



Planning &  
Environment

**STATE SIGNIFICANT DEVELOPMENT  
ASSESSMENT REPORT:  
UTS Blackfriars Precinct Research  
Building Concept Proposal  
(SSD 6746)**



Environmental Assessment Report  
Section 89H of the *Environmental Planning and  
Assessment Act 1979*

April 2017

## ABBREVIATIONS

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|                 |                                                                                  |
|-----------------|----------------------------------------------------------------------------------|
| Applicant       | University of Technology Sydney                                                  |
| CIV             | Capital Investment Value                                                         |
| Consent         | Development Consent                                                              |
| Council         | City of Sydney Council                                                           |
| DA              | Development Application                                                          |
| DCP             | Development Control Plan                                                         |
| Department      | Department of Planning and Environment                                           |
| DPE             | Department of Planning and Environment                                           |
| EIS             | Environmental Impact Statement                                                   |
| EPA             | Environment Protection Authority                                                 |
| EP&A Act        | <i>Environmental Planning and Assessment Act 1979</i>                            |
| EP&A Regulation | <i>Environmental Planning and Assessment Regulation 2000</i>                     |
| EPI             | Environmental Planning Instrument                                                |
| FRtS            | Further Response to Submissions                                                  |
| LEP             | <i>Sydney Local Environmental Plan 2012</i>                                      |
| Minister        | Minister for Planning                                                            |
| OEH             | Office of Environment and Heritage                                               |
| PMF             | Probable Maximum Flood                                                           |
| RAP             | Remedial Action Plan                                                             |
| RMS             | Roads and Maritime Services                                                      |
| RtS             | Response to Submissions                                                          |
| SEARs           | Secretary's Environmental Assessment Requirements                                |
| Secretary       | Secretary of the Department of Planning and Environment                          |
| SEPP            | State Environmental Planning Policy                                              |
| SRD SEPP        | <i>State Environmental Planning Policy (State and Regional Development) 2011</i> |
| SSD             | State Significant Development                                                    |
| TNSW            | Transport for NSW                                                                |

Cover Photograph: Illustrative view from Broadway west of the site (*Source: H2o architects Pty Ltd*)

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## EXECUTIVE SUMMARY

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This report is an assessment of a staged State significant development (SSD) application lodged by the University of Technology Sydney (UTS – the Applicant), seeking approval for the concept proposal for the UTS Blackfriars Precinct Research Building at 4-12 Buckland Street, Chippendale.

The proposal when lodged had a capital investment value (CIV) of approximately \$35 million and would potentially generate 35 construction jobs and 300 operational jobs.

The development is SSD under clause 15 of Schedule 1 to the *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP), as it is development of education facilities and has a CIV of more than \$30 million. The Minister for Planning is the consent authority.

The site is zoned B4 Mixed Use under the Sydney Local Environmental Plan 2012 (SLEP) and the development of an education establishment is permissible with consent.

The proposal was exhibited for 60 days from 10 December 2015 until 7 February 2016. The Department of Planning and Environment (the Department) received a total of nine submissions during the exhibition of the application - four submissions from public authorities, including City of Sydney Council (Council), and five submissions from the general public. The matters raised in the submissions included: heritage impacts; urban design; overshadowing impacts; amenity; landscape; flooding; bulk and scale; substantial exceedances of the development standards in SLEP 2012; impacts on views to the city and local heritage items within and around the site; noise impacts; inconsistencies with the neighbourhood character and streetscape; and site suitability.

The Applicant provided a Response to Submissions (RtS), which included: modifications to the building envelope and further consideration of the flood planning levels, heritage and overshadowing impacts. The Applicant subsequently provided a Further Response to Submission (FRtS) to further reduce the building envelope to address heritage impacts, urban design and overshadowing impacts.

Redevelopment of the site is constrained by: items of local heritage significance within the site and adjacent to the site; the landscaped setting and notable series of courtyards and open spaces used as passive open space areas for related education uses; potential State significant archaeology; and proximity to residential properties to the west.

The Department has assessed the merits of the proposal and has found the key issues associated with the project include: heritage impacts; built form and urban design; and overshadowing impacts. The Department has recommended conditions requiring modifications to the size and shape of the building envelope to address the relationship with the surrounding heritage items, retention of the landscaped setting, provide improved built form outcomes and address overshadowing impacts. The modifications to the envelope include a minimum 9.29 metre setback to the west, reduction in height of the four storey components to three storeys and removal of the southern projection of the envelope.

The Department is satisfied that the impacts of the proposal have been addressed in the Environmental Impact Statement (EIS), RtS and FRtS, and can be adequately managed through the recommended conditions. The proposal would provide overall positive heritage outcomes by supporting the conservation of the heritage items and curtilage on the site by consolidating the potential floorspace for the site into one single building envelope setback from the heritage items.

The Department considers the application is consistent with the objects of the *Environment Planning and Assessment Act 1979* (EP&A Act), including ecologically sustainable development, *State priorities*, *A Plan for Growing Sydney* and the *Draft Central District Plan*. The Department is satisfied that the subject site is suitable for the proposal and would provide additional employment opportunities and would be in the public interest. It is therefore recommended that development consent be granted, subject to conditions.

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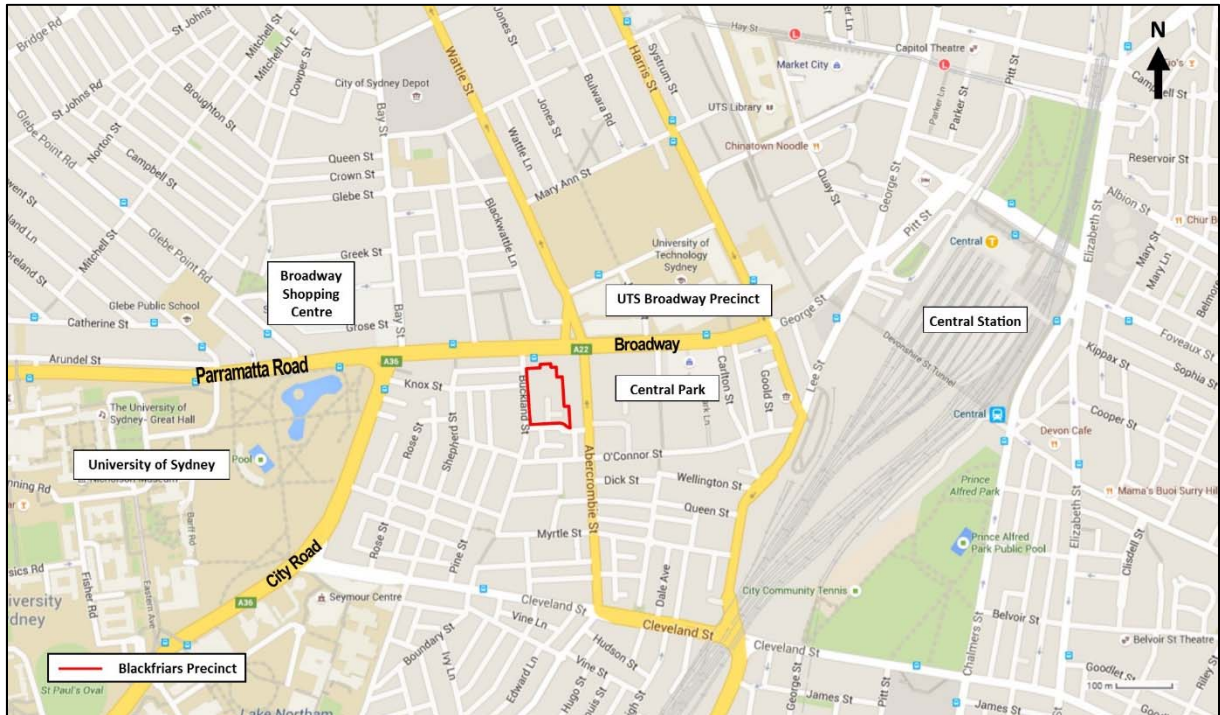
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# 1. BACKGROUND AND PROPOSED DEVELOPMENT

## 1.1 Background

The University of Technology Sydney (UTS - the Applicant), is seeking approval for a concept proposal for the UTS Blackfriars Precinct Research Building within the UTS Blackfriars Precinct, 2-14 Buckland Street, Chippendale.

The precinct is shown in **Figure 1**.



**Figure 1: UTS Blackfriars Precinct location and surrounding context (source: google)**

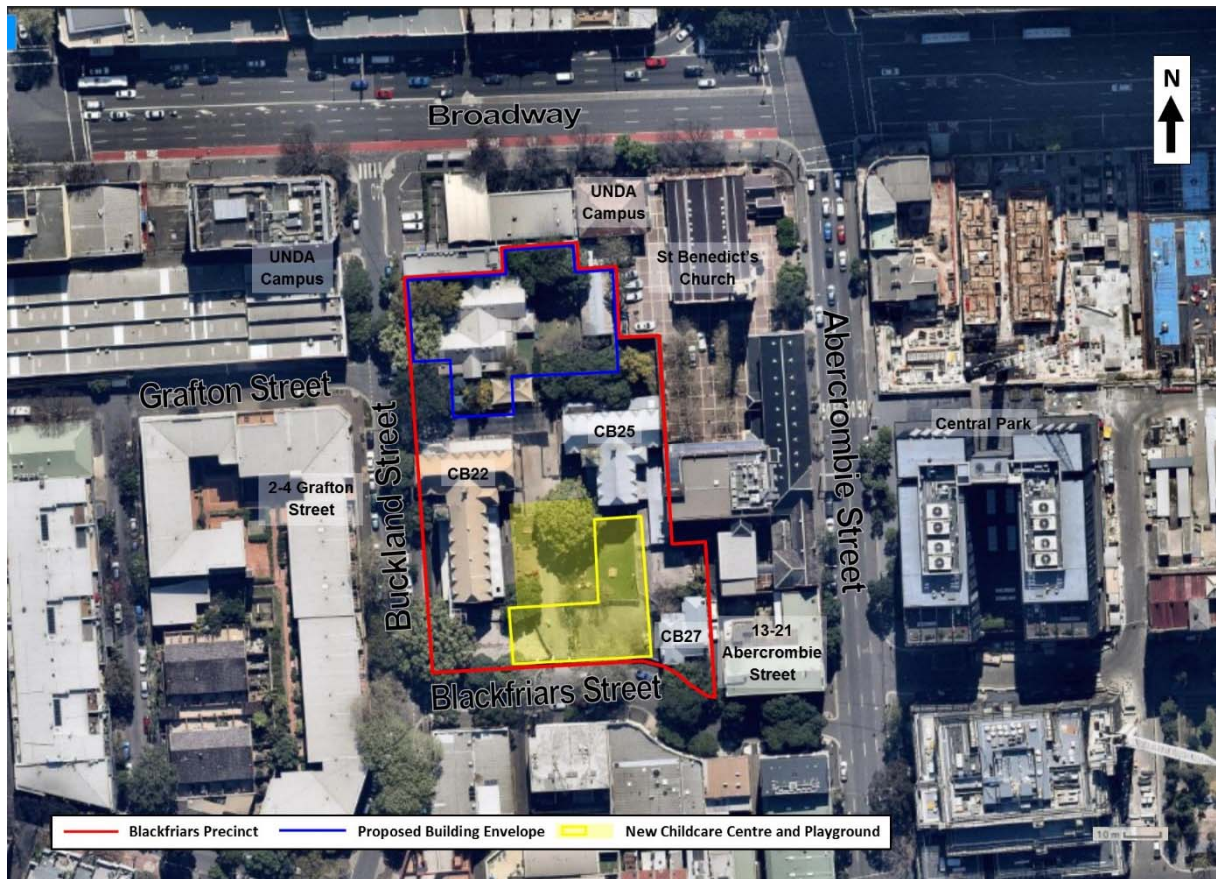
The UTS Blackfriars Precinct Research Building consists of a building envelope up to five storeys in height (excluding the basement and a plant level). The building envelope is sought to facilitate a future building for education, commercial research and ancillary retail.

## 1.2 Site Description

The UTS City Campus is comprised of three precincts – Haymarket, Broadway and Blackfriars – all of which are located on the southern edge of the Sydney CBD within the City of Sydney Local Government Area (LGA). The Blackfriars Precinct has an area of approximately 6,043 sqm and forms the site for the subject application. The Blackfriars Precinct is a locally listed heritage item under the SLEP and forms part of the locally listed Chippendale Heritage Conservation Area .

The site is bound by: the University of Notre Dame Australia (UNDA) to the north and east; a residential flat building to the south-east; Blackfriars Street to the south; and Buckland Street to the west. The site consists of 36 lots, legally described as: 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. The proposal is located on the northern portion of the site.

The site layout including the location of existing and approved uses is shown at **Figure 2**.



**Figure 2: Site context, proposed and future uses** (source: Nearmaps)

The site currently contains five buildings. Located within the footprint of the envelope is a single storey weatherboard building (refer to **Figure 3**), currently being used for a childcare centre, and a single storey demountable building. Located centrally on the site and on the south-eastern portion of the site are three heritage significant two storey brick buildings, which constituted the former Blackfriars School (refer to **Figures 4 to 6**). These buildings are currently being used by the Applicant as teaching space, research space and accommodation for academics.

The heritage significant buildings within the locally listed Blackfriars Precinct site are: the former Girl's School building (CB22) located on Buckland Street; the former Boy's School building (CB25) located centrally and on the eastern boundary of the site; and the former Headmaster's residence (CB27) located on Blackfriars Street in the south-eastern corner of the site. The south-western portion of the site is currently vacant as demolition works have been undertaken to prepare the site for a single storey building to accommodate a new childcare centre (refer to **Figure 7**).

The new childcare centre (D/2012/1398) was approved by City of Sydney Council (Council) on 24 April 2013 and modified on 20 May 2016. The development consent for the childcare centre includes the removal of an existing temporary university building and construction of a new single storey child care centre building (accommodating 84 children), an ancillary single storey office building and a new quadrangle. The child care centre approval comprises 820 sqm of gross floor area (GFA). The approved modifications consisted of changes to the southern façade, removal of part of the boundary fencing along Blackfriars Street and to create a new opening on Buckland Street. Demolition works associated with the approval have been undertaken.



**Figure 3: Existing single storey building on northern portion of the site** (source: DPE)



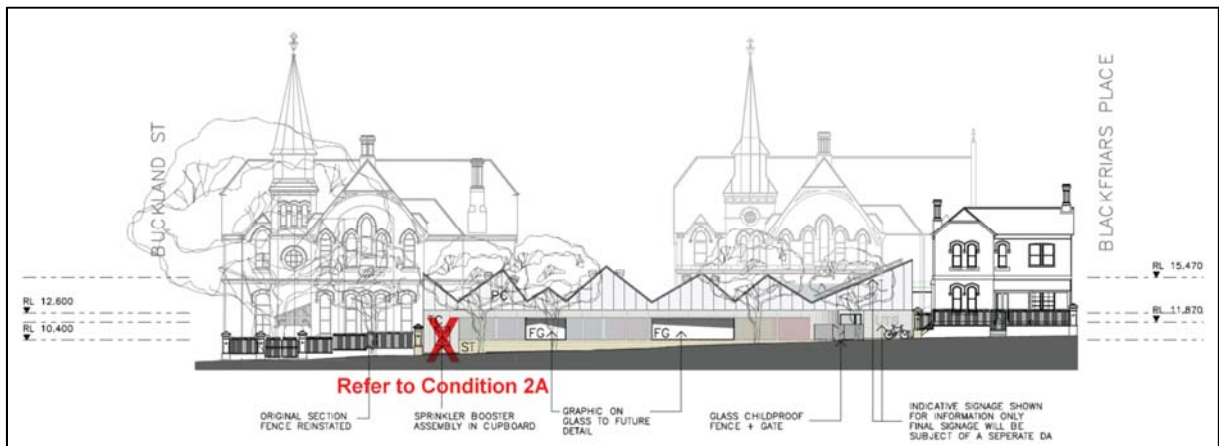
**Figure 4: Former Girl's School building (CB22)** (source: DPE)



**Figure 5: Former Boy's School building (CB25)** (source: DPE)



**Figure 6: Former Headmaster's residence (CB27)** (source: DPE)



**Figure 7: Approved childcare centre on the site - Blackfriars Street elevation** (source: the Applicant)

### 1.3 Surrounding Development

The site is located in a mixed use precinct surrounded by buildings of varying heights. The surrounding development includes:

- UNDA buildings varying in height from: single storey to three storeys building located adjacent to the site to the north and east; and two and six storey buildings on the opposing side of Buckland Street to the west (refer to **Figures 8 and 9**). The UNDA's St Benedict's Church located adjacent to the site to the east is a locally listed heritage item (refer to **Figure 10**). The significant elements include the church, convent, hall, presbytery and interiors of each, grounds and fences;
- a part two part four storey residential flat building (13-21 Abercrombie Street) adjacent to the south-eastern corner of the site (refer to **Figure 11**);
- the former Carlton United Brewery site further to the east, which is currently undergoing redevelopment and is now known as Central Park. Central Park consists of a mix of residential, serviced apartments and commercial towers up to 29 storeys (refer to **Figure 12**);
- a mix of two to four storey residential flat buildings, retail, commercial and industrial buildings south of the site on the opposite side of Blackfriars Street (refer to **Figure 13**); and
- a three storey residential flat building located to the west of the site (identified as 2-4 Grafton Street for the purposes of this assessment) on the opposite side of Buckland Street (refer to **Figure 14**).



**Figure 8: UNDA building located along the shared boundary to the north (as viewed from Broadway)** (source: DPE)



**Figure 9: UNDA buildings (St Benedict's church in foreground and six storey building located on the opposite side of Buckland Street in the background) (source: DPE)**



**Figure 10: St Benedict's Church viewed from Broadway and Abercrombie Street (source: DPE)**



**Figure 11: 13-21 Abercrombie Street** (source: DPE)



**Figure 12: Photomontage view of Central Park along Abercrombie Street** (source: PtW Architects)



**Figure 13: Buildings on the southern side of Blackfriars Street** (source: DPE)



**Figure 14: 2-4 Grafton Street** (source: DPE)

## 1.4 Project Description

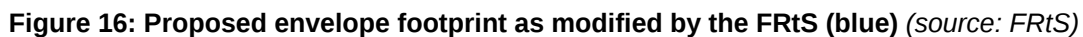
**Table 1** provides a summary of the proposal's key components and features as modified by the RtS and FRtS and shown in **Figures 15 to 16** is the proposed site layout.

**Table 1: Key Development Components**

| Development Summary                        | A proposed up to five storey building envelope for a future building containing education, commercial research and ancillary retail uses. A basement and one rooftop plant level are also proposed. |                                                                             |                                                                             |
|--------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|-----------------------------------------------------------------------------|
|                                            | EIS                                                                                                                                                                                                 | RtS                                                                         | FRtS                                                                        |
| <b>Storeys</b>                             | 6 storeys (excluding basement and rooftop plant level)                                                                                                                                              | Part 5, part 4, part 3 storeys (excluding basement and rooftop plant level) | Part 5, part 4, part 3 storeys (excluding basement and rooftop plant level) |
| <b>Maximum Height</b>                      | RL 36.95 (27.95 metres)                                                                                                                                                                             | RL 30.77 (22.58 metres)                                                     | RL 30.77 (22.58 metres)                                                     |
| <b>Proposed GFA</b>                        | 6,225 sqm                                                                                                                                                                                           | 6,000 sqm                                                                   | 6,000 sqm                                                                   |
| <b>Maximum Floorplate GFA</b>              | 1,280 sqm                                                                                                                                                                                           | 1,385 sqm                                                                   | 1,385 sqm                                                                   |
| <b>Proposed FSR</b>                        | 1.44:1                                                                                                                                                                                              | 1.41:1                                                                      | 1.41:1                                                                      |
| <b>Existing GFA (Blackfriars Precinct)</b> | 2,505 sqm (incl. 820 sqm for the approved child care centre)                                                                                                                                        |                                                                             |                                                                             |
| <b>Site Area (Blackfriars Precinct)</b>    | 6,043 sqm                                                                                                                                                                                           |                                                                             |                                                                             |
| <b>Capital Investment Value (CIV)</b>      | \$35,073,057 (when originally submitted)                                                                                                                                                            |                                                                             |                                                                             |
| <b>Jobs</b>                                | 35 construction and 300 new operational jobs                                                                                                                                                        |                                                                             |                                                                             |



**Figure 15: Visual perspective of proposed envelope as modified by the FRtS from Broadway**  
(source: FRtS)



The University is seeking to strengthen its collaboration with industry partners to advance research in the digital economy. The proposed building envelope would allow for additional floorspace to be delivered within the Blackfriars Precinct that would provide modern, technology enabled research and learning areas. The facilities would support research in innovative engineering programs, including the areas of robotics, advanced manufacturing, advanced analytics, big data and networking, creative digital and health manufacturing.

The proposal seeks to continue the University's recent delivery of contemporary buildings across the UTS campuses and support industry partners by providing collaborative spaces for research, as well as expanding opportunities for teaching and learning to ensure that the University remains competitive locally and globally and advances research in the Australia's digital economy.

NSW Government  
Department of Planning and Environment

## 2. STATUTORY AND STRATEGIC CONTEXT

### 2.1. State Environmental Planning Policy (State and Regional Development) 2011

The proposal is classified as SSD because it is development for the purpose of an educational establishment with a capital investment value (CIV) in excess of \$30 million in accordance with Schedule 1 of the SRD SEPP. Therefore the Minister for Planning is the consent authority.

### 2.2. Delegated Authority

In accordance with the Minister's delegation dated 16 February 2015, the Executive Director, Priority Projects Assessments can determine the subject application as Council does not object to the proposal (subject to modifications stipulated in the recommended conditions of consent), no political disclosure statement has been made and less than 25 public submissions have been received objecting to the proposal.

### 2.3. Zoning and Permissibility

The site is zoned B4 Mixed Use under *Sydney Local Environmental Plan 2012* (SLEP) and the proposal is permissible with consent. The proposal is consistent with the objectives of the zone as it seeks to expand an existing use that is compatible with and supported by the surrounding uses. The proposal is well integrated with the surrounding uses as the staff, students and visitors of the educational facility also support the surrounding uses. The proposal is also located optimally to benefit from accessibility to public transport.

### 2.4. Environmental Planning Instruments

The Department of Planning and Environment's (the Department's) consideration of relevant Environmental Planning Instruments (EPIs) and draft EPIs is provided in **Appendix B**, including the following:

- *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP);
- *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP);
- *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55);
- *Sydney Local Environmental Plan 2012* (SLEP); and
- *Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (Draft Education SEPP).

The Department is satisfied that the proposed development generally complies with the relevant provisions of these EPIs and draft EPIs and consideration of the non-compliances is at **Section 4** of this report.

### 2.5. Objects of the EP&A Act

Decisions made under the *Environmental Planning and Assessment Act 1979* (EP&A Act) must have regard to its objects, as set out in section 5 of the EP&A Act (see glossary at **Appendix C**). The proposal complies with the objects of the EP&A Act, particularly those listed below.

**Table 3: Objects of the EP&A Act relevant to the proposed development**

| Object    | Consideration                                                                                                                                |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------------|
| 5(a)(i)   | The development would ensure the proper management and development of suitably zoned land for the social welfare of the community and State. |
| 5(a)(ii)  | The development would economically serve the community through new jobs and infrastructure investment.                                       |
| 5(a)(iii) | All necessary services would be provided to the site in a coordinated manner.                                                                |
| 5(a)(iv)  | The development is for tertiary education and education related purposes.                                                                    |

| Object    | Consideration                                                                                                                                                                                    |
|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5(a)(vi)  | The proposal is located on a previously developed and disturbed site. It would not result in the loss of any threatened or vulnerable species, populations, communities or significant habitats. |
| 5(a)(vii) | The proposal is consistent with the relevant Ecologically Sustainable Development (ESD) principles (see <b>Section 2.6</b> ).                                                                    |
| 5(b)      | The development has been assessed in consultation with relevant government agencies and Council.                                                                                                 |
| 5(c)      | The application was exhibited in accordance with section 89F(1) of the EP&A Act to provide public involvement and participation.                                                                 |

## 2.6. 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* (see glossary at **Appendix D**). 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 considered the project in relation to the ESD principles. The Precautionary and Inter-generational Equity Principles have been applied in the decision making process via a thorough and rigorous assessment of the environmental impacts of the project. The proposal is considered to be consistent with ESD principles as described in Section 9.3 of the Applicant's EIS, which has been prepared in accordance with the requirements of Schedule 2 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation).

The development would result in the loss of up to 21 trees, but this would be mitigated with tree planting as part of the future application. The site is not subject to bushfires. The site is unlikely to be impacted by changes in sea level resulting from climate change. The site is subject to localised flooding, however, the building envelope has adopted a flood planning level that addresses this flooding.

The Applicant has advised that ESD initiatives would be incorporated in the future building and would be addressed in further detail in the future application for the construction and operation of the building, including initiatives to minimise reliance on energy for heating/cooling and reduce use of potable water, including recycling where feasible.

The Department has considered the development in relation to the ESD principles and is satisfied that the proposal encourages ESD, in accordance with the objects of the EP&A Act and EP&A Regulation.

## 2.7. Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for Notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with.

## 2.8. Strategic Context

The Department considers that the proposal is appropriate for the site given it:

- is consistent with *NSW State Priorities* to build infrastructure to support an extra one million people over the next 10 years and to ensure NSW residents have the best educational infrastructure;

- is consistent with *A Plan for Growing Sydney*, as it would support education infrastructure in the Broadway and Camperdown Education and Health Precinct;
- is consistent with *NSW Long Term Transport Master Plan 2012*, as it proposes to strengthen usage of existing public transport services by not providing additional car parking and encouraging sustainable transport use; and
- would provide direct investment in the region of approximately \$35 million, which would support 35 construction jobs and 300 operational jobs.

The Greater Sydney Commission's (GSC) role is to coordinate and align planning to shape the future of Metropolitan Sydney. The GSC is currently preparing District Plans to inform local council planning and influence the decisions of State agencies. The aim of the District Plans are to connect local planning with the longer-term metropolitan planning for Greater Sydney. The draft District Plans are currently on public exhibition until the end of March 2017.

The site is located within the Central District. The *Draft Central District Plan* includes eight key priorities, the following priorities are relevant to the development:

- enhance the role of global Sydney;
- plan for demographic change;
- enrich unique places and connections; and
- protect the environment and enhance sustainability.

The proposal is consistent with the relevant priorities of the *Draft Central District Plan* as it would support the growth of the Camperdown-Ultimo health and education super precinct, especially opportunities to enhance knowledge intensive industries and grow the commercial business activity associated with the education activities, including supporting innovation clusters and attracting new research facilities.

## **2.9. Secretary's Environmental Assessment Requirements**

The EIS is compliant with the Secretary's Environmental Assessment Requirements (SEARs) and is sufficient to enable an adequate consideration and assessment of the proposal for determination purposes.

## **2.10. Next Steps**

The proposal is a staged development application and sets out the concept proposal for the site. Development consent would not authorise the carrying out of development on any part of the site. A detailed proposal as set out in a subsequent development application will be required to carry out any works on the site. The subsequent development application cannot be inconsistent with the concept proposal.

The Minister may determine that a subsequent stage of the development is to be determined by the relevant council, and that stage of the development ceases to be State significant development and that council becomes the consent authority for that stage of the development instead of the Minister.

The Department has recommended that any subsequent stage of the development not being for the purpose of an educational establishment with a CIV in excess of \$30 million is to be determined by the relevant authority and that stage of the development ceases to be SSD.

### 3. EXHIBITION CONSULTATION AND SUBMISSIONS

---

#### 3.1. Exhibition

In accordance with section 89F of the EP&A Act and clause 83 of the EP&A Regulation, the application and accompanying information was made publicly available for at least 30 days following the date of first publication. The Department publicly exhibited it from 10 December 2015 until 7 February 2016 for 60 days:

- on the Department's website; and
- at the Department's Information Centre and City of Sydney Council's offices.

The Department also advertised the public exhibition in the Sydney Morning Herald, The Daily Telegraph and in the Central Courier on 9 December 2015. The Department notified adjoining landholders, and relevant State and local government authorities in writing.

The Department received a total of nine submissions during the exhibition of the application - four submissions from public authorities, including Council, and five submissions from the general public and organisations.

A summary of the issues raised in the submissions is provided in **Section 3.2** and **Section 3.3** of this report.

#### 3.2. Public Authority Consultation and Submissions

Council and the Heritage Division of the Office of Environment and Heritage (OEH) have objected to the proposal in the exhibited EIS. Transport for NSW (TNSW) and the Environment Protection Authority (EPA) provided comments for consideration in the Department's assessment of the application. A summary of the issues raised in relation to the proposal in the exhibited EIS is provided below.

**Council** objects to the proposal in the exhibited EIS and provided the following comments:

- objects to the proposal due to significant heritage, urban design, amenity and landscape impacts;
- the proposal significantly exceeds the development standards in SLEP 2012 and warrants a planning proposal as the proposal exceeds the nine metre height control by 210 per cent and the 1.25:1 floor space ratio (FSR) control by 20 per cent (1.5:1), which equates to an exceedance of 1,514 sqm of GFA;
- the clause 4.6 variation request to vary the maximum height and floor space ratio cannot be supported given the departures from the controls result in significant heritage, urban design, amenity and landscape impacts;
- the proposed envelope overwhelms the heritage items and greater setbacks are required or the height reduced to four storeys for the southern portion of the envelope and two storeys on the eastern portion along the eastern boundary;
- the proposed height is not supported as it is higher than the height of the spires of the heritage items (CB22, CB25) on the site and the adjoining locally listed St Benedict's Church, which should read as dominant elements across the two campuses;
- the envelope is visible from the corner of Abercrombie Street and Broadway and should be designed to ensure that St Benedict's Church is the most prominent form on the skyline from this view point and the building envelope should not appear in the backdrop of the church spire;
- the siting of the envelope on the Buckland Street boundary should be setback as it:
  - o is inconsistent with the established character of the campus, which includes boundary fences and landscaped setbacks;
  - o would result in the loss of the original palisade fence;
  - o would impact views to heritage item CB22 from Buckland and Grafton Streets; and

- o would result in a strong termination to Grafton Street where the current landscaped setback allows for the continuation of the Grafton Street alignment to reflect the intended extension in the historical planning scheme;
- a setback along Buckland Street should be included that would allow for the protection of trees T33, T34 and T35 and retain and reinforce views from the public domain to the north face of CB22;
- the northern alignment of Grafton Street should be adopted as an alignment for a portion of the southern face of the envelope;
- the location of the envelope complies with an earlier masterplan and conservation management plan (CMP) for the site but no parameters were identified to guide any future building;
- the northern portion of the site has a high potential for archaeological value and testing should be undertaken to inform the future building design;
- the splayed form of the southern edge of the building envelope and diagonal alignment conflicts with the established courtyard geometry, resulting in awkward spaces and a narrow street entrance, and should be amended to provide more orthogonal building alignment that respects the rectilinear character of the site layout;
- the removal of trees T33, T34 and T35 (which have High Landscape Significance) and street trees is not supported due to the loss of heritage significant trees and loss of amenity culminating from the total 28 trees removed the site (including the child care centre works) and minimal tree planting to offset the loss;
- tree removal must be addressed in the application for the detailed design of the building and a replacement Tree Planting Strategy should form part of the concept proposal;
- Tulip trees and not Blackbutt trees should be used for planting along Buckland Street;
- additional overshadowing diagrams are required to clearly identify the extent of the overshadowing of 2-4 Grafton Street (including on private open space balconies) and demonstrate that where the building envelope exceeds the height control it does not overshadow 2-4 Grafton Street during mid-winter;
- the proposal would compromise the amenity of the St Benedict's Church courtyard due to significant overshadowing during mid-winter and overshadowing of the courtyard should be reduced by amending the scale of the envelope to be commensurate with that of buildings on the UNDA site;
- plant and services should be located in the basement to ensure the above ground envelope is utilised for research/education uses;
- the floor to floor heights of the ground and first floor do not meet Council's DCP and generous ceiling heights should be provided that are more commensurate with the adjacent heritage items;
- a competitive design process is required for the future building under the SLEP 2012 and a Design Excellence Strategy should be prepared to inform the process in advance of the detailed design application for the building;
- the provision of no parking with the proposal is supported given the accessibility of the site to public transport;
- bicycle parking and end-of-trip facilities should be provided in the future building in accordance with Council's DCP and it should not rely on facilities within Building 10;
- the vehicle access point should be designed to minimise impacts on the palisade fence and must address waste storage and collection requirements;
- detailed site contamination assessment and an Acid Sulfate Soils Management Plan for the entire site are required for the future application for the detailed design of the building, which would need to consider any ongoing management measures required from previous remediation actions required on the site for the child care centre;
- the site is flood affected and a flood assessment and integrated stormwater management plan are required to determine appropriate flood planning levels;
- the Buckland Street footpath should be upgraded as part of the development and a Public Domain Plan should be submitted with the future application for the detailed design of the building; and

- the 13 lots forming the site should be consolidated in the future application for the detailed design of the building.

**Heritage Division of the OEH** provided the following comments for consideration:

- objects to the proposed width of the vehicular access from Buckland Street and advises that access arrangements for the site should be consolidated with the child care centre, the width minimised to address heritage implications and ensure the most suitable and sensitive outcome is achieved;
- the site has the potential to contain archaeological remains of State heritage significance associated with the 'Brisbane Distillery' and the proposed mitigation measures are appropriate to guide management of the archaeology, including:
  - o further testing before developing the detailed design;
  - o report on the findings and outline conservation and interpretation opportunities;
  - o avoid impacts as far as possible;
  - o minimise impact from service areas;
  - o incorporate interpretation measures in the future building;
  - o an Archaeological Research Design and Methodology must be prepared in consultation with the Heritage Council prior to any demolition works and the appointment of any excavation director must meet Heritage Council criteria; and
- the mitigation measures should form conditions of approval.

**TNSW** provided the following comments for consideration:

- the design and construction of the basement levels, foundations and ground anchors may impact on the West Metro corridor;
- any modifications to the design should be approved by TNSW;
- a detailed construction pedestrian and traffic management plan must be prepared prior to commencement of construction works and prepared in consultation with the CBD Coordination Office within TNSW;
- the Applicant should liaise with TNSW to ensure the development integrates with any rapid transport options to be delivered along Broadway that are currently being investigated; and
- end-of-trip facilities for cyclists should be provided in the new building in addition to any requirements for the Broadway Precinct of the UTS City Campus.

The **EPA** provided the following comments for consideration:

- a site audit statement should be provided by an accredited site auditor confirming that the site is suitable for the proposed land use;
- an unexpected finds protocol should be developed and any asbestos removal must be undertaken in accordance with guidelines and Safework NSW must be consulted regarding any handling of asbestos; and
- waste should be assessed, classified and managed in accordance with guidelines.

The Department has fully considered the issues raised in agency submissions in its assessment of the development.

### **3.3. Public and Organisation Submissions**

The Department received four submissions from members of the public consisting of three objections and one providing comments, and a submission from the UNDA objecting to the application. The issues raised in the submissions include:

- heritage impacts;
- bulk and scale;
- substantial exceedances of the development standards in SLEP 2012;
- impacts on views to the City and local heritage items within and around the site;
- inadequate setbacks to adjoining sites and heritage items;
- overshadowing impacts;

- noise impacts;
- inconsistent with the neighbourhood character and streetscape; and
- site suitability.

The Department has fully considered the issues raised in public submissions in its assessment of the development.

### 3.4. Applicant's Response to Submissions

The Applicant has provided a response to the issues raised during public exhibition within a RtS Report. The RtS included:

- modifications to the building envelope including:
  - o reduction in height by 6.19 metres from 28.77 metres to 22.58 metres;
  - o stepped setback from the west – 4.33 metres on Level 4 and 9.29 metres on Level 5;
  - o setback of upper levels from the east – two metres on Levels 4 and 5;
  - o modifications to the shape of the envelope to provide a more rectilinear southern edge and consistent 8.6 metre separations to heritage items CB22 and CB25 (formerly 7.5 metres and 10.1 metres, respectively), resulting in a minor enlargement of the envelope in the south-eastern corner and an overall increase in the largest potential floorplate (ground, first and second level) by 105 sqm;
  - o modifications to the eastern alignment to provide a setback on the south-western corner allowing for the retention of Tree T35 and retention of the northern alignment of Grafton Street by setting back the envelope 9.29 metres from the west and 13.125 metres from the south, resulting in a reduction in the floorplate by approximately 122 sqm;
  - o raised ground floor level from RL 9 to RL 9.67 to address potential flooding issues;
  - o modifications to the indicative heights of each level to a standard 3.5 metres except for ground floor which would be 3.6 metres;
  - o reduction in the maximum floorplate of the plant level;
  - o clearly identifying the maximum basement level floorplate;
- retention of a portion of the perimeter palisade fencing and landscaped setting due the setback of the south-western portion of the envelope; and
- reduced overshadowing impacts due to the modified building envelope.

The Applicant also provided further details regarding:

- revised height variation request;
- flood assessment to determine minimum flood planning level;
- further overshadowing assessment; and
- further consideration of heritage impacts.

The Applicant's RtS was forwarded to Council and relevant government authorities for comment. Previous submitters were also notified that an RtS had been lodged that modifies the building envelope.

After review of the response and the Applicant's proposed changes to the proposal, **Council** maintained its objection to the modified application given the heritage, urban design and amenity impacts. Council acknowledged that the modified envelope partially addresses the impacts, however, the revised envelope still results in significant impacts on the surrounding environment. Council reiterated that the building envelope should be reduced: along the east to minimise overshadowing impacts to the adjacent courtyard and view impacts from Broadway to the heritage items; along the south to address heritage impacts; and along the west to address heritage and urban design impacts.

**Heritage Division of OEH** advised that further testing should be undertaken before detailed design to determine the extent of the location of State significant archaeology and provided recommended conditions to this effect. Heritage Division also withdrew the objection in

relation to the width of the vehicular access from Buckland Street provided the future emergency and service vehicle access is consistent with that previously supported for the childcare centre.

**TNSW** provided recommended conditions of consent to: ensure the CBD Metro corridor is protected; require the preparation of a construction pedestrian traffic management plan for the application for the detailed design; and ensure the Applicant consults with Transport for NSW to ensure the detailed design is integrated with any rapid transport route on Broadway.

The UNDA also lodged a further submission reiterating its objection to the proposal due to: bulk and scale impacts on the character of the area; inadequate justification for non-compliance with development standards; visual impacts on heritage items; overshadowing impacts; insufficient setbacks to adjoining buildings; and impacts on the potential redevelopment options for the adjoining UNDA site.

### 3.5. Applicant's Further Response to Submissions

The Applicant has provided a further response to the issues raised in Council's submission (FRtS). The response included further modifications to the building envelope to address heritage, urban design and amenity impacts:

- overall reduction in the proposed GFA by 225 sqm from 6,225 sqm to 6,000 sqm;
- revised setback from the west with Level 5 setback being increased from 9.29 metres to approximately 20 metres;
- the Level 4 setback of 4.33 metres from the west removed and replaced with a 3.35 metres setback on the south-western corner of the envelope;
- increasing the setback of upper levels from the east to four metres on Level 4 and 8.74 metres on Level 5;
- increased size of the basement from 625 sqm to 1,030 sqm, which has been extended to cover the entire extent of the building footprint; and
- further reduction in the maximum floorplate of the plant level from 340 sqm to 165 sqm.

The FRtS also provided an updated assessment of total GFA and the proposed FSR for the site. A revised clause 4.6 variation request was also submitted in relation to the proposed exceedances of the maximum height and floorspace provisions under the SLEP.

The Department referred the further revised proposal to Council for comment. Council maintained its objection to the proposal as the revisions contained in the FRtS do not address the matters previously raised by Council including setback to Buckland Street.

Council have subsequently been provided an opportunity to consider the recommended conditions of consent that further restrict the building envelope in relation to height and setback. Upon review of the conditions, Council considers that the recommended conditions address its concerns. Subject to the imposition of the recommended conditions, Council raises no objection to the proposal.

## 4. ASSESSMENT

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### 4.1. Section 79C Evaluation

**Table 2** identifies the matters for consideration under section 79C (see glossary at **Appendix C**) that apply to SSD, in accordance with section 89H of the EP&A Act. The table represents a summary for which additional information and consideration is provided for in Section 4 (Key and Other Issues) and relevant appendices or other sections of this report and the EIS, referenced in the table.

The EIS has been prepared by the Applicant to consider these matters and those required to be considered in the SEARs and in accordance with the requirements of section 78(8A) of the EP&A Act and Schedule 2 of the EP&A Regulation.

**Table 2: Section 79C(1) Matters for Consideration**

| <b>Section 79C(1) Evaluation</b>                                                                        | <b>Consideration</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|---------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a)(i) any environmental planning instrument                                                            | See <b>Section 4.2</b> and <b>Appendix B</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| (a)(ii) any proposed instrument                                                                         | <p>The Draft Education SEPP will:</p> <ul style="list-style-type: none"> <li>• simplify and standardise the approval process for child care facilities, schools, TAFEs and universities, including broadening the range of development that can be undertaken as exempt development and complying development;</li> <li>• set out clear planning rules for these developments, including where they can be built, what development standards apply, and consultation requirements; and</li> <li>• establish state-wide assessment requirements and design considerations to improve the quality of these facilities and to minimise impacts on surrounding areas.</li> </ul> <p>The development is consistent with the provisions of the Draft Education SEPP.</p> |
| (a)(iii) any development control plan (DCP)                                                             | Under clause 11 of the SRD SEPP, DCPs do not apply to SSD. Notwithstanding, consideration has been given to relevant DCPs at <b>Appendix B</b> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| (a)(iiia) any planning agreement                                                                        | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| (a)(iv) the regulations                                                                                 | The application satisfactorily meets the relevant requirements of the Regulations, including the procedures relating to DAs (Part 6 of the Regulations), public participation procedures for SSD's and Schedule 2 of the Regulations relating to EIS. Refer to discussion at <b>Section 2.7</b> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| (a)(v) any coastal zone management plan                                                                 | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| (b) the likely impacts of that development                                                              | Appropriately mitigated or conditioned - refer to Section 4.2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| (c) the suitability of the site for the development                                                     | Suitable - Refer to <b>Sections 2.8</b> and <b>5</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| (d) any submissions                                                                                     | Refer to <b>Sections 3.2</b> and <b>4.2</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| (e) the public interest                                                                                 | Refer to <b>Section 4.2.4</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Biodiversity values exempt if:<br>(a) On biodiversity certified land<br>(b) Biobanking Statement exists | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

## 4.2. Key and Other Issues

The Department has considered the EIS, the issues raised in submissions and the Applicant's response to these issues in its assessment of the development. The Department considers the key issues to be:

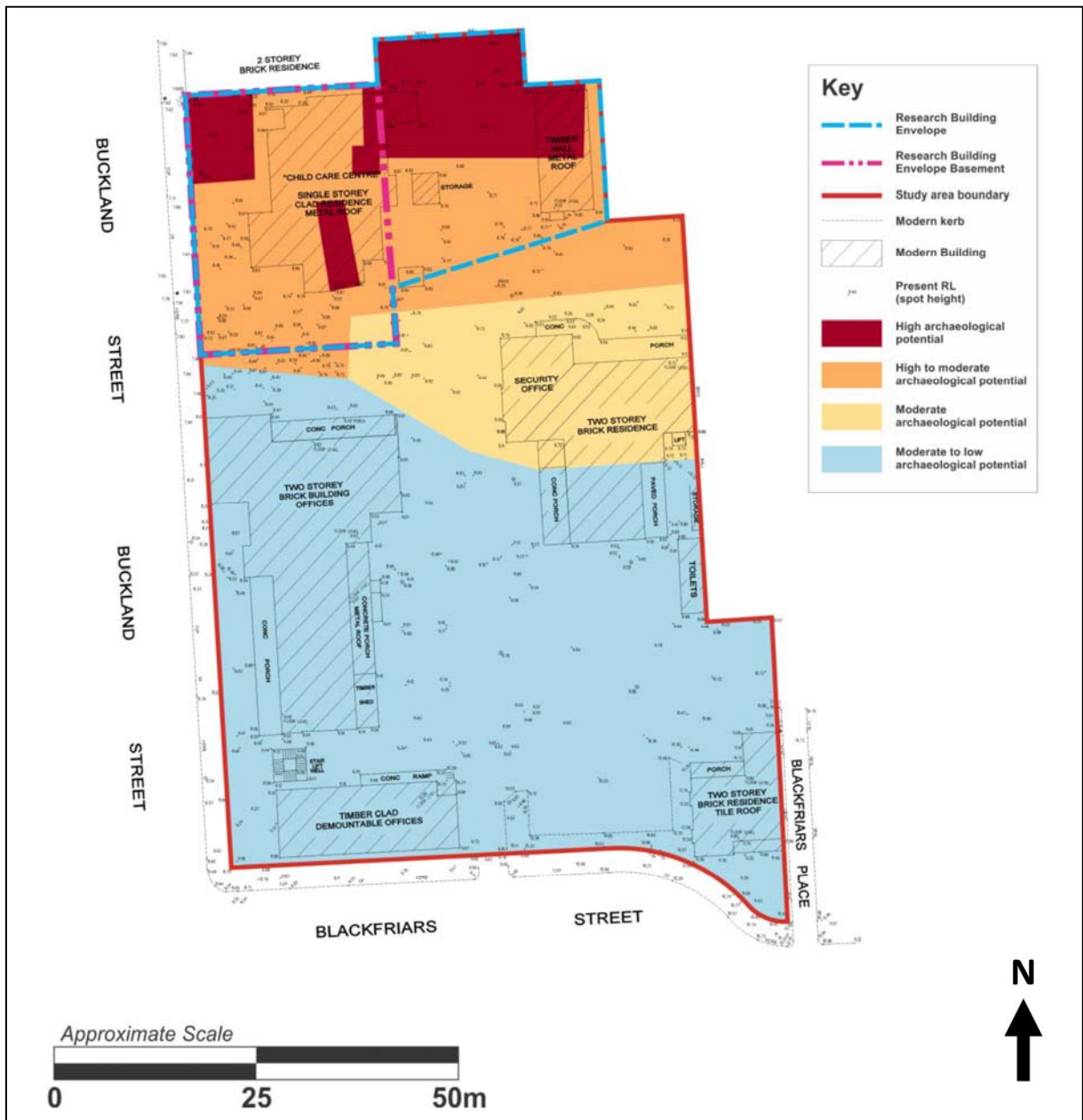
- heritage impacts;
- urban design, including bulk and scale of the proposal; and
- overshadowing impacts.

### 4.2.1. Heritage impacts

The site is listed as a local heritage item ("*Former Blackfriars Public School and Headmaster Residence including interiors, fence, grounds and archaeology*") within SLEP 2012. Whilst not listed as a State significant item, it is acknowledged as having State significance as it is a rare highly intact group of Victorian colonial buildings maintaining its original boundaries and

setting. The rare examples of late 19th century Gothic Picturesque style designed buildings (CB22, CB25 and CB27) are located on the eastern, southern and western boundary of the site (refer to **Figures 4 to 6**). The site is located within the Chippendale Conservation Area (refer to **Figure 17**), which is characterised by residential and industrial development, with commercial development along the main thoroughfares. The site is situated on the north-eastern boundary of the conservation area.





**Figure 18: Archaeological potential (source: EIS)**

The Applicant contends that the heritage impacts are acceptable as a heritage and visual impact assessment was undertaken and concluded that the scale of the building envelope would not adversely affect heritage values or the urban setting of the school within the surrounding area. The Applicant asserts that the overall scale and form of a future building, the setbacks between any new structure and the existing school buildings and the relationship of a new building to the street are addressed by the proposed envelope and key guidelines that have been established for the future building. The Applicant considers these parameters would ensure an appropriate built form outcome and appropriate spatial relationships would be achieved.

The Applicant's proposed heritage mitigation measures for future development within the envelope as detailed in the FRtS that would minimise heritage impacts are as follows:

- ensure the view from the corner of Broadway and Abercrombie Street places the church ridge and spire against the skyline without the building intruding;
- locate greatest height near the northern boundary where it is likely to be behind anticipated future redevelopment on the UNDA campus to the north;

- a streetscape height that is less than the maximum height as illustrated in the project modelling;
- a reduced scale adjacent to the frontage of the heritage buildings, through either height or setback distances or both as well as overall building form;
- a partial basement construction to allow more flexibility in the design within the envelope and reduced building massing in parts of the design;
- undertake archaeological testing to inform the subsequent detailed basement design;
- avoid impacts as much as possible on the State significant archaeology of the site and conservation of the significant archaeology, including minimising the impact of the foundations of the 1824/25 distillery in the north eastern part of the site as informed by the Archaeological Assessment; and
- opportunities for interpretation should be undertaken within the proposed new building and in the landscaping, such as the foundations of the 1824/25 distillery and the former creek running slightly west of the distillery used as features to inform the design building, and the preparation of an interpretation Strategy.

The Applicant's proposed design guidelines as detailed in the FRtS for external façade, materials and colours also address heritage impacts:

- 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 existing materials;
- 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; and
- 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.

The Applicant's heritage assessment also contends that the landscape features within the site along Buckland Street have no heritage value as the significant landscape character of the area is from the street trees. The assessment also contends that the impacts to the palisade fence would not have critical heritage impacts given that the heritage building to the south of the site is built to the street edge and breaks the consistency of the fencing. While a part of the palisade fence would be retained, part of the palisade fencing remains within the proposed envelope and potentially would need to be removed to facilitate redevelopment of the site. However, the applicant proposes that any redevelopment to the street boundary should incorporate interpretive elements to ensure that the street edge maintains continuity of materials and forms around the site so that the site is clearly de-lined as an entity.

Council and the Heritage Division of OEH identified concerns regarding the scale of the proposed building, impact on heritage setting and impacts from the removal of heritage significant trees and fencing. Council acknowledged that the location of the envelope complies with an earlier masterplan endorsed by Council for the site and CMP, however, as no parameters were identified in the CMP, it provides limited value in guiding future development. The Department also considers the CMP should not be relied upon to justify the footprint and envelope given the scale and significant exceedances of the Council's controls in SLEP and subsequent heritage impacts.

The Applicant modified the envelope in the RtS to address a number of heritage matters initially raised, including providing a setback to align with Grafton Street, retention of a significant tree (T35), providing a more rectilinear form, upper level setbacks to Buckland Street, setback of upper levels along the eastern boundary and overall reduction in height by

6.19 m. The Applicant reiterated in the RtS that the larger envelope form proposed in the north of the site is consistent with the existing larger forms along Broadway to the west of the site and envisaged form immediately to the north. This is distinctly different to the southern portion of the site which contains three to four storey development characteristic of Chippendale. The reductions in height also ensure that the impacts on longer distance views to the UNDA from Broadway are entirely mitigated.

Council reviewed the RtS and the further revised proposal provided by the FRtS and maintains that the heritage impacts have still not been adequately mitigated by the most recent proposal. Council recommends the following modifications to ensure that any future building provides a sympathetic built form to mitigate heritage impacts:

- the height be reduced to below the height of the spires of the heritage items (CB22, CB25) within the precinct and the adjoining locally listed St Benedict's Church to ensure the spires are visibly the dominant elements across the two campuses;
- the height reduced to four storeys for the southern portion of the envelope and two storeys on the eastern portion along the eastern boundary to ensure the future building does not appear in the backdrop of the church spire to ensure it does not overwhelm the heritage items;
- the envelope modified to ensure that St Benedict's Church is the most prominent form on the skyline from the corner of Abercrombie Street and Broadway;
- the siting of the envelope on the Buckland Street boundary must be setback to allow for the protection of the heritage significant trees T33 and T34; and
- the vehicle access point should be designed to minimise impacts on the palisade fence.

Council and the Heritage Division of OEH supported the applicant's proposed further testing for archaeology to determine the extent and management of significant archaeology to inform the future design of the building and has recommended conditions accordingly.

The Department's consideration of the heritage impacts was undertaken in consultation with the NSW Government Architect's Office (GAO). The proposal includes building over significant open space and curtilage that is associated with the heritage significance of the site. It is the Department's opinion that the heritage value of this site should be clearly acknowledged as being largely due to the amenity to the street and the low density of the site coverage, notably the series of courtyards and open spaces around buildings and the palisade fencing. The Department has considered the heritage concerns raised and the Applicant's heritage assessment and considers that the following additional modifications are required to further mitigate the heritage impact:

- retention of the relationship of open spaces with the adjacent buildings and streets, notably the series of courtyards and open spaces around the buildings, including removing the stepped form in plan along the southern elevation and ensure a continuous open space from Buckland Street through to the boundary at the east;
- retention of the sandstone and cast iron fence and two significant trees within the landscaped setback;
- that where the building is adjacent to the church and church courtyard a height limit of nine metres is appropriate and would ensure the church remains the most prominent form on the skyline when viewed from Abercrombie Street and Broadway.

The Department has recommended conditions to achieve these design outcomes. This ensures that the building envelope would encourage a more sympathetic form, with an appropriate interface and relationship with the heritage buildings and courtyard within the UNDA site. These modifications would also result in improved built form and amenity outcomes (refer to **Sections 4.2.2** and **4.2.3** of the report).

The Department considers that the recommendations of the Heritage Division of OEH and Council in relation to archaeology are appropriate and would ensure the conservation of State significant archaeology. Further archaeological testing is recommended to inform the

future detailed design. This would dictate the size of the future basement structure and potentially the location of plant and utilities which would need to avoid any relics and allow for conservation of relics in-situ.

Incorporating the above recommendations, the Department considers that the proposed development as modified is appropriate within the context of the campus and the heritage area as it would provide facilities to support education and research uses, which is consistent with the institutional use of the site since 1885. The Department considers that the heritage impact is acceptable subject to the recommended conditions as:

- a neutral built form element that does not contribute to heritage significance of the site or conservation area is being demolished;
- the location of the envelope is acceptable within its context as it provides adequate setbacks to the heritage items on the site and protects the curtilage of the heritage items;
- compact vertical development is supported as it assists in the conservation of the heritage items by minimising the footprint and horizontal development, which would have more significant heritage impacts by potentially reducing separations to the heritage items or by requiring demolition of significant heritage fabric on the site;
- the new setting is appropriate as it represents a balanced redevelopment of the site by consolidating the redevelopment opportunities on the northern portion of the block in conjunction with the western portion of the UNDA site, which would be potentially redeveloped in the future. This ensures the protection of the heritage items on the site and adjoining site from redevelopment, as located on the western portion of the UNDA site and to the north of the proposed envelope, is an intrusive former car wash building;
- the redevelopment reflects the changing nature of institutional uses on the campus and changing character of the area as evident in the redevelopment of the former Carlton United Brewery site, which was representative of the industrial landscape, into a modern high density residential and commercial precinct;
- the primary views of the heritage items, including the Church spires, from the surrounding areas would not be significantly obstructed except from Broadway, however, a potential building of 18 metres could be located within this view corridor within the adjoining UNDA site;
- the Grafton Street alignment would be maintained;
- the orthogonal shape and spatial relationships with the heritage items on the site in plan form have been respected in the shape of the revised envelope;
- obstruction of views to the spires of the school buildings from Broadway are likely to be blocked by the future redevelopment on the UNDA site where an 18 m height control applies;
- the visual prominence of a building has been reduced with setbacks to protect key view corridors and a complying form would have comparable visual impacts especially with the potential larger forms to the north; and
- the building envelope would support the ongoing and future use of the campus for education related purposes, which complements the ongoing use of the heritage items for institutional uses and the social significance of these items.

The Department is therefore satisfied that the heritage impacts can be appropriately managed and that the development should be approved, subject to the recommended conditions. The Department has also included relevant conditions to ensure that the relevant mitigation measures, as recommended by the archaeological assessment and required by the Heritage Council, be undertaken to inform any future application, including further archaeological testing before developing the detailed basement design.

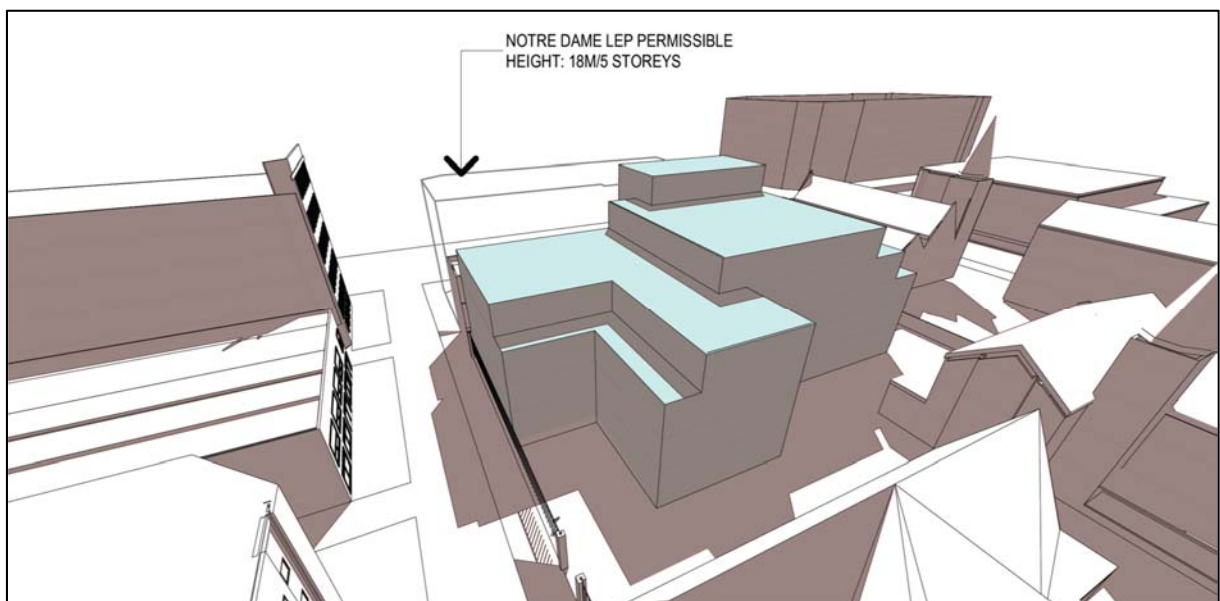
#### **4.2.2. Built form and urban design**

The site is subject to a nine metre height control and FSR control of 1.25:1 in SLEP 2012. The FSR control equates to a maximum 7,554 sqm of GFA for the site based on a site area of 6,043 sqm for the Blackfriars Precinct. A bonus of 10 per cent would also be applicable where a building demonstrates design excellence. Whilst this application is not strictly

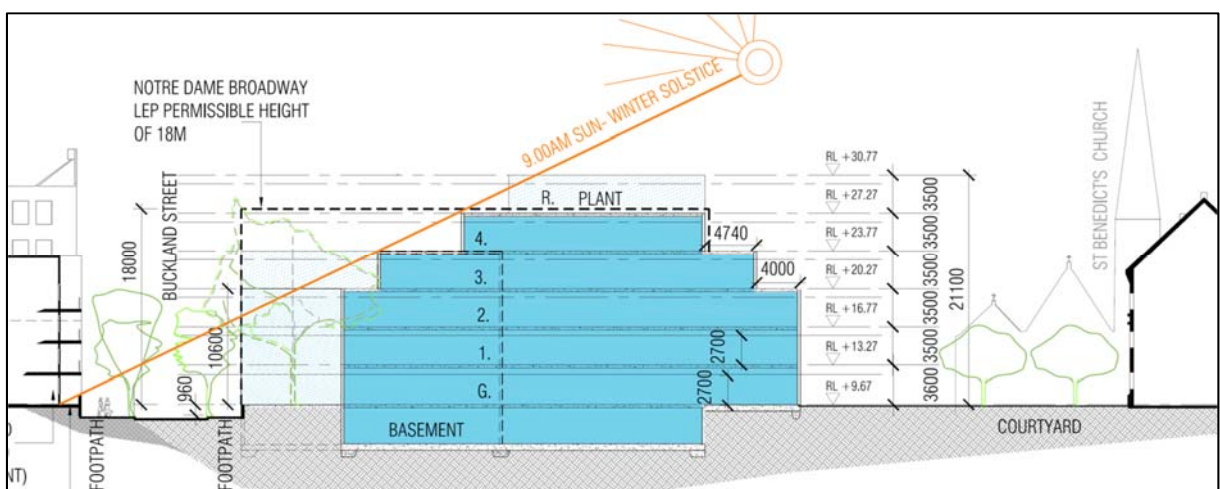
required to demonstrate design excellence as the application is for a building envelope, the Applicant has advised that design of the future building would be the subject of a competitive design process and therefore the bonus floorspace and height provisions would generally be applicable, resulting in height control of 9.9 m and FSR of 1.375:1 (8,309 sqm).

The proposed maximum height of the building envelope is 22.58 m high (five storeys excluding the basement level and plant level) with an irregular shaped footprint (see **Figures 19, 20 and 15**). The proposed GFA is 6,000 sqm, which results in a total GFA of 8,505 sqm (FSR of 1.41:1) for the site (including 2,505 sqm of existing and approved GFA). The proposal exceeds the development standards (including the 10 per cent bonus provisions) by 12.68 m in height and 196 sqm of floorspace.

The maximum floorplate on the ground, first and second level would be 1,385 sqm and have a maximum length of 51.1 m and depth of 32.4 m. The building envelope is situated up against the northern boundary and has a zero setback to this boundary and generally along the eastern boundary and western boundary in the northern portion of the site. The envelope is situated a minimum 8.6 m from the heritage buildings on the site. The future building would have a primary frontage to Buckland Street.



**Figure 19: Aerial diagram of the revised proposal in the FRtS looking north** (source: FRtS)



**Figure 20: Proposed envelope in the FRtS – section through southern portion (looking north)** (source: FRtS)

In addition to the design principles to address heritage impacts previously discussed, the following design guidelines have also been proposed by the applicant in the FRtS for the future design of the building:

#### *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 plaza created between the facility and buildings CB22 and CB25.
- Allow for the building to be built to the internal boundaries to the north and east, abutting the walls bounding the site along these boundaries.

#### *Bulk & Form*

- Respect the importance and presence of St Benedict's Church, adjoining the site to the east, and Buildings CB22 and CB25, both located on the site to the south.
- Manage the building bulk for key vistas from the external spaces of the court between 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 responds well to the neighbouring context.
- Consider whether ground floor levels of the facility can relate to the levels of the Buildings CB22 and CB25 to improve future accessibility across the site.

#### *Materials*

- Careful design solutions in relation to boundary walls that could include solid boundary walls, or walls with openings that have appropriate fire safety solutions and or easements for light and air to enable view sharing.

The Department acknowledges the building envelope would be highly visible and prominent on Buckland Street and from Broadway (refer to **Figures 21 to 23**). However, a 18 m height control applies to the site directly to the north on the UNDA campus, which would allow for a more prominent building to be situated in front of any future building within the subject envelope (refer to **Figure 24**). The UNDA submission anticipates future development of the UNDA site to the north. The potential development of the UNDA site to the north would result in a consistent scale of development along Broadway, which is characterised by taller and larger forms.



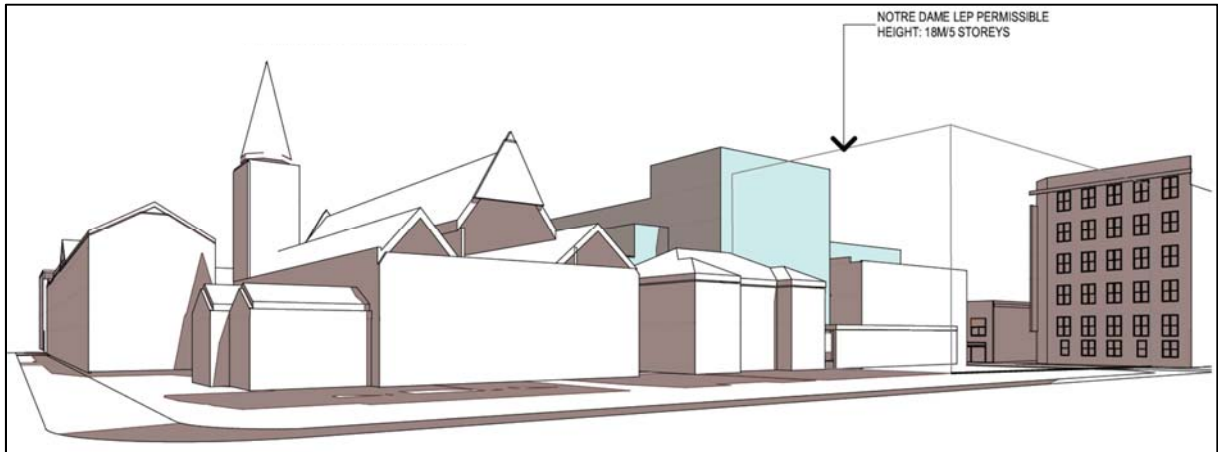
**Figure 21: View of revised proposed envelope in the FRtS from Broadway and Abercrombie Street (looking south-west) (source: FRtS)**



**Figure 22: View of revised proposed envelope in the FRtS from Broadway and Buckland Street (looking south-east) (source: FRtS)**



**Figure 23: View of revised proposed envelope in the FRtS from Grafton Street towards Buckland Street (source: FRtS)**



**Figure 24: Indicative view of revised proposed envelope in the FRtS from Broadway and Abercrombie Street (looking south-west) (source: FRtS)**

The Department's consideration of urban design and built form outcomes was undertaken in consultation with the GAO.

The Department considers that:

- an 18 metre height adjacent to the permitted 18 metre height zone along Broadway would be acceptable with the exception of where the building is adjacent to the church, or existing courtyards or open space a height limit of nine metres is appropriate;
- the massing as shown in the proposal is inelegant due to the multiple steps, corners and variations in plan and section and would likely result in a building that does not relate well to the context; and
- the existing site is notable for its series of courtyards and open spaces around buildings, which is unusual in this area of the city.

The Department recommends that:

- Stage 2 of this proposal should be undertaken using a Design Excellence process;
- the massing be refined to include only two heights (i.e. 18 metres and nine metres) and coherent whole forms without multiple steps, corners and variations in plan and section ensuring that the future building would be in a secondary standing in relation to St Benedict's Church and references the warehouse buildings of the surrounding area;
- a study of the open spaces that exist and the relationships those spaces have to the adjacent buildings and streets be submitted with the future application for the building;
- materials detail be provided with the next application; and
- through-site links should be carefully retained or new links proposed, including allowance of a continuous open space from Buckland Street through to the boundary at the east.

The Department has considered the design within the context of the surrounding streetscape and considers that the building envelope as proposed in the FRtS would support the future development of a too prominent a structure on the site. The modified envelope by way of recommended condition A7 would be appropriate within the context of the site given the potential redevelopment of the UNDA campus to the north and the changing character of the area, particularly along Broadway to the east. The modified building envelope would provide an appropriate transition to the lower scale heritage items on the site.

Subject to the recommended conditions, the Department considers the envelope is satisfactory as:

- the relevant design excellence provisions have been considered in locating and establishing the size of the envelope, including:
  - o the site is suitable for an education and research building given the historical use of the site for institutional purposes and accessibility of the site;

- o the mix of education and commercial research is appropriate for the site given collaboration with industry partners to ensure leading data research technologies are advanced;
  - o the heritage issues and streetscape constraints have been considered and the building envelope would provide an appropriately scaled interface with the heritage items;
  - o the height along Buckland Street has been reduced to ensure an appropriate relationship is achieved with the heritage items and to minimise amenity impacts which also ensure it does not overwhelm;
  - o the proposal has the potential to provide an improved public domain interface as the design principles identify that the facades and materials at the lower levels would be designed to deliver visibility of the internal operations of the facility, which would activate the streetscape; and
  - o the proposal would generally not impact on view corridors as the scale of the development is in keeping with the scale of development envisaged for the site to the north and significantly lower than the forms further east and the potential impacts to the visual setting of St Benedict's Church have been generally addressed by the setbacks and height reductions of the envelope and the recommended design principles.
- it provides a visual transition between the scale of development along Broadway to the lower scale heritage buildings and an appropriate transition at the interface;
  - the height and massing is appropriate within the context of the streetscape and the campus, which is characterised by predominantly larger buildings;
  - setbacks along Buckland Street from the boundary have been provided for visual relief and to minimise amenity impacts;
  - the existing UNDA development along the north abuts the shared boundary in parts and therefore it would be reasonable that the envelope abuts the boundary as subject to meeting relevant building standards, the future building could be designed in a manner that would not inhibit future development of the site to the north;
  - the modified envelope would meet floorspace controls;
  - landscaped setting would be retained;
  - the building envelope would have acceptable amenity impacts subject to recommended future assessment requirements (see **Section 4.2.4** for further details); and
  - the modified envelope addresses concerns raised by Council in relation to urban design and built form impacts.

The architectural design elements of the proposal would need to be carefully considered in the future application to ensure the built form outcome is appropriate within the context of the site and the streetscape. The following design elements would need to be addressed in the future application:

- materials and detailing;
- articulation and modulation to minimise bulk and massing;
- environmental impacts, such as sustainable design, overshadowing and solar access;
- visual and acoustic privacy, noise and reflectivity;
- the achievement of the principles of ecologically sustainable development;
- pedestrian, cycle, vehicular and service access and circulation; and
- treatment of interface at ground level between the building and the public domain.

The Department considers that the future built form would be suitable for the site provided it is consistent with the recommended further modified building envelope and subject to it demonstrating design excellence. The detailed design must be informed by a competitive design process and the design guidelines. The Department has recommended conditions requiring that a competitive design process is undertaken in accordance with the relevant requirements and that the future application demonstrate how the design addresses the design guidelines.

#### **4.2.3. Overshadowing impacts**

The building envelope as proposed in the FRtS would overshadow internal courtyards (including open space area for the child care centre), residential units to the west (identified as 2-4 Grafton Street) and the UNDA courtyard. Council, one public submission and the UNDA submission raised overshadowing impacts as an issue.

The Applicant has considered the impacts against the solar access requirements for residential flat buildings pursuant to the guidelines established under the *State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development*. The guidelines for residential flat buildings identify that living areas and private open spaces should receive a minimum two hours of sunlight between 9 am and 3 pm during mid-winter.

This approach is consistent with solar access provisions in the Infrastructure SEPP. Whilst the proposed development is not complying development, the standard outlined in the Infrastructure SEPP for complying educational infrastructure is considered appropriate for establishing a baseline assessment criteria for the residential dwellings and private open space areas:

*A building must not overshadow any adjoining residential property so that:*

- (i) solar access to any habitable room on the adjoining property is reduced to less than the minimum level (being 2 hours of solar access between 9 am and 3 pm at the winter solstice) or is reduced in any manner (if solar access to any habitable room on the adjoining property is already below the minimum level), or*
- (ii) solar access to the principal private open space of the adjoining property is reduced to less than the minimum level (being 3 hours of solar access to not less than 50% of that principal private open space between 9 am and 3 pm at the winter solstice) or is reduced in any manner (if solar access to the principal private open space of the adjoining property is already below the minimum level).*

The provisions above are addressed in relation to each of the impacted elements below. The Department's consideration of overshadowing impacts was undertaken in consultation with the GAO.

#### **Residential Properties (Grafton Street)**

Future development on the site would potentially overshadow residential properties at 2-4 Grafton Street on June 21 in the early morning, between 9 am and 10 am. This overshadowing could affect up to three units. The Applicant contends that the affected windows are to bedrooms and all of these properties would still receive two hours of sunlight during this period to living areas and open spaces.

The Department considers the overshadowing impacts on these units unacceptable from the proposed envelope in the FRtS as it is resulting from a non-compliance with the nine metre height control in SLEP. However, the modifications to the envelope as recommended by the Department to address heritage impacts and to retain the landscape setting would subsequently reduce the size of the envelope and ensure the overshadowing impacts would be largely mitigated. The Department expects that the envelope, as modified by the recommended condition A7, would not overshadow any residential units during 9 am and 3 pm on June 21. However, the Department has included a recommended condition that requires the Applicant to demonstrate that the future building would not result in additional overshadowing of living areas and private open spaces of residential units to the west between 9 am and 3 pm on June 21.

#### **UNDA courtyard and child care centre open space**

Future development within the building envelope would potentially overshadow the St Benedict's courtyard from 2 pm on June 21. The courtyard is used as passive open space area by the UNDA. The courtyard is currently not overshadowed at 2 pm and approximately

20 per cent of the courtyard is overshadowed at 3 pm on June 21. The proposed envelope in the FRtS would result in approximately 50 per cent additional courtyard area being overshadowed at 3 pm resulting in approximately 70 per cent of the total courtyard being overshadowed at 3 pm on June 21. The proposal would overshadow the open space of the child care centre from 1 pm. This open space area is already substantially overshadowed by CB22 at 3 pm and would be completely overshadowed at 3 pm on June 21 with the additional overshadowing from the proposed envelope in the FRtS.

The overshadowing is as a result of the non-compliance with the nine metre height control in SLEP and therefore should be mitigated to ensure adequate sunlight is provided to these open space areas during the winter solstice. The Department considers that there must be no greater than 20 per cent additional overshadowing of the courtyard and open space area for the child care centre on June 21 by the future proposal.

The Department has recommended that any future building within the envelope meets the above performance requirement and has recommended a condition requiring that the design of the future building result in no greater than 20 per cent additional overshadowing of the courtyard and open space area for the child care centre on June 21.

#### **4.2.4. Other Matters**

##### ***Traffic and transport impacts***

The Traffic Impact Assessment (TIA) for the proposal identifies that 219 and 264 additional trips per hour would be generated in the AM and PM peak periods based on 300 additional researchers. This equates to 60 to 65 additional vehicles distributed across the campus based on existing travel behaviour to the campus and the Sydney CBD. The future development would provide no additional car parking and the TIA concludes that given the distribution of anticipated traffic and parking supply restrictions, the traffic would be distributed across local streets and within the existing campus carpark located in the UTS Broadway Precinct approximately 400 metres away and therefore only 10 additional trips would be expected on any one road. The TIA concludes that this additional traffic would be negligible as it would be less than the general daily variation and would not impact traffic flow on the overall road network.

Council and Transport for NSW raised no issue with parking or traffic but did recommend that bicycle parking facilities be provided on-site as part of the development in accordance with Council's controls and not in a communal City campus location.

The Department notes that the site benefits from extensive public transport provisions in the vicinity of the site and no car parking spaces would be available on site and limited spaces are available across the broader campus. The surrounding streets also include restrictions on parking. This ensures that non-car transport would be the predominant mode of travel to the site. Accordingly, whilst the future proposal would support an increased staff, researcher and student population, it is not envisaged that there would be any significant increase in traffic generation. The Department considers that potential traffic impacts associated with the future development would be satisfactory.

The Department considers that as the bicycle parking provisions should be provided on site given the separation of the site from the bicycle parking facilities and end-of-trip facilities within Building 10 (north of Broadway). The Department has recommended an additional further assessment requirement be included in the detailed next stage that requires the Applicant demonstrate that adequate bicycle parking facilities and end-of-trip facilities are provided to support the new population to this site.

##### ***Flooding***

The site is subject to flooding. Council requested that a flood assessment be undertaken as flood planning level would potentially affect the height of the building.

The Applicant has undertaken an assessment of the flood impacts and established a minimum flood planning level of RL 9.67 for the ground level. The proposal includes a habitable basement level, which requires basement access to be located above the Probable Maximum Flood (PMF) level of 10.08 m AHD. Council was generally satisfied with the Applicant's flood assessment and advised that the recommended flood planning levels would need to be further considered as part of the future Stage 2 detailed design application.

The Department considers the Applicant has satisfactorily considered the flood impacts in the design of the envelope and any future application must demonstrate that the flooding impacts can be appropriately mitigated in the detailed design of the future building. The Department has included recommended conditions to this effect.

### **Contamination**

The site was previously used as a gin distillery, brewery and sugar refinery and part of the land has previously been a swamp before being developed for educational uses (school). A Phase 2 Contamination Assessment (Phase 2 CA) was undertaken for the Blackfriars Precinct. The Phase 2 CA found that contaminated fill was located on the Blackfriars Precinct with elevated levels of copper, mercury, lead, zinc and hydrocarbons above site assessment criteria (SAC). The Phase 2 CA recommended remediation involving containment and installation of a physical barrier as the most appropriate method of remediation given the heritage items that would need to be protected on the site.

The Applicant will also be remediating the part of the site approved for a childcare centre under the terms of that approval. The Remedial Action Plan (RAP) for the childcare centre includes ongoing management measures given remediation includes the containment of contaminants on-site.

The Applicant proposes to prepare a RAP for the relevant part of the site as part of the future application when the full extent of excavation is known.

The Department is satisfied that the part of the site that would accommodate the future research building, could be remediated in a similar manner to that being undertaken for the childcare centre given the similar type of uses and contaminants. The size of the basement is subject to further archaeological testing due to the State significant archaeology and distance of the building from the heritage items is subject to detailed design. No works are proposed as part of the concept proposal. Therefore, the Department considers it is reasonable that any future application for the construction of the building would be an appropriate stage for remediation plans when the extent of the basement and distance from the heritage buildings are known.

The Department is satisfied the Applicant has adequately addressed the contamination requirements in SEPP 55 and the relevant part of the site can be made suitable for its intended use subject to remediation of that part of the site. The Department has recommended that a RAP be included as part of the application for Stage 2.

### **Public interest**

The proposal is considered to be in the public interest as it would provide the following public benefits:

- additional investment in social infrastructure within a highly accessible location;
- growing the Broadway and Camperdown Education and Health Precinct;
- ensuring the State remains competitive in attracting students, staff and researchers in the tertiary education sector;
- revitalising the site and consolidating redevelopment opportunities away from the heritage items and supporting the conservation of the heritage items;
- improved public domain interface along Buckland Street and increased activation; and
- delivery of 35 construction jobs and up to 300 operational jobs.

## 5. CONCLUSION

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The Department has reviewed the EIS, RtS and FRtS and considered advice from the public authorities, including Council. Issues raised in the submissions have been considered and all environmental issues associated with the proposal have been thoroughly addressed.

The proposed envelope exceeds the height and floor space controls and results in heritage, urban design and amenity impacts. The Department, in consultation with Council and the GAO, considers that the building envelope should be further modified to address these impacts. The Department has therefore included recommended conditions to amend the envelope to address these impacts including setback of the envelope from Buckland Street, removal of the southern portion of the envelope and reduction in the height of the four storey components to three storeys to ensure a more coherent form. These changes would also ensure that the built form would then comply with floorspace controls. Whilst the height of the building envelope would not comply, the proposed height of the envelope as modified by the recommended conditions of consent is considered acceptable as the higher component is positioned centrally towards the north providing a greater setback to heritage significant elements and would be generally consistent with and compatible with the taller forms anticipated on the adjacent UNDA campus. The Department is satisfied that the envelope as modified would provide for an appropriate transitional built form between the heritage items to the south and east, and future development along Broadway.

The recommended modifications would ensure that the amenity impacts on the residential development to the west would be mitigated and further assessment requirements have been included to ensure that overshadowing of the St Benedict's courtyard and open space area of the childcare centre are acceptable.

The Department considers that subject to the recommended modifications to the building envelope and consideration of the future assessment requirements, a future contemporary building in the proposed location is appropriate within the context of the site and the surrounds. The Department's assessment concludes that consolidating the floorspace in a taller form would assist in the conservation of the heritage items on the site whilst still delivering social infrastructure.

The application is consistent with the objects of the EP&A Act (including ecologically sustainable development), *State priorities*, *A Plan for Growing Sydney* and the *Draft Central District Plan*. The Department is also satisfied the proposal would provide significant public benefits through the provision of additional education facilities within the highly accessible education and health.

The Department is satisfied that the proposal as further modified satisfactorily responds to the issues raised and recommends that the SSD application for the concept proposal for the UTS Blackfriars Precinct Research Building be approved, subject to conditions. The Department's recommended conditions of consent would ensure that any future building within the building envelope would result in an acceptable environmental and residential amenity for the surrounding environment.

## 6. RECOMMENDATION

In accordance with section 89E of the *Environmental Planning and Assessment Act 1979*, it is recommended that the Executive Director, Priority Projects Assessments, as delegate of the Minister for Planning:

- (a) **consider** all relevant matters prescribed under section 79C of the EP&A Act, as contained in the findings and recommendations of this assessment report and appended documentation;
- (b) **grant consent** to the staged State significant development application for the concept proposal for UTS Blackfriars Precinct Research Building (SSD 6746), subject to conditions of consent set out in the attached instrument at **Appendix D**; and
- (c) **sign** the attached development consent at **Appendix D**.

Prepared by: Megan Fu, Senior Planner

Endorsed by:



20/03/2017

Karen Harragon  
Director  
Social and Other Infrastructure Assessments

Approved by:



David Gainsford  
Executive Director  
Priority Projects Assessments

11/4/17

## **APPENDIX A    RELEVANT SUPPORTING INFORMATION**

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The following supporting documents and supporting information to this assessment report can be found on the Department of Planning's website as follows.

1. Environmental Assessment  
[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=6746](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6746).
2. Submissions  
[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=6746](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6746).
3. Applicant's Response to Submissions  
[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=6746](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6746).

## **APPENDIX B      CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENT(S) AND DCP(S)**

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### **State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)**

The aims of the SRD SEPP are to identify State significant development and State significant infrastructure and confer the necessary functions to joint regional planning panels to determine development applications.

The proposal is for SSD in accordance with s. 89C of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it is development for the purpose of an educational establishment with a capital investment value (CIV) in excess of \$30 million, under clause 15 (Educational establishments) of Schedule 1 of the SRD SEPP.

### **State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)**

SEPP 55 aims to provide a state wide approach to the remediation of contaminated land. In particular, SEPP 55 aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment by specifying under what circumstances consent is required, specifying certain considerations for consent to carry out remediation work and requiring that remediation works undertaken meet certain standards.

The site was previously used as a gin distillery, brewery and sugar refinery as well as forming part of a swamp before being developed for educational uses (school). A Phase 2 Contamination Assessment (Phase 2 CA) was undertaken for the Blackfriars Precinct. The Phase 2 CA found that contaminated fill was located on the Blackfriars Precinct with elevated levels of copper, mercury, lead, zinc and hydrocarbons above site assessment criteria (SAC). The Phase 2 CA recommended remediation involving containment and installation of a physical barrier as the most appropriate method of remediation given the heritage items that would need to be protected on the site.

The Applicant is remediating the part of the site approved for a childcare centre. The Remedial Action Plan (RAP) for the childcare centre includes ongoing management measures given remediation includes the containment of contaminants on-site.

The Applicant proposes to prepare a RAP for the relevant part of the site as part of the future application when the full extent of excavation is known.

The Department is satisfied that the part of the site that would accommodate the future research building could be remediated in a similar manner to that being undertaken for the childcare centre given the similar type of uses and contaminants. The size of the basement is subject to further archaeological testing due to the State significant archaeology and distance of the building from the heritage items is subject to detailed design. No works are proposed as part of the concept proposal. Therefore, the Department considers it is reasonable that any future application for the construction of the building would be an appropriate stage for remediation plans when the extent of the basement and distance from the heritage buildings are known.

The Department is satisfied the Applicant has adequately addressed the contamination requirements in SEPP 55 and the relevant part of the site can be made suitable for its intended use subject to remediation of that part of the site. The Department has recommended that a RAP be included as part of the application for Stage 2

### **State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)**

The aim of the Infrastructure SEPP is to facilitate the effective state wide delivery of infrastructure by providing greater flexibility in the location of infrastructure and service facilities, allowing the development of surplus government land, identifying relevant environmental assessment categories for development and relevant matters to be considered and providing for consultation with relevant public authorities.

Schedule 3 of the Infrastructure SEPP requires traffic generating development to be referred to the Roads Maritime Services (RMS). The proposal was referred to the RMS who raised no objection to the development.

### **Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Draft Education SEPP)**

The Draft Education SEPP will:

- simplify and standardise the approval process for child care facilities, schools, TAFEs and universities, including broadening the range of development that can be undertaken as exempt development and complying development;
- set out clear planning rules for these developments, including where they can be built, what development standards apply, and consultation requirements; and
- establish state-wide assessment requirements and design considerations to improve the quality of these facilities and to minimise impacts on surrounding areas.

The development is consistent with the provisions of the Draft Education SEPP.

### **Sydney Local Environmental Plan 2012 (SLEP)**

The development is consistent with the aim of the mixed use zone in the SLEP. Consideration of the relevant clauses of the LEP is provided in **Table 1**.

**Table 1: Consideration of SLEP 2012**

| <b>SLEP Criteria</b>                               | <b>Department Comment/Assessment</b>                                                                                                                                                                                                                                                                                                                                                                                               |
|----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Clause 2.7 Demolition requires development consent | Demolition forms part of the application.                                                                                                                                                                                                                                                                                                                                                                                          |
| Clause 4.3 Height of buildings                     | The maximum height for the site is nine metres. The proposal exceeds the height control. The Department's consideration of the height of the building envelope is provided in <b>Section 4.2.2</b> of the report.                                                                                                                                                                                                                  |
| Clause 4.4 Floor Space Ratio (FSR)                 | The FSR for the site is 1.25:1. The proposal exceeds the FSR control. The Department's consideration of the size of the building envelope is provided in <b>Section 4.2.2</b> of the report. The building envelope as modified by way of conditions would comply with the maximum FSR.                                                                                                                                             |
| Clause 5.9 Preservation of trees or vegetation     | The proposal would result in the loss of 21 trees but this would be offset with the planting of trees in the future application. The recommended conditions require the retention of the landscaped setting and significant trees along Buckland Street on the site.                                                                                                                                                               |
| Clause 5.10 Heritage conservation                  | The heritage items and curtilage have been retained and the building envelope is located away from the heritage buildings. The consolidation of the floorspace in a single building envelope also supports the ongoing retention and conservation of the heritage items.                                                                                                                                                           |
| Clause 6.21 Design Excellence                      | The Department's consideration of design excellence is provided in <b>Section 4.2.2</b> of the report. A competitive design process is required for development where a DCP is required pursuant to clause 7.20. The Department has recommended a condition requiring the Applicant demonstrate that the future application demonstrates design excellence, including compliance with the competitive design process requirements. |
| Clause 7.9 Other land uses (Car parking)           | The maximum number of car parking spaces for education facilities is 1 space for every 200 sqm of the gross floor area of the building. No car                                                                                                                                                                                                                                                                                     |

|                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                         |
|--------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ancillary to other development)                                                            | parking is proposed and therefore the application complies.                                                                                                                                                                                                                                                                                                                                             |
| Clause 7.14 Acid Sulfate Soils                                                             | The site is classified as class 5, which reflects a relatively low risk, and development consent is only required for works within 500 m of the other land classified with a higher risk level and where the water table is likely to be lowered one metre below AHD on the adjacent land. The Applicant has included the preparation of an Acid Sulphate Soil Management Plan as a mitigation measure. |
| Clause 7.15 Flood planning                                                                 | A flood planning level of RL 9.67 has been identified. The ground level of the building envelope is situated at this level. The Department is satisfied that proposal would not result in any increase flood risk to life and property associated with the use of land.                                                                                                                                 |
| Clause 7.19 Demolition must not result in long term adverse visual impact                  | No demolition works are approved. The future application for construction of the building would include the demolition works.                                                                                                                                                                                                                                                                           |
| Clause 7.20 Development requiring or authorising preparation of a development control plan | A development control plan (DCP) is required for land if the site area for the development is more than 5,000 sqm or if the development will result in a building with a height greater than 25 metres above ground level. The site is greater than 5,000 sqm. However, a staged application in respect of the land satisfies this requirement. The application is a staged development application.    |

### Development Control Plans

It is noted that clause 11 of the SRD SEPP provides that development control plans do not apply to SSD. Notwithstanding, consideration of relevant controls within Sydney Development Control Plan (DCP) 2012 has been given in **Table 2**.

**Table 2: Consideration of the relevant provisions of Sydney DCP 2012**

| DCP Provisions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Department's Assessment                                                                                                                                                                                                                                                                                                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Locality Statement</b> <ul style="list-style-type: none"> <li>Maintain the visual prominence and landscape setting of the Blackfriars campus.</li> <li>Encourage the adaptive re-use of heritage buildings.</li> <li>Ensure infill development responds to the height, massing and predominant horizontal and vertical proportions of heritage and contributory items.</li> <li>Protect the curtilage of heritage items to enable visual appreciation of the buildings in their setting.</li> <li>Design institutional development to be sympathetic to the scale and fine grain character of the area.</li> <li>Maintain and reinforce the existing character of well-established street tree plantings in Buckland Street.</li> </ul> | The Department's consideration of how the proposal responds to the landscaped setting, heritage setting and visual impacts are addressed in <b>Section 4.2.1</b> and <b>4.2.2</b> of the report.                                                                                                                                                                   |
| <b>Public Domain Elements</b> <ul style="list-style-type: none"> <li>Through-site links are to be provided on sites greater than 5,000 sqm in area.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | The Department does not consider that a through-site link is appropriate with the childcare centre on the site, position of the heritage items in an around the site and boundary wall on the adjoining UNDA campus. The Department has however recommended that a continuous open space area be provided which could potentially form a future through site link. |
| <b>Public Domain</b> <ul style="list-style-type: none"> <li>Buildings are to be designed to positively address the street.</li> <li>Buildings are to be designed to maximise the number of</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | To be addressed in the future application for Stage 2.                                                                                                                                                                                                                                                                                                             |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| entries, visible internal uses at ground level, and include high quality finishes and public art to enhance the public domain.                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                    |
| <b>Design Excellence and Competitive Design Processes</b> <ul style="list-style-type: none"> <li>A competitive design process is required to demonstrate design excellence where a DCP is required. A DCP is required for land if the site area for the development is more than 5,000 sqm or if the development will result in a building with a height greater than 25 metres above ground level.</li> </ul>                                                  | A future assessment requirement has been recommended that stipulates that the future application must meet the design excellence requirements, including a competitive design process.                                                             |
| <b>Urban Ecology</b> <ul style="list-style-type: none"> <li>Development is to be consistent with the Street Tree Master Plan, Park Tree Management Plans and the Landscape Code.</li> <li>Development applications are to include a Landscape Plan.</li> </ul>                                                                                                                                                                                                  | The three significant trees along Buckland Street have been retained. Further landscaping to be addressed in the future application for Stage 2.                                                                                                   |
| <b>Ecologically Sustainable Development</b>                                                                                                                                                                                                                                                                                                                                                                                                                     | To be addressed in the future application for Stage 2.                                                                                                                                                                                             |
| <b>Water and Flood Management</b> <ul style="list-style-type: none"> <li>Prepare a site-specific flood study</li> <li>Drainage and stormwater management</li> <li>Stormwater quality</li> </ul>                                                                                                                                                                                                                                                                 | <p>A flood planning level of RL 9.67 has been identified. The ground level of the building envelope is situated at this level.</p> <p>Flood study, drainage and stormwater requirements to be addressed in the future application for Stage 2.</p> |
| <b>Subdivision, Strata Subdivision and Consolidation</b>                                                                                                                                                                                                                                                                                                                                                                                                        | Site to be consolidated in the future application for Stage 2.                                                                                                                                                                                     |
| <b>Heritage</b> <ul style="list-style-type: none"> <li>Prepare Heritage Impacts Statement</li> <li>Prepare Conservation Management Plan</li> <li>Prepare archaeological assessments</li> <li>Demolition of neutral buildings will only be considered where it can be demonstrated that: restoration of the building is not reasonable; and the replacement building will not compromise the heritage significance of the heritage conservation area.</li> </ul> | The Department's consideration of heritage impacts is addressed in <b>Section 4.2.1</b> of the report.                                                                                                                                             |
| <b>Transport and Parking</b> <ul style="list-style-type: none"> <li>All development is to provide on-site bike parking designed in accordance with the relevant Australian Standards for the design criteria of bike parking facilities.</li> </ul>                                                                                                                                                                                                             | A future assessment requirement has been recommended that stipulates that the bicycle parking and amenities must be provided within the future building.                                                                                           |
| <b>Accessible Design</b>                                                                                                                                                                                                                                                                                                                                                                                                                                        | To be addressed in the future application for Stage 2.                                                                                                                                                                                             |
| <b>Social and Environmental Responsibilities</b>                                                                                                                                                                                                                                                                                                                                                                                                                | To be addressed in the future application for Stage 2.                                                                                                                                                                                             |
| <b>Waste</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                    | To be addressed in the future application for Stage 2.                                                                                                                                                                                             |
| <b>Contamination</b>                                                                                                                                                                                                                                                                                                                                                                                                                                            | The Applicant proposes to remediate the site to ensure that it is suitable for the proposed use, including open space areas. To be addressed in the future application for Stage 2.                                                                |

## APPENDIX C GLOSSARY

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**Ecologically Sustainable Development** can be achieved through the implementation of:

- (a) *the precautionary principle - namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:*
  - (i) *careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
  - (ii) *an assessment of the risk-weighted consequences of various options,*
- (b) *inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,*
- (c) *conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,*
- (d) *improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:*
  - (i) *polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,*
  - (ii) *the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,*
  - (iii) *environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.(Cl.7(4) Schedule 2 of the Regulation)*

### **Objects of the Act**

- (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.*

## **Section 79C Evaluation**

### **(1) Matters for consideration—general**

*In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

- (a) the provisions of:*
  - (i) any environmental planning instrument, and*
  - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
  - (iii) any development control plan, and*
  - (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
  - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
  - (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),**that apply to the land to which the development application relates,*
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.*

**Note.** See section 75P(2)(a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.

**Note.** The consent authority is not required to take into consideration the likely impact of the development on biodiversity values if:

- (a) the development is to be carried out on biodiversity certified land (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995), or*
  - (b) a biobanking statement has been issued in respect of the development under Part 7A of the Threatened Species Conservation Act 1995.*
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## **APPENDIX D    RECOMMENDED CONDITIONS OF CONSENT**

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