉ and C₁₀₋₃₆). In addition, the RAP outlined a number of options for remediating soil and groundwater contaminants to a level suitable for commercial development.

Following the exhibition of the project, all works associated with the remediation of the site were approved by the City of Sydney Council under D/2001/882, and as such these works were removed from the project application. Notwithstanding, in order to ensure the site is suitably remediated, the department has included a condition of approval requiring the proponent to provide a Section B Site Audit Statement, prepared by the NSW EPA accredited site auditor, prior to the commencement of works associated with the project.

3 State Environmental Planning Policy (Infrastructure) 2007

The aim of the Infrastructure SEPP is to assist in the effective delivery of public infrastructure throughout the state and identify matters to be considered in the assessment of development adjacent to particular types of infrastructure, such as classified road and rail corridors.

Pursuant to clause 86 of the Infrastructure SEPP, all developments within 25m of an existing rail corridor must be referred to the relevant rail authority prior to determination. As the project area is located adjacent to the former Darling Harbour Rail Line, the project was referred to RailCorp for review and comment. RailCorp requested the imposition of conditions requiring the proponent to undertake pre-and post development dilapidation surveying and reporting, and certify that the development has the ability to withstand intermittent surcharge loads from passing rail traffic. The department has imposed conditions to this effect.

Pursuant to clause 104 of the Infrastructure SEPP, developments specified in Column 1 of Schedule 3 that exceed a relevant size or capacity must be referred to the RTA for consideration. As the application exceeds the specified capacity for an 'educational establishment', the department referred the application to the RTA for consideration.

The RTA raised no objection to the application subject to the imposition of a number of standard conditions. The department has included these conditions in the Instrument of Approval.

4 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP)

This SREP is now deemed a SEPP pursuant to amendments enacted by SEPP (Repeal of REP Provisions) 2009, gazetted on 26 June 2009. The primary objective of this policy is to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are protected, enhanced and maintained.

The site lies within the boundaries of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 and is located outside the Foreshores and Waterways Area. Notwithstanding, the upper levels of the building would be visible from the foreshore and waterway areas.

The project is considered to comply with the relevant planning principles of the SREP as it has been designed to minimise the environmental impacts on the catchment, provide iconic views from the foreshore and waterway areas, and conserve significant heritage fabric on the adjoining Transgrid site.

6 Sydney Local Environmental Plan 2005

The project area site is located within Ultimo-Pyrmont. Chapter 3 of the Sydney LEP 2005 contains provisions that apply to development within Ultimo-Pyrmont. Clause 83 of this chapter requires the consent authority to:

- (a) have regard to the planning principles for Ultimo-Pyrmont that are relevant to the proposed development, and*
- (b) take into consideration that the aim of this Chapter is that development should be consistent with those planning principles, and*
- (c) be satisfied that carrying out the proposed development will be consistent with attaining the objectives of the zone in which it will be carried out.*

The relevant objectives for Ultimo-Pyrmont are outlined in clause 84 of the LEP. The department has assessed the project against the relevant objectives and considers that the project:

- would optimise the use of an existing vacant lot within close proximity to existing services and transport infrastructure
- would facilitate the planned expansion of the UTS campus
- would provide a building that activates the public domain in a way that would enhance safety and security for pedestrians, and complement the functions of the surrounding public domain
- has been designed to reflect the character of the surrounding area in terms of its height, scale, massing and materials. In addition, the application has been designed to maximise view sharing and privacy, minimise the potential overshadowing, wind and reflectivity impacts
- improve accessibility by providing a connection to the UPN.

In addition, clause 83(2) specifies that the consent authority must also have regard to the *Ultimo-Pyrmont Urban Development Plan*. The department has assessed the application in accordance with the relevant provisions of the *Ultimo-Pyrmont Urban Development Plan* and is satisfied that the application is consistent with the aims and objectives of the plan.

Under clauses 93 and 99 the maximum building height for the site is 42 m and the maximum floor space ratio (FSR) is 5:1. The project would create a 46.2 m high building with a FSR of 5.49:1. Although the application exceeds the height and FSR maxima for the site, clause 10 of the LEP permits a 10 per cent variation to the height and FSR controls, subject to an application exhibiting design excellence. As identified in part 5.1.2 of the Director-General's Assessment Report, the project exhibits design excellence and therefore the proposed variations to the height and floor space controls are acceptable.

The site is zoned Residential-Business. Only uses the consent authority is satisfied are consistent with one or more of the zone objectives are permissible. The proposed use of the site as an educational establishment satisfies the zones objectives.

APPENDIX E SECTION 94 CALCULATION

ULTIMO/PYRMONT S94 CONTRIBUTION PLAN

Development Application S96 No.					
Address of the Subject Property					
Applicant					
Date of Calculation					

	Rate	Proposed	Existing (credits)*
LAND USE			
Residential		Unit/s Amount	Unit/s Amount
1 BED/STUDIO UNIT	\$3,890.04 /unit		\$0.00
2 BED UNIT	\$8,265.55 /unit		\$0.00
3+ BED UNIT	\$9,528.10 /unit		\$0.00
Business		Sq M	Sq M
COMMERCIAL OFFICE (GFA)	\$134.14 /m ² GFA		\$0.00
SHOWROOM/WAREHOUSE (GFA)	\$39.45 /m ² GFA		\$0.00
Retail and Restaurants		Sq M	Sq M
RETAIL SHOP / RESTAURANT (GFA)	\$134.14 /m ² GFA		\$0.00
SUPERMARKET/DEPARTMENT STORE (GFA)	\$69.87 /m ² GFA		\$0.00
GENERAL INDUSTRIAL (GFA)	\$44.71 /m ² GFA		\$0.00
HIGH TECH INDUSTRIAL (GFA)	\$95.82 /m ² GFA		\$0.00
Hotel		Room/s	Room/s
5 STAR PER ROOM	\$5,566.64 /room		\$0.00
LESS THAN 5 STAR PER ROOM	\$3,216.51 /room		\$0.00
Licensed Club		Sq M	Sq M
PER M ² OF SITE AREA	\$145.80 /m ² of site area		\$0.00
Casino (sum of components below)		Sq M	Sq M
GAMING AND ENTERTAINMENT (of site area)	\$145.80 /m ² of site area		\$0.00
RETAIL AND RESTAURANT (GFA)	\$134.14 /m ² GFA		\$0.00
HOTEL (based on a 5 star) room	\$5,566.64 /room		\$0.00
Other uses not specified		Person/s	Person/s
PER PERSON (resident or worker)	\$3,354.64 /person	326	\$1,093,580.04
		23	-\$77,154.42
Total			\$1,093,580.04
			-\$77,154.42
Grand Total (proposed minus credit)			\$1,016,425.62

SECTION 94 CONTRIBUTION

Note: The above information should not be solely relied upon and full details should be obtained by referring the relevant Ultimo/Pymont S94 Contributions Plans. Accordingly any liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or part of this document is disclaimed.

Section 98 Number	
Checked by	Date
Position	
Authorised by (Area Planning Manager)	Date

VERIFICATION

Sydney Harbour Foreshore Authority
 Fax to: Shayne Watson 9240 8819
 Return fax to: City of Sydney 9265 9518

Verified by:	
Position:	
Date:	

*Based on floor space and/or population as at 14 October 1992 (clause 14.2)

APPENDIX F PROPONENT'S QS STATEMENT

RLB|Rider Levett Bucknall

UTS Faculty of Business

Dr Chau Chak Wing Building - UPN Link - Preliminary Estimate

Location Summary

Rates Current At November 2011

Code	Description	Total Cost
ALL	UPN Link	\$619,000.00
Estimated Net Cost		\$619,000.00
Margins & Adjustments		
	Contractor's Preliminaries	15.0% \$93,000.00
	Contractor's Margin	3.9% \$28,000.00
	Consultant Fees	25.0% \$185,000.00
	Authority Fees	1.5% \$14,000.00
	Escalation Allowance	2.4% \$23,000.00
	Design Contingency	5.0% \$48,000.00
	Construction Contingency	5.0% \$51,000.00
Estimated Total Cost		\$1,061,000.00

APPENDIX G PHOTOMONTAGES

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=3421

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APPENDIX I POLITICAL DONATION DISCLOSURES

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=3421

Overview of NSW Planning Regulations as at 10 October, 2011

- The change the Digital Switchover Taskforce requested to the State Environmental Planning Policy (Exempt and Complying), SEPP, was not incorporated into the new version.
- This was owing to the fact that the NSW infrastructure Policy (IP) effectively steps in when the provisions in the SEPP are not sufficient.
- The IP has no limits on the number of satellite dishes (the SEPP restricts the number of dishes to one per structure) and it allows antennas to be mounted 5.8 metres above the highest point of the roof (as compared to 1.8m in the SEPP).
- In addition, antennas can be mounted at up to 8 metres above the highest point of the roof by lodging a Complying Development application, which takes 10 days to clear and only look at numeric issues (i.e. the specified height of the antenna) and does not make a merit-based assessment as a normal Development Application (DA) does.
- DAs are required for all Heritage Items, regardless of whether they comply or not with the standards.
- The IP was developed in consultation with industry.

