

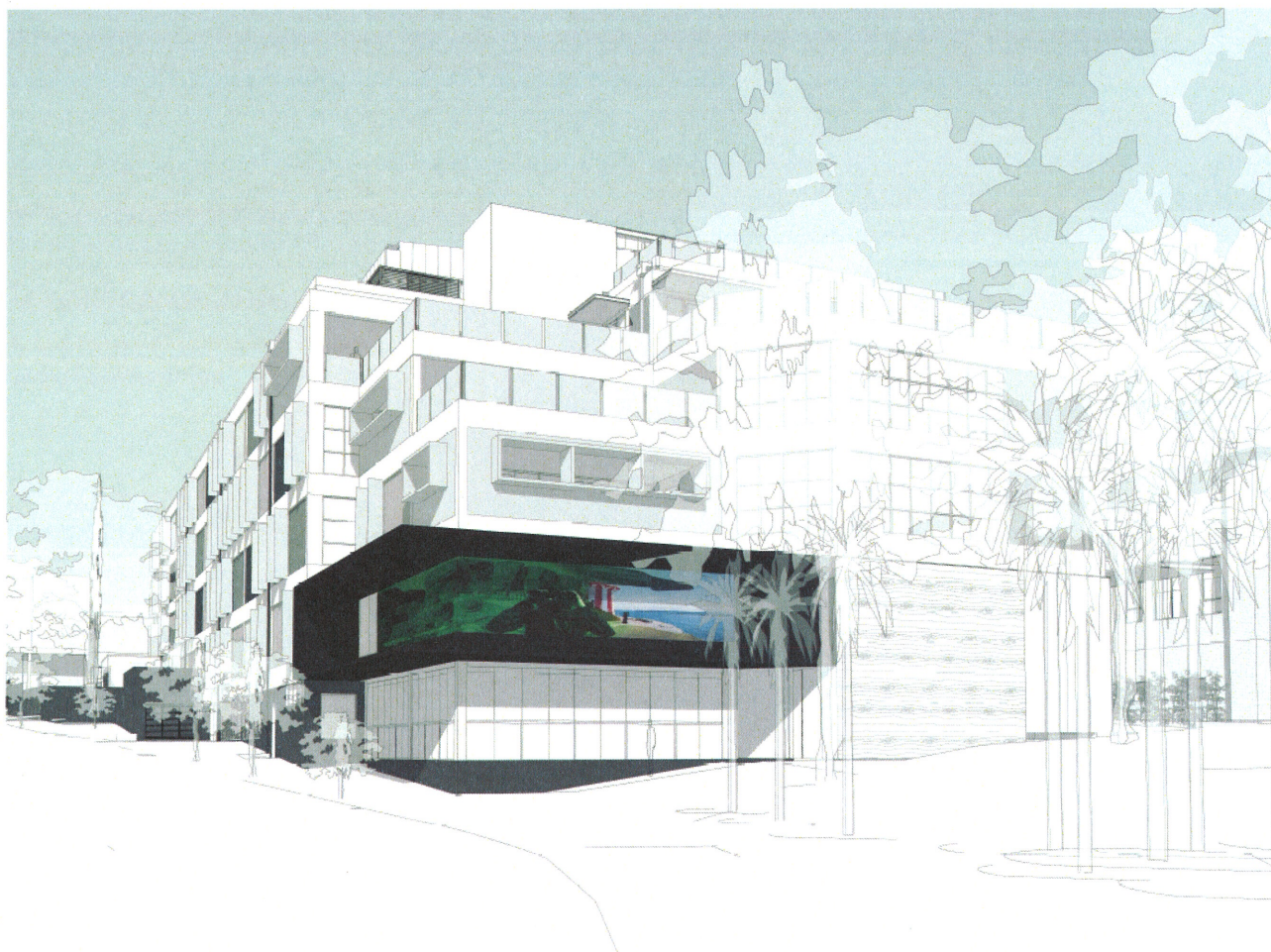


**Planning &
Infrastructure**

***COLLEGE OF FINE ARTS (COFA)
REDEVELOPMENT, PADDINGTON***

***Proposed by Hindmarsh Construction
Australia***

MP 08_0104 (MOD 3)



Modification of Minister's Approval under section 75W
of the *Environmental Planning and Assessment Act*
1979

July 2011

Title page image: architect's perspective of proposed building as seen from Oxford Street.

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1. INTRODUCTION

This is an assessment report on an application seeking approval to modify the Project Application approval (MP 08_0104) for the redevelopment of the existing College of Fine Arts Campus (CoFA), Paddington.

1.1 THE SITE AND LOCALITY

The site is located on the south western side of the intersection of Oxford Street, Napier Street and Greens Road, Paddington (refer to Figure 1 below). The site occupies an entire block bounded by Greens Road (east), Napier Street (north), Albion Avenue (south) and Selwyn Street (west).

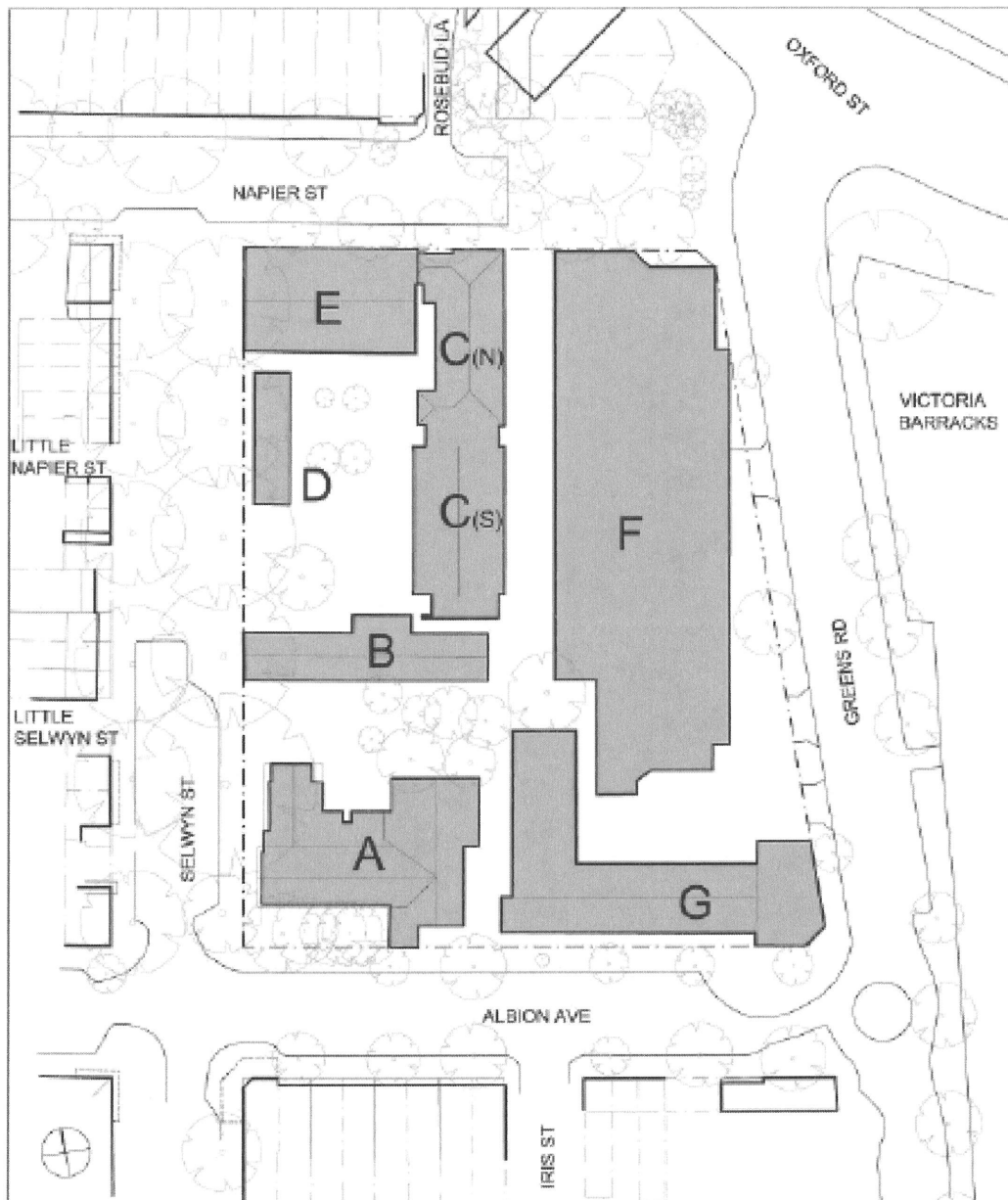


Figure 1: Subject site in relation to Oxford Street and immediate locality

On 6 June 2008, the then Minister for Planning formed an opinion that the proposal 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.



Figure 2: The existing site (Building F) as viewed from Oxford Street to the north east. Napier Street accommodates the stand of trees to the right, in front of Building F

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);
- Alterations and additions to Building F;
- Construction of a new 4 storey building with basement car parking for 62 cars; and
- Associated landscaping.

The approved development is currently under construction.

1.2 PREVIOUS MODIFICATIONS

On 11 June 2010, the Director General approved a Section 75W modification (MOD 1) in relation to the wording of conditions on the approval, particularly in relation to sign-offs/approvals required prior to the commencement of works and clarification of timing of these approvals.

On 21 December 2010, the Acting Director of Government Lands and Social Projects approved a Section 75W modification (MOD 2) to allow for increase to the setback of Block D to Selwyn Street and other minor design changes.

A copy of the consolidated conditions of approval is attached in Appendix C.

2. PROPOSED MODIFICATION

On 18 February 2011, RPS Group on behalf of Hindmarsh (the Proponent), submitted a Section 75W Application to modify the Minister's approval for the redevelopment of the COFA campus at the UNSW Paddington Campus.

The proposal seeks to modify numerous aspects of the refurbishments and additions to Building F and internal courtyard, including updated design plans (incorporating the provision of a digital screen on the northern and eastern façades), deletion of car parking spaces, updated materials and finishes, new landscape plans and deletion/modification of associated conditions. The proposed amendments are summarised below:

External Modifications:

- Revised facade treatments for Building F including:
 - re-alignment of the northern façade and reconfigured entry point to Napier Street.
 - the north-eastern corner façade is to include a wrap around digital screen (over the ground floor level) for the display of art works integrated with a canopy above the main entry and café.
 - revised size of upper level terraces, including retaining existing open terraces (originally approved to be enclosed).
 - new roof top plant.

Internal (Site) Modifications:

- Reduced scale and new layout of proposed galleries, including deletion of double height spaces.
- Reduced scale of café.
- Deletion of separate art loading dock for gallery and specific art lift.
- Inclusion of new lift in Building F.
- Internal arrangement of teaching spaces and offices.
- Revised layout of basement under Building F including additional plant and its extension to Building D.
- Reduced car parking from 78 spaces to 60 spaces.
- Re-designed entry to courtyard from Napier Street open space between Building F and Building C (North).
- Revised landscape design of central courtyard – altered shape, removal of courtyard lift, removal of void/light well to gallery adjoining Building C (North).
- Revised layout of existing loading dock.

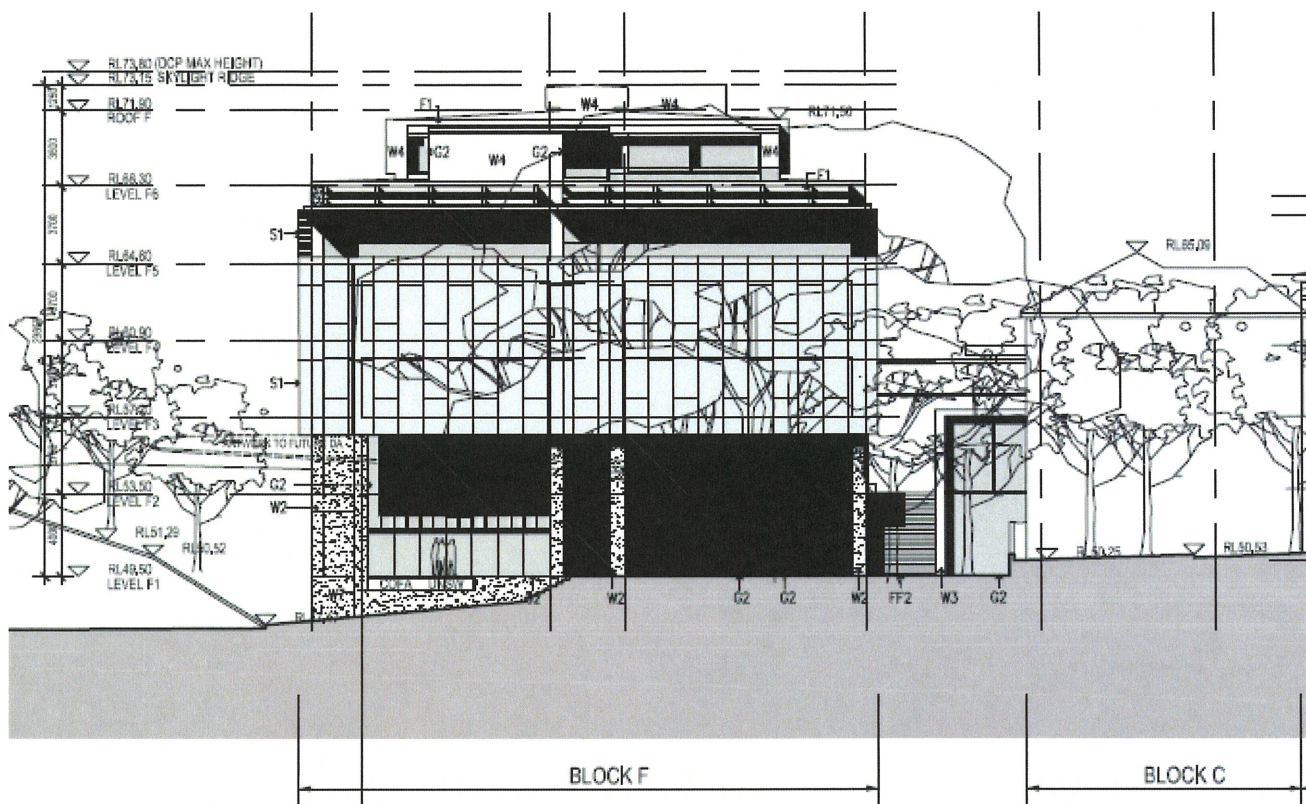


Figure 3: Building F northern façade as approved

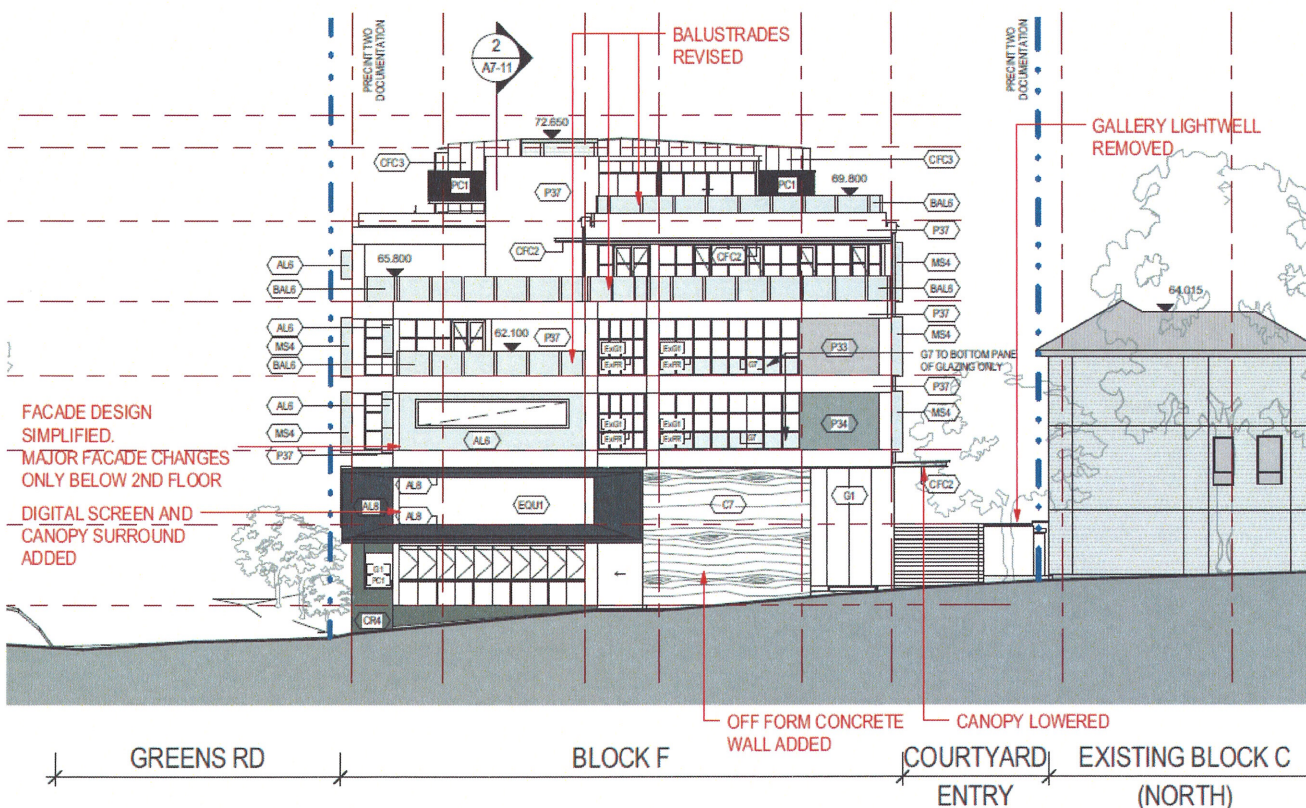


Figure 4: Building F northern façade as proposed to be modified. Major changes noted in red.

The proposed modification as outlined above seeks to amend 3 approval conditions. The proposed changes are as follows:

Table 1: Proposed modifications to conditions

CONDITION	PROPOSED CHANGE	REASON
Condition (1) Development Description	Alter wording of the Condition (1) to include reference to basement parking for 47 cars instead of 62.	Adjustments in response to changes made under MOD 2 to Building D have reduced the area available in the basement.
Condition (2) Approved Development	Deletion of list of approved plans and inserting: <ul style="list-style-type: none">• A new set of plans for Building F and internal courtyard prepared by Architectus• Materials Board prepared by Architectus• New landscape plans prepared by Site Image	<ul style="list-style-type: none">○ Adjustments in response to changes made to Building D including increased setback and reduced building depth.○ Refinements to internal layout in response to UNSW needs.○ Changes to area needs and service requirements of galleries and loading dock.
Condition (9) Material and Sample Board	Deletion of Condition (9) and substitution with: <i>"Any changes to the materials approved in Condition 2 shall be submitted to and approved by the Director general prior to a Construction Certificate for relevant building works."</i>	To make DG sign off authority, prior to issue of Construction Certificate.

3. STATUTORY CONTEXT

3.1 MODIFICATION OF A MINISTER'S APPROVAL

Section 75W(2) of the EP&A Act provides that a proponent may request the Minister to modify the approval of a project. The Minister's approval is not required if the project as modified will be consistent with the original approval. As the subject modification seeks to change the terms of the Minister's determination through amending the conditions of approval, the modification requires approval.

3.2 ENVIRONMENTAL ASSESSMENT REQUIREMENTS (DGRs)

Section 75W(3) of the EP&A Act provides the Director General with scope to issue environmental assessment requirements (DGRs) that must be addressed with respect to the proposed modification. As the modification application relates to changes to Building F and the internal courtyard only, the Department considered it unnecessary to re-issue the DGRs. Furthermore, sufficient information has been submitted to determine the application.

3.3 CONSULTATION AND EXHIBITION

Under Section 75W of the EP&A Act, the Department is not required to notify or exhibit the application. The proposal involves a minor modification which does not result in any significant adverse impacts on adjoining property owners, therefore the application was not publicly exhibited. Notwithstanding, the modification was placed on the Department's website and referred to City of Sydney Council (Council) for comment.

City of Sydney Council

Council originally raised the following concerns with the proposed modifications:

- the plans and images submitted with the application are insufficient to fully address the impact of the changes to the north facing elevation of Building F and how it addresses Napier and Oxford Streets;
- the opportunity to provide an iconic building that provides open and active ground floor uses to Napier Street will be lost; and

- the proposed wrap around digital screen is considered inappropriate for the site and location.

On 21 July 2011, Council advised the Department that after having reviewed the additional information submitted by the Proponent, it supports the proposed modifications.

4. CONSIDERATION OF PROPOSED MODIFICATIONS

The Department considers the key issues to be:

- the proposed digital screen;
- built form;
- street activation;
- façade treatment;
- parking;
- heritage impacts to Busby's Bore; and
- the internal courtyard and updated landscape plan.

4.1 DIGITAL SCREEN

The digital screen proposed for the north eastern corner of the building presents a new element to the development. It is illustrated in Figure 4 above and on the title page of this report. The Proponent has outlined that the screen will be used to showcase art, design and media works associated with the CoFA and that it will not be used for the purpose of commercial advertising content. The Proponent proposes hours of operation of 8am -10pm, Monday to Saturday and 9am - 9pm on Sunday.

The Department has considered the potential environmental impacts associated with the proposed digital screen and notes the following points:

- The nearest residences are located to the west of the site along the northern side of Napier Street and are separated from this part of the site by approximately 50 metres. The proposed screen will not be readily visible to this residential area by virtue of its north-eastern orientation and the dense foliage of trees located in the open space area adjacent to the site.
- The CoFA site is located at the north eastern corner of the Paddington Urban Conservation Area however it is not identified as providing any contribution to this area. The Department does not consider that the screen unreasonably impacts on the existing character of the locality as it immediately faces the northern adjoining service station and the Oxford Street retail shopping area beyond.
- Whilst the proposed screen is unique to the locality, it will act as a clear identifier for the CoFA Campus by providing creative content associated with the educational and artistic use of the building.
- The proposed screen is integrated into the architectural design of the building façade.

The Department has also considered the assessment criteria provided in State Environmental Policy 64 – Advertising and Signage (SEPP 64) in the table below.

Table 2: Department's consideration of SEPP 64 Assessment Criteria

Criteria	Department's Consideration
Character of the area	The screen is considered to be compatible with the character of the area fronting Oxford Street and Napier Street on the edge of an arts college within a recognized arts precinct. The nearest residences are located to the west of the site along the northern side of Napier Street and are separated from this part of the site by approximately 50 metres. The proposed screen will not be readily visible to this residential area by virtue of its north-eastern orientation and the dense foliage of trees located in the open space area adjacent to the site. However, given the mixed use

	(including residential) character of the locality, it is considered appropriate to limit the hours of operation of the screen (as discussed below) as the Department considers that this would otherwise be visually intrusive and detract from the amenity of the locality.
Special areas	The CoFA site is located at the north eastern corner of the Paddington Urban Conservation Area however it is not identified as providing any contribution to this area. As set out above the Department considers the screen to be appropriate to the area.
Views and vistas	No views or vistas will be adversely affected.
Streetscape and setting	The proposed screen will positively contribute and provide visual interest to the streetscape as unique identifier for the creative and educational activities associated with the COFA campus.
Site and building	The screen is proposed to form an integral part of the façade. The screen is compatible with the scale of the building and will emphasise the corner element of the building.
Associated devices and logos	The screen will comprise a fully self contained structure and equipment.
Illumination	The proposed hours of operation/illumination of 8am -10pm, Monday to Saturday and 9am - 9pm on Sunday are considered reasonable in the context of the Oxford Street retail area.
Road safety	The screen is approximately 30 metres from the intersection of Oxford Street and Greens Road. Whilst it is not in the direct line of sight for drivers going through the intersection, the proposed screen is readily visible to from the roadway. As such the Department considers it appropriate to impose a condition requiring that the screen does not display any animated or flashing images, unless otherwise approved by the Roads and Traffic Authority.

Noting the above points and the assessment of the SEPP 64 criteria, the Department considers that the proposed screen meets the aims and objectives of SEPP 64 and is appropriate for the site and locality, subject to conditions relating to the hours of use and content of the screen.

4.2 BUILT FORM

The proposed modification involves various changes to the built form and façade of Building F which are generally illustrated in Figures 3 & 4. These figures indicate that the modification proposes no changes to the building bulk and it remains generally in accordance with the permissible envelope as prescribed in the site specific DCP, as previously approved. It is proposed to modify the form of the northern end of the approved building at the upper levels with the introduction of open terraces in place of the sheer vertical façade originally approved, creating a stepped building form. The Department considers this modification to be acceptable as it will reduce the visual bulk of the building by setting back sections of the upper levels and will also add visual interest to this part of the site.

The Department notes that the canopy at the north east corner slightly overhangs the splayed corner boundary. This is considered acceptable as it is in-keeping with shop front design character in the area and also reinforces the corner element of the building.

4.3 STREET ACTIVATION

The original building does not provide any street front activation and has only a small amount of glazing at the street level. The approved café space occupying the north eastern street frontage activates the Napier Street frontage and is sought to be retained. The café frontage is designed to be fully openable to provide a highly activated street front and well integrated public/private space.

The part of the Napier Street frontage occupied by the entry foyer façade further to the west of the café space is however proposed to be provided with a visually solid concrete finish in place of the approved glazing. The Department considers this visually solid element is acceptable as it only forms a small portion of the Napier Street frontage. Further, the foyer space as approved does not provide an activated street front to Napier Street. The Department considers this aspect of the proposed modification to be acceptable as the approved café will maintain an active street front for the building.

4.4 FAÇADE TREATMENT

Several fine grain modifications to the approval are sought such as materials and finishes, fenestration treatment, revised architectural and roof elements and balustrade treatments for the northern facing terraces. In addition the Proponent has submitted a sample board providing materials and finishes for the facade. The façade treatment utilises regular shaped panels of floor to floor height and divided into vertical bays, interspersed with clear and frosted glazed windows.

The Department has reviewed the proposed façade treatment and considers it to be acceptable noting that it will maintain visual interest, modulate the building form and will maintain the design integrity of the approved building and the aesthetic of the locality. The Department considers that this modification satisfies the requirements of condition (9) of the approval. As such it is recommended that this condition be modified as requested which requires any further changes to the submitted materials and finishes to be approved by the Director General.

4.5 PARKING

The proposal seeks to reduce the approved on-site car parking numbers by the following:

- reduce 62 basement level car spaces to 47 (15 less); and
- reduce 16 ground level car spaces to 13 (3 less);
- reduce 78 total on-site spaces to 60 (18 less).

The proposed changes are the result of internal adjustments required following the approval of Mod 2. The Department is supportive of the reduced car parking provision for the following reasons:

- The site is within an area well-served by public transport, pedestrian walkways and has on-site cycle parking.
- The Traffic Report prepared by Colston Budd Hunt & Kafes Pty Ltd noted that a high proportion of students (80-85 %) travel to the site by modes other than car.
- The site specific DCP does not prescribe a minimum, rather limits on-site parking to a maximum 120 spaces.

The proposal to reduce the number of spaces for this inner city educational facility is consistent with the Department's minimalist approach to car parking as contained in the Director General's Requirements. It will also assist in reducing traffic generation in association with the use and will promote the use of sustainable transport and therefore is considered acceptable. Condition (15) of the approval directs that a maximum of 78 off-street car parking spaces be provided. Whilst the proposed modification for approval for 60 spaces will be within the maximum figure prescribed, it is recommended that the condition accordingly be modified to require 60 spaces.

4.6 HERITAGE IMPACTS – BUSBY'S BORE

Building F is underlain by Busby's Bore, which is listed as an item on the NSW National Trust Register. The modification proposes to excavate for 2 water detention tanks in the area of the basement level car park, in place of the approved single tank.

The Proponent has provided a letter from Archaeological and Heritage Management Solutions dated 2 May 2011 assessing the potential impacts of the modification on Busby's Bore. The letter states that there is approximately a 12 metre clearance between the excavation for the

detention tanks and the Bore. Given this clearance, it is not expected that the detention tanks will have any heritage impact on the Bore.

4.7 INTERNAL COURTYARD / UPDATED LANDSCAPE PLAN

The proposal seeks approval for a redesigned entry to the internal courtyard via Napier Street, between Building F and Building C (see Figure 4 above). This modification presents a more open entry to the site. The updated entry way reinforces the area as a major site entry and will have a positive effect on the site and surrounding locale. The amendments are supported.

The modification further proposes a number of minor changes to the internal courtyard including adjusted stair and ramp alignments, modified planting configurations and changes to the canopy location and height. These changes are largely a result of amendments approved under the previous modification and are minor in nature. The proposed changes to the courtyard maintain compliance with the site-specific DCP in terms of circulation and open space, are generally consistent with the previous approval and are not considered to have any negative impacts. The Department therefore supports these proposed changes.

4. CONCLUSION

The proposed modifications largely relate to necessary modifications in response to previously approved changes to Building D and also to changing needs and service requirements of UNSW.

The amended drawings and landscape plans are consistent with previous approvals and do not alter the nature of the approval. Key impacts include external changes to Building F including the digital screen, the revised façade including the updated materials and street level changes and also the proposed decrease in parking numbers. Other issues include the impacts on Busby's Bore and revised internal courtyard and landscaping. These impacts have been assessed by the Department and the proposed amendments are considered to be acceptable.

On this basis, the proposed modifications are supported, subject to conditions, as outlined in the Instrument of Modification approval (Appendix D).

5. DELEGATION

Under the Instrument of Delegation dated 25 January 2010, the then Minister for Planning delegated his functions under section 75W of the EP&A Act to the Deputy Director-General, Development Assessment and Systems Performance, where there are fewer than 25 public submissions in the nature of objections in respect of the modification request.

The Minister for Planning and Infrastructure has confirmed this delegation subject also to the local council not objecting to the proposal. As there were no public submissions and Council do not object to the proposal, the modification application can be determined under delegation. The Proponent has submitted a Political Donations Disclosure Statement that states no political donations have been made.

6. RECOMMENDATION

It is recommended that the Deputy Director General as delegate for the Minister for Planning and Infrastructure:

- (a) **Consider** the findings and recommendations of this report; and
- (b) **Approve** the modification, under section 75W of the *Environmental Planning and Assessment Act 1979*; and
- (c) **Sign** the attached Instrument of Modification Approval (Appendix D).

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