University of Technology Sydney
New Research Building
UTS Blackfriars Precinct
2-14 Buckland Street, Chippendale NSW

State Significant Development SSD 6746
Stage 1 Development Application (Use and Envelope)

Further Response to Submissions

UNIVERSITY OF TECHNOLOGY SYDNEY

URBANAC

About this Report

This Response To Submissions report has been prepared by Alan Cadogan of Urbanac Pty Ltd for the University of Technology Sydney following the exhibition of the Stage 1 state significant development application SSD 6746 for the proposed envelope and use for a new research building at the UTS Blackfriars site, 4-12 Buckland Street, Chippendale.

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Abbreviations

Act	Environmental Planning and Assessment Act 1979
ADG	Apartment Design Guide
Council	City of Sydney Council
DA	Development application
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
SLEP	Sydney Local Environment Plan 2012.
Minister	Minister for Planning
Proponent	University of Technology Sydney
Regulations	Environmental Planning and Assessment Regulations 2000
RTS	Response to Submissions
SEARS	Secretary's Environmental Assessment Requirements, issued 18 November 2014
UNDA	University of Notre Dame, Australia
UTS	University of Technology Sydney

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1 Introduction

1.1 Introduction

The exhibition of the Stage 1 state significant development application SSD 6746 for the proposed envelope and use for a new research building at the UTS Blackfriars site, 4-12 Buckland Street, Chippendale ended on 7 February 2016.

In accordance with clause 85A of the Environmental Planning and Assessment Regulation 2000, the proponent responded to the issues raised in these submissions on 28 August 2016.

A further submission was received from the City of Sydney addressing the proponent's response to submissions. The Department wrote to the proponent on 10 October 2016 seeking a response to the matters where Council has requested further information or where they have indicated that matters raised by Council have not been addressed and the matter remains unresolved.

This report, prepared by Urbanac Pty Ltd on behalf of the proponent, sets out the responses to the City's issues and details the final proposal design for which approval is sought. This report should be read in conjunction with the EIS as lodged and the Response to Submissions dated 28 August 2016.

1.2 Further Amendments to the Proposal

UTS and its project team have carefully considered the issues raised by the Council's further submission. In response to this submission the proponent has further revised the envelope to address Council's concerns:

1. The height of the southern 'wing' of the proposed envelope (nearest to the former girl's school CB22) has been further reduced by a full level (from 5 storeys to 4 storeys) in order to improve the scale relationship with the adjacent heritage items and reduce overshadowing, with additional setbacks to level 4 in order to further reduce overshadowing
2. The extent of the remainder of the proposed level 5 has been reduced with further setbacks to the east, south and west to reduce the perceived building bulk, improve the scale relationship with adjacent heritage items and reduce overshadowing
3. The extent of the plantroom and lift overrun zone has been reduced to reduce the perceived building bulk, improve the scale relationship with adjacent heritage items and reduce overshadowing
4. The envelope has been further reduced in height and set back from the eastern boundary with the UNDA campus with setbacks of 4m to the proposed level 4 and 8.74m to the proposed level 5 in order to further reduce overshadowing of the UNDA courtyard and to reduce perceived mass impacts to the setting of St Benedicts Church.
5. The extent of the proposed basement has been increased in order to offset floorspace reductions at the upper levels
6. The proposed maximum GFA of the building within the proposed envelope has been reduced to 6,000m^2 (down 225m^2)
7. UTS proposes that the design competitive process that will precede the Stage 2 DA can include that the mass, bulk and scale of the final building within the envelope, particularly at the upper levels of the building, is effectively managed through the careful proportioning of building elevations and fenestrations, use of materials and finishes, and design of heavy, masonry versus lightweight

building elements to achieve a high quality and sympathetic relationship with the significant heritage context.

8. A general location has been identified for the planting of up to two substantial height trees with a mature height of 10-15m in order to offset the loss of trees T33 and T34 and to maintain a landscape setting for the site between the proposed envelope and the former boys school CB25, however the precise location is proposed to be determined at the Stage 2 DA stage due to the need to also locate a substation (including services and vehicle access) in that general area.

The overall effect of these changes is to reduce the envelope has been reduced to accommodate a maximum area of approximately 7,190m^2 with the final building within the envelope to have a maximum of 6,000m^2 gross floor area.

Overall the amendments have reduced the proposed envelope compared to the envelope as originally submitted and exhibited and all previously identified impacts are considered to have lessened or remained consistent as a result of the changes.

The overshadowing impacts of these further amendments to the proposal have also been modelled and are attached as a series of shadow diagrams at hourly intervals as requested by the Department.

Revised photomontages showing the reduced impact of the revised envelope are also submitted.

1.3 Floorspace

During the preparation of this report the existing floor space areas of the heritage building on the site were checked. An error that had overestimated the floorspace area of these buildings was identified (the earlier calculation had included verandas and other areas not covered by the LEP definition of gross floor area). As a result the overall gross floor area of the consolidated site (including the existing buildings to be retained, the approved childcare development and the proposed development) will be 563m^2 less than originally stated in the EIS.

The following table provides an update to the EIS correcting this error:

Table 1. Gross Floor Area and FSR Corrected

Gross Floor Area (m²)		In EIS	Corrected
Existing Buildings:	Building CB22	1,027	832
	Building CB25*	761	663
	Building CB27	235	190
Total Existing Buildings (retained)		2,023	1,685
Approved Childcare Centre		820	820
Total existing and approved area		**2,843**	**2,505**
Proposed development GFA		6,225	6,000
Total GFA for the consolidated site		9,068	8,505
Total FSR for the consolidated site (6,043m^2)		1.5:1	1.4:1

**including the adjacent toilet block and storage cupboard*

A revised Clause 4.6 Request to Vary a Development Standard reflecting these updates has been prepared accordingly and is attached.

1.4 Consistency with the application as exhibited

The proposal remains consistent with, and does not substantially differ from, the development as originally proposed and exhibited. The proposed amendments have been made in order to address and reduce potential impacts, and the key elements of the proposed development have remained unchanged from those of the proposal as originally submitted.

1.5 Revised Proposal

The revised envelope for which approval is sought in accordance with Clause 55 of the Regulations is described in the Revised Architectural Drawings prepared by H2o Architects Pty Ltd at Appendix 2.

A revised clause 4.6 variation for the proposed floor space area is submitted reflecting the revised envelope is also provided.

1.6 Updated Mitigating Measures

Measures to mitigate the environmental impacts associated with the Proposal were compiled in a table in the EIS at Section 8. This table is updated as below based on the amended proposal and supersedes the table in the EIS. (Note- the changed measures compared to the EIS are marked in *italics*).

Table 2. Compilation of Mitigating Measures
Mitigation Measures – Land Use
• No mitigation required.
Mitigation Measures – Master Planning of the Site
• No development control plan is required.
Mitigation Measures – Floor space area
• No mitigation is required.
Mitigation Measures – Height
• No mitigation is required.
Mitigation Measures – Tree Removal
• The subsequent development application (full design of the building) to include a full landscape design based on the concept contained in the Public Domain Report including: – Planting new trees on the site as part of a full landscape plan to replace some of the existing planting within the site – Planting additional street trees to provide an avenue of planting consistent with the City of Sydney's Street Tree Master Plan – Creating one clear and accessible entry to the courtyard using high quality paving, interpretive inlays and feature planting
• Despite the removal of trees on the site being considered acceptable, the subsequent development application (full design of the building) should consider any opportunities for retention of trees of high retention value in the resolution of the design, with any subsequent retention to be in accordance with recommendations of an Arborist (refer to the Arborist Report Section 4.1).
• *In order to offset the loss of trees the Stage 2 application shall include two significant trees with a mature height of 10-15m in this space between the proposed new building and CB25 as part of the landscape plan.*
Mitigation Measures – Heritage
• The building is to be contained within the maximum building envelope, which has been

Table 2. Compilation of Mitigating Measures
designed to achieve an appropriate response to the site's heritage and with appropriate setbacks to respect the curtilage of the site's significant heritage items. Within this envelope, the next stage (building design) should address: – Ensuring that the view from the corner of Broadway and Abercrombie Street places the church ridge and spire against the skyline without the building intruding. – Locating the greatest height near the northern boundary where it is likely to be behind future adjacent development – Considering a streetscape height that is less than the maximum height as illustrated in the project modelling – Considering a reduced scale to the frontage of the heritage buildings which may result from considerations of either height or setback distances or both as well as overall building form – Considering a partial basement construction to allow more flexibility in the design within the envelope and reduced building massing in parts of the design. • The subsequent development application (full building design) should be in accordance with the Conservation Management Plan for the site.
Mitigation Measures – Archaeology
• Undertake archaeological testing to inform the subsequent stage design and to determine where the archaeology may survive within the site and the degree to which is survives. The results of this testing to be written up in a report outlining opportunities for conservation in situ, development and interpretation. • Avoid impacts as much as possible on the State significant archaeology of the site. • The need for an approval for testing will depend upon the stage of the approval process. It is possible that archaeological testing may be able to be completed under a SSD approval through Planning or it may require a S140/S139(4) application to the NSW Heritage Division to be approved. In either case it will require an Archaeological Research Design to be written outlining which areas will be tested and the purpose of the testing. • Conservation of State significant archaeology should be a key outcome for this development. • Opportunities for interpretation should be undertaken within the proposed new building and in the landscaping. • An interpretation Strategy should be undertaken to achieve the best heritage and interpretation outcome.
Mitigation Measures – Aboriginal Archaeology
• Should any Aboriginal objects be discovered during future ground disturbance works at the site, then these activities within the vicinity of the find location will be required to stop and the OEH will need to be informed of the discovery in accordance with Section 91 of the NPW Act.
Mitigation Measures – Visual Impact
• No additional mitigation required.
Mitigation Measures – Sun Access
• Notwithstanding that the overshadowing impacts of the envelope are considered acceptable, the subsequent development application (full design of the building) should consider opportunities for the design of the subsequent building to further reduce shadow impacts of the Proposal.
Mitigation Measures – Transport and Accessibility
• The Proponent is to ensure that the building users are provided with access to the existing UTS bicycle parking facilities within Building 10 of the main university campus.
• The subsequent development application (full design of the building) should include a plan for managing deliveries to the site using the shared pedestrian space.
Mitigation Measures – Contamination
• Preparation of a Remediation Action Plan for the site in relation to the subsequent stage application (full building design) once the full extent of excavations is known.

Table 2. Compilation of Mitigating Measures
• A long-term site management plan is to be prepared at the conclusion of the remediation as required by the Remediation Action Plan and must be implemented. • The remediation works, validation reporting and long-term site management plan must be reviewed by a NSW EPA Accredited Site Auditor with consideration as to whether the site is suitable for the proposed land use, subject to the compliance with the long-term site management plan. • Preparation of an Acid Sulphate Soil Management Plan (ASSMP) for the site in relation to the subsequent stage application (full building design) once the full extent of excavations is known.
Mitigation Measures – Design Excellence
• Ensure that the building envelope provides space for a range of high quality design outcomes to deliver the building's required area.
• *This EIS contains design guidelines in the Heritage and Visual Considerations Report at Appendix 7 that should be used as inputs to the building design (forming the subsequent stage development application).*
• *The following design guidelines (adapted from the Architectural Report at Appendix 6 to reflect the revised proposal in response to submissions) should be used as inputs to the building design (forming the subsequent stage development application).* *A SETBACK & SITING* • *Respond to the street alignments of adjacent buildings and the alignment of Grafton Street* • *Respond to the heritage curtilage of the site's significant buildings* • *Activate the ground level by having the building entry from the central plaza created between the facility and buildings CB22 and CB25. Delivery and waste collection can also be from this plaza accessed after hours from Buckland Street, avoiding the need for vehicle entry portals on the street frontage.* • *Allow for the building to be built to the internal boundaries to the north and east, accommodating the walls bounding the site by abutting these walls and replacing any support piers with new supports as part of the works.* *B BULK & FORM* • *Respect the importance and presence of St Benedicts Church located east of the site and the former boys' and girls' school buildings at UTS Building CB22 and Building CB25, both located to the south.* • *Manage the building bulk for key vistas from the external spaces of the court between UTS buildings CB22 and CB25, from the University of Notre Dame Australia courtyard located east of the site, and from Buckland Street.* • *Ensure that the form that responds well to the neighbouring context* • *Consider whether ground floor levels of the facility can relate to the levels of the UTS Buildings CB22 and CB25 to improve future accessibility across the site.* *C EXTERNAL FACADES, MATERIALS & COLOURS* • *The final building should have a strong relationship with the facades, materials and colours of the immediate context and adjacent buildings. This relationship could be a similar contemporary mass type material, or a contemporary contrasting material like glass or metal that creates this relationship with the context, by being the reverse of the materials in the context.* • *The facades and materials, particularly at the lower levels, should assist the visibility of the internal operations of the facility and help activate the streetscape.* • *The mass, bulk and scale of the final building within the envelope, particularly at the upper levels of the building, should be managed through the careful proportioning of building elevations and fenestrations, use of materials and finishes, and design of heavy, masonry versus lightweight building elements to achieve a high quality and sympathetic relationship with the significant heritage context* • *Careful design solutions in relation to boundary walls that could include solid boundary walls, or walls with openings that have appropriate fire safety solutions*

Table 2. Compilation of Mitigating Measures
and or easements for light and air to enable view sharing. *D SOLAR ACCESS & OVERSHADOWING* • *Consider opportunities to further reduce shadows on adjacent properties* *E INCORPORATING ARCHAEOLOGY* • *The final building should incorporate the archaeology of the site for the UTS Blackfriars Research Facility* • *The final building should locate new building structure to minimise the impact of the foundations of the 1824/25 distillery in the north eastern part of the site.* • *The foundations of the 1824/25 distillery and the former creek running slightly west of the distillery could be used as features to inform the design building.*
Mitigation Measures – Flooding
• *In order to manage potential flood impacts the Flood Planning Levels for the proposed New UTS Building development should be 9.67m AHD (minimum 1% AEP level + 0.5m) for the ground floor, and 10.08m AHD (1% AEP level + 0.5m or PMF) for any basement access.*

2 Conclusion

The proponent has considered all submissions made in response to the public exhibition of the proposal. In particular, the proponent has made significant efforts to address the issues raised in both of Council's submissions.

This report includes a detailed summary of Council's second submission and includes the proponent's consideration and response.

In response the proponent has refined the project design. As outlined in this report, all key elements of the proposal as originally proposed and exhibited have remained unchanged. The key amendment is the reduction in the extent of envelope for the proposed building. The size of the proposed building within the envelope has been reduced by 225m^2 compared to the original proposal as exhibited. Reducing the envelope has provided greater certainty for the location of the proposed building on the site, and in particular for the extent of shadows and other visual impacts. In particular there is no impact on the existing solar access to the windows of living areas or balconies of adjacent residential dwellings between 9am and 3pm in midwinter; and the proposal has no impact on the existing solar access of the UNDA courtyard until approximately 2pm, after which the courtyard will retain a significant amount of solar access, including sunlight across its full diagonal length until after 3pm in midwinter.

The environmental impacts of the amended development are reduced or remain consistent with the original application. Accordingly, it is considered that the development as amended does not substantially differ from the original publicly exhibited development proposal but has reduced its potential impacts. The reduction in overall envelope provides greater certainty regarding the potential impacts and has lessened potential impacts in relation to views, bulk, scale and height, amenity, heritage, urban design and archaeology.

The Proposal is considered to have significant planning merits as it:

1. demonstrates a high degree of consistency with the relevant strategic policy, environmental planning instruments and other matters identified in the Secretary's Environmental Assessment Requirements

2. will result in minimal environmental impacts, all of which can be mitigated by implementing the mitigation measures identified in Part 9 of this EIS
3. is highly in keeping with its context and with surrounding development and with acceptable impacts on its surrounds, with the revised envelope providing a high degree of certainty regarding the extent of the Stage 2 building
4. encourages new research and innovation in the digital economy, as well as support the creation of new jobs in the creative industries sector in the heart of Sydney's global economic arc in accordance with key State and metropolitan policy
5. minimises the use of private vehicles and encourages the use of public transport
6. will create 300 permanent full time equivalent jobs, with an anticipated multiplier of four, leading to the creation of up to 1,200 local jobs in the central Sydney economy
7. maintains acceptable solar access to all adjacent residential dwellings

It is considered that the Proposal has substantial merits, and it is requested that the Minister approve the Proposal under Section 89D of the Act.