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Your Ref: SSD 6746

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23-33 Bridge Street
Sydney NSW 2000

Attention: Megan Fu
Email: megan.fu@planning.nsw.gov.au

Dear Megan,

**RE: Staged State Significant Development Application for UTS Blackfriars
Precinct Research Building (SSD 6746), 2-14 Buckland Street, Chippendale**

I refer to your letter dated 8 December 2015, inviting Council to make a submission regarding the subject State Significant Development application.

The City has reviewed the information provided as part of the public exhibition. The City does not support and strongly objects to the proposal in its current form. There are a number of planning and design issues that need to be addressed, as detailed in the Response section below. In short, the proposal greatly exceeds the primary development standards outlined in Sydney Local Environmental Plan 2012 (SLEP 2012) and would result in significant heritage, urban design, amenity and landscape impacts on the subject site and surrounds. Such a change of scale should be preceded by consideration of varying the controls involving public consultation. Using SSD to set aside LEP controls so significantly is considered poor public policy.

If Council were to consider such a proposal as currently presented, a planning proposal would be required to be prepared for the site.

Site and context

The site, with an area of approximately 6,043m² occupies approximately half of the block between Broadway, Buckland, Blackfriars and Abercrombie Streets and forms part of the UTS Broadway Precinct. The documentation refers to the site address as No. 2-14 Buckland Street, Chippendale however plans identify the site as No. 4-12 Buckland Street, Chippendale.

The site itself is listed as a heritage item within SLEP 2012 and is located within the Chippendale Conservation Area. Of the seven existing buildings within the site, three are identified as being significant, being the boy's school building (building CB25), the girl's school building (building CB22) and the school master's residence (building CB27). The stone and palisade fences, including the entrance piers along Buckland and Blackfriars Streets and the open spaces within the campus are also significant.

The site is unique within the Chippendale context as it provides a permeable landscaped space with large curtilages to the heritage buildings, which contrasts the adjoining built to boundary development. Within the site, the generous open spaces offer respite from Broadway and Abercrombie Streets with extensive tree canopies established over time and quiet internal landscaped courtyards. The existing buildings are prominent within the landscape, built to the boundary for a small section only with generous setbacks from the street alignment, a defining characteristic of the site planning.

The heritage listed University of Notre Dame Campus (UNDA campus), including St Benedict's Church is located to the north and east of the site. Residential and commercial uses also surround the site.

In April 2014, Council granted consent for a child care centre to be constructed in the southern portion of the site adjacent to Blackfriars Street (D/2012/1398). The development of the child care has not yet substantially commenced.

Proposal

The proposal is a Stage 1 application for a building envelope located at the northern end of the UTS Blackfriars campus site. The new building will be mixed use, comprising educational establishment, research and commercial (ancillary retail) uses. Vehicle and pedestrian access is proposed via Buckland Street. No additional car parking is proposed as part of the application.

The proposed building envelope includes the following design parameters:

- A GFA of 6,225m² with typical floors of approximately 1,280m².
- A maximum building height of 27.95m. Submitted sections illustrate up to 8 storeys (including plant levels) above a half basement level.
- Zero building setbacks to the Buckland Street (western) boundary and adjoining UNDA campus (northern and eastern) boundaries.
- A setback of between 7.5m and 13.1m from existing heritage buildings onsite (CB22 and CB25).
- A 34m long frontage to Buckland Street and 51m long length from east to west.

Response

Sydney Local Environmental Plan 2012

- The proposal greatly exceeds the height and FSR controls outlined within SLEP 2012 as follows:
 - The proposed 27.95m height exceeds the LEP height control of 9m by 210%.
 - The proposed GFA exceeds the permissible GFA by approximately 1,514m². This equates to an FSR of 1.5:1, which is 20% more than the

permissible 1.25:1. A permissible envelope would have a max GFA of 4,711m².

- Clause 4.6 variations have been submitted to justify the proposed departures to these controls. The objectives of Clause 4.6 seek to provide flexibility in applying development standards when appropriate, namely when departures achieve better outcomes for development than strict compliance with controls. However Clause 4.6 variations should only be supported when the proposal can demonstrate that no additional impacts are apparent.
- As outlined below, the proposal presents significant heritage, urban design, amenity and landscape impacts and does not pass the Clause 4.6 variation test of being of minimal impact or not causing impact. Given the control exceedances are far greater than 10% and presents a number of significant impacts, the variation request is considered inconsistent with the 4.6 provision allowing flexibility.

Recommendations

- The height and FSR of the proposal is reduced to address the heritage, urban design, landscape and amenity issues raised below.

Heritage

- The height of the proposed envelope is not consistent with surrounding heritage buildings and appears to exceed the height of the spires of CB22, CB25 and the spire of St Benedict's Church (UNDA campus). These spires should read as dominant elements across the two campuses.
- The proposed envelope overwhelms CB22 and CB25 due to its excessive height, bulk and inadequate setbacks. To mitigate these impacts, the envelopes height should be restrained if proposed setbacks are to be maintained. Alternatively, increased setbacks should be provided to CB22 and CB25 to provide adequate curtilage around these heritage buildings.
- The submitted 3D views show that the proposed envelope will be visible from corner of Abercrombie Street and Broadway above the roofline and silhouette of St Benedicts Church. The proposed envelope should be designed to maintain the prominent skyline formed by the church hall roofs and the spire.
- Directly siting the envelope on the Buckland Street boundary is inconsistent with the established character of the campus. While many warehouse buildings exist within Chippendale that are built to the boundary, the Blackfriars Campus site has a very different character. Boundary fences and landscaped setbacks are the predominant character of the campus site. The proposed zero setback to Buckland Street will result in loss of a significant section of original palisade fence and landscaping along Buckland Street, will overwhelm the streetscape and affect views to CB22 from Buckland and Grafton Streets.
- Views into the site as well as the northern facade of Building CB22 are currently visible from a number of vantage points along Grafton and Buckland Streets. This reflects the intention to continue the alignment of Grafton Street to extend to the eastern side of Buckland Street in the historical planning scheme. In its current location, the proposed envelope will form a strong termination to Grafton Street and considerably reduce the range of CB22 viewed from Buckland and Grafton Streets. The permeability of the site along the Grafton Street alignment should be maintained.

- The location of the envelope complies with the 2012 UrbanAC master plan, however its scale was not discussed in the master plan document. The updated CMP specifies the key parameters to be considered in the planning of a new building, however no benchmarks were established to assess the proposed envelope against key parameters. Accordingly neither the master plan nor the CMP is able to provide sufficient guidance to the proposed new building.
- The submitted Archaeology Assessment found that there is a high potential for the northern portion of the site to have archaeological value. The assessment recommends archaeological testing be undertaken to inform the Stage 2 detailed design.

Recommendations

- If proposed setbacks to CB22 and CB25 are to be maintained, the height of the building should not exceed 4 storeys on the southern side in order to respond to the height of existing heritage buildings within the site and adjacent buildings along Buckland Street.
- The building height along the eastern property boundary adjoining the UNDA campus should be no higher than 2 storeys if it is built directly on the eastern boundary (refer notation **E** in **Attachment A**). Any storeys above 2 storeys should be set back from the site boundary. The extent of setback is to be proportional to the additional height and subject to the new buildings visual impact on the UNDA campus, in particular on the church hall and its spire. The new building should not appear in the backdrop of the spire of the church building at the key vantage points from surrounding streets.
- The envelope should be modified through the creation of a setback to the Buckland Street frontage to allow the protection of the trees numbered T33, T34 and T35 and the retention of the heritage palisade fence. The width of the setback from the Buckland Street frontage should be determined as at least the minimum recommended by a qualified Arborist for the protection of the trees (refer notation **A** in **Attachment A**).
- The setback from the western site boundary should retain and reinforce views from the public domain to the north face of Building CB22 (refer notation **B** in **Attachment A**).
- The northern alignment of the historical extent of Grafton Street should be used to determine a portion of the alignment of the south face of the proposed building envelope (refer notation **C** in **Attachment A**). The alignment can be interpreted through the use of a transparent facade if desired (refer notation **C1** in **Attachment A**).
- Archaeological testing should be undertaken to inform the Stage 2 detailed design. Results of archaeological testing and mitigation measures should be included as part of any Stage 2 development application.

Landscape setting and tree removal

- The existing courtyard spaces make this city block distinct within the area, and respond well to the existing built form. The proposed splayed form of the southern edge of the building envelope not only conflicts with the established courtyard geometry, but creates awkward spaces and a narrow street entrance. An orthogonal building would respond better to the existing

buildings, create landscape spaces that are more in keeping with the existing courtyard typology, and create a more open, visible entrance from Buckland Street.

- The overall plans for the site (including the approved child care centre) will see the removal of all trees from within the site and three street trees located within Council land along Buckland Street. In total, 28 trees are proposed for removal.
- A review of the submitted Arborist Report, historic aerial photos and inspection of the site has revealed that three trees are considered to be of High Landscape Significance. These trees are numbered T33, T34 and T35 in the Arborist Report and are located along the Buckland Street boundary at the north of the site. These trees appear to be semi-mature trees in the 1943 aerial photo and are considered to have heritage significance. The removal of these trees would have a substantial impact in terms of environmental loss and degrade the amenity value of this site.
- The removal of the T33, T34 and T35, as well as the three street trees is not supported.
- Minimal tree planting is proposed to replace the loss of canopy that will result from tree removal. The concept plans indicate that only small scale trees will be planted. The submitted Landscape Report indicates that two new Blackbutt trees will be planted along Buckland Street, however the City's Street Tree Master Plan identifies Tulip Trees listed as the species for Buckland Street.

Recommendations

- The proposed envelope should be modified to an orthogonal form to reinforce the courtyard typology, at least on the ground level (see building from recommendations).
- T33, T34 and T35 are to be retained by setting the envelope back from Buckland Street. The width of the setback from the Buckland Street frontage should be determined as at least the minimum recommended by a qualified Arborist for the protection of the trees.
- No approval should be granted for the removal of street trees as part of this application. Tree removal to facilitate site access should be carefully considered during the detailed design and siting of the Buckland Street access point.
- A replacement tree planting strategy should be submitted as part of the Stage 1 development application that identifies suitable numbers, sizes and species of trees to offset any proposed tree removal.

Height and overshadowing

- The proposed envelope is for a 7 storey building plus plant level with an overall height of 27.95m above ground level. There is an inconsistency between the section and plan diagram whereby the plan notes the envelope as being of 5 levels plus roof plant and the section shows a total of 8 storeys including plant.
- The elevational shadow diagrams for 2 Grafton Street do not correctly identify existing private open space balconies on the Grafton Street facade. In addition, the proposed building envelope will impact the north facade of the

existing building at 2 Grafton Street. Revised elevation shadow diagrams which clearly show the north facade (or preferably views from the sun) should be submitted with any revised proposal to confirm the full extent of overshadowing impact. Notwithstanding these inconsistencies, the impact of the proposed envelope on existing residential buildings to the west of the site is considered unacceptable, resulting in shadow impacts that would reduce SEPP 65 compliance. This should be further alleviated.

- The impact of the combined height and bulk of the proposed envelope causes significant overshadowing of the adjacent courtyard on the UNDA campus to the east of the site. This will compromise the success and amenity of the existing courtyard.
- Any additional height above the 9m control should be designed to address the following:
 - the envelope is to be modified in accordance with the recommendations above in relation to heritage curtilage and height and landscape preservation;
 - the portion of the envelope above the 9m control must not create any additional overshadowing on the winter solstice to the north and east facing facades of existing residential buildings at 2-4 Grafton Street;
 - the detailed design of the building must reduce as far as practical any additional overshadowing on the winter solstice to the external courtyard to the south of St Benedicts Church (UNDA campus);
 - the envelope is modified so that the scale of any future building in the northeast corner of the site reflects the lower scale of St Benedicts Church.

Recommendations

- The building envelope should be modified to remove any impact of overshadowing on existing residential dwellings. The modifications proposed above in relation to the significant landscape items will assist in reducing overshadowing impact to 2-4 Grafton Street (refer notation **D** in **Attachment A**).
- The envelope should be modified so that the portion of the site adjacent to the northeast site boundary is limited to 2 storeys in height (refer notation **E** in **Attachment A**).
- Plant and building services should be located in the basement to allow the maximum amount of above ground envelope to be utilised for research/educational uses.

Building form

- The proposed building envelope is represented in plan as a non-orthogonal shape with a splayed southern alignment created by striking a line between two points. The significance of the two points used to set up the splay is not described.
- It is acknowledged that the proposed building envelope does not represent the final form of the future building, however, the diagonal alignment of the envelope does not respond to, or respect the strong rectilinear character of the original site layout.

- The floor to floor heights for the proposed ground and first floor levels are 3.175m and do not comply with the Sydney Development Control Plan 2012 (floor to ceiling heights of 3.6m for ground floor and 3.3 for first floor and above). The existing buildings on site (CB22 and CB25) have very generous ceiling heights and the scale of the new building levels adjacent to these buildings should be similarly generous in vertical proportions to facilitate a direct and respectful relationship.

Recommendation

- The building envelope should be modified so as to be parallel or perpendicular to the existing heritage buildings. Steps in the building envelope or future building footprint should relate to the existing courtyard typology and respect historic alignments (refer notation **F** in **Attachment A**).

Design excellence

- Clause 6.21(5)(c) of SLEP 2012 requires sites in excess of 5,000m² undertake a competitive design process. Clause 6.21(5)(a)(i) also applies if approval is granted for the proposal at a height of 25m or above.

Recommendation

- A Design Excellence Strategy should be prepared and submitted as part of the Stage 1 development application. The strategy should define the extent and type of competitive design process to be undertaken as part of any Design Competition prior to the lodgement of any Stage 2 development application.

Access, connectivity and transport

- No car parking is proposed as part of the application as the site is well serviced by public transport, education and employment opportunities and services. The City supports this approach.
- The Transport and Accessibility Report refers to existing bicycle parking and end-of-trip-facilities located within Building 10, situated on the north-eastern corner of Broadway and Abercrombie Street. No specific reference is made to the provision of bicycle parking or end-of-trip-facilities for the site. The Building 10 facilities should not be relied on to service the facility site as this requires users to cross two major roads to access the facilities.
- The proposal identifies a new access point off Buckland Street between the proposed envelope and CB22, however specific access details have not been provided. No reference is made to waste storage and access for waste collection for the proposed facility. The Transport and Accessibility Report references use of small ridged vehicles for deliveries and site servicing.

Recommendations

- The exact positioning and width of the Buckland Street access point is to be carefully considered and designed to minimise impacts on the heritage palisade fence.
- All required bicycle parking and end-of-trip-facilities should be provided on site in accordance with Sydney Development Control 2012 requirements.

- Waste storage and collection and site servicing is to be outlined in future applications. All deliveries, storage and collection of waste should take place on site and all vehicles should enter and depart the site in a forward direction.
- A Green Travel Plan should be prepared as part of any future Stage 2 development application.

Contamination and acid sulphate soils

- As part of the previous child care centre approval (D/2012/1398), deferred commencement conditions were imposed to ensure the site could be made suitable in terms of land contamination and acid sulphate soils. A Site Audit Statement and Acid Sulphate Management Plan have been submitted to and approved by Council to satisfy these deferred commencement conditions.
- The child care centre forms part of the wider, subject SSD application site, however the above-mentioned contamination documents relate to the child care centre site only. Ongoing management of the child care centre portion of the site will be required, as per conditions and documents approved as part of D/2012/1398. Detailed site contamination and acid sulphate soils assessment should be carried out for the portion of the site not subject to the child care centre approval.

Recommendation

- A Detailed Environmental Site Assessment and Acid Sulfate Soils Management Plan must be submitted for the entire site as part of any Stage 2 development application.

Flooding, stormwater and public domain

- The site is located in the Blackwattle Bay catchment area and is flood affected. A Flood Assessment that meets the requirements of the City's Interim Floodplain Management Policy and recommends appropriate flood planning levels for the development should be prepared for the proposal. NOTE: setting appropriate floor planning levels has potential to impact floor to ceiling heights and the number of storeys that can be achieved within a building envelope.
- No information has been submitted for the management of stormwater onsite.
- The existing asphalt footway on Buckland Street is in disrepair and in need of an upgrade. Considering the extent of construction that will be required for the proposal, the footway will need to be upgraded along Buckland Street. Sections of the existing concrete kerb and gutter and street lighting may also require upgrading.

Recommendation

- The current Stage 1 development application should include a Flood Assessment and Integrated Stormwater Management Plan that properly identifies floor levels. At Stage 2 a Public Domain Plan should be submitted. These documents should be designed in accordance with relevant Council policies and guidelines.

Lot consolidation

- The site currently comprises 13 lots, with many of the lots contained in DP 466 (dating from 1879). A future Stage 2 development application should consolidate the site into one lot. This would have the added advantage of redefining the site by providing a plan with boundaries surveyed with respect to the current information available, and placing the plan on public record at Land and Property Information.

Recommendation

- Any Stage 2 development application should make provision for all land titles within the site to be consolidated into one lot.

Conclusion

The City strongly objects and does not support the proposal in its current form. As detailed above, the proposal will result in unacceptable heritage, urban design, amenity and landscape impacts and is not compatible with the desired future character for the area.

The use of Clause 4.6 to justify significant departures from the LEP height and FSR controls is not appropriate and the tests under Clause 4.6 are not satisfied. It is unreasonable that the Department is being requested to approve development which does not respect the lawful planning controls for the site.

Prior to the application being determined, the City would appreciate the opportunity to meet with the consent authority to discuss the issues raised above.

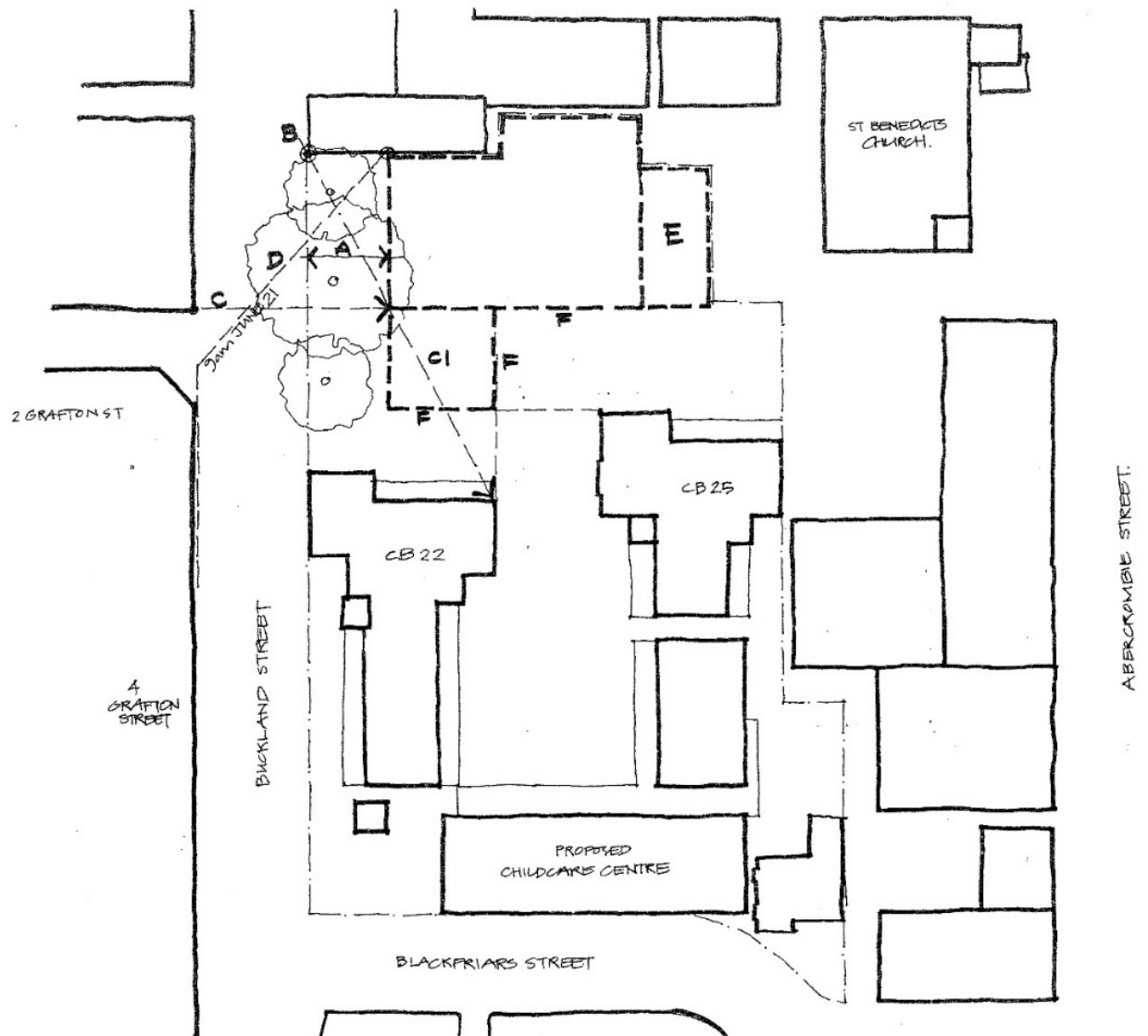
Should you wish to speak with a Council officer about the above, please contact Natasha Ridler, Senior Planner, on 9246 7720 or nridler@cityofsydney.nsw.gov.au

Yours sincerely,



Graham Jahn AM
Director
 City Planning | Development | Transport

ATTACHMENT A - URBAN DESIGN SITE PRINCIPLES



Building envelope shown dashed

