

Development consent

Section 89E of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, under delegation dated 16 February 2015, I determine:

- (a) to grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2 and Schedule 3; and
- (b) that pursuant to section 89D(2) of the *Environmental Planning and Assessment Act 1979*, any subsequent stage of the development not being for the purpose of an educational establishment with a capital investment value in excess of \$30 million is to be determined by the relevant authority and that stage of the development ceases to be State significant development.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.



David Gainsford
Executive Director
Priority Projects Assessments

Sydney 11th April

2017

SCHEDULE 1

Application No.:	SSD 6746
Applicant:	The University of Technology Sydney
Consent Authority:	Minister for Planning
Land:	UTS Blackfriars Precinct, 4-12 Buckland Street, Chippendale
Development:	<u>Concept Proposal</u> for the staged development of the UTS Blackfriars Precinct Research Building, comprising: • a five storey (excluding basement and plant levels) building envelope for education, commercial and ancillary retail floorspace; • maximum RL 30.77 to plant; • basement level/s; and • maximum gross floor area of 6,000 sqm.

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	The University of Technology Sydney
Application	The development application for a concept proposal and the accompanying building envelope drawing plans and documentation described in Condition A2.
BCA	Building Code of Australia
Construction	Any works, including earth and building works
Council	City of Sydney Council
Department	Department of Planning and Environment or its successors
Environmental Impact Statement (EIS)	Environmental Impact Statement titled <i>University of Technology Sydney, Environmental Impact Statement, New Research Building, UTS Blackfriars Precinct, 2-14 Buckland Street, Chippendale NSW, State Significant Development SSD 6746, Stage 1 Development Application (Use and Envelope)</i> , prepared by Urbanac, 12 November 2015.
EPA	Environment Protection Authority, or its successor
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation or Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Further Response to Submissions (FRtS)	Response to Submissions report titled <i>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)</i> , Further Response to Submissions prepared by Urbanac.
Minister	Minister for Planning, or nominee
OEH	Office of the Environment and Heritage, or its successor
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build
Response to Submissions (RtS)	Response to Submissions report titled <i>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)</i> , Response to Submissions prepared by Urbanac, 24 August 2016.
RMS	Roads and Maritime Services Division, Department of Transport or its successor
Secretary	Secretary of the Department of Planning and Environment, or nominee/delegate
Secretary's approval, agreement or satisfaction	A written approval from the Secretary (or nominee/delegate). Where the Secretary's approval, agreement or satisfaction is required under a condition of this consent, the Secretary will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Secretary may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the Applicant to respond in writing will be added to the one month period.
St Benedict's Courtyard	As shown in drawing A1.15, Envelope Overshadowing to Courtyard, dated 8 November 2016
Subject Site	UTS Blackfriars Precinct, 4-12 Buckland Street, Chippendale (Lot 1 in DP832799, Lots 10-16, 18-20, 22-25 Sec 3 in DP466, Lots 1-14 Sec 4 in DP466, Lots 9-12 Sec 5 in DP466, Lot 221 in DP133367, Lot 1 in DP724081, and Lot 1 in DP122324).

SCHEDULE 2

PART A TERMS OF CONSENT

Development Description

- A1. Consent is granted to the 'concept proposal' as described in Schedule 1 and the Environmental Impact Statement, as amended by the Response to Submissions and Further Response to Submissions and the conditions contained in this development consent.

Determination of Future Development Applications

- A2. In accordance with section 83B(3) of the EP&A Act all development under the concept proposal are to be the subject of future development applications.
- A3. The determination of future development applications are to be generally consistent with the terms of development consent SSD 6746 as described in **Schedule 1** and subject to the conditions in Part B, **Schedule 2**.

Development in Accordance with Plans and Documents

- A4. The Applicant must carry out the development in accordance with the conditions of consent and generally in accordance with:
- a) SSD 6746;
 - b) the EIS, as amended by the RtS and FRtS; and
 - c) the following drawings except where amended by the conditions of this consent.

Architectural (or Design) Drawings prepared by H20			
Drawing No.	Issue	Name of Plan	Date
A0.01	09	ENVELOPE STUDY WITHIN ENVELOPE	18.11.16
A6.00	04	ENVELOPE SITE SECTIONS	17.11.16

- A5. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.
- A6. The Applicant must comply with any reasonable requirement(s) of the Secretary arising from the Department's assessment of:
- a) any reports, plans or correspondence that are submitted in accordance with this consent; and
 - b) the implementation of any actions or measures contained within these reports, plans or correspondence.

Building Envelope Modifications

- A7. The Applicant must submit revised building envelope plans to the Secretary for approval prior to the lodgement of any subsequent development application, to address the following:
- a) retention of the palisade fence adjacent to Buckland Street in its entirety and Trees T33 and T34;
 - b) the setback of the building envelope from the western boundary to Buckland Street shall be the greater of 9.29 m or the distance required to retain Trees T33 and T34 with no more than 15 per cent pruning of each of the existing tree canopies. A tree canopy survey must be prepared by a qualified arborist to verify the extent of pruning permitted and submitted to support the revised building envelope;
 - c) the four storey components of the envelope must be reduced to a maximum three storeys and RL 20.27; and
 - d) the southern component of the envelope must be deleted to ensure a single southern alignment is provided and a continuous open space area from Buckland Street to the

eastern wall (boundary of the site) can be provided whilst maintaining a minimum 8.6 metre separation from the existing buildings on the site.

- A8. The design of any future basement level/s must address the outcomes of archaeological testing required by condition B9 of this consent and avoid impacts (as much as possible) on the State significant archaeology of the site, and must not impact on the root zones of significant trees retained within the western setback to Buckland Street.

Limits of Consent

- A9. This consent lapses five years after the date from which it operates, unless the Development has physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse under section 95 of the EP&A Act.
- A10. This consent does not include approval for the carrying out of demolition, excavation and/or construction works.
- A11. This consent does not include approval to remove any trees on the site.
- A12. This consent does not include any changes to vehicular access points, parking spaces, bicycle spaces, car share or loading spaces/zones.

Dispute Resolution

- A13. Where this consent requires further approval from public authorities, the parties must not act unreasonably in preventing an agreement from being reached. In the event that a dispute arises between the Applicant and Council or a public authority, in relation to an applicable requirement in this consent or relevant matter relating to the development, either party may refer the matter to the Secretary for resolution. The Secretary's determination of any such dispute shall be final and binding on the parties.

PART B CONDITIONS TO BE SATISFIED IN FUTURE DEVELOPMENT APPLICATIONS

Development Plans

- B1. All future development applications involving site and/or construction works must be supported with detailed plans which show the extent of the proposed works including the location of any proposed works, structures or services, floor plans, elevations, sections and building materials.

Built Form and Urban Design

- B2. Any future building must be designed to ensure that there is no greater than 20 per cent additional overshadowing of the St Benedict's Church courtyard and the childcare centre playground at any time between 9 am and 3 pm on June 21 to ensure that adequate solar access is provided.
- B3. Subsequent development application/s must demonstrate that consideration has been given to the protection and minimisation of potential amenity impacts on adjoining sensitive land uses, including overshadowing and acoustic impacts. The future building must be designed to ensure that there will be no additional overshadowing of living areas and private open spaces of residential units to the west between 9 am and 3 pm on June 21.
- B4. Subsequent development application/s must demonstrate:
- a) the proposal achieves design excellence in accordance with the design excellence provisions of Sydney Local Environmental Plan 2012, including how the proposal meets the competitive design process requirements; and
 - b) the proposal is consistent with the revised building envelope in condition A7 of Schedule 1 and that the building design, including services and the like, provide an appropriate relationship with neighbouring buildings.
- B5. Subsequent development application/s must address:
- a) materials and detailing;
 - b) articulation and modulation to minimise bulk and massing; and
 - c) treatment of interface at ground level between the building and the public domain.
- B6. A study of the open spaces that exist and the relationships those spaces have to the adjacent buildings and streets be submitted with any subsequent development application. Open space areas (including the open space area required by condition A7(d)) and landscaping for the future development must demonstrate that the open space characteristics of the site have been retained and incorporated in the design of Stage 2.
- B7. A detailed landscape plan, drawn to scale by a qualified landscape architect or landscape design, must accompany any subsequent Stage 2 development application.

Heritage

- B8. Subsequent development application/s must include a statement of significance and an assessment of the impact on the heritage significance of the heritage items on the site in accordance with the guidelines in the NSW Heritage Manual.
- B9. Subsequent development application/s must demonstrate how the design of the basement has been informed by the results of the archaeological testing. The archaeological testing must confirm where the archaeology may survive within the site and the degree to which it survives. The results of the archaeological testing must be documented in a report which outlines opportunities for conservation in situ (as a preference), development and interpretation.
- B10. Any proposed archaeological excavation must be supported by an Archaeological Research Design and Methodology prepared in consultation with the Heritage Council and submitted with any subsequent development application/s.
- B11. Subsequent development application/s must demonstrate interpretation of State significant archaeology has been incorporated into the development.

Transport and Accessibility

- B12. Subsequent development application/s must demonstrate that adequate access for service vehicles can be provided in accordance with the Sydney Development Control Plan 2012.
- B13. Subsequent development application/s must provide adequate bicycle parking and end-of-trip facilities within the future building in accordance with the Sydney Development Control Plan 2012.
- B14. The applicant shall liaise with Transport for NSW to ensure the development integrates with any future public transport infrastructure along Broadway and submit details of the consultation in subsequent development application/s.

Contamination

- B15. A Remediation Action Plan, Detailed Environmental Site Assessment and Acid Sulphate Soils Management Plan must be submitted with subsequent development application/s.

Noise and Vibration

- B16. Subsequent development application/s must identify and provide a quantitative assessment of the main noise and vibration generating sources and activities. Measures to minimise and mitigate the potential noise impacts on surrounding occupiers of land must also be provided. The acoustic assessment must be undertaken by a suitably qualified acoustic consultant generally in accordance with the provisions of the Sydney Development Control Plan 2012.

Ecologically Sustainable Development

- B17. Subsequent development application/s must:
 - a) demonstrate how the principles of ESD have been incorporated into the design, construction and on-going operation of the proposal; and
 - b) demonstrate that the development has been assessed against a suitably accredited rating scheme to meet industry best practice.

Lot Consolidation

- B18. The first subsequent development application is to make provision for all land titles within the site to be consolidated into one lot.

Public Art

- B19. Subsequent development application/s must include a Public Art Strategy for the site / development developed in accordance with the Sydney Development Control Plan 2012 and the City of Sydney Public Art Policy.

Flood Assessment Report

- B20. Subsequent development application/s must include a Flood Assessment Report prepared by a suitably qualified floodplain engineer/consultant and demonstrate the development complies with The City of Sydney Interim Floodplain Management Policy.

Arboricultural Impact Assessment

- B21. An Arboricultural Impact Assessment prepared by a qualified Arborist with a minimum Australian Qualification Framework (AQF) of Level 5 and written in accordance with the Australian Standard 'Protection of Trees on development sites' (AS4970-2009) must be submitted with subsequent development application/s.

Access and Facilities for Persons with Disabilities

- B22. An Access Report shall be submitted with subsequent development application/s to demonstrate that the building has been designed and is capable of being constructed to provide access and facilities for people with a disability in accordance with the *Building Code of Australia*.

Waste Facilities

- B23. Subsequent development application/s must provide details of the location, construction and servicing of the waste collection facilities for the proposed building. The design of facilities is to be in accordance with the City of Sydney *"Policy for Waste Minimisation in New Developments"*.

Signage Strategy

- B24. A separate development application is to be submitted seeking approval of a signage strategy for the building. The signage strategy development application must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building.