

Appendix 1 Detailed Response to Issues Raised

Table 3. Detailed Response to Issues Raised in Further Submission from the City of Sydney

1. Sydney LEP		
Issue	Council's Response	Proponent's Response
The proposed 27.95m height exceeds the LEP height control of 9m by 310%.	<p>Objection.</p> <p>The primary building envelope breaches the maximum height development standard by 245%.</p> <p>The LEP definition of building height includes lift over runs thus, the actual extent of non-compliance is 341%.</p>	<p>Council's objection to the process is noted.</p> <p>The proponent disagrees that there are any significant heritage, urban design, landscape and amenity issues arising out of the revised proposal.</p> <p>A clause 4.6 variation is submitted.</p> <p>The revised height is 22.060m including plant and lift overruns (equating to 245% of the height standard).</p>
The proposal exceeds the GFA by approximately 1,514m ² , equating to an FSR of 1.5:1, which is 20% more than the permissible 1.25:1. A maximum GFA of 4,711m ² applies to the site.	<p>Objection.</p> <p>The indicative GFA breaches the FSR development standard by more than 32%.</p> <p>Despite suggestions within the RtS that the envelope has been reduced, the overall GFA remains unchanged at 6225m².</p>	<p>Council's objection to the process is noted.</p> <p>The proponent disagrees that there are any significant heritage, urban design, landscape and amenity issues arising out of the revised proposal.</p> <p>The proposed envelope has been further reduced to approximately 7,190m², with the proposed building within the envelope also been reduced to be a maximum of 6,000m² GFA. Further investigation of existing floor areas in the heritage buildings to be retained has also occurred revealing that the area occupied these buildings had been overestimated (and had included areas of verandas and other spaces not counted as GFA).</p> <p>As a result the revised proposal seeks to exceed the floor space area provided for by the FSR development standard by 951m² (12.6%).</p> <p>A revised clause 4.6 variation is submitted reflecting the revised envelope.</p>

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<p>The proposal does not pass the Clause 4.6 variation test of being of minimal impact or not causing impact. With variations far greater than 10% and a number of significant impacts, the variation request is inconsistent with the 4.6 provision.</p>	<p>Objection.</p> <p>The City maintains its position with regard to the Clause 4.6 variation test.</p>	<p>Council's objection to the process is noted.</p> <p>The proponent disagrees that there are any significant heritage, urban design, landscape and amenity issues arising out of the revised proposal. The further revisions to the proposed envelope have further reduced impacts which are considered minimal.</p> <p>The proponent maintains that the clause 4.6 variation is valid.</p>
<p>2. Heritage</p>		
Issue	Council's Response	Proponent's Response
<p>The proposed envelope is inconsistent with surrounding heritage buildings, particularly St Benedict's Church. It overwhelms buildings within its vicinity due to excessive height, bulk and inadequate setbacks.</p>	<p>Removal of the southwestern corner of the original building envelope will mitigate the proposal's impact on the views towards CB22 from Buckland and Grafton St. The recommendation for the new building height at its southern edge (not to exceed 4 storeys) still stands. A 3 or 4 storey wall on the southern elevation will provide a proper response to the scale, height and building form of the CB22 and CB25. Under the amended proposal, a reduced height at the southern edge will also conform the building form established by the upper level setbacks at its eastern and western edge.</p> <p>A 2m setback at upper levels on the eastern edge of the new building is insufficient to address its impact on the setting and views from UNDA. Therefore, it should be increased, with the extent of increase based on the visual (and overshadowing) analyses.</p>	<p>The proponent has amended the envelope to remove one full level from the southern 'edge' of the building nearest to CB22 to present as a 4 storey wall on the southern elevation in order to address Council's concerns.</p> <p>The proponent has amended the envelope to increase the setback at upper levels on the eastern edge of the new building from 2m to 4m for level 4 and 8.74m for level 5. This additional setback aim is based on further consideration of the heritage context and the opportunities to reduce overshadowing of the UNDA courtyard.</p> <p>The setbacks are designed to ensure that the new building leading edge is well below the gutter line of the UNDA building to the south east and so that the upper floors recede in views from of the new building from the Courtyard in the vicinity of St Benedicts church, with the</p>

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		result that the the heritage buildings remain the most prominent forms in the UNDA courtyard and the new building envelope is generally recessive. The revised setbacks also increase the solar access to the UNDA courtyard maintaining a very high degree of afternoon midwinter sunlight. As a result of the proposed changes, the courtyard will not receive any significant overshadowing from buildings on the UTS site until after 2pm, ensuring that the courtyard receives excellent solar access at the critical lunchtime period. After 2pm, the amount of shadow gradually increases. From approximately 2.30pm around 20% of the courtyard is shadowed by the proposal. By 3pm the proposal shades approximately 50% of the courtyard, however solar access is retained along the full diagonal of the courtyard from the north west to the south east.
Buckland Street Setbacks	Acceptable. As a proportion of the fence is retained and the historical extent of Grafton St is expressed by the amended proposal, the proponent's response is considered acceptable.	Issue resolved
Archaeology	Agreed	Issue resolved
3. Landscape Setting and Tree Removal		
Issue	Council's Response	Proponent's Response
Splayed v orthogonal building form	Acceptable	Issue resolved
The removal of trees T33, T34	Partial Objection. The RtS does not respond to Council's concern regarding the removal of trees T33 and T34. As the proposed envelope and new childcare centre cover a large portion of the site, there will be limited opportunity for replacement planting to be undertaken with species	The proponent notes that the best opportunity for replacement planting to offset the loss of canopy and amenity benefit currently provided by T33 and T34 is in the space between the proposed building and CB25 near the eastern boundary. Accordingly it is proposed to plant up to two substantial height trees with a mature height of 10-15m in order to offset T33 and T34 in this space. The proponent

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	that would replace the loss of canopy, amenity and benefits currently provided by T33 and T34.	also notes, however, that the proposed development will require a new substation, the precise location of which will be determined at Stage 2. As the exact location of the substation and its service lines and access are not yet determined, it is not yet possible to precisely locate these two replacement trees. As a result, the proponent proposes a condition be placed on an approval to that effect, such as: <i>The Stage 2 application shall include two significant trees with a mature height of 10-15m in this space between the proposed new building and CB25 as part of the landscape plan.</i>
Street trees to be Tulip Trees (not Blackbutt Trees)	Objection. This issue is not addressed by the RtS. New tree plantings should comply with the City's Street Tree Master Plan.	The proponent has no objection to complying with the Street Tree Master Plan. This is considered to be a matter for the Stage 2 DA.
4. Height and Overshadowing		
Issue	Council's Response	Proponent's Response
Drawing inconsistency	Resolved	Issue resolved
Overshadowing of Buckland Street residential dwellings	Further information required. The existing and proposed shadow diagrams are unclear in illustrating the actual extent of overshadowing caused by the proposed envelope. Individual diagrams should be provided at hourly intervals between 9.00am and 3.00pm on winter solstice, demonstrating existing and proposed shadow lines to ensure solar access is not reduced to less than 2 hours at any point during this period. The solar access analysis should include views from the sun as well as plan and elevation views. The proposal should demonstrate how sunlight from 9.00am can be achieved to the east elevation, rather than from 9.35am (the current envelope overshadows ground	The proposed envelope has been revised to ensure that no windows of the Buckland Street elevation of 2-4 Grafton Street are overshadowed after 9am on midwinter as a result of the proposal. This is demonstrated on the revised elevational shadow diagram Drawing A1.12. This drawing shows that the shadow of the proposed envelope is no higher than the sills of these windows at 9am. As a result, there is no change to the existing solar access of these windows between 9am and 3pm in midwinter and accordingly no significant impact arising out of the proposed development. There is some overshadowing of the windows of the splayed corner (between Grafton Street and Buckland Street). Drawing A1.16 includes plan shadow diagrams of

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	<p>and level 1 windows at 9.00am). The sun angle at midday is almost parallel to the east façade and is of no effect – 11.35am may also be of little effect though this needs to be demonstrated by the proponent. The revised drawings must demonstrate when the 2 hour period is achieved, if this is at half hours, then those views must be shown, preferably in plan, elevation and as a view from the sun.</p>	<p>the interiors of these rooms hourly between 10am and 12noon. These plan diagrams however demonstrate that these windows retain at least 2 hours of useful solar access during the midwinter morning in accordance with the ADG requirements and the Department's technical note regarding solar access requirements in SEPP 65. It is further noted that these windows do not appear to be living room windows in accordance with the ADG definition (but are bedroom windows). As a result, it is considered that the despite a small amount of overshadowing to the windows on the splay corner, the affected apartments will retain more than 2 hours of sunlight during midwinter which is an acceptable level of solar access for metropolitan Sydney for living areas – bedroom windows do not require solar access under the ADG. As a result, the small level of overshadowing is considered not to give rise to any significant impacts, and the impact on the two affected apartments is minimal.</p>
Overshadowing of UNDA Courtyard	<p>Further information required.</p> <p>A diagram indicating the midday shadows to UNDA should be provided as the current diagrams illustrate impacts between 1.00pm and 3.00pm only.</p> <p>The shadow diagrams show that there is a significant impact at 3.00pm caused by the height of the envelope at the eastern boundary. A reduction in height to two storeys with a setback greater than 2m as originally suggested, would improve sun access at 3.00pm.</p> <p>It is reiterated that the detailed design of the building must reduce, as far as practical, any additional overshadowing on the winter solstice to the external courtyard to the south of St Benedict's Church (UNDA campus).</p>	<p>The revised envelope has been designed to retain solar access to the UNDA courtyard, maintaining a very high degree of afternoon midwinter sunlight. As a result of the proposed changes, the courtyard will not receive any significant overshadowing as a result of buildings on the UTS site until after 2pm, ensuring that the courtyard receives excellent solar access at the critical lunchtime period. After 2pm, the amount of shadow gradually increases, and from approximately 2.30pm around one fifth of the courtyard is shadowed by the proposal. By 3pm the proposal shades approximately half of the courtyard, with solar access retained along the full diagonal of the courtyard from the north west to the south east.</p> <p>Revised shadow diagrams at half hourly intervals from 12noon and 3pm have been provided showing the existing situation and as proposed.</p>

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		It is considered that the UNDA courtyard (which is a private non-residential open space) retains an excellent level of amenity with the courtyard enjoying solar access for the entire afternoon, and with no significant impact until after 2pm, and with solar access retained to the full diagonal width of the courtyard by 3pm.
Height above 9m	<p>Objection.</p> <p>The revised envelope does not satisfy the urban design principles set out in the City's previous advice.</p> <p>Overshadowing impacts to the eastern façade of 2-4 Grafton Street and to the external courtyard to the south of St Benedicts Church (UNDA Campus) are still significant issues and require additional information to quantify the impact as noted above.</p>	<p>The urban design form of the proposed envelope addresses Council's urban design principles with setbacks to the heritage buildings, responses to the alignment of Grafton Street, further setbacks to the eastern boundary and further retention of the heritage fence all incorporated in the revised envelope.</p> <p>Overshadowing of the 2-4 Grafton Street is resolved with all windows in the eastern elevation unshaded after 9am, and the windows on the splayed corner (between Grafton Street and Buckland Street) demonstrated to have at least 2 hours of useful solar access in accordance with the SDG requirements and the Department's technical note regarding solar access requirements in SEPP 65.</p> <p>As discussed above, the UNDA courtyard, (which is a private non-residential open space) retains an excellent level of amenity with the courtyard enjoying solar access for the entire afternoon, and with no significant impact until after 2pm, and with solar access retained to the full diagonal width of the courtyard by 3pm. This is considered to be a minimal impact.</p>
5. Building form		
Issue	Council's Response	Proponent's Response
Splayed v orthogonal building form	Resolved	Issue resolved
Floor to floor heights	Acceptable	Issue resolved
6. Design Excellence		

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Issue	Council's Response	Proponent's Response
Design Excellence	Agreed	Issue resolved
7. Access Connectivity and Transport		
Issue	Council's Response	Proponent's Response
Vehicle access point	<p>No approval should be granted to vehicular access points as part of the Stage 1 development application.</p> <p>Consideration of these matters should form part of a Stage 2 application, incorporating heritage concerns arising from the palisade fence.</p>	<p>Issue resolved</p> <p>The proponent does not object to vehicular access being part of the Stage 2 application.</p> <p>Note: Council has already approved a vehicle access to the site from Buckland Street, including the permanent removal of 4.5m of palisade fence as part of DA 2012-1398 Mod 01.</p>
Bicycle and Green Travel Plan	<p>Partial Objection.</p> <p>Irrespective of current bicycle parking arrangements, bike spaces and EOTF should be incorporated within the development to accommodate the needs of current and future student and staff numbers.</p> <p>The submission of a Green Travel Plan prior to issue of an Occupation Certificate is acceptable.</p>	<p>The proponent does not object to the proposed timing of the Green Travel Plan.</p> <p>UTS maintains that current proposal, to provide bicycle parking at Building 10, as a university wide coordinated approach to bicycle parking, is the best response to providing this infrastructure in the particular circumstances of the site. Building 10 is less than 5 minutes walk from the site and provides for a large number of secure bicycle parks, together with state-of-the-art end of trip facilities.</p>
Service vehicles	<p>Agreed.</p> <p>The approval of vehicular access and servicing arrangements should be considered as part of a Stage 2 detailed development application.</p>	Issue resolved
8. Contamination and Acid Sulphate Soils		
Issue	Council's Response	Proponent's Response
A detailed environmental site assessment and acid sulfate soils management plan will be submitted as part of a Stage 2 DA	Agreed	Issue resolved

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9. Flooding, Stormwater and Public Domain

Issue	Council's Response	Proponent's Response
Flood Planning Levels	The recommended flood planning levels (FPL) by WMA Water shall be considered as part of a future Stage 2 detailed design application.	Issue resolved
Stormwater management plan to be submitted as part of a Stage 2 DA	Agreed	Issue resolved
The existing asphalt footway on Buckland Street is in disrepair and in need of an upgrade.	This issue has not been addressed within the RtS. Nonetheless, details regarding the public domain can be addressed as part of a Stage 2 application.	Issue resolved The proponent does not object to public domain being addressed part of the Stage 2 application.

10. Lot Consolidation

Issue	Council's Response	Proponent's Response
Lot consolidation as part of Stage 2 DA	Agreed	Issue resolved