

Modification of Development Consent

Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.

**Executive Director
Key Sites Assessments**

Sydney

2019

SCHEDULE 1

Development consent: **SSD 6746** granted by the Executive Director, Priority Projects Assessments on 11 April 2017

For the following: Concept Proposal for the staged development of the UTS Blackfriars Precinct Research Building, comprising:

- a five storey (excluding basement and plant levels) building envelope for education, commercial and ancillary retail floorspace;
- maximum RL 30.77 to plant;
- basement level/s; and
- maximum gross floor area of 6,000 sqm

Applicant: The University of Technology Sydney

Consent Authority: Minister for Planning and Public Spaces

The Land: UTS Blackfriars Precinct, 4-12 Buckland Street, Chippendale

Modification: **SSD 6747 MOD 1:** modification to amend the building envelope to accommodate the design competition winning scheme including:

- modify the setback to Buckland Street
- modify solar access performance criteria
- additional tree removal and replacement planting
- amend timing for lot consolidation.

SCHEDULE 2

The consent is modified as follows:

- (a) Schedule 2 Part A – Condition A1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold and struckout~~ words/numbers as follows:

Development Description

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

- (b) Schedule 2 Part A – Condition A4 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold and struckout~~ words/numbers as follows:

Development in Accordance with Plans and Documents

A4. The Applicant must carry out the development in accordance with the conditions of consent and generally in accordance with:

- SSD 6746;
- the EIS, as amended by the RtS and FRtS;
- The Modification Report, dated August 2018, as amended by the Response to Submissions dated February 2019, Further Response to Submissions dated 15 March 2019, and Further additional information, dated 11 June 2019, all prepared by Urbanac Pty Ltd and**
- the following drawings except where amended by the conditions of this consent.

Architectural (or Design) Drawings prepared by H20-Tonkin Zulaikha Greer Architects			
Drawing No.	Issue	Name of Plan	Date
<u>A01</u>	<u>3</u>	<u>COVER PAGE</u>	<u>28.02.2019</u>
<u>A0.01</u>	<u>09</u>	<u>ENVELOPE STUDY WITHIN ENVELOPE</u>	<u>18.11.16</u>
<u>A02</u>	<u>3</u>	<u>PROPOSED BUILDING ENVELOPE PLAN</u>	<u>28.02.2019</u>
<u>A6.00</u>	<u>04</u>	<u>ENVELOPE SITE SECTIONS</u>	<u>17.11.16</u>
<u>A03</u>	<u>2</u>	<u>PROPOSED BUILDING ENVELOPE SECTIONS</u>	<u>28.02.2019</u>

- (c) Schedule 2 Part A – Condition A7 is deleted as follows:

~~Building Envelope Modifications~~

~~A7. The Applicant must submit revised building envelope plans to the Secretary for approval prior to the lodgement of any subsequent development application, to address the following:~~

- ~~retention of the palisade fence adjacent to Buckland Street in its entirety and Trees T33 and T34;~~
- ~~the setback of the building envelope from the western boundary to Buckland Street shall be the greater of 9.29 m or the distance required to retain Trees T33 and T34 with no more than 15 per cent pruning of each of the existing tree canopies. A tree canopy survey must be prepared by a qualified arborist to verify the extent of pruning permitted and submitted to support the revised building envelope;~~
- ~~the four storey components of the envelope must be reduced to a maximum three storeys and RL 20.27; and~~
- ~~the southern component of the envelope must be deleted to ensure a single southern alignment is provided and a continuous open space area from Buckland Street to the eastern wall (boundary of the site) can be provided whilst~~

~~maintaining a minimum 8.6 metre separation from the existing buildings on the site.~~

- (d) Schedule 2 Part A – Condition A8 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold and struckout~~ words/numbers as follows:

Building Envelope Modifications

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

- (e) Schedule 2 Part B – Condition B3 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold and struckout~~ words/numbers as follows:

Built Form and Urban Design

B3. Subsequent development application/s must demonstrate that consideration has been given to the protection and minimisation of potential amenity impacts on adjoining sensitive land uses, including overshadowing and acoustic impacts. ~~The future building must be designed to ensure that there will be no additional overshadowing of living areas and private open spaces of residential units to the west between 9 am and 3 pm on June 21.~~

- (f) Schedule 2 Part B – Condition B4 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold and struckout~~ words/numbers as follows:

Built Form and Urban Design

B4. Subsequent development application/s must demonstrate:

- a) the proposal achieves design excellence in accordance with the design excellence provisions of Sydney Local Environmental Plan 2012, including how the proposal meets the competitive design process requirements; and
 - b) ~~the proposal is consistent with the revised building envelope in condition A7 of Schedule 1 and that~~ the building design, including services and the like, provide an appropriate relationship with neighbouring buildings.
- (g) Schedule 2 Part B – Condition B6 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold and struckout~~ words/numbers as follows:

Built Form and Urban Design

B6. A study of the open spaces that exist and the relationships those spaces have to the adjacent buildings and streets be submitted with any subsequent development application. Open space areas ~~(including the open space area required by condition A7(d))~~ and landscaping for the future development must demonstrate that the open space characteristics of the site have been retained and incorporated in the design of Stage 2.

- (h) Schedule 2 Part B – Condition B7 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold and struckout~~ words/numbers as follows:

B7. A detailed landscape plan, drawn to scale by a qualified landscape architect or landscape design, must accompany any subsequent Stage 2 development application.

The landscape plan must include:

- a) **six new advanced replacement trees, with two located on the Buckland Street frontage and four within the courtyard**

- b) the selected tree species is to be capable of reaching a mature height of at least 12-14 m
- c) the replacement trees are to have a 400 L pot size and 4-5 m high when planted

The landscape plan must consider the location of the replacement trees to maintain views of significant heritage buildings.

- (i) In schedule 2 Part B insert new Condition **B7A** as follows:

Flood Fence

B7A. Subsequent development application/s must include flood protection for the habitable basement levels to be integrated into the building design. Flood protection must not adversely impact the heritage palisade fence.

- (j) In schedule 2 Part B insert new Condition **B7B** as follows:

Eastern elevation

B7B. Subsequent development application/s must consider privacy, visual impact and overshadowing impacts from any balustrade located on the eastern elevation of the building envelope and use of the area as a terrace, to the satisfaction of the consent authority.

- (k) In schedule 2 Part B insert new Condition **B8A** as follows:

B8A. The heritage palisade fence adjacent to Buckland Street is to be retained. Subsequent development application/s must include detail of the proposed conservation of the heritage palisade fence and make all efforts to minimise relocation of original heritage fabric.

- (l) Schedule 2 Part B – Condition B18 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:

Lot Consolidation

B18. The first subsequent development application is to make provision for Prior to the issue of the first occupation certificate for the building, all land titles within the site **are** to be consolidated into one lot.

**End of modification
(SSD 6746 MOD 1)**