



Planning

***MAJOR PROJECT ASSESSMENT:  
Redevelopment of Moore Theological  
College Concept Plan, Newtown  
(MP 09\_0005) and Stage 1 Resource and  
Research Centre Project Application,  
King Street, Newtown (MP 09\_0007)***



Director-General's  
Environmental Assessment Report  
Section 75I of the  
*Environmental Planning and Assessment Act 1979*

November 2010

## ABBREVIATIONS

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CIV	Capital Investment Value
Department	Department of Planning
DGRs	Director-General's Requirements
Director-General	Director-General of the Department of Planning
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
MD SEPP	State Environmental Planning Policy (Major Development) 2005
Minister	Minister for Planning
MTC	Moore Theological College
PAC	Planning Assessment Commission
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PEA	Preliminary Environmental Assessment
PFM	Planning Focus Meeting
PPR	Preferred Project Report
Proponent	Moore Theological College Council
RtS	Response to Submissions

Cover Photograph: Photomontage of view from City Road towards King Street  
(Source: Allen Jack + Cottier)

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NSW Government  
Department of Planning

## EXECUTIVE SUMMARY

This report is an assessment of a Concept Plan and Stage 1 Project Application seeking approval for expansion and redevelopment of the Moore Theological College (MTC) pursuant to Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The site comprises a number of adjoining land parcels located at the junction of King Street and Carillon Avenue, Newtown.

Concept Plan approval is sought for the redevelopment of MTC Newtown campus comprising: distribution of land uses across the site, including a maximum of 27,500m<sup>2</sup> of gross floor area (for educational purposes, ancillary student accommodation (103 dwellings) and retail uses), building envelopes, pedestrian and vehicle access arrangements, a maximum of 270 car parking spaces; and the open space and public domain concept (including the removal of 34 trees).

Concurrently with a Concept Plan for the MTC Newtown campus, Project Application approval is being sought for the construction of a 6 storey Resource and Research Centre at the corner of King Street and Carillon Avenue (including a library, teaching, administration, storage spaces), site preparation works (including demolition, removal of 12 trees and excavation), landscaping and public domain works and construction of a temporary car park containing 36 spaces on part of Site B.

The Capital Investment Value (CIV) of the development proposed in Concept Plan is approximately \$136 million and the Stage 1 Project Application has a CIV of \$53.8 million.

On 30 December 2008, the Acting Director General, as delegate of the Minister, formed an opinion that the project is a major project under clause 20 of Schedule 1 to the MD SEPP, as it is a development for the purpose of teaching or research with a CIV of more than \$30 million. The Minister is the approval authority.

The site is zoned No. 5 Special Uses (University), No. 2(b) Residential (Medium Density) and No. 3 Business under South Sydney LEP 1998 and the proposed development permissible in the relevant zones.

The proposal was exhibited from 25 November 2009 to 24 December 2009. The Department received submissions from the City of Sydney Council, the Roads and Traffic Authority (RTA), NSW Transport and Infrastructure and Sydney Water. Two submissions were received from the public objecting to the proposal. Key issues included: height, bulk and scale; traffic and parking; amenity impacts on adjoining properties; and heritage impacts.

The Department has assessed the merits of the proposal and has found the key issues associated with the project include density, built form, environmental and residential amenity, transport and traffic impacts, heritage and development contributions. The Department is satisfied that the impacts of the proposed development have been addressed via the Environmental Assessment, Preferred Project Report and Statement of Commitments, and can be adequately managed through the recommended modifications to the Concept Plan, including reduction of the nine storey building envelope to seven storeys and conditions of the Stage 1 project approval.

The Department considers the site to be suitable for the proposed development and that the application is in the public interest and is consistent with the objects of the EP&A Act (including ecologically sustainable development), the State Plan, Sydney Metropolitan Strategy and Draft Sydney City Subregional Strategy. Consequently, the Department recommends that the Concept Plan and Project Application for Stage 1 of the development be approved, subject to modifications and conditions.

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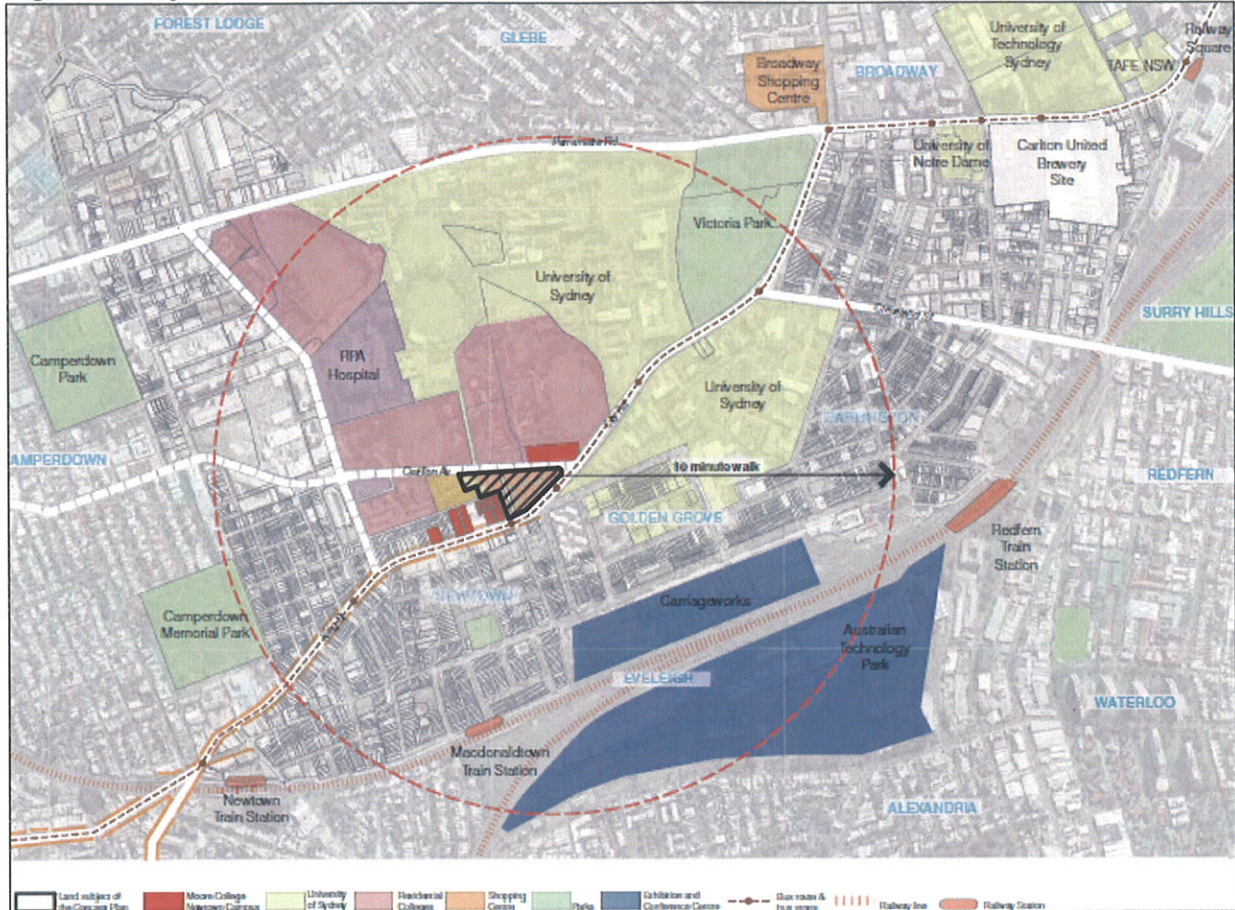
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## 1. BACKGROUND

Moore Theological College Council (the Proponent) proposes to redevelop Moore Theological College (MTC), at 1 King Street, Newtown. The Proponent seeks approval for a Concept Plan for the redevelopment of the MTC Campus and project approval for Stage 1 comprising construction of the Resource and Research Centre and part of the Site B underground car parking. The project location is shown in Figure 1.

**Figure 1: Project Location**



### 1.1 Site location and description

The MTC Campus is located in the suburb of Newtown within the City of Sydney local government area (LGA). The Concept Plan site has a northern boundary to Carillon Avenue and southern boundary to King Street.

MTC Campus is strategically located within the institutional hub comprising Sydney University and Royal Prince Alfred Hospital, with nearby access to UTS and Notre Dame University along with Broadway and the CBD.

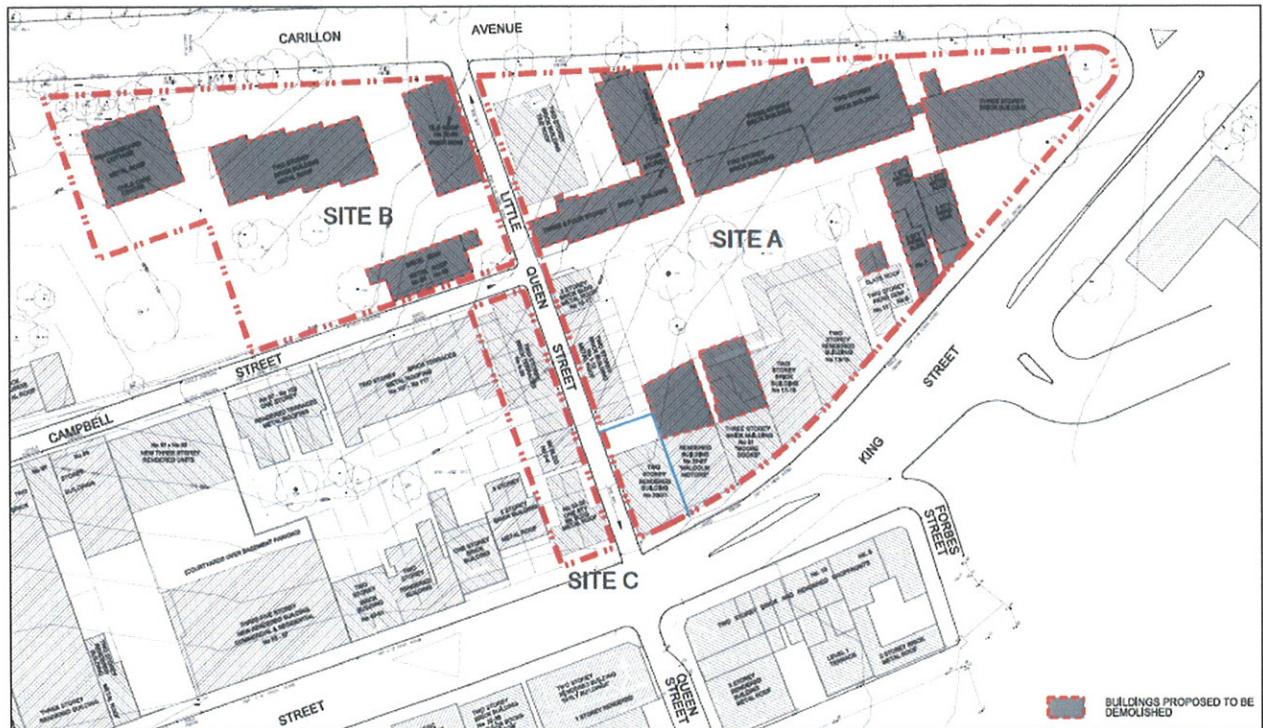
#### 1.1.1 Existing Newtown Campus (Concept Plan Site)

The Concept Plan site is a 12,872m<sup>2</sup> wedge-shaped area comprising numerous allotments occupied by various educational, residential, campus, and administration buildings of varying architectural styles and ages. A site layout illustrating existing buildings on the site is at Figure 2. For the purposes of the Concept Plan application, the MTC Campus has been divided into Site A, Site B and Site C in the accompanying EA and plans. It should be noted that the MTC Campus extends



outside of the area of the Concept Plan site; however, these portions of the site are not proposed to be developed.

**Figure 2: Existing Site Layout**



Site A makes up the majority of the MTC campus and currently comprises academic and administration spaces, as well as some residential buildings and small scale retail uses ancillary to MTC. The building distribution can be summarised as terraces and academic buildings ranging from two storey to four storey buildings. A lawn and parking area are also located within the centre of Site A. Vehicular access to the internal car park is located via Little Queen Street. Pedestrian access to Site A is available via all three of its frontages.

Site B consists of three residential buildings located on land owned by MTC and a single storey child care centre owned and operated by Sydney University.

Site C includes a row of nine two storey terraces which front Little Queen Street and two single storey semi-detached dwellings on the corner with Little Queen Street and King Street.

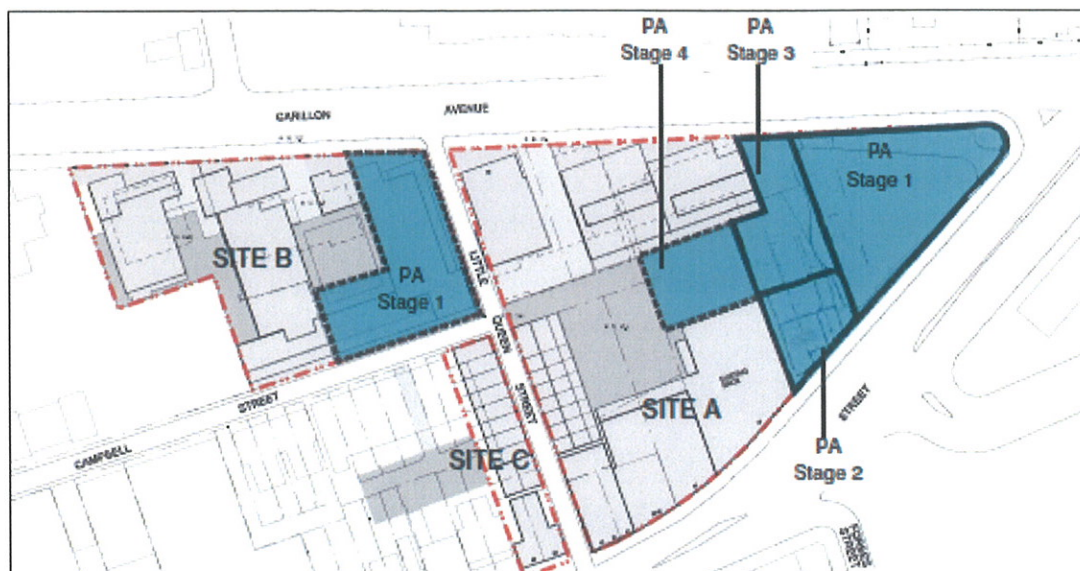
The campus has a fall of seven metres from the high point in the south east along the King Street frontage to the north western corner near Newtown North Public School.

### **1.1.2 Project Application Site**

As shown in Figure 3 below, the land subject to the Project Application for the Resource and Research Centre is a 2,910m<sup>2</sup> parcel located adjacent to the intersection of Carillon Avenue and King Street within Site A of the Concept Plan area. The site is occupied by a rectangular three storey red brick building which is currently used as the library and administration building and an at-grade car park. The Project Application site also includes an area of Site B (1,370m<sup>2</sup>) which is located along the frontage of Little Queen Street between Campbell Street and Carillon Avenue. The Site B land is currently occupied by two pairs of semi-detached buildings and is proposed to be developed as a temporary car park.



**Figure 3: Project Application Area (shaded blue)**



## 1.2 Surrounding Development

Sydney University is the dominant land use in the locality and surrounds the MTC site to the north and east. The University's land holdings comprise primarily educational uses; however, much of the Carillon Avenue frontage is characterised by residential properties and private colleges affiliated with the University. Like MTC, the University buildings comprise various architectural styles and ages. These include the St Andrews College and Women's College which are both over 100 years old and up to five storeys tall. Further west beyond the site, is the Sydney University Village which is nine storeys in height.

To the north west of the MTC is the Royal Prince Alfred Hospital. The Hospital also comprises a mixture of institutional and ancillary buildings with no common architectural style or theme across the Hospital campus and buildings up to 15 storeys tall.

Directly opposite the existing MTC Library on King Street is a series of buildings known as the University of Sydney Regiment site. The MTC and the Regiment site form the entrance to Newtown and the beginning of King Street. King Street is characterised by various commercial and retail uses in predominantly shop top configuration, although there are some larger buildings including an 11 storey development (Alpha House) to the south west.

The western surrounds of the site are characterised by Newtown North Public School on Carillon Avenue which is well patronised by children of the MTC's students. Attached terrace houses on narrow lots and a child care centre are located adjacent to the Primary School.

Directly to the south of Site B and west of Site C are one and two storey terraces fronting Campbell Street, which are owned by MTC and part of the Newtown campus. Adjacent to these properties further to the west is a mixed three storey retail/residential development known as 'The Rubicon' (53-63 King Street).



## 2. PROPOSED PROJECT

### 2.1. Project Description

#### 2.1.1 Concept Plan Overview

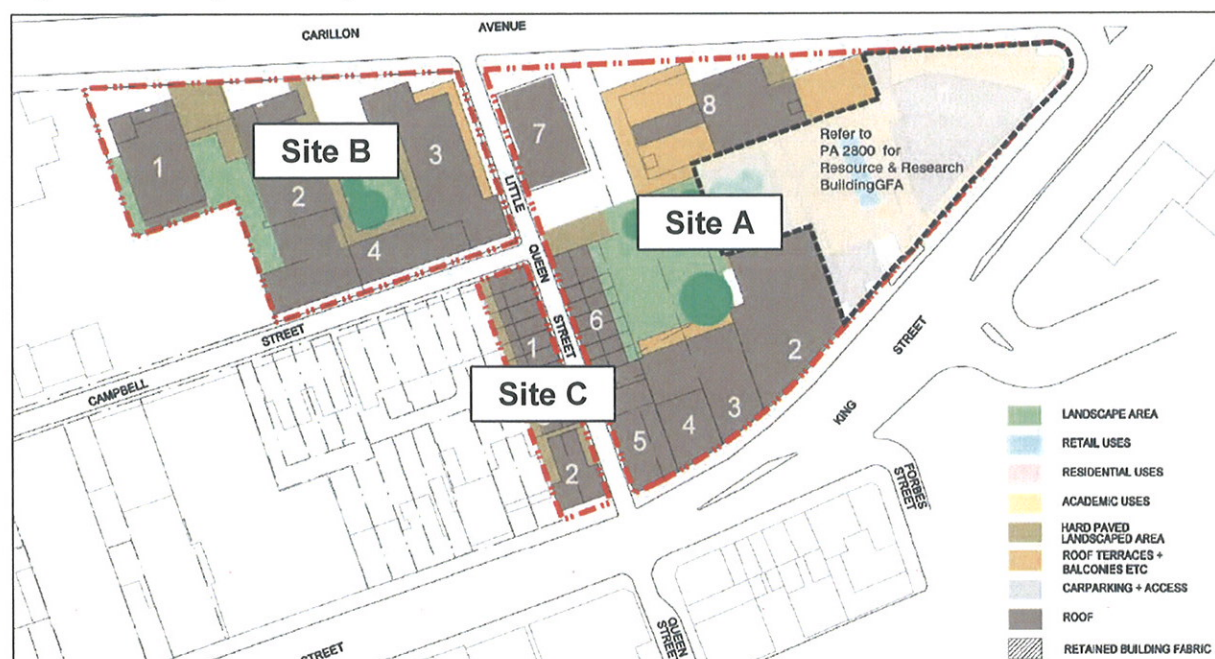
The Proponent has applied for approval of a Concept Plan under section 75M of the EP&A Act. The Concept Plan, as outlined in the EA and modified in the PPR, proposes to expand and augment the existing educational establishment on the site and seeks approval for the broader development framework including:

- distribution of land uses, demolition of buildings, staging of the development;
- maximum building envelopes, including up to 27,500m<sup>2</sup> of GFA to support additional academic floor space and ancillary land uses (residential student accommodation, retail, car parking and private open space);
- the open space and public domain concept, pedestrian and vehicle access arrangements; and
- construction of a temporary car park to support the staged development of Site A.

Major project approval is also sought for Stage 1 of the Concept Plan comprising the Resource and Research Centre. Future stages would require further development consent or project approval. The Proponent has requested that future applications with a CIV greater than \$5 million be subject to Part 3A of the EP&A Act and future applications with a CIV less than \$5 million be subject to Part 4 of the EP&A Act. Given that the broader land use issues have been resolved and development parameters identified, the Department has recommended that future stages of the redevelopment be subject to Part 4 of the EP&A Act except where they meet the major project criteria in the Major Development SEPP.

The project layout is shown in Figure 4 and the key components of the Concept Plan are listed in Table 1.

**Figure 4: Concept Plan Layout**



**Table 1: Key Concept Plan Components**

Component	Description					
Precinct Summaries	Site A - the construction of a new Resource and Research Centre, a new educational and residential building, refurbishment and additions to existing buildings to be retained, and a basement car park. Site B - four new residential buildings and a basement car park. Site C - conservation works to the existing terraces for continued use as student accommodation.					
Demolition	Demolition of the following buildings is sought: <ul style="list-style-type: none"><li>• Mary Andrews College (18-26 Carillon Avenue);</li><li>• MTC Dining Hall (2-16 Carillon Avenue);</li><li>• 2 x 2 storey terraces (3-5 King Street);</li><li>• a 2 storey terrace (7 King Street);</li><li>• the rear of residential terraces (9-11 King Street);</li><li>• the rear of mixed use building (21 King Street);</li><li>• the rear of mixed use building (23-25 King Street);</li><li>• the 3 residential buildings on Site B (30-44 Carillon Avenue); and</li><li>• weatherboard child care centre (48 Carillon Avenue).</li></ul>					
Proposed buildings	Building	Maximum Building Height	Land Use/s	GFA (Approx.)	Total GFA (Approx.)	
	Site A					
	A1	6 storeys + 3 basement levels	Academic	7,476 m <sup>2</sup>	Academic: 13,700 m <sup>2</sup> – 13,972m <sup>2</sup> Retail: 622m <sup>2</sup> -650 m <sup>2</sup> Residential: 2,473 m <sup>2</sup>	
	A2	2 storeys	Academic	1,156 m <sup>2</sup>		
	A3	2 storeys	Retail & Academic	1,354 m <sup>2</sup>		
	A4	3 storeys	Retail & Academic	391 m <sup>2</sup>		
	A5	2 storeys	Retail & Academic	572 m <sup>2</sup>		
	A6	3 storeys	Residential	683 m <sup>2</sup>		
	A7	2 storeys	Academic	666 m <sup>2</sup>		
	A8	5 storeys + 2 basement levels	Academic & Residential	4,769 m <sup>2</sup>		
	Site B					
	B1	5 storeys+ 2 basement levels	Residential	1,420 m <sup>2</sup>	Residential: 9,481 m <sup>2</sup>	
	B2	9 storeys+ 2 basement levels	Residential	4,105 m <sup>2</sup>		
	B3	6 storeys+ 2 basement levels	Residential	2,654 m <sup>2</sup>		
	B4	4 storeys+ 2 basement levels	Residential	1,302 m <sup>2</sup>		
	Site C					
	C1 (Existing)	2 storeys	Residential	803 m <sup>2</sup>	Residential: 961 m <sup>2</sup>	
	C2 (Existing)	Singe storey	Residential	158 m <sup>2</sup>		
	Site Area & FSR		Site A	Site B	Site C	Total
		Site Area	8,179m <sup>2</sup>	3,960m <sup>2</sup>	742m <sup>2</sup>	12,881m <sup>2</sup>
		Total GFA	16,823m <sup>2</sup>	9,481m <sup>2</sup>	961m <sup>2</sup>	27,237m <sup>2</sup> - 27,537m <sup>2</sup>
		FSR	2.1:1	2.4:1	1.3:1	2.1:1
	Total Dwellings	103 dwellings				

Component	Description
<b>Parking</b>	Maximum 270 car parking spaces and 36 temporary car parking spaces
<b>Tree Removal</b>	34 Trees and transplanting of 2 trees
<b>Staging</b>	Stage 1: The Resource and Research Centre (Building A1); Stage 2: College Residential (Buildings B3 and B4); Stage 3: Refurbishment and upgrade of Little Queen Street Terraces (Buildings A6, C1, and C2); Stage 4: King Street Retail and Teaching Centre (Buildings A3, A4, and A5); and Stage 5: Dining Hall and College Residential (The College Green and Buildings A7, A8, B1 and B2).
<b>CIV</b>	\$136 million
<b>Jobs</b>	Approximately 100 operational and 581 constructional

### 2.1.3 Project Application (Stage 1)

Concurrently with a Concept Plan for the MTC campus, Stage 1 Project Application (as outlined in the EA and modified in the PPR) approval is being sought for the construction of a six storey Resource and Research Centre, three basement levels for storage and archival purposes, construction of an at-grade temporary car park containing 36 car spaces, site preparation works (including demolition of the existing structures on the site), removal of 12 trees, excavation and associated landscaping and public domain works. The key components of the project are listed in Table 2.

**Table 2: Key Project Components**

Component	Description
<b>Height</b>	RL 70.6
<b>GFA</b>	7,433 m <sup>2</sup>
<b>Level breakdown</b>	Basement 3      0 m <sup>2</sup> Automatic Storage Retrieval System (ASRS)
	Basement 2      0 m <sup>2</sup> ASRS, storage area, building plant
	Basement 1      830 m <sup>2</sup> ASRS, library, change rooms, bicycle parking, amenities, building plant
	Level 1      1,719 m <sup>2</sup> Lobby & atrium, library
	Level 2      1,378 m <sup>2</sup> Library & teaching space
	Level 3      871 m <sup>2</sup> Post graduate research and student centre
	Level 4      1,075 m <sup>2</sup> Administration
	Level 5      1,075m <sup>2</sup> Faculty research
	Level 6      485m <sup>2</sup> Seminar rooms and building plant
<b>Parking</b>	Temporary car park containing 36 car spaces, 40 bicycle car parking spaces and associated change rooms/facilities
<b>Tree Removal</b>	12 Trees and transplanting of one tree
<b>Operating Hours</b>	Monday-Friday
<b>Capital Investment Value</b>	\$53.8 million

## 2.2. Project Need and Justification

The Department considers that the proposed expansion of the educational facilities would provide public benefits to the wider community through the generation of additional jobs, additional tertiary education places and affordable student housing. The proposed expansion would consolidate and expand the existing campus which is located in a recognised education and health cluster. The proposal would provide additional academic and residential floor space to support future growth of the MTC



to provide courses in theology, humanities, arts and social sciences. The Concept Plan would facilitate redevelopment of the campus in multiple stages over a period of 25 years.

The NSW State Plan seeks to achieve improved urban environments and deliver attractive and sustainable development through reductions in greenhouse gas emissions and development in close proximity to existing centres, services and transport. The proposal would achieve the State Plan objectives by assisting in the ongoing renewal and redevelopment of Newtown as well as consolidating the MTC's role in the Sydney Education and Health Precinct.

The Sydney Education and Health Precinct is a recognised specialised precinct of Central Sydney in the Sydney Metropolitan Strategy. The proposed redevelopment of the MTC would satisfy the objectives of the Sydney Metropolitan Strategy to: promote City learning initiatives by facilitating development around research hubs; building Sydney's knowledge infrastructure; increase the quantity and affordability of housing; and provide fair access to housing, jobs, services and educational opportunities.

The site falls within the area covered by the Draft Sydney City Subregional Strategy. The strategy specifically aims to promote world class education facilities and opportunities for renewal within the Sydney Education and Health Precinct. The proposal is consistent with this objective as well as generating additional employment opportunities and providing additional dwellings to support targets for the region. The proposal is also consistent with the following key directions for the subregion:

- Reinforce global competitiveness and strengthen links to the regional economy;
- Plan for housing choice; and
- Improve the quality of the built and natural environment while decreasing the subregion's ecological footprint.

### 3. STATUTORY CONTEXT

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#### 3.1. Major Project

The proposal is a major project under Part 3A of the EP&A Act because it is development for the purpose of teaching and research under clause 20 of Schedule 1 of *State Environmental Planning Policy (Major Development) 2005*. Therefore, the Minister for Planning is the approval authority.

On 25 January 2010, the Minister for Planning delegated responsibility for the determination of Concept Plans and Project Applications under Part 3A of the *Environmental Planning and Assessment Act 1979* to the Deputy Director-General, Development Assessment and Systems Performance where:

- the development the subject of the application is consistent (in the opinion of the delegate) with the Sydney Metropolitan Strategy or the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning and endorsed by the Minister for Planning; and
- there are fewer than 25 submissions in the nature of objections in respect of the Project Application; and
- the project is not a critical infrastructure project under section 75C of the EP&A Act.

The project is consistent with the relevant Strategy (see Section 2.2), received fewer than 25 submissions in the nature of objections, and is not a critical infrastructure

project. The Deputy Director-General can therefore determine the project under delegated authority.

### 3.2. Permissibility

The site is zoned No. 5 Special Uses (University), No. 2(b) Residential (Medium Density) and No. 3 Business under *South Sydney Local Environmental Plan 1998* (SSLEP) and the proposed development is permissible in the relevant zones.

### 3.3. Environmental Planning Instruments

Under Sections 751(2)(d) and 751(2)(e) of the EP&A Act, the Director-General's report for a project is required to include a copy of, or reference to, the provisions of any State Environmental Planning Policy (SEPP) that substantially governs the carrying out of the project, and the provisions of any environmental planning instruments (EPI) that would (except for the application of Part 3A) substantially govern the carrying out of the project and that have been taken into consideration in the assessment of the project.

The Department's consideration of relevant SEPPs and EPIs is provided in Appendix D and include:

- *State Environmental Planning Policy (Major Development) 2005;*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;*
- *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development;*
- *State Environmental Planning Policy No. 55 - Remediation of Land; and*
- *South Sydney Local Environmental Plan 1998.*

### 3.4. Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the Act, as set out in Section 5 of the Act. The relevant objects are:

- (a) *to encourage:*
  - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
  - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
  - (iii) *the protection, provision and co-ordination of communication and utility services,*
  - (iv) *the provision of land for public purposes,*
  - (v) *the provision and co-ordination of community services and facilities, and*
  - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
  - (vii) *ecologically sustainable development, and*
  - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*

- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

The Department has considered the objects of the EP&A Act and considers that the application is consistent with the relevant objects. The assessment of the application in relation to these relevant objects is provided in Section 3.5 and Section 5 of this report.

The Department has fully considered the objects of the EP&A Act, including the encouragement of ESD, in its assessment of the application. A detailed assessment of ESD issues is contained at Section 3.5 of this report. On the basis of this assessment, the Department is satisfied that the proposal encourages ESD, in accordance with the objects of the EP&A Act.

### **3.5. Ecologically Sustainable Development**

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle,*
- (b) *inter-generational equity,*
- (c) *conservation of biological diversity and ecological integrity,*
- (d) *improved valuation, pricing and incentive mechanisms.*

The proposal is located within an urban footprint on a previously developed and disturbed site and would not result in loss of any threatened or vulnerable species, populations, communities or significant habitats. The site is also unlikely to be impacted by changes in sea level rising resulting from climate change. The Proponent has committed to addressing ESD in future Project Applications and identifies potential ESD initiatives including all new residential buildings aiming to achieve in excess of BASIX requirements. Stage 1 has incorporated ecologically sustainable design initiatives including:

- green construction management practices, including certified EMP, waste management;
- use of green materials and products, including concrete, steel, floor coverings, composite wood, appliances, fixtures, paints, sealants and adhesives;
- energy and water saving appliances, fittings and fixtures; and
- encouraging students to utilise nearby public transport and pedestrian links.

The Department has recommended a 4 star green star rating be achieved and the recommendations of the ESD report be implemented in the construction and operation of the Stage 1 building. Future buildings would need to address ESD requirements and demonstrate that a minimum 4 star green star rating can be achieved and that any residential buildings meet SEPP BASIX requirements.

### **3.6. Statement of Compliance**

In accordance with section 75I of the EP&A Act, the Department is satisfied that the Director-General's environmental assessment requirements have been complied with.

## 4. CONSULTATION AND SUBMISSIONS

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### 4.1. Exhibition

Under section 75H(3) of the EP&A Act, the Director-General is required to make the environmental assessment (EA) of an application publicly available for at least 30 days. After accepting the EA, the Department publicly exhibited it from 25 November 2009 until 24 December 2009 (30 days) on the Department's website, and at the Department's Information Centre and the City of Sydney Council offices. The Department also advertised the public exhibition in the Sydney Morning Herald and the Daily Telegraph on 25 November 2009 and notified landholders in the vicinity of the site, local community groups and relevant State and local government authorities in writing.

The Department received six submissions during the exhibition of the EA – four submissions from public authorities and two submissions from the general public.

A summary of the issues raised in submissions is provided below and the Department's consideration of the issues is located in Section 5 of this report.

### 4.2. Public Authority Submissions

Four submissions were received from public authorities. None of the authorities objected to the proposal, however, all authorities either raised issues or provided recommended conditions. A summary of the issues and recommended conditions is discussed below.

#### 4.2.1 City of Sydney Council

The City of Sydney Council does not object to the project, however, raised the following issues:

##### *Height, Bulk and Scale*

- the built form of the proposal, specifically the height, bulk and scale of Buildings A1, B1, B2 and B3 requires further planning justification. Council considers the scale of the proposed development is inconsistent with the existing character of the associated section of King Street and Carillon Avenue; and the height and FSR controls and built form guidelines identified by Council's Urban Design Study (UDS) for the area, which is informing Council's draft LEP and DCP.
- the height of the proposed library building should not be justified, in part, by modelling similar massing across the road on the Regiment site, particularly when no analysis of planning and environmental impact has been made if the Regiment site were to be developed to a similar scale as the library building.
- any redesign options should give consideration to the following principles:
  - (a) the height and scale of buildings across the site having regard to the site's context, character of the conservation area and the recommendations of Council's UDS, which establishes the desired future character of the locality. An appropriate transition to the surrounding area should be provided and the proposal should relate to the Victorian streetscape of King Street.
  - (b) the height and scale of buildings having regard to the amenity impacts on residential properties along Campbell Street, including the 'Rubicon' development.

### *Overshadowing*

- the potential overshadowing impacts of the proposal are significant, particularly upon building facades on the southern alignment of Campbell Street and the Newtown North Public School's playground.
- the development is likely to set a precedent for any future development on the Regiment site (96 King St) if approved. A similar scale building at the Regiment site could result in significant overshadowing impacts to residential development along Darlington Road and further south.

### *Street Presentation and Activation*

- the library building does not provide sufficient street activation, particularly along King Street, or even a distinct pedestrian entrance. Consideration should be given to options to enhance activation, including the incorporation of more active uses on the ground floor.
- consideration should be given to the integration of a bus shelter in the King Street façade design of the library building, and the addition of an awning along the length of the building.
- the proposed continuous building form on Carillon Avenue (Buildings A1 and A8) appears to be excessively long and uncharacteristic of Carillon Avenue. A more compatible built form with the opposing side of Carillon Avenue is required and could be achieved through design elements including greater building separation and landscaping.
- consideration should be given to widening the footway at the King Street and Carillon Avenue intersection to ensure adequate space is provided for pedestrian movement. The footway should also be unobstructed.

### *Traffic and Parking*

- further justification is required for the number of car parking spaces proposed. The maximum number of car spaces for the entire campus should be reduced from 340 spaces to 235 spaces.
- the need for the temporary car park requires further justification given that 74 proposed spaces in the basement of the library building should be satisfactory to meet the demands of the current and short-term population.
- the proposed temporary car park would detract from the Carillon Avenue streetscape. The temporary car park, whilst intended to be temporary, could become a permanent outcome if the projected growth of the college is not realised. Furthermore, the demolition of contributory buildings in a conservation area and the removal of trees of high landscape significance for a temporary car park would result in a poor heritage and streetscape outcome.
- the proposed entry/exit to the temporary car park from Campbell Street is not supported due to the potential for unreasonable impacts given the narrowness of the street. Whilst it is a two-way road, in reality it operates as one lane as on-street car parking is provided along the northern lane.

### *ESD*

- clear commitments should be made in relation to the adoption of best-practice ESD initiatives that go above minimum legislated requirements.

### *Section 94 Contributions*

- the City does not support any exemption from Section 94 contributions. The proposal does not meet the criteria set out in the City of Sydney Development Contributions Plan 2006 (the Plan) for considering merit exemptions.

### *Closure of Little Queen Street*

- the permanent road closure of Little Queen Street is being assessed by Council under the *Roads Act 1993*. It requires community consultation, Sydney Traffic Committee approval and a Traffic Management Plan approved by the RTA.
- while the closure of Little Queen Street is being sought separately, its impact on the development should be considered as part of this assessment process. If the street is to be pedestrianised, the way that future buildings relate to the street is critical. This requires careful consideration of their scale, height, proportions and street address.

### *Loading*

- the Proponent is proposing to service the site using a loading zone on Carillon Avenue and within the proposed road closure (Little Queen Street). Both of these options are unacceptable due to impacts on pedestrian and traffic movements. Given the scale of redevelopment and size of the site, it would be reasonable to require that servicing be undertaken within the confines of the site.
- servicing from the road closure is also not acceptable as only emergency service vehicles would have access. Trucks would not be allowed to enter and service the site.
- the traffic report also discusses a loading dock to be provided within the plaza area with access from either Campbell or Little Queen Street. Council does not support this proposed access as it would require truck movements down Campbell Street, which is not appropriate to carry truck movements.

### *Pedestrian connection and access*

- no public domain or pedestrian safety improvements are proposed in this area to cater for the increased movement of people across Little Queen Street between Site A and Site B.
- potential pedestrian and vehicular conflict and 'back of house' feel in the shared zone given it is proposed to be used by service vehicles and for loading. Servicing should be relocated to the below ground basement.

## **4.2.2 Roads and Traffic Authority (RTA)**

The RTA did not object to the proposals, however, sought clarification on a number of technical traffic and parking matters and recommended specific conditions of approval. These recommendations, where appropriate, have been included in the recommended conditions of approval.

## **4.2.3 Transport NSW (TNSW)**

TNSW did not object to the proposals and has expressed support for the Proponent's commitment to prepare a Travel Access Guide with the aim of reducing private vehicle usage associated with the campus. Support is also expressed for the provision of bicycle parking facilities within the site.

## **4.2.4 Sydney Water**

Sydney Water did not object to the proposal and has requested that a Section 73 Certificate be obtained from Sydney Water. This has been included as a recommended condition of approval. Sydney Water has also raised a number of technical matters with regard to stormwater disposal which are required to be addressed in further conditions of approval.



### 4.3. Public Submissions

Two submissions were received from the public and both objected to the proposal. The key issues raised in both the public submissions were consistent and were regarding:

- inappropriate height, bulk and scale;
- intensification of institutional use of the site;
- amenity impacts on units within the Rubicon building (53-63 King Street) including overshadowing and loss of outlook and trees;
- traffic impacts on Campbell Street, Little Queen Street and Carillon Avenue;
- impact on existing local heritage; and
- construction impacts on residents in the Rubicon building.

The Department has considered the issues raised in the submissions in its assessment of the project, as discussed in Section 5 of this report.

### 4.4. Proponent's Response to Submissions

On 22 September 2010, the Proponent submitted a Preferred Project Report (PPR) which responded to issues raised in submissions by Government agencies and the public. The PPR included amendments to the proposed building envelopes and Stage 1 building and provided additional information to clarify: height, bulk and scale; overshadowing; street presentation and activation; and traffic and parking issues. The amendments did not warrant re-notification of the application.

The following are the key amendments incorporated in the PPR in relation to the Concept Plan proposal:

- reduction of GFA from a total of 30,676m<sup>2</sup> to 27,265m<sup>2</sup> (by 3,411m<sup>2</sup>);
- reduction of height of Building A1 from an overall height of seven storeys to six storeys (RL 72.9 to RL 70.6);
- increased setback of upper levels (above level 2) of Building A1 to the east by approximately 4 metres;
- increased setback of all levels of Building A8 to Carillon Avenue to be consistent with the predominant angled landscape setback;
- increased setback of Level 5 of Building A8 to the east by approximately 17.5 metres and increased setback of Levels 3 & 4 of Building A8 by approximately 1.5 metres to the west;
- reduction of height of Building B1 from an overall height of six storeys to five storeys (RL 53.5 to RL 51.7);
- increased building separations between Buildings B1, B2 and B3 from approximately five and seven metres to 12 and 13 metres;
- reduction in the maximum number of car spaces from 340 to 270; and
- removal of the partial closure of Little Queen Street.

The following are the key amendments incorporated in the PPR regarding the Stage 1 Project Application proposal:

- reduction of the height of the Resource and Research Centre from seven storeys to six storeys;
- reduction of the GFA from 9,059m<sup>2</sup> to 7,376m<sup>2</sup> (by 1,683m<sup>2</sup>);
- removal of the basement car park containing 74 car spaces;

- removal of construction of a vehicular access ramp to the basement car park from Carillon Avenue;
- removal of the partial demolition of the Moore College Dining Hall;
- provision of additional basement level to accommodate the ASRS within the basement; and
- revisions to the design of the temporary car park including a reduction of spaces from 38 to 36.

The PPR forms the basis of the assessment of this report.

#### **4.5. Submissions received on PPR**

The Department forwarded the PPR to Council and RTA for comment and both provided submissions. In addition, one public submission was received.

A summary of the issues raised in the submissions is provided below and a copy of submissions included in Appendix C. These issues are addressed in Section 5 of this report.

##### **4.5.1 City of Sydney Council**

Council are supportive of the redevelopment and the educational facilities and generally the modifications made to the Concept Plan and Stage 1 Project Application, including heights reductions and modified building footprints, as they result in a more compatible built form, improved response to the street pattern and greater street activation. However, Council also raised the following issues:

###### *Height*

- the heights of Buildings A1, B1 and B2 are not appropriate in the local context and should be reduced. Building A1 should be reduced to five storeys and B1 and B2 should be reduced to provide an appropriate relationship with the heritage listed school adjoining Site B to the west and to reduce visual and overbearing impacts.

###### *FSR*

- further information regarding FSR proposed across the site is required and as the FSR exceeds Council's controls, a public benefit offset or development contributions agreement is required.

###### *Pedestrian Linkage*

- a pedestrian linkage between Carillon Avenue and the College Green is recommended to provide improved visual links, visual relief and more opportunities for landscaping.
- where the shared zone has been deleted, no redesign has been undertaken to ensure safe access through the site.

###### *Heritage*

- Council recommends sympathetic additions instead of demolition for contributory items.
- buildings B1 and B2 should be reduced in height to ensure the visual prominence of the main Newtown North Public School building is retained and not diminished.

###### *Section 94 Contributions*

- Council maintains that it does not support any exemption from Section 94 contributions. The proposal does not meet the criteria set out in the City of Sydney Development Contributions Plan 2006 (the Plan) for considering merit exemptions.

- Council does not consider the Resource and Research Centre as works in kind and if it was to be considered the Proponent would need to enter into a Voluntary Planning Agreement with Council, and it has not been proposed.
- the proposal does not provide a distinct community benefit and would create an increase in population and therefore demand on Council's amenities, facilities and services.
- the Proponent is not the Crown or acting on behalf of the Crown and therefore Circular D6 (Crown Development Applications and Conditions of Consent) does not apply.
- the Proponent may be eligible for a credit for existing development.

#### *ESD*

- greater ESD initiatives should be explored for the residential development and consideration of tri-generation for non-residential components.

#### *Traffic and Parking*

- car parking should be less than Council's DCP rates. 36 spaces for the library and 2 spaces per dwelling instead of the 1.2 per dwelling as prescribed in Council's DCP, is considered excessive.
- the access from Campbell Street to the temporary car park is not considered suitable given the width of Campbell Street and traffic impacts to Campbell Street. The access from Carillon Avenue is not supported due to potential adverse traffic conditions from right-hand turns, which would require temporary traffic measures. Council recommends egress onto Little Queen Street. Any temporary car park should only be approved for a maximum two years.
- 166 bicycle spaces are required and only 50 are provided and additional End of Trip facilities should be provided.
- any on street loading facility required Council's approval and referral to Sydney Traffic Committee.
- additional swept path information is required to demonstrate servicing arrangements are adequate.

#### *Trees and Landscaping*

- removal of Council trees is not supported and even if they were retained the proposed driveway located less than a metre from the tree would impact on the tree roots and subsequently the health of the trees.
- sufficient soil depth or drainage of landscaping over slab has not been provided.

### **4.5.2 Roads and Traffic Authority**

The RTA noted that the closure of the southern section of Little Queen Street was no longer being pursued. The RTA also recommended specific conditions of approval. These recommendations, where appropriate, have been included in the recommended modifications to the Concept Plan, or as recommended conditions of approval, or as recommended future environmental assessment requirements.

### **4.5.3 Public Submission**

The public submission identified the following issues:

- loss of trees;
- access and traffic impacts of temporary car park on Campbell Street;
- traffic impacts on Missendon Road, King Street, Campbell Street, Little Queen Street and Carillon Avenue;

- inappropriate height, bulk and scale;
- intensification of institutional use of the site;
- amenity impacts on units within the Rubicon building (53-63 King Street) including overshadowing and loss of outlook and trees;
- impact on existing local heritage;
- excess car parking; and
- construction impacts on local community.

## 5. ASSESSMENT

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The Department considers the key environmental issues for the project to be:

- density and built form;
- environmental and residential amenity;
- heritage;
- transport, traffic and car parking; and
- development contributions.

### 5.1. Density and Built Form

#### 5.1.1. Density

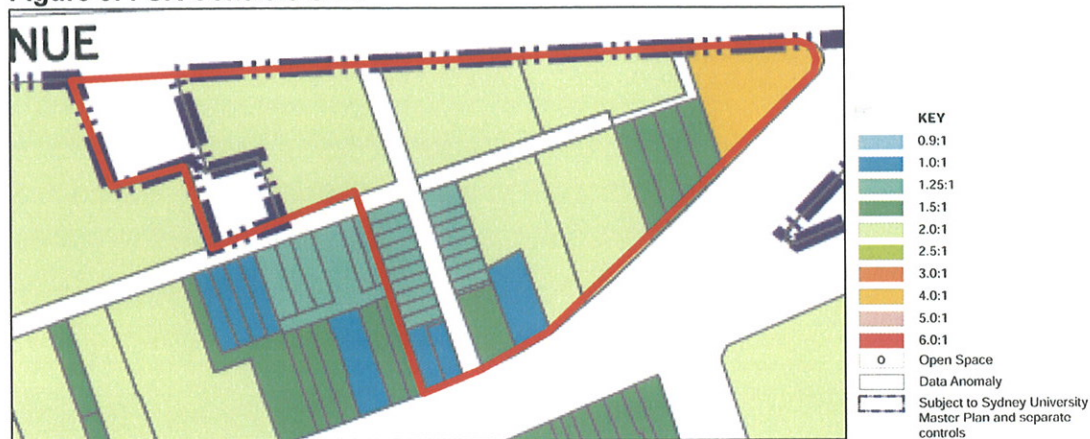
The existing character of the site is low and medium density with a maximum height of four storeys. The redevelopment seeks approval for buildings up to nine storeys. The proposed building envelopes identify the maximum heights, indicative building footprints and maximum GFA sought.

The proposal would result in a significant increase in the development intensity and density for the site. Whilst no controls currently apply to the site, controls are proposed to apply to the whole site under Council's draft comprehensive LEP, which are being informed by Council's Urban Design Report (UDR). The UDR identifies recommended built form controls and desired future character for Chippendale, Camperdown, Darlinghurst, West Redfern and North Newtown area in July 2008.

Whilst Council's recommended controls (see Figures 5 and 6) aim to conserve and maintain the existing streetscape and character of the area, the site has been identified as forming part of the education and health cluster creating the Sydney Education and Health Precinct. The Department considers the density that exceeds the recommended controls can be considered given the campus' strategic location and level of accessibility, including being located approximately 3 kilometres from the CBD, provided the impacts are acceptable and/or can be managed or mitigated. The site also benefits from good access to Town Centres, including:

- Newtown, located adjoining the site to approximately 1 kilometre from the site, which offers a range of shopping, entertainment and community facilities; and
- Broadway, located approximately 1 kilometre from the site, which comprises the Broadway Shopping Centre and nearby shops.

**Figure 5: FSR Controls UDR**



**Figure 6: Height Controls UDR**



The redevelopment of the site and expansion of the MTC is also constrained by the need to retain a number of heritage items and contributory items on the site. The Department therefore considers that greater flexibility should be afforded to the remaining sites and consideration of non-conforming building envelopes should be considered to support the retention of the heritage characteristics and significant items on the remaining parts of the site. The academic uses and expansion of the academic facilities are generally supported by Council and the Department. The Department considers the FSR of the site should be considered on a precinct level for Site A, B and C.

### 5.1.2. Site A Built Form and Height Height

The heights of the proposed building envelopes sought in the EA are identified in Table 3. The Department requested further justification to be provided regarding the height of Building A1 (Stage 1) and the envelope of Building A8 or a reduction to improve its relationship with the character of the area was required, particularly as the proposed height exceeded Council's recommended controls in the UDR. In response, the Proponent revised the height of Building A1 (Stage 1) in the PPR by reducing the height from seven to six storeys (see Figures 7 and 8).



**Table 3: Proposed heights (storeys)**

Envelope	EA height	PPR Height	UDR
A1	7 storeys + 2 basement levels	6 storeys + 3 basement levels	2, 3, 4 and 5 storeys
A2	2 storeys	2 storeys	2 storeys
A3	2 storeys	2 storeys	3 storeys
A4	3 storeys	3 storeys	2 and 3 storeys
A5	2 storeys	2 storeys	2 storeys
A6	3 storeys	3 storeys	2 storeys
A7	2 storeys	2 storeys	4 storeys
A8	5 storeys + 2 basement levels	5 storeys + 2 basement levels	4 storeys

**Figure 7: Building A1 height in EA**



**Figure 8: Building A1 height in PPR**



The Proponent's justification for the increased heights is that the proposal:

- facilitates the achievement of State strategic goals of the site;
- is consistent with the existing character of that section of King Street and Carillon Avenue;
- responds to the site's context and provides a more appropriate transition with the surrounding conservation areas;
- facilitates the ongoing physical conservation of the heritage items on the site and MTC's cultural association with those buildings;
- has no adverse impact on the heritage buildings within the site or the character of the conservation area;
- is generally in keeping with the built-form recommendations and desired future character of the locality set out in Council's UDR and recently released draft comprehensive LEP; and
- would not have any adverse impacts on the amenity of residential properties along Campbell Street, including the Rubicon development in the form of view loss or overshadowing.

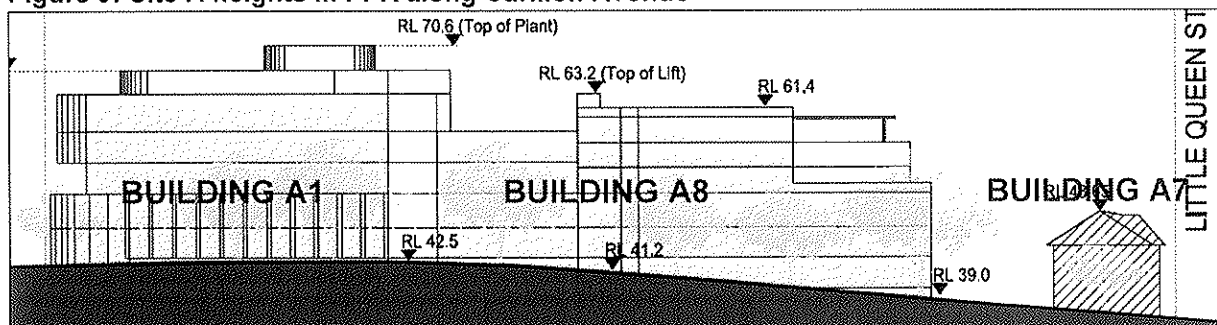


Council maintained that Building A1 (Stage 1) should be reduced to five storeys to better reflect the recommendations of Council's UDR and to ensure a precedent is not set for the opposing gateway site on King Street. The Department considers that a six storey building with an upper level setback is acceptable for the gateway location at the junction of King Street and Carillon Avenue as:

- it provides an appropriately scaled anchor building for the campus;
- it incorporates floor space allocated to other lots within Site A into Building A1 to support the protection of the heritage values of the contributory items on the remainder of the site; and
- Building A1 would be providing teaching, research and library floor space which would improve Sydney's knowledge infrastructure.

The Building A8 envelope, at five storeys, also exceeds the recommended height of four storeys. The Department considers the height of Building A8 envelope as acceptable as it provides an appropriate transition in height from Building A1 (six storeys) to the east and to the Deaconess House (Building A7 – two storeys) to the west (see Figure 9). The envelope also provides adequate upper level setbacks to the east and west. The heights of the remainder of the buildings on Site A, at two and three storeys, are considered appropriate for the site and sympathetic with the character of the surrounding area.

**Figure 9: Site A heights in PPR along Carillon Avenue**



The Department is generally supportive of the building heights at Site A as they are required to:

- support the increased development intensity required to facilitate the expansion of the educational facilities on the site;
- provide affordable student housing; and
- assist in the retention of heritage items and contributory items in the conservation areas.

## FSR

Site A would be primarily redeveloped to accommodate the academic uses. Building A1 (Stage 1) would exceed the FSR control in SSDCP (1.5:1); however, the majority of the buildings on Site A would meet the indicative FSR controls in Council's UDR, except Building A1 and A6. Whilst these two buildings exceed the recommended controls if applied on an individual lot basis, the Department considers the maximum GFA of 16,823m<sup>2</sup> sought for Site A is acceptable as it only constitutes a minor exceedance of the total recommended GFA for the whole of Site A and is generally consistent with the recommended FSR controls in the UDR.

## Street Activation/Public Domain Relationship

The Proponent also responded to concerns regarding street activation in the PPR by relocating administrative spaces to higher levels within Building A1 (Stage 1) and allocating library uses to the ground floor and additional glazing along the ground floor. Building A1 (Stage 1) has been designed with minimal setbacks and would be built to the street edges at the lower levels, which ensures that the building provides greater interaction with the public domain now with the relocated library uses and consistency with the character of King Street. The other Site A buildings along King Street retain the existing built form and provide retail uses to promote activity along King Street to be consistent with the renewal of Newtown cultural and retail centre. Site A development on Carillon Avenue provides building envelopes with angled setbacks consistent with the existing angled setbacks along Carillon Avenue and Newtown North Public School, located immediately to the west of the Concept Plan site. The Department considers that the Proponent has provided appropriate uses along the ground floors to promote street activation and improve the public domain relationship. The Department considers the Concept Plan would contribute to the revitalisation of King Street and subsequently the Newtown Town Centre.

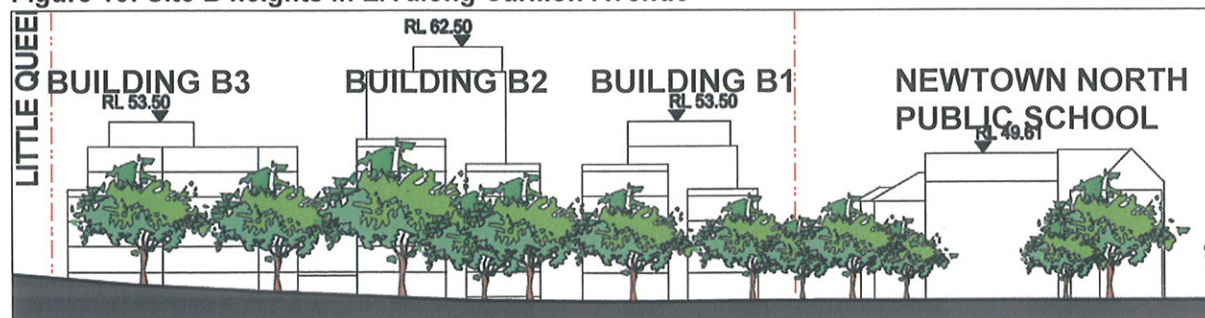
### 5.1.3. Site B Built Form and Height Height

The heights of the proposed building envelopes sought in the EA are identified in Table 4. The maximum height recommended in Council's UDR is four storeys for the majority of the site except part of the site which is subject to Sydney University's Master Plan. Building B1 envelope was reduced from six storeys to five storeys in the PPR in response to issues raised by the Department, Council and the public regarding the height of Building B1 and B2 envelopes (see Figures 10 and 11). The Proponent did not make any changes to the height of Building B2 envelope and provided further justification for exceeding the height and FSR controls recommended in Council's UDR (as discussed in Section 5.1.2).

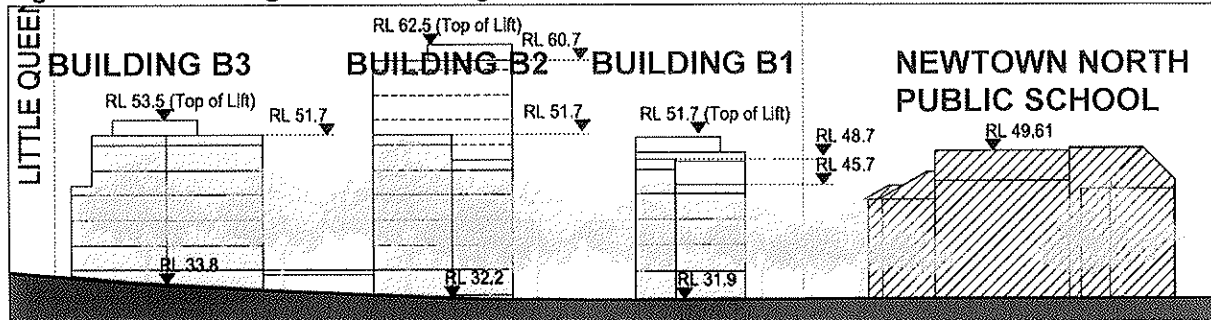
Table 4: Proposed heights (storeys)

Envelope	EA height	PPR Height	UDR
B1	6 storeys+ 2 basement levels	5 storeys+ 2 basement levels	4 storeys
B2	9 storeys+ 2 basement levels	9 storeys+ 2 basement levels	4 storeys and subject to Sydney University's Master Plan
B3	6 storeys+ 2 basement levels	6 storeys+ 2 basement levels	4 storeys and subject to Sydney University's Master Plan
B4	4 storeys+ 2 basement levels	4 storeys+ 2 basement levels	4 storeys and subject to Sydney University's Master Plan

Figure 10: Site B heights in EA along Carillon Avenue



**Figure 11: Site B heights in PPR along Carillon Avenue**



The Department considers the nine storey envelope sought for Building B2 is not consistent with the character of the street, would have adverse overshadowing impacts to Campbell Street properties (see Section 5.2.1), and would result in a negative relationship with the adjoining heritage item, given its proximity to the main school building (see Section 5.3). Therefore, the Department has recommended the building envelope be reduced to seven storeys as this would result in an appropriate stepping along Carillon Avenue and transition in height. The reduction in height would provide a more sympathetic response to its relationship with the school, better respond to the character of the street, reduce potential view loss to surrounding residential buildings (see Section 5.2.4) and reduce overshadowing impacts.

The height of the building envelope for Building B3 is considered appropriate as it is centrally located and provides a transition from the higher buildings on Site A. The height of the building envelope for Building B4 is acceptable as it is consistent with Council's recommended controls and the upper level has been setback to address the scale of Campbell Street, which has predominantly two and three storey development along the northern edge.

The Department considers the proposed building envelopes for Buildings 1, 3 and 4 on Site B as appropriate, even though they exceed Council's recommended control of four storeys, as they would support affordable student housing, which is required to support the expansion of MTC.

## FSR

The majority of the new residential dwellings would be provided in the proposed four residential buildings in Site B. Whilst supportive of the expansion of the College and redevelopment of the Campus, Council and the Department considered further justification for the bulk and scale of the Site B redevelopment was required. The recommended controls in Council's UDR for Site B are 2.0:1 for the majority of the site and surrounding area except part of the site which is subject to Sydney University's Master Plan.

The proposal is equivalent to an FSR of 2.4:1 for Site B. The Department has recommended a reduction in floor space by 1,100m<sup>2</sup> to correspond with the recommended height reduction of the Building B2 envelope to address bulk and scale, streetscape, amenity and heritage impacts (refer to Sections 5.2 and 5.3). The Department considers that this reduction is appropriate as it reduces the FSR to 2.1:1, which is acceptable as it is only a minor exceedance of the recommended controls in Council's UDR. The reduction in the FSR ensures an appropriate transition in scale from the finer grain development along King Street and the coarser grain and the larger scale of the institutional and educational buildings in the Sydney



Education and Health Precinct is provided. As the height and FSR controls exceed Council's recommended controls, the Department has included as a future Environmental Assessment Requirement that the Proponent demonstrate that the residential components would be maintained for use as student housing or housing associated with MTC or for low-cost housing.

#### 5.1.4. Site C built form and height

The Site C redevelopment comprises refurbishment and conservations works to the existing terraces on the site. Site C proposes minor additions to the rear and no increases in height. The Department considers the conservation and refurbishment of these buildings to be appropriate, as it would ensure that a transition is provided between Site A redevelopment and the remainder of King Street and would protect the heritage values of these terraces.

## 5.2. Environmental and Residential Amenity

### 5.2.1 Solar Access and Overshadowing

#### Site A

The majority of the additional overshadowing cast by the redevelopment of Site A would be experienced by development within Site A and partially on Site B, Site C and commercial properties along King Street and the regiment site on the opposing side of King Street. The additional overshadowing from the Site A redevelopment during the winter solstice on residential properties would be contained to the existing terraces located within Site A and Site B on Little Queen Street (see Figures 12-14). The Site A redevelopment would have no additional overshadowing of any other residential properties and minimal overshadowing in the late afternoon on the regiment site and King Street properties as shown in Figure 14.

**Figure 12: Site A Overshadowing Diagram 9am (Winter Solstice)**



**Figure 13: Site A Overshadowing Diagram 12 midday (Winter Solstice)**



**Figure 14: Site A Overshadowing Diagram 3pm (Winter Solstice)**



The existing terraces in Site A would retain a minimum of four hours of solar access during the winter solstice period, which would achieve the minimum two hours of solar access considered required under the Residential Flat Design Code (RFDC). The proposed dwellings in the Building A8 envelope would need to demonstrate at future application stages that they would be able to receive a minimum of two hours of sunlight for 70% of the dwellings in accordance with the requirements of the RFDC. Further consideration of the RFDC has been recommended in the future environmental assessment requirements.

Building A1 (Stage 1), being one of the proposed new buildings on Site A, would have minimal overshadowing impacts as it primarily overshadows the rest of the campus and predominantly other academic floor space. Where it may overshadow areas proposed for student accommodation, further assessment would need to be undertaken at design stages for the future dwellings. The future designs would need to ensure that 70% of these dwellings receive a minimum two hours of sunlight during the winter solstice. Building A1 has a length of up to approximately 33 metres and forms a triangular shape. As glazing is provided along all the facades and due to the shape of the building, adequate solar access would be provided to future users of the building.

## **Site B**

The additional overshadowing cast by the redevelopment of Site B would be experienced by the residential properties along Campbell Street, 97-117 Campbell Street and 53-57 King Street (Rubicon), and development within Site B. The RFDC recommends that in dense urban areas, a minimum of two hours of sunlight should be provided between 9 am and 3 pm during the winter solstice to the living rooms and private open spaces areas for 70% of apartments.

The Campbell Street properties are owned by the Proponent and are used for residential purposes. Whilst they are owned by the Proponent and the Proponent has indicated that the living spaces are located on the southern edge of the terraces, the Department considers a minimum of two hours of sunlight should be retained to ensure a satisfactory level of amenity. The Department has therefore recommended that adequate solar access to these properties be demonstrated in future applications for the development of Site B. This could be achieved through careful consideration of massing and modulation and articulation of the Site B buildings. The overshadowing impacts would also be reduced by the two storey reduction of Building B2 envelope.

To a lesser extent, Newtown North Public School playground and the terraces on Little Queen Street on Site A and Site C would also experience additional overshadowing for short periods. However, the reduction in Building B1 envelope has reduced the impacts to the school playground. The terraces on Little Queen Street on Site A and Site C would still retain a minimum two hours of solar access during the winter solstice.

The Department considers the additional overshadowing impacts from the proposal are satisfactory, provided the buildings are designed to minimise impacts on Campbell Street properties and a minimum of two hours of solar access is maintained to living rooms and private open space areas during the winter solstice.

As the Concept Plan only provides indicative building footprints and does not provide floor plans, a full assessment cannot be undertaken at this stage to determine if adequate solar access would be provided to the new residential dwellings proposed for Site B. This issue would need to be addressed in future applications for the residential buildings on Site B. The Department has recommended that solar access to future student accommodation be a key future environmental assessment requirement.

### **Site C**

Site C would not have any additional overshadowing impacts as there is only minor additions to the rear proposed and no changes in height proposed. As previously discussed, Site A and Site B redevelopment would have overshadowing impacts on Site C; however, a minimum two hours of solar access would be retained during the winter solstice.

## **5.2.2 Privacy**

### **Site A**

The buildings on Site A are primarily surrounded by academic floor space and would have minimal visual privacy issues. No privacy issues would result from the development of Building A1 (Stage 1) as it occupies the corner allotment and any overlooking to the west would be to within the campus. This would include views to the existing lecture and dining hall, Mary Andrews College, terraces that have are being used for academic and retail purposes, and open space in the short-medium term prior to redevelopment of the remainder of Site A. The Department considers there would be no privacy issues and the building would increase safety and security through passive surveillance to the west and to open space areas.

In the long term, Stage 1 would also have limited visual privacy issues as future development of Site A immediately to the west would include predominantly academic uses and the College Green, except for the upper levels of Building A8 which would be residential. However, this would adjoin academic uses which would provide an adequate buffer and separation to Stage 1. Building A8 would also not have any privacy issues as it would over look Carillon Avenue, the College Green or academic or retail uses in Site A. The College Green would provide an adequate buffer between Building A8 and the existing A6 terraces.

### **Site B**

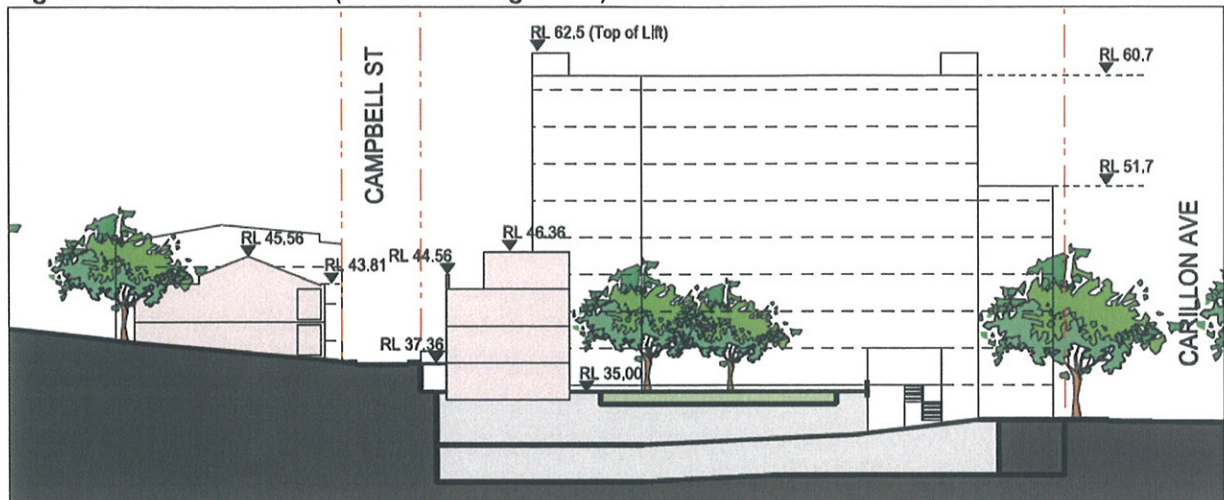
Site B development may potentially have privacy impacts to Campbell Street properties given the scale of Site B redevelopment and the separation provided by Campbell Street. Building envelope B2 would have the most significant impacts given its height and scale. The remainder of the development on the site has adequate buffers from residential development. Whilst Building B4 envelope is situated closest to the Campbell Street properties, given it would present as a two storey building to Campbell Street due to the upper level setback and ground floor that is situated partially below ground level, it would have minimal privacy impacts.

The recommended reduction in the height of Building B2 would reduce the potential adverse impacts to existing properties along Campbell Street to the south. The proposed buildings would also be situated lower due to the slope of the site between Campbell Street and Carillon Avenue (see Figure 15), which would further reduce the



potential view impacts as the ground level of the Campbell Street properties on the south is at the same level as the 2<sup>nd</sup> storey in Building B4 envelope and 3<sup>rd</sup> storey in B2 envelope.

**Figure 15: Carillon Street (Site B in foreground)**



Privacy would need to be carefully considered in the design of the residential buildings on Site B particularly the relationship with buildings to the south given the proximity. The Department has included in future environmental assessment requirements the need to consider visual privacy for Site B redevelopment and identification of appropriate mitigation and management measures to address this issue.

Appropriate separations have also been provided for the Site B building envelopes with a separation of approximately 13 metres between Building B1 and B2 and 14 metres between B2 and B3. Whilst this does not strictly comply with the recommended minimum 18 metres between habitable rooms and habitable rooms recommended in the RFDC for buildings greater than four storeys, the Department considers that the design of the buildings could ensure that appropriate separation between habitable rooms is achieved. Further consideration of this issue would need to be undertaken at future application stages to ensure that future residential development addresses best practice in separation and privacy.

### Site C

The buildings on Site C are existing terraces and development primarily consists of conservation and refurbishment works with only minor additions to the rear. This would have no impact on the visual privacy of other buildings.

### 5.2.3 Landscaping and Open Space Concept Plan

The site has a high level of existing vegetation and significant and mature trees. This has resulted in a very leafy and green character for the site and the street. The proposal seeks to remove 34 trees and relocate two trees. Council have indicated that they do not support the removal of trees on Council's property and therefore the Department recommends a modification to the Concept Plan to retain the street trees. The majority of the other trees on site are located where a building envelope is located or where its root zone would be substantially impacted by the proposed car parks, which cover the majority of Site A and B. The Proponent has also prepared a comprehensive landscape plan that identifies the provisions of tree planting on site

and additional street trees. The Department considers the landscape plan and proposed tree planting would offset any loss of trees and contribute to regenerating the character of the area in the long term.

The proposal, whilst being for student accommodation, should meet the open space requirements of the RFDC as the residential component would be designed as self-contained dwellings. The RFDC recommends 25-30% communal open space is provided to residential flat buildings. Future applications for the development of the new residential buildings would need to address this issue to ensure that adequate private open space is provided for new dwellings.

### **Stage 1**

In regards to Stage 1 of the proposal, the Proponent has provided landscape plans for the site that identify that 12 trees would need to be removed to accommodate the Stage 1 building and the relocation of one. The Stage 1 building footprint extends to the boundaries of the site, which results in the removal of all the trees on this site, including the loss of significant trees on the corner of King Street and Carillon Avenue.

The Department considers that the loss of these trees as acceptable as it would result in a building that is built to the street edges and provides a more active and integrated built form. Additional street trees are proposed to be planted to offset trees lost on site and within the courtyard and College Green area. The Department also considers it appropriate that Council approval is required for the location and planting of the street trees as they would be located on Council's property and Council would be responsible for long term maintenance. Accordingly, the Department has recommended a condition that requires Council endorsement for a landscape plan for the street trees.

#### **5.2.4 Views**

The development of Site A and C would not result in any view loss, however, Site B would result in partial view loss to the north for existing residents along Campbell Street, including Rubicon residents. The Building B4 envelope (at four storeys) immediately to the north of the Campbell Street residents, generally complies with the height controls recommended in Council's UDR. View loss resulting from Building B1, B2 and B3 envelopes located north of Building B4 envelope is considered acceptable. Only a partial view loss would occur given the separations between the building envelopes on Site B and the sloping nature of the site, which results in Building B1 and B3 roof levels protruding 3-6 metres above Building B4 (excluding lifts and plant as they do not extend the width of the envelope). In addition, the Department notes that the views are not of iconic buildings or landscape, and are not considered to be highly valued views and complies with the principle of view sharing. The Department has also recommended a reduction in height of Building B2 envelope which reduces the building to a maximum 56.3 metres AHD, of which the uppermost three metres would be lifts and plant and would not extend the entire width of the building envelope.

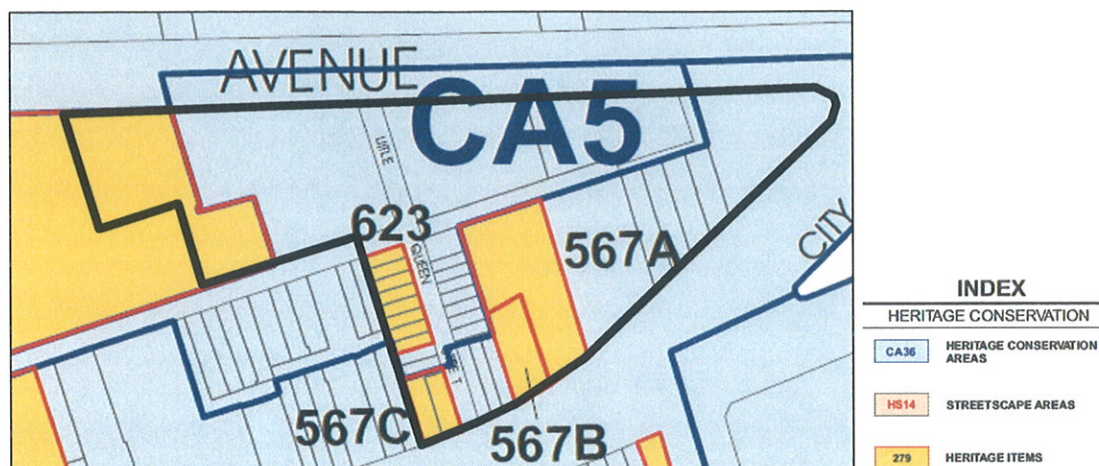
### **5.3. Heritage**

The MTC Campus contains five existing local heritage items under the *South Sydney Local Environmental Plan 1998* (SSLEP) (see Figure 16) and one proposed item of local heritage significance (28 Carillon Avenue). Parts of the campus are also



partially located in two heritage conservation areas under the SSLEP, King Street Conservation Area and the Bligh & Camperdown Terrace Conservation Area.

**Figure 16: Existing Heritage Items**



A number of the buildings on site are considered to be contributory items to the conservation areas, whilst a number of the buildings on site are also identified as items that detract from the significance of these conservation areas. Table 5 provides a summary of the significance of the buildings seeking demolition.

**Table 5: Heritage significance of building to be demolished**

Building	Heritage item	Site	Conservation Area
Mary Andrews College (18-26 Carillon Avenue)	No*	A	Bligh & Camperdown Terrace Conservation Area
MTC Dining Hall (2-16 Carillon Avenue)	No	A	Bligh & Camperdown Terrace Conservation Area
2 x 2 storey terraces (3-5 King Street)	No	A	King Street Conservation Area
2 storey terrace (7 King Street)	No	A	King Street Conservation Area
Rear of residential terraces (9-11 King Street)	No	A	King Street Conservation Area
Rear of mixed use building (21 King Street)	Yes	A	King Street Conservation Area
Rear of mixed use building (23-25 King Street)	Yes	A	King Street Conservation Area
3 residential buildings on Site B (30-44 Carillon Avenue), including 84-86 Campbell Street	No	B	Bligh & Camperdown Terrace Conservation Area
Weatherboard child care centre (48 Carillon Avenue)	Yes*	B	No

\* it is noted that Council resolved to include Deaconess House of Mary Andrews College (28 Carillon Avenue) as a heritage item in the Draft Comprehensive LEP.

\*\* It is noted that Council has resolved to limit the curtilage of Newtown North Public School heritage item to 50 Carillon Avenue

### Site A

The MTC dining hall and Mary Andrews College are identified as detracting items in the Bligh & Camperdown Terrace Conservation Area and are not within the curtilage of the proposed heritage item, Deaconess House (28 Carillon Avenue). Accordingly, the demolition of these buildings is supported. Council raised no issue with the demolition of these buildings.

The terraces and mixed use buildings along King Street are all identified as contributory items in the King Street Conservation Area, except 21 King Street which is identified as a detracting item. Council raised issues with the Conservation Management Strategy and the demolition of contributory items. The proposal seeks to demolish 3-7 King Street to support the construction of Building A1 (Stage 1). The Department considers the demolition of the terraces acceptable due to:

- the delivery of academic floor space to meet current and future demands;
- the need to deliver a gateway building consistent with Council's UDR; and
- facilitate the retention of the remaining terraces and shop fronts along King Street, by consolidating the academic floor space in Building A1. This would ensure that the site still maintains an appropriate number of contributory items in the conservation area.

The demolition of the rear of the mixed use buildings along King Street are also considered acceptable as the main frontage, and contributory element to the conservation area, is maintained.

### **Site B**

The residential terraces 30-32 Carillon Avenue and 84-86 Campbell Street are identified as contributory items, whilst the residential building at 42 Carillon Avenue is identified as a detracting item in the Bligh & Camperdown Terrace Conservation Area. The Department also notes that Site B redevelopment adjoins the locally listed Newtown North Public School.

Council were supportive of the demolition of 30-32 Carillon Avenue given its condition; however, were not supportive of the demolition of the two residential terraces, 84-86 Campbell Street. Council also raised concerns regarding the impact of the development on the school and the relationship with the heritage item, particularly the scale of Building B1 and B2 envelopes.

The Department considers demolition of the terraces on Site B as acceptable as:

- it would allow for the redevelopment of Site B in a holistic approach;
- the contributory items are in poor condition;
- the items identified as having the highest heritage value in the Bligh & Camperdown Terrace Conservation Area on the site are the Little Queen Street terraces. It is noted that the terraces are being retained and the buildings with a lesser heritage value or those that detract from the conservation area are being demolished; and
- the demolition on Site B would support increased student accommodation.

In response to potential impacts to the heritage significance of the school, the Proponent reduced the adjoining building envelope (Building B1) from six storeys to five storeys in the PPR. The Department notes that the Building B1 envelope would also include an upper level setback along Carillon Avenue of eight metres, which results in Building B1 having a lower parapet height than the school. The Department considers the height of B1 acceptable. The Department considers the scale of Building B2 envelope would potentially have an adverse impact on the heritage values of the school and have an impact on its presentation to Carillon Street. However, with the recommended reduction of the Building B2 envelope to seven storeys, its relationship is now considered appropriate as it would be reflective of the slope of the site and provide a transition towards the higher built form on Site A.

## **Site C**

The buildings on Site C are existing terraces and development primarily consists of conservation and refurbishment works with minor additions to the rear. The conservation works are identified in the Conservation Management Strategy. The Department has recommended that any future application would need to be accompanied by a Conservation Management Plan.

## **5.4. Transport, Traffic and Car Parking**

### **5.4.1 Traffic Concept Plan**

The proposed increase in density sought in the Concept Plan would result in increased traffic generation. The transport and accessibility impact in the EA examined the potential traffic impacts on the surrounding street network resulting from the Concept Plan and construction of Stage 1 of the proposal. The report identified that the Concept Plan would generate 90 additional vehicle trips per hour during the AM peak period and that the road network would be able to accommodate this additional traffic generation and no upgrades would be necessary. The additional traffic generated was identified as having acceptable impacts on traffic efficiency and would not result in any changes to the Level of Service (LoS) of the key intersections including King Street and Carillon Avenue, King Street and Missendon Road and Missendon Road and Carillon Avenue during AM peak periods. The Department accepts that there is no clear PM peak period given the academic uses and varied departure times, therefore spreading the traffic impacts. Accordingly, the proposal would be unlikely to have significant impacts to the LoS in the PM peak periods.

In response to issues raised in RTA's submission regarding traffic generation assumptions, the Proponent provided a revised traffic assessment to address the potential additional traffic generation during peak periods from the families of students which was not originally factored into the modelling. Due to the reduction in car parking, the revised traffic assessment found that even with the consideration of additional peak movements from family members, the additional traffic would have a reduced impact (84 vehicles per hour during the AM peak period) and would not have an unacceptable level of impact on traffic efficiency. The RTA raised no issue with traffic generated from the redevelopment in its response to the PPR.

### **Stage 1**

In regards to Stage 1 of the proposal, the Transport and Accessibility Report, submitted with the EA, found that the additional traffic generated from Stage 1 of the proposal would be negligible as a significant portion of the academic floor space is replacing existing floor space and the RTA raised no issues with the traffic generation of the first stage of development. Council, however, did identify additional traffic travelling west along Campbell Street as an issue and recommended vehicle egress onto Little Queen Street. The Department does not consider egress onto Little Queen Street as appropriate and considers that egress onto Campbell Street from the existing vehicle crossings can be supported given the temporary nature of the car park. The Department is satisfied Stage 1 would have minimal impacts on the operation of the surrounding road network. Accordingly, no measures are required for the first stage of development.

The Department has recommended that a detailed Construction Management Plan be prepared that identifies construction traffic management measures developed in



consultation with the relevant Roads Authority, including location of work zones, number and frequency of vehicles and construction vehicle routes.

#### 5.4.2 Parking Concept Plan

The Proponent has sought approval for a maximum 270 car spaces for the redevelopment. Table 6 provides a summary of the breakdown of car spaces sought for the various uses on the site and also a comparison to the number of spaces recommended in Council's DCP 11.

*Table 6 – Off-street Car Parking Controls*

Use	Numbers	DCP 11	Proponent's requirements
Residential*	83	114	156
Educational – staff**	190	95	108
Educational – students**	1200	60	
Retail	650m <sup>2</sup>	13	7
Total		282	271

\* Excluding existing terrace dwellings

\*\* Total staff and students on the campus

The Proponent has requested a maximum of 270 spaces to meet the future requirements of the redevelopment of the MTC. Council considered the residential component proposed was excessive and requested it be reduced to be consistent with DCP 11. Council has also indicated that it would no longer issue parking permits to residents on the campus. Whilst the Department considers the minimalist approach should be adopted for the site, due to the high level of accessibility to public transport and that the residential uses proposed is for student accommodation adjacent to the educational facilities, the Department considers that a total maximum number of 270 car parking spaces is acceptable as:

- the total number of car spaces sought is below the recommended total calculated in accordance with the rates in DCP 11 for the entire campus and excludes car parking provision for the 20 existing dwellings;
- is a more accurate reflection of the requirements of the entire Concept Plan redevelopment which would ensure the proposal minimises impacts on the surrounding street network and amenity of the area; and
- the transport assessment notes that whilst a maximum of 270 car parking spaces have been sought, future applications would be able to reflect more accurately future needs as they become apparent.

#### Stage 1 – Temporary Car Park

Stage 1 of the proposal seeks approval for the provision 36 temporary car spaces to predominantly replace existing spaces and to support the Stage 1 building prior to future development of the basement car park. To accommodate the temporary at-grade car park on Site B, the Proponent proposes to demolish the derelict dwellings, 84-86 Campbell Street and 30-32 Carillon Avenue.

The temporary car park would provide 36 car parking spaces, replacing 26 existing spaces at Site B and 1 King Street, and would be decommissioned with the development and occupation of either the Site A or Site B basement car parks. Access to the temporary car park would be available via an entrance from Carillon Avenue and Campbell Street. The Department considers the temporary car park acceptable in the short term. To ensure that it is removed upon occupation of either the Site A or Site B car park, the Department has recommended that the Concept

Plan be modified, so that the temporary car park is redeveloped as open space if building works for B3 and B4 have not commenced in accordance with a development consent or a project approval at the time of occupation of either the Site A or Site B car park.

#### **5.4.3 Public Transport**

The Proponent has indicated that the site is well-served by public transport with a bus network that provides adequate bus services connecting the site to key centres at 3-10 minute intervals during peak periods. The site is also located 10 minutes walk from Redfern, MacDonalddown and Newtown Railway Stations. Public transport provides access to the Sydney CBD, Leichhardt, Bondi Junction, Marrickville Metro, Canterbury, Kingsgrove, Tempe, Campsie and Coogee. The Department considers the site is well-serviced by public transport and therefore the site is suitable for expansion of MTC. The Proponent has also committed to incorporating sustainable measures including preparation and implementation of a Travel Access Guide and Work Place Travel Plan or Green Travel Plan upon commencement of operation of Stage 1. Transport NSW were supportive of the commitments made by the Proponent.

#### **5.4.4 Air Traffic Impacts**

The proposal is located under a flight path which is protected under the *Airports Act 1996* through height restrictions on development that may interfere with the safety, efficiency or regularity of existing or future air transport operations into or out of Sydney Airport. The Obstacle Limitation Surface (OLS) is the relevant control that sets height limitations and prescribes 51 metres AHD as the OLS Inner Horizontal Surface which then steadily increases in height to create the OLS Conical Surface. The proposal is situated under the OLS Conical Surface which slopes up from 60 metres – 70 metres AHD on the site. Subsequently, at a maximum height of RL 70.6, the proposal would penetrate this surface.

The Proponent would be required to forward any approval to Sydney Airport Corporation Limited (SACL). SACL have delegated authority under *Airports (Protection of Airspace) Regulations 1996* to approve or provide comment on proposals that do not penetrate the relevant air traffic controls or temporary penetrations, such as cranes. Permanent intrusions of the air traffic controls are considered controlled activities and require approval from the Commonwealth Department of Infrastructure and Transport (DIT).

The Department has recommended a condition that requires the Proponent to seek DIT approval prior to construction of any above ground works as the proposed Stage 1 buildings would be a permanent intrusion into the OLS Conical surface. The Department has also recommended a condition requiring the Proponent to obtain the necessary approvals from SACL or DIT for the operation of construction cranes within regulated air space.

#### **5.4.5 Loading and Services**

The proposal incorporates a loading dock on Site A and proposes a loading zone along Carillon Avenue. Due to the proposed location and design, entry or egress may be required from Campbell Street or Little Queen Street to the loading dock. Given the width of these roads, the Department considers all loading/unloading and services accessing the loading dock should be from Carillon Avenue and preferably

within the site. The Department has recommended as a future environmental assessment requirement that the Proponent demonstrate that any future loading dock/zones be located wholly within the site and access provided from Carillon Avenue, unless Council's traffic committee endorses any loading zone on Carillon Avenue.

The Department notes that the loading dock would not be delivered until future stages of development occur at Site A. The Department accepts that delivery and servicing arrangements for Stage 1 would be required to continue to utilise on-street provisions, as utilised by the existing facility, until the loading dock is constructed.

## **5.5. Development Contributions**

### **Concept Plan**

Council's Development Contributions Plan 2006 applies to the site. The Plan requires contributions for increased demand on local services and infrastructure. The proposal does not fall within any of the categories that are afforded an exemption. The Concept Plan would require approximately \$1.77 million be paid to Council for the entire Concept Plan prior to CPI indexation, which includes a credit applied for the 20 existing terrace dwellings to be retained and the existing 76 staff/workers.

The Proponent has sought an exemption from the contributions due to:

- significant community benefits from the Resource and Research Centre, including library facilities, which would be made available to both the students and the community;
- the College is a not for profit organisation;
- the College is self-sufficient and provides adequate services and facilities to support the students and staff and should not have to fund community facilities where similar facilities are already provided for future staff and student; and
- the principles of Department's Circular D6 (Crown Development Applications and Conditions of Consent) would be met by the provision of all drainage and local road works by the Proponent, and therefore the Proponent should be exempt from other contributions.

Council does not support the exemption as they do not fall into any of the categories that are afforded an exemption. Whilst the Proponent is a not for profit organisation, it does not provide a clear and direct material public benefit. Furthermore, Council is of the opinion that the proposal would generate additional demand on public services and infrastructure. Council, however, has noted that a credit could be applicable for existing development which would allow for a reduction in the contributions required. Therefore, Council's Development Contributions Plan would be applicable to all new development on the site.

The Department has considered the position of both parties and believes that, given the MTC is a not for profit organisation, the principle of reasonableness is relevant to the calculation of contribution amounts for this project. MTC is not the Crown, therefore Circular D6 is not applicable. The Proponent has not demonstrated that any of the works proposed would be done as works in kind as an offset to any of the items in Council's works programme or clearly demonstrated that the library facility would result in a material public benefit to the community. Furthermore, the Department does not consider that the staff, students and family of students would be entirely self-sufficient as they would also rely on local public services and

infrastructure. However, development contributions should relate to the likely level of increased demand on those public services and infrastructure for which the contributions plan is levying for. The Department supports the approach where a credit is applied for retained dwellings, existing dwellings and existing staff. Council also supported this approach in principle.

Based on Council's Development Contributions Plan (see Table 7), a contribution of approximately \$1.77 million would be required. This estimate includes a credit for existing staff and existing terraces to be retained. Any further credits for demolished existing dwellings would need to be justified in future applications and relate to each application.

**Table 7 – Development Contributions required (prior to CPI Indexation)**

Use	Rate	New workers/dwellings	Amount
Dwellings	\$19263.39 / 3 or more bedroom dwelling	83	\$1,598,861
Workers	\$1481.8 / worker	114	\$168,925
Total			\$1,767,787

The Department considers that the new staff and residents would result in an increased demand on services and infrastructure. Accordingly, the Department has recommended as a future environmental assessment requirement that all future applications relating to new staff/workers and new dwellings address Council's Development Contributions Plan.

### **Stage 1 – Research and Resource Library**

Council's Development Contributions Plan 2006 identifies that \$1481.80 is required for each new worker in the area and based on 114 new workers for the entire Concept Plan, approximately \$168,925 is payable (prior to CPI indexation). The Proponent did not specifically seek an exemption from the Stage 1 works; however, sought an exemption for all development on the site. Council were not supportive of exemption but noted that a credit could be applied to the proposal.

The Concept Plan is to support 190 workers, with 114 of these being new workers. Based on the proportion of academic floor space being provided in Stage 1, which is 54% of the total academic floor space, it is reasonable to assume that Stage 1 could accommodate 54% of the new workers, which equates to 62 workers.

The Department therefore considers that a contribution of \$91,871.60 is required, based on the rate per new worker (\$1,481.080 x 62 workers). In accordance with section 75R(4) and consequently section 94B(2) of the EP&A Act, the Minister may impose a different contribution after having had regard to Council's contributions plan. It is therefore recommended that a contribution fee of \$91,871.60 be required to be paid for Stage 1 prior to issue of a Construction Certificate.



## 6. RECOMMENDATION

The Department has reviewed the environmental assessment and duly considered advice from public authorities as well as issues raised in public submissions in accordance with Section 75I(2) of the Act. All the relevant environmental issues associated with the proposal have been extensively assessed.

The redevelopment of the Moore Theological College, including construction of a new resource and new research facility, would be a significant element in the ongoing renewal and revitalisation of Newtown. The development is consistent with the strategic objectives for the area, being consistent with the Sydney Metropolitan Strategy, the draft Sydney City Subregional Strategy and the Major Development SEPP and would boost the existing education precinct featuring the University of Sydney.

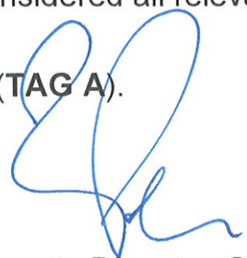
The Proponent has adequately addressed the Director General's Environmental Assessment Requirements and satisfactorily mitigated the potential environmental impacts associated with the proposal. The recommended modifications to the Concept Plan, including reduction in the height of Building B2 envelope from nine storeys to seven storeys, retention of street trees, removal of temporary car park upon commencement of either of the underground car parks, conditions for the Stage 1 Project Application and implementation of the measures detailed in the Proponent's EA and appendices, PPR and appendices, and Statement of Commitments seek to maintain the amenity of the local area, and adequately mitigate the environmental impacts of the proposal.

The Department considers the site to be suitable for the proposed development and that the application is in the public interest. Consequently, the Department recommends that the Concept Plan and Project Application for Stage 1 of the development be approved, subject to modifications and conditions. It is recommended that future applications be subject to Part 4 of the EP&A Act except where they meet the relevant criteria in the *State Environmental Planning Policy (Major Development) 2005*.

It is recommended that the Deputy Director-General, as delegate for the Minister for Planning:

- a) **Consider** the findings and recommendations of this report;
- b) **Approve** the Concept Plan (MP 09\_0005), subject to modifications, under section 75O(1) of the EP&A Act, having considered all relevant matters in accordance with (a) above;
- c) **Approve** the Project Application (MP 09\_0007), subject to conditions, under Section 75J(1) of the EP&A Act, having considered all relevant matters in accordance with (a) above; and
- d) **Sign** the attached Instrument of Approval (**TAG A**).

  
22/11/10  
**A/Director**  
**Government Land and Social Projects**

  
27/11/10  
**Deputy Director-General**  
**Development Assessment & Systems**  
**Performance**

## **APPENDIX A      ENVIRONMENTAL ASSESSMENT**

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See the Department's website at  
[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=2842](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=2842).

## **APPENDIX B    PROPONENT'S PREFERRED PROJECT REPORT**

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See the Department's website at

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=2842](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=2842).



## APPENDIX C SUBMISSIONS

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See the Department's website at  
[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=2842](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=2842).

## **APPENDIX D      CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS**

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### **1      State Environmental Planning Policy (Major Development) 2005**

On 30 December 2008, the Acting Director General, as delegate of the Minister, formed an opinion that the project is a major project under clause 20 of Schedule 1 to the MD SEPP, as it is a development for the purpose of teaching or research with a Capital Investment Value of more than \$30 million. The Minister is the approval authority.

### **2      State Environmental Planning Policy (Infrastructure) 2007**

The objectives of the Infrastructure SEPP are to facilitate the effective delivery of infrastructure by improving regulatory certainty through consistent planning management for infrastructure and providing greater flexibility in the location of infrastructure and service facilities throughout the State.

Schedule 3 of the SEPP lists traffic generating development that is required to be referred to the RTA. The application was referred to the RTA on 25 November 2009. Comments have since provided. Recommendations have been considered and where relevant have been included as conditions to the concept and project applications to ensure that the impacts of the construction and ongoing operation of the development are appropriately mitigated.

### **3      State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 aims to establish a scheme to encourage sustainable residential development across New South Wales. The current targets of BASIX for Residential Flat Buildings commenced on 1 July 2006.

SEPP BASIX requires all new residential dwellings in NSW to meet the specified sustainability targets of a 20% reduction in energy use and 40% reduction in potable water.

A BASIX certificate would be required to be submitted for all the residential buildings that form part of the subsequent residential development and/or project applications for future stages to demonstrate that the required water and energy saving targets have been met.

### **4      State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development**

SEPP 65 seeks to improve the design quality of residential flat development through the application of 10 design principles. Whilst the accommodation buildings proposed in the Concept Plan for the subject site are described as residential colleges rather than residential flat buildings, all student accommodation buildings that form part of future Project Applications would be required to demonstrate compliance with the ten design principles in SEPP 65 and the primary development controls in the Residential Flat Design Code. The Concept Plan, due to its nature, lacks sufficient detail to determine compliance with SEPP 65 and the Residential Flat Design Code (RFDC), however a consideration of the proposal against the 10 principles is provided in the following table.

<b>Key Principles of SEPP 65</b>	<b>Department Response</b>
Principle 1: Context	The site is located in an area of mixed use, including student accommodation for the MTC and Sydney University. The site forms part of the Sydney Education and Health Precinct and provision of increased student housing would support the expansion of MTC and contribute to the knowledge infrastructure and is consistent with the aims of the Precinct.
Principle 2: Scale	The scale of the proposal is appropriate, as modified, as it would support a transition between the finer grain in Newtown and the coarser grain of the institutional precinct.
Principle 3: Built Form	The Proponent has adopted angled building setbacks, upper level setbacks and building envelope designed to the street edge that is appropriate for the site. These would be further developed and enhanced at future building application stages. The built form would also need to address the heritage characteristics of the conservation areas that encompass parts of the site and the heritage items within the site.
Principle 4: Density	The density of the overall development of the site is considered appropriate as it only marginally exceeds what was considered appropriate for the overall site in Council's UDR.
Principle 5: Resource, Energy and Water Efficiency	The site is well serviced by infrastructure and providing additional housing in proximity to transport links is an efficient use of resources. The Proponent has committed to achieving and where possible exceeding BASIX SEPP targets as well as committing to incorporating ESD principles into the design of future stages.
Principle 6: Landscape	The proposal does result in the loss of a number of significant trees on site, however, these would be offset through increased street tree planting and planting within the College Green.
Principle 7: Amenity	Due to the separations provided, heights of the building envelopes, building depths and location of the indicative footprints the Concept Plan would appear to be able to achieve appropriate amenity and have acceptable impacts on amenity in terms of solar access, privacy, views and outlook, private open space and access to public open space. The detailed design of the buildings at future application stages would need to address amenity impacts for future students and on surrounding residents.
Principle 8: Safety and Security	In general, the concept design allows for good passive surveillance of the road networks, and public and private open space areas on the site. The proposal also provides active edges.
Principle 9: Social Dimensions and Housing Affordability	The proposed housing would be provided as affordable student housing. The site's proximity to public transport, retail, community services, employment opportunities ensure an appropriate location for student housing.
Principle 10: Aesthetics	The specific detail of the majority of buildings proposed within the Concept Plan would need to be assessed as part of future applications.

## **5 State Environmental Planning Policy No. 55 – Remediation of Land**

SEPP 55 promotes the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

A Stage 1 Environmental Site Assessment (ESA) was undertaken to investigate soil contamination conditions at the site. The ESA recommends the preparation of a Remedial Action Plan (RAP) outlining the procedures to remediate the contaminants encountered at the site in order to render the site suitable for the proposed development, and the preparation of a validation assessment report demonstrating the outcomes of the remediation works.

The above requirements form part of the Proponent's Statement of Commitments and the recommended conditions of approval.

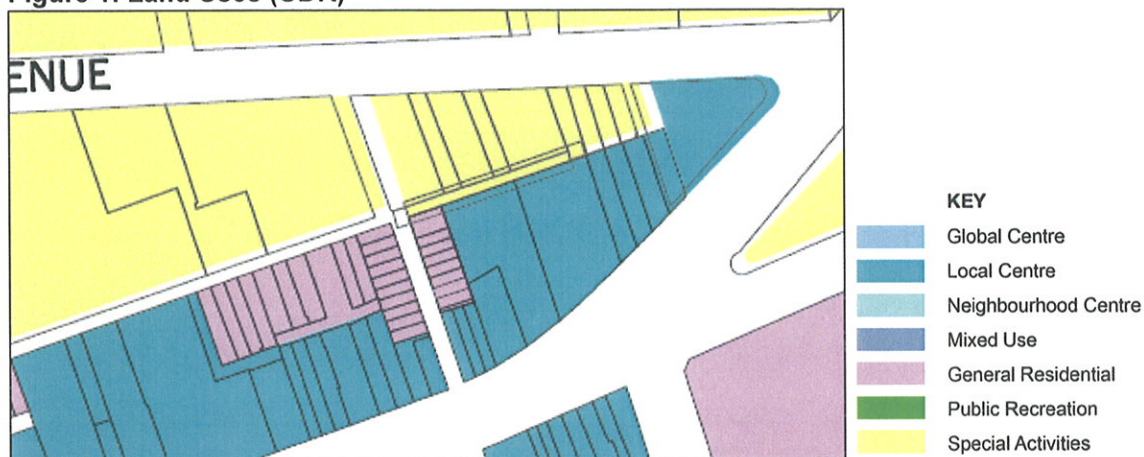


## 6 South Sydney Local Environmental Plan 1998 and South Sydney Development Control Plan 1998

South Sydney Local Environmental Plan (LEP) 1998 is the principal statutory planning instrument applying to the site. Under the provisions of South Sydney LEP 1998 the site is zoned 5 Special Uses (University), 2(b) Residential (Medium Density) and 3 Business. The proposal is consistent with the land use zone objectives and is permissible with consent in the relevant zones.

The Proponent is seeking to provide academic, retail and residential uses on Site A, residential on Site B and Site C. This is consistent with the current zoning No. 5 Special Uses (University), No. 2(b) Residential (Medium Density) and No. 3 Business under SSLEP 1998 and generally consistent with the recommended uses in Council's Urban Design Report (UDR), dated July 2008 (see Figure 1).

**Figure 1: Land Uses (UDR)**



The only relevant development standard applicable to the site is an FSR control of 1.5:1 applying to part of Site A under the SSDCP and 1:1 for a residential lot on Little Queen Street. The remainder of site has no FSR controls (see Figure 2). No height controls currently apply to the whole site (see Figure 3).

**Figure 2: FSR Controls SSDCP 1997**

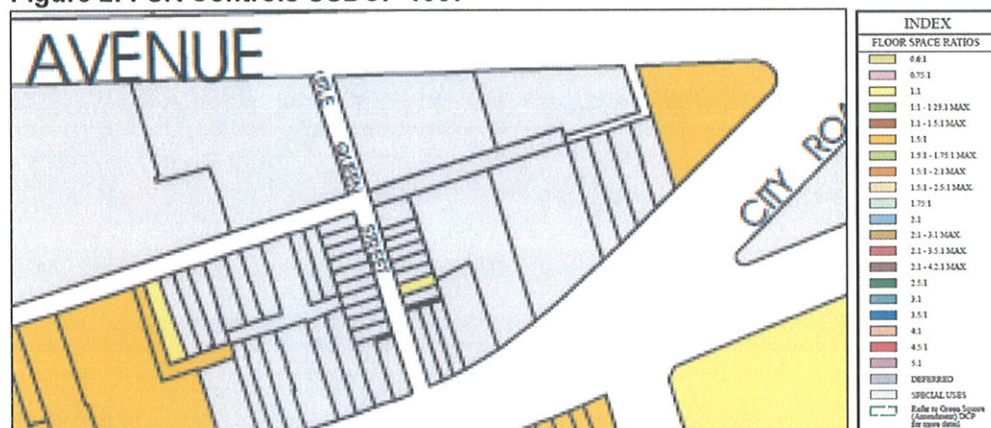
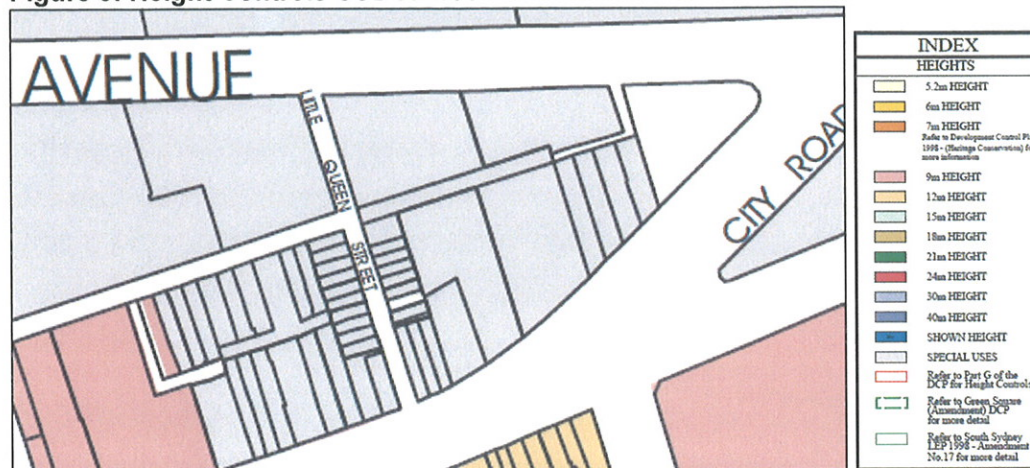


Figure 3: Height Controls SSDCP 1997



Whilst no controls currently apply to the site, controls are proposed to apply to the whole site under Council's draft comprehensive LEP, which are being informed by Council's UDR. The UDR identifies recommended built form controls and desired future character for Chippendale, Camperdown, Darlington, West Redfern and North Newtown area.

The recommended FSR and height controls in Council's UDR primarily reflect the existing built form on the site and aims to maintain a similar scale of development (refer to Figures 4 and 5).

Figure 4: FSR Controls UDR

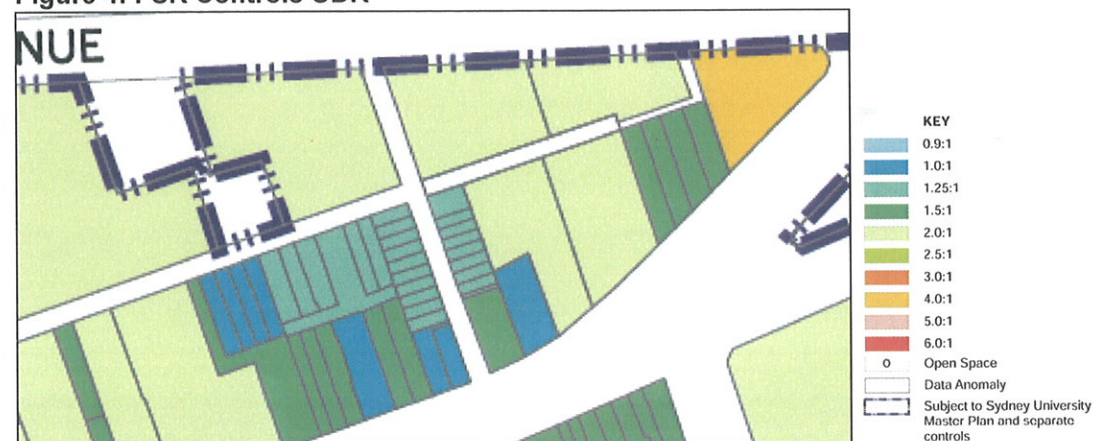
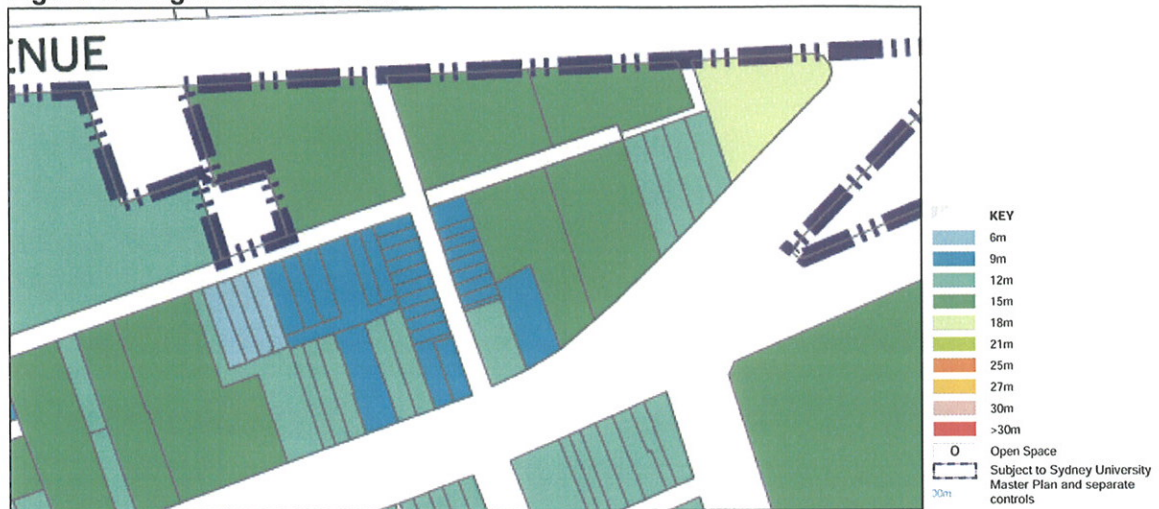




Figure 5: Height Controls UDR



**APPENDIX E    RECOMMENDED                    MODIFICATIONS                    AND**  
**CONDITIONS OF APPROVAL**

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