

10 October 2018

Our Ref: 2018/516796

Megan Fu
Senior Planner
Social and Other Infrastructure Projects
Department of Planning and Assessments
320 Pitt Street,
Sydney NSW 2000
By email: Megan.Fu@planning.nsw.gov.au

Dear Megan,

Re. Modification 1 to concept approval for UTS Blackfriars Precinct Research Building, Chippendale (SSD 6746)

Thank you for your correspondence dated 18 September 2018 that invites the City of Sydney ("the City") to review the proposed modifications to SSD 6746 and to provide comments on the proposal.

In summary, it is understood that the proposal includes the following:

- Modification of the envelope including additional basement level and relevant consent conditions to align with the winning design competition scheme;
- Modification of solar access performance criteria;
- Further tree removal to be offset by the planting of advanced canopy trees elsewhere on the site as part of an overall landscape and public domain plan; and
- Modification of the timing of the required lot consolidation.

The following comments are provided for your consideration:

1. Heritage and Urban Design

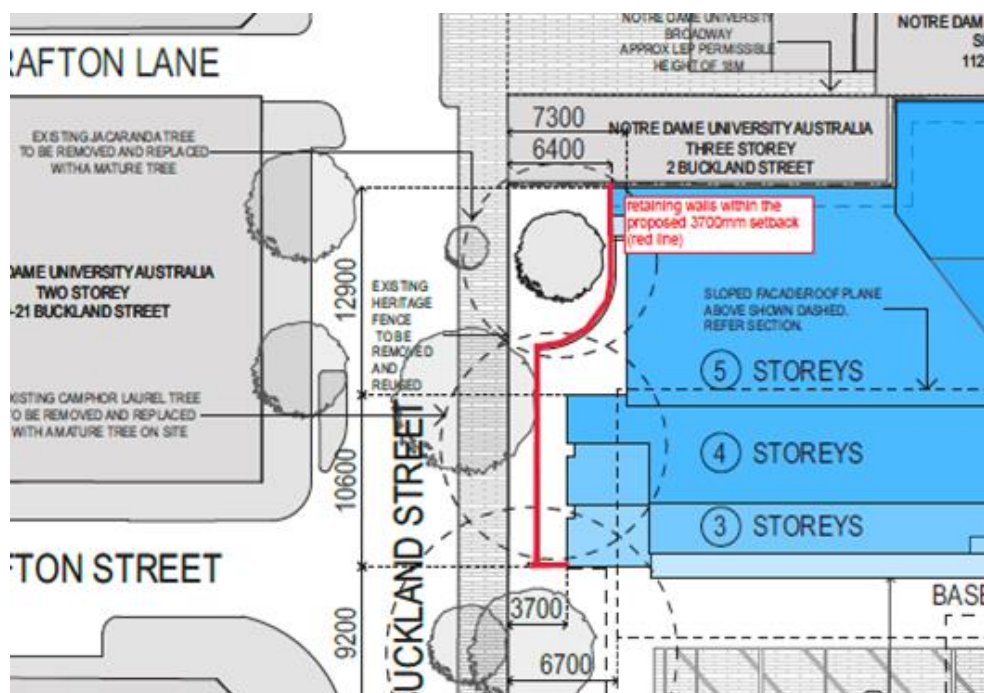
- a) Condition A7 (a) specifically requires that the existing heritage palisade fence is retained in its entirety. The proposal seeks to completely remove and replace the heritage significant fence however, no explanation has been provided as to how the fence will be reused and where. While more detailed information is usually provided at Stage 2, it's in principle removal is being sought as part of this Stage 1 modification and consequently, adequate justification is required at this stage. At a minimum, if the Department are minded to approve its removal, the fence must be carefully salvaged and reconstructed in its original position and detail.
- b) The setbacks to Buckland Street remain inadequate and fail to preserve the setting or interpret the Grafton street alignment. As stated in the City's response to the previous Stage 1 envelope proposal (letter dated 5 October 2016), the view of Grafton Street currently extends into the campus and

incorporates the northern facade of Building CB22. This reflects the fact that Grafton Street was originally extended to the eastern side of Buckland Street in the historical planning scheme and no building was intended to be positioned along this line of sight. The envelope as proposed to be modified still results in a termination to the Grafton Street alignment and into the range of view of Building CB22 from both Buckland Street and Grafton Street.

The Department are encouraged to require increased setbacks to the south so that this alignment is maintained to ensure the street vista goes beyond the campus boundary in a meaningful way. While the proposed stepped facade profile may serve to ameliorate the overbearing impact on the heritage buildings, no view analysis and/or modelling has been provided of the key views of Blackfriars Precinct from the north along Buckland Street to alleviate concerns in this regard.

- c) Consent condition A7 (b) requires a setback of 9.29m or the distance required to retain trees T33 and T34. The proposed modification removes both T33 and T34, and seeks to reduce the setback to a minimum of 3.7m.

It is noted that the reduced dimension is not accurate. There are retaining walls proposed within the 3700mm zone that create a sunken garden 5.94m below street level and “light wells” to the basement levels (see below – red line).



- d) In addition to the reasons for the setback outlined under (b) and (c) above, the required setback was also intended to allow for the retention of a minimum of 2 hours solar access to adjacent residential dwellings at 2 Grafton Street in accordance with the Sydney Development Control Plan (DCP) 2012 amenity provisions.

The overshadowing information provided with the modification application is inadequate to confirm the applicant's statement that all residential properties at 2 Grafton Street will retain a minimum of 2 hours solar access. This is not communicated by the plan drawings and can only be communicated by

elevation shadow diagrams or views from the sun, for both existing conditions and proposed. The information shows that the proposed modification overshadows residential windows and private open space until 11am. Due to the almost north-south orientation of Buckland Street, sunlight from 11.30am will be too oblique to the facade to have any benefit. This is the purpose of the setbacks from Buckland Street included in the conditions of consent – to retain early morning (9-11am) sunlight which has the most positive amenity benefits to the 2 Grafton Street residents.

The Department are requested to require views from the sun to be provided at 9am, 10am, 11am and 12 midday showing shadow impacts to No. 2 Grafton Street for both existing and proposed conditions. The views from the sun must include a larger context, including at least the subject building so that the source of overshadowing can be identified. If the applicant wishes to rely on sun access after 11.30am, internal plan shadow diagrams should be provided showing the extent of sunlight reaching the interior spaces of the 2 Grafton Street residences.

- e) The height of the proposed envelope is still considered too high along its eastern edge and will have a detrimental impact on the adjacent St Benedict's church and the courtyard of the Notre Dame campus immediately south of St Benedict's Church. Stepping back the eastern elevation would assist to address this issue.

This view is reflected in the Department's assessment report for the approved concept application (page 28) that *"an 18m 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"*. Consent condition A7 (c) requires a maximum RL of 20.27. The modified envelope diagrams show a height of 11m (RL 21.68 or higher) adjacent to the Notre Dame courtyard.

Further, while technically compliant with Condition B2, the 3pm shadow diagram demonstrates that the courtyard will be 82% in shadow and is considered a very poor amenity outcome. The effect of reducing height in accordance with condition A7 (c) at this location on overshadowing to the courtyard should be tested.

- f) The additional basement level and the proposal to use both basement levels for habitable uses requires the construction of a 2 storey void adjacent to Buckland Street, and the removal of established trees. The deep void adjacent to the footpath is uncharacteristic in the local context, and particularly uncharacteristic in the context of the 'landscape setting' of the Blackfriars's precinct which makes this site unique in the local area. The requirement to accommodate additional habitable floor space by locating it below grade is not adequate justification for the deep void and the removal of the landscaped setting.

The Department are directed to the requirement of Condition A 7(b) which requires a setback of 9.29m or the distance required to retain trees T33 and T34. This condition is supported by the rationale stated in the Department's assessment report at page 23: *"retention of the relationship of open spaces with the adjacent buildings and streets, notably the series of courtyards and open spaces around the buildings"*. The proposed modification presents no

good reason to depart from this original rationale other than to regain lost density. There should be no presumption that floor space can simply be relocated elsewhere on the site without significant impacts.

- g) The site is flood affected. If a void is approved, either in its current form or modified, the Department should satisfy themselves prior to any approval that it does not present a flooding hazard for the proposed habitable spaces in the basements.

2. Landscaping and Trees

- a) The modified western setback to Buckland Street necessitates removal of 3 trees existing trees; Tree T33 (a Jacaranda), T34 (a Camphor Laurel), and T35 (River Oak) to facilitate the revised development envelope.

The applicant's justification for tree removal is that the trees have no listed heritage value, and that they are unavoidable impacts due to unacceptable encroachments in the TPZ that result from the proposed building footprint. The applicant argues the removal will enable the new facility to have a presence on Buckland Street that establishes a strong positive relationship with the existing heritage buildings on the site and the immediate surrounds.

Concerns raised above under Point 1 refute this justification with respect to adverse heritage impacts. While the trees do not have listed heritage value, the applicants own Heritage and Visual Considerations Report by Paul Davies and Associates Heritage Consultants, acknowledges that the trees do contribute to the existing streetscape and states, "*the complete removal of a landscape setting is not appropriate or recommended.*" The fact that they have little or no heritage value is not sufficient reason for removal to be supported.

- b) The proposal to replace the trees with advanced specimens in the new landscape arrangement is not considered to satisfactorily compensate for the removal of three mature trees. The new trees will take decades (if at all) to replace the canopy cover of the existing trees and in the interim the benefits that the existing trees provide are lost to the community and environment. The above and below ground space will be constrained by the new building (including basement) and paved surfaces etc. and it is therefore not likely that the new trees will fully replace the canopy cover that currently exists.

It is the City's preference that the subject trees along the western boundary of the site are retained.

3. Other observations

The proposal is for modifications to the approved Stage 1 envelope with the detailed layout and design to be determined under a Stage 2 application. The Department are discouraged from approving any internal spaces such as end of trip facilities as shown on the ground floor plan as the facilities/area indicated appear spatially inadequate and contrary to the requirements of Sydney DCP 2012 for an establishment of this size. Similarly, it is not appropriate to approve plans showing the location and size of terraces within the proposed envelope at this stage.

Should you wish to speak with a Council officer about the above, please contact Maria O'Donnell, Specialist Planner, on 9265 9333 or at modonnell@cityofsydney.nsw.gov.au

Yours sincerely,

A handwritten signature in black ink, appearing to read 'MS', is positioned above the printed name.

MICHAEL SOO

Senior Area Planning Manager