

DEPARTMENT OF PLANNING

Development Assessment

SUBJECT: COLLEGE OF FINE ARTS MP08 0104 MOD 2

PURPOSE

To determine a modification request for the College of Fine Arts Campus (COFA), Paddington, Project Application (MP 08_0104)

BACKGROUND

- On 6 June 2008, the then Minister for Planning formed the opinion that the proposal for the redevelopment of the College of Fine Arts was a project to which Part 3A of the Environmental Planning and Assessment Act 1979 (EP&A Act), applied.
- At the same time, the Minister agreed to delegate to the City of Sydney Council (Council) the responsibility for the preparation of the Director General's assessment requirements (DGRs) and assessment of the project application.
- On 16 December 2008, following an assessment of the proposal by Council, the then Minister for Planning approved the Project Application MP 08_0104, for the following:
 - Demolition of existing structures (Building B, Building C (south) and Building D) and alterations and additions to Building F;
 - Construction of a new 4 storey building with basement car parking for 62 cars; and associated landscaping.
- On 23 March 2010, RPS Australia East Pty Ltd, acting on behalf of the University of New South Wales (UNSW) (the proponent), submitted a modification application under section 75W of the EP&A Act to modify the approval in relation to the wording of conditions imposed in the Instrument of Approval, particularly in relation to sign-offs/approvals required prior to the commencement of works and clarification of timing of these approvals (MP08_0104 MOD 1).
- On 11 June 2010, the Minister of Planning approved the modification subject to conditions.
- Condition 7 of the original Project Approval required consideration of the setback of Block D from the Selwyn Street Fig tree, which has also led to internal design changes the subject of the current modification request.

PROPOSED MODIFICATION

- On 3 August 2010, RPS Australia East Pty Ltd, acting on behalf of the University of New South Wales (UNSW) (the proponent), submitted a further modification application (MOD 2) under section 75W of the EP&A Act seeking modifications to the Block D component of the approval, including:
 - An increased setback of Block D to Selwyn Street (between 1622mm and 1641mm);
 - Changes to the lightwells on the western façade;
 - Improvements to the connection with Block E, including the additions of stairs and skylights and extension of breezeway;
 - Glazing to eastern façade realigned and revised, and sunhoods and awnings added;
 - Division of plant room at top level; and

- Flat roofs over side cores marginally raised to accommodate lift overruns, addition of roof penetrations on drawings, materials and finishes changes and internal fit-out of Block D.

CONSULTATION

In accordance with section 75X of the EP&A Act and clause 8G of the EP&A Regulation, the modification request was made available on the Department's website. Due to the minor nature of the proposed modification, the modification request was not exhibited by any other means.

Consultation letters were however sent out on 25 August 2010 to City of Sydney Council and 19 local residents and businesses. City of Sydney did not object to the proposal, however commented that the design quality of the approved Selwyn Street façade of Building D would be lost as a result of the changes to the fenestration. They also commented at the time that they were still in discussion with CoFA about the setback and pruning requirements in relation to Condition 7 of the consent.

City of Sydney Council responded again on 13 December 2010 confirming that they had no objection to the application subject to the imposition of the following amended condition 7:

"Prior to the issue of a Construction Certificate in relation to the central Selwyn Street bay of Level 2 of Building D either:

- (a) the two rooms identified as "IT Support" and "Course Work Learning Commons" both be further setback from Selwyn Street an additional 1 metre (from that shown in drawing A1-04 Issue C prepared by Architectus and dated 26 July 2010) to accommodate all remaining structural branches that have not been approved for removal from Tree 3; or*
- (b) detailed documentary evidence be provided to the satisfaction of Council demonstrating that there is sufficient clearance from all remaining structural branches that have not been approved for removal from Tree 3, to enable the ready construction of the central bay of Level 2 of Building D."*

Subject to this condition, the City of Sydney Council confirmed that the Building D setback drawing (A0013 Issue C prepared by Architectus and dated 9 July 2010) satisfied Condition 7.

Two local residents responded welcoming the setback of Block D, but expressed concerns regarding the boundary fence alongside the building and that this would have a negative impact on the character of the area and appreciation of the architecture of Block D. Similar concerns were also expressed by the Paddington-Darlinghurst Community Working Group.

These concerns were relayed to the proponent who responded on 8 November 2010 with revised drawings, addressing the boundary treatment to Selwyn Street, removing the fencing and replacing it with localised fencing around the light wells.

Consideration of the issues is detailed below within 'Key Issues'.

DELEGATED AUTHORITY

On 25 January 2010, the Minister delegated his powers and functions under section 75W of the EP&A Act to Directors in the Major Projects Assessment Division in cases where there are less than 10 public submissions (not including submissions from public authorities) in the nature of objections in respect of the modification request. As less than 10 public submissions were received, the Director may determine the modification request under delegated authority.

KEY ISSUES

The proposed modification was submitted in response to the Project Application approval, Condition 7, which stipulated that:

7. *An arborist report shall be prepared by a suitably qualified and experienced arborist prior to the issue of a Construction Certificate. The arborist report shall address the potential impact of the proposal on the existing Fig tree on Selwyn Street and is to include recommended setbacks to Building D and appropriate pruning measures to ensure the long term health of the tree. The arborist report and any resulting modifications to the drawings referred to condition A2 shall be submitted to Council for approval prior to the issue of a Construction Certificate.*

The key issue that the modification seeks to address arises from concerns about the proposed siting of Block D, a new building to be located on the western side of the campus with frontage to Selwyn Street, in particular its proximity to nearby trees.

In response to this concern the proponent has set the building back from the boundary. At the same time following discussions with the City of Sydney Council arborist, agreement has been reached regarding a new condition which will satisfy the concerns of the City of Sydney arborist whilst allowing the Modification to be determined. The proponent has agreed to the wording of the new condition provided by Council.

The recommendation to approve the modification subject to the condition recognises that this issue has been satisfactorily addressed.

A second issue arose following concerns by local residents who, whilst welcoming the setback of Building D, wished to see the removal of the proposed boundary fence which they saw as having a negative impact on the character of the area. In response to this the proponent submitted a revised proposal to replace the fence with localised fencing around the light wells.

Setting the building back from the boundary will both further protect the existing street trees and decrease the shadow impact in Selwyn Street. This provides more setback than that provided for in the DCP. The marginal (400mm) increase above the height limit of the two lift cores at either end of the building does not increase overshadowing in Selwyn Street, nor create any other adverse impacts on the site or surrounding environment.

Changes to the connection to Block E to the north will improve connectivity within the campus, while refinements to the glazing, particularly facing the central courtyard will improve light access into the building. This change enables a decrease in the glazing to Selwyn Street, both at ground level, by decreasing the lightwells, and at

the upper level, further decreasing any potential overlooking of nearby residential development.

Revisions to the materials and finishes and the identification of roof penetrations are considered minor consequential changes with little or no impact.

CONCLUSION

The proposed modification is seen as acceptable given concerns over the relationship of the proposed Block D to existing trees. The setback of Block D together with a condition which allows the concerns of the arborist to be addressed is seen to be acceptable to the Department and to satisfactorily address these issues.

The removal of the continuous fencing adjacent Block D to be replaced by localised fencing in response to local concerns is seen as a positive benefit to the character of the street scene. The modification is therefore seen as beneficial and is supported.

RECOMMENDATION

It is RECOMMENDED that the Director:

- note the information provided in this briefing;
- approve the modification request, subject to conditions; and
- sign the attached modifying instrument (Tag A)

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