



13304
11 November 2015

Ms Carolyn McNally
Secretary
Department of Planning and Environment
23-33 Bridge Street
SYDNEY NSW 2000

Attention: Megan Fu

Dear Ms McNally

**REQUEST FOR SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS
BUILDING 1 AND BUILDING 2, UNIVERSITY OF TECHNOLOGY CITY CAMPUS, BROADWAY
PRECINCT**

We are writing on behalf of the University of Technology Sydney (UTS) in support of a request for the Secretary's Environmental Assessment Requirements (SEARs) relating to the UTS Central project, more specifically the extension of Building 1 (podium) and redevelopment of Building 2 at the City Campus, Broadway Precinct.

As the proposed development is for the purpose of an educational establishment and has a capital investment value in excess of \$30 million it is State Significant Development (SSD) for the purposes of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

To support the request for the SEARs, this letter provides an overview of the proposed development, sets out the statutory context, and identifies the key likely environmental and planning issues associated with the proposal. Also enclosed is the current indicative design details prepared by fjmt.

1.0 BACKGROUND

The long term strategic vision for UTS is 'to be one of the world's leading Universities of Technology'.

On 23 December 2009 a critical step in realising UTS's vision and identity for the Broadway Precinct was realised, with approval of the UTS City Campus Broadway Precinct Concept Plan (BPCP) – approved under the former Part 3A of the EP&A Act (MP 08_0116).

The approved Concept Plan included:

- New Broadway Building and Thomas Street Building with a combined gross floor area (GFA) of 44,650m²;
- Expansion of Buildings 1 and 2 with a combined additional GFA of 10,800m²;
- Expansion of Building 6 for the provisions of student housing with an additional 25,250m² GFA;
- Modifications to Buildings 3, 4 and 10;
- Modifications to Alumni Green with a new Multi Purpose Sports Hall and book vault beneath; and
- Public domain improvements to Broadway and Thomas, Harris, Wattle and Jones streets.

The Minister also granted Project Approval for the following works:

- Construction of a new underground Multi Purpose Sports Hall; and
- Demolition of Buildings 11, 12 and 13.

Since the Concept Plan was approved, UTS has secured the necessary detailed planning approvals and delivered a number of state of the art and iconic learning, research and social facilities across the Broadway Precinct.

One of the last remaining stages of the Concept Plan to be implemented relates to Building 1 and Building 2. In this regard, UTS undertook a competitive design process for Building 1 and Building 2 (Podium Extensions) in 2010, with Lacoste + Stevenson in association with Darryl Jackson Robin Dyke Architects (Lacoste + Stevenson) awarded the design commission.

UTS subsequently lodged a s75W modification application (MOD 5) to the Concept Plan in August 2015 that seeks to expand and increase the height of the building envelope for Building 2 and consequently increasing Gross Floor Area. The proposed amendments to the Concept Plan are principally in response to increases in student numbers and research capacities.

With Lacoste + Stevenson winning the design competition for the extensions to the Building 1 and Building 2 Podium, UTS has directly engaged fjmt to work in collaboration with Lacoste + Stevenson to design and deliver the new and expanded Building 2.

This SEARs request therefore relates to the detailed development of the Building 1 podium extension (as always envisaged and approved under the Concept Plan), along with the new Building 2 (as proposed within the Concept Plan modification application – Mod 5).

1.1 Previous DGRs

It is noted that the Building 1 and Building 2 podium extension project previously received Director-General's Requirements under the former Part 3A regime (MP 09-0211). Whilst these DGRs are now lapsed, they served as a useful guide to what is expected to be prepared in support of the proposed UTS Central project.

2.0 THE SITE

The Broadway Precinct of the UTS City Campus is located on the southern edge of the Sydney Central Business District with frontages to Broadway, and Thomas, Wattle and Harris Streets (see **Figures 1, 2, and 3**). Central station is located less than 500m to the east.

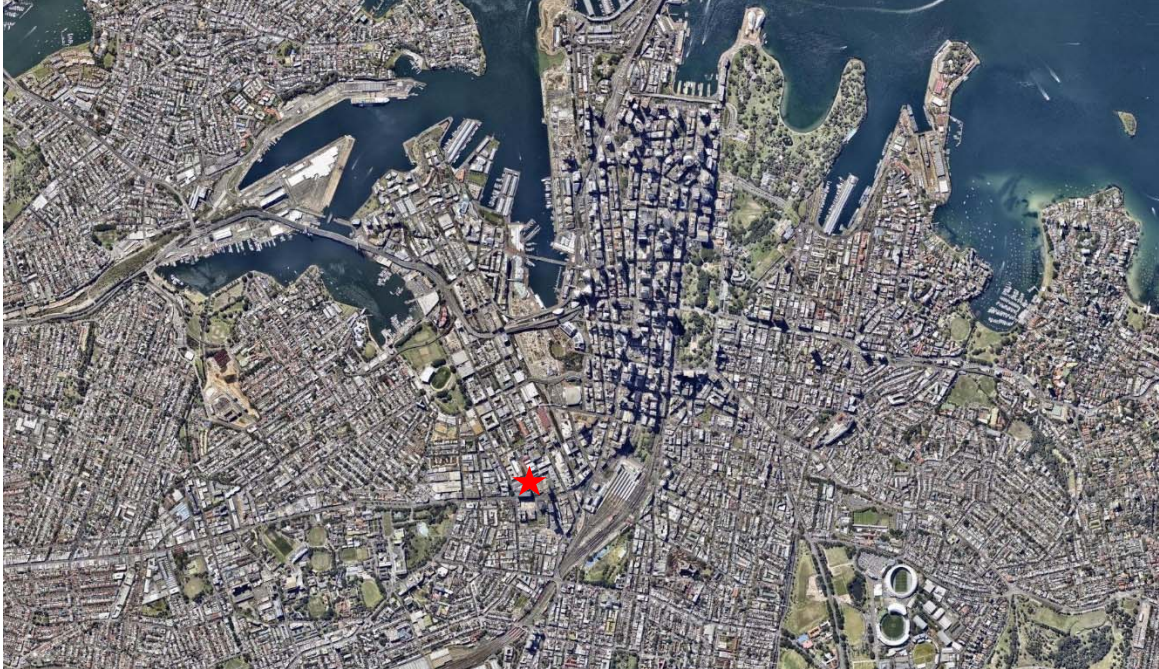


Figure 1 – Locational Context Aerial Plan

Source: Nearmap

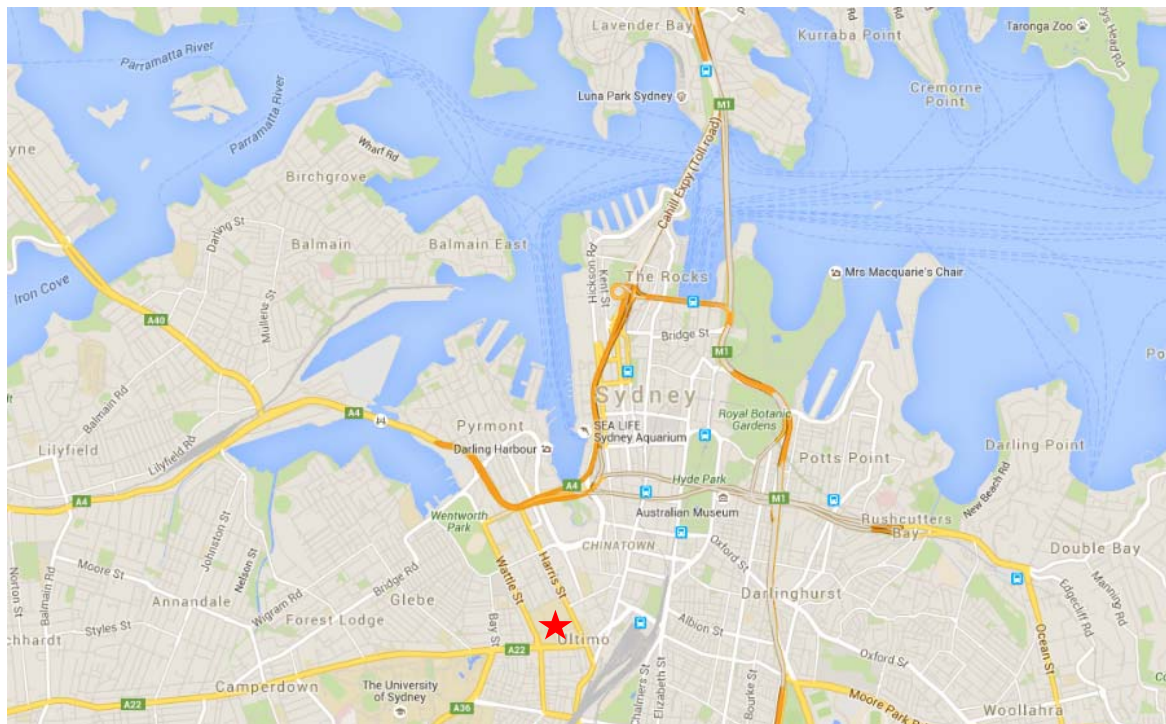


Figure 2 – UTS Broadway Precinct Site Context

Source: Nearmap

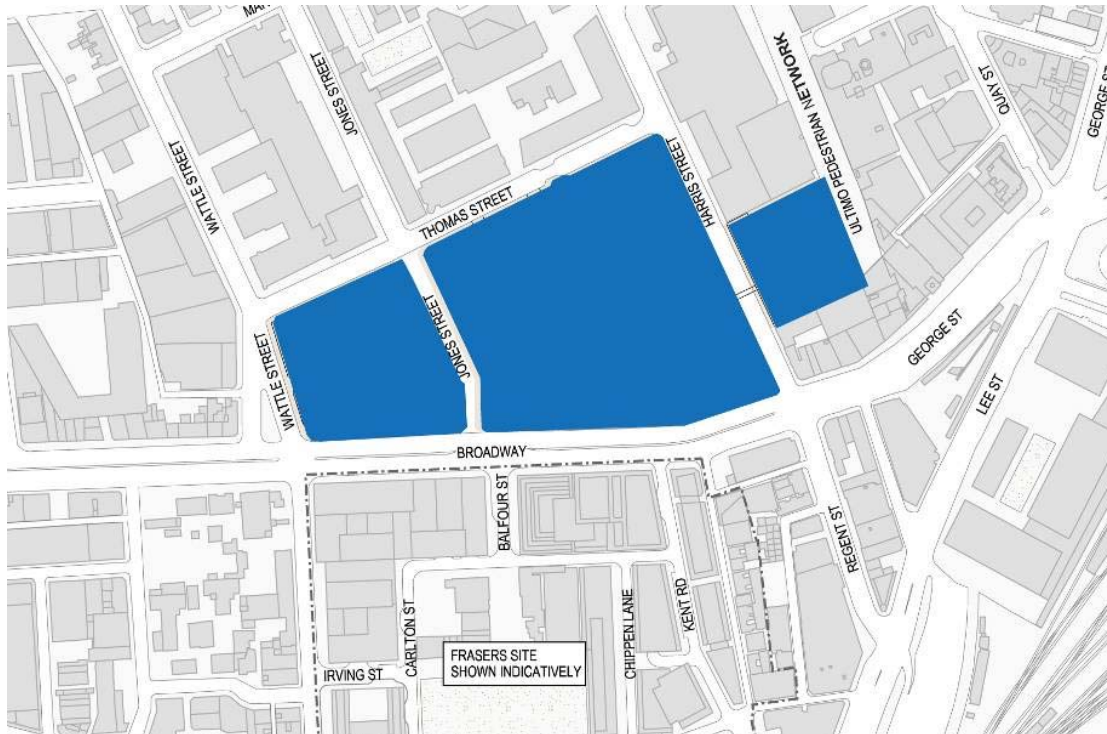


Figure 3 – UTS Broadway Precinct extent (highlighted in blue)

More specifically the UTS Central project site relates to Building 1 (excluding the Building 1 tower) and Building 2 of the Broadway Precinct, refer to **Figure 4**.

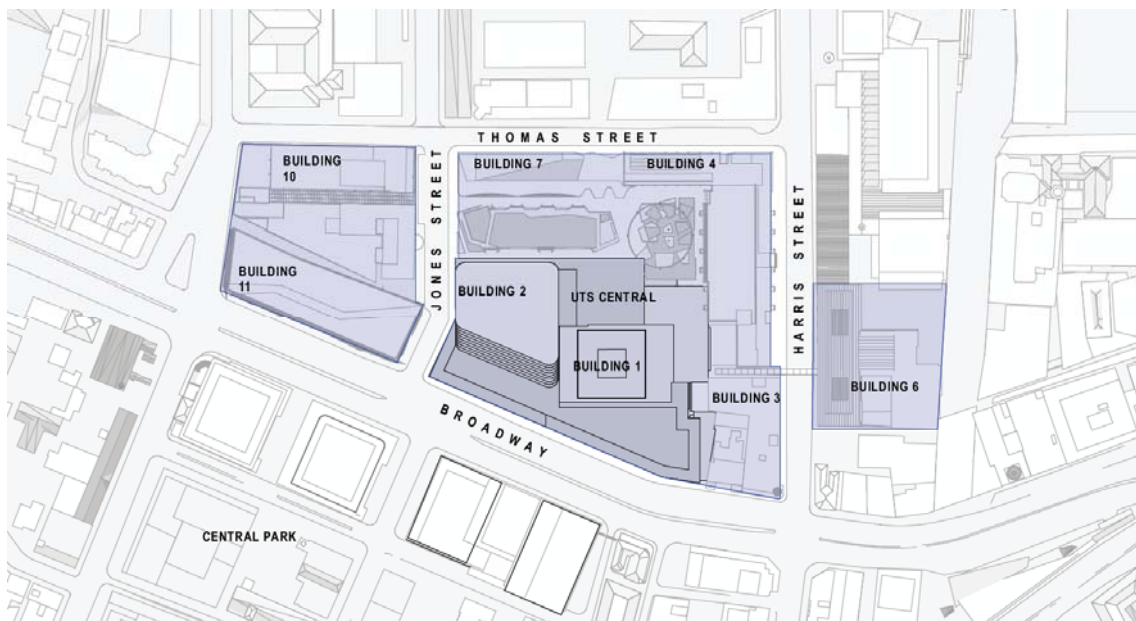


Figure 4 – UTS Central project site location plan

3.0 THE PROJECT

The project entails three key elements, namely the extension to the existing Building 1 podium (A), new Building 2 podium (B), and new floors above the new Building 2 podium (C) - refer to **Figure 5**.

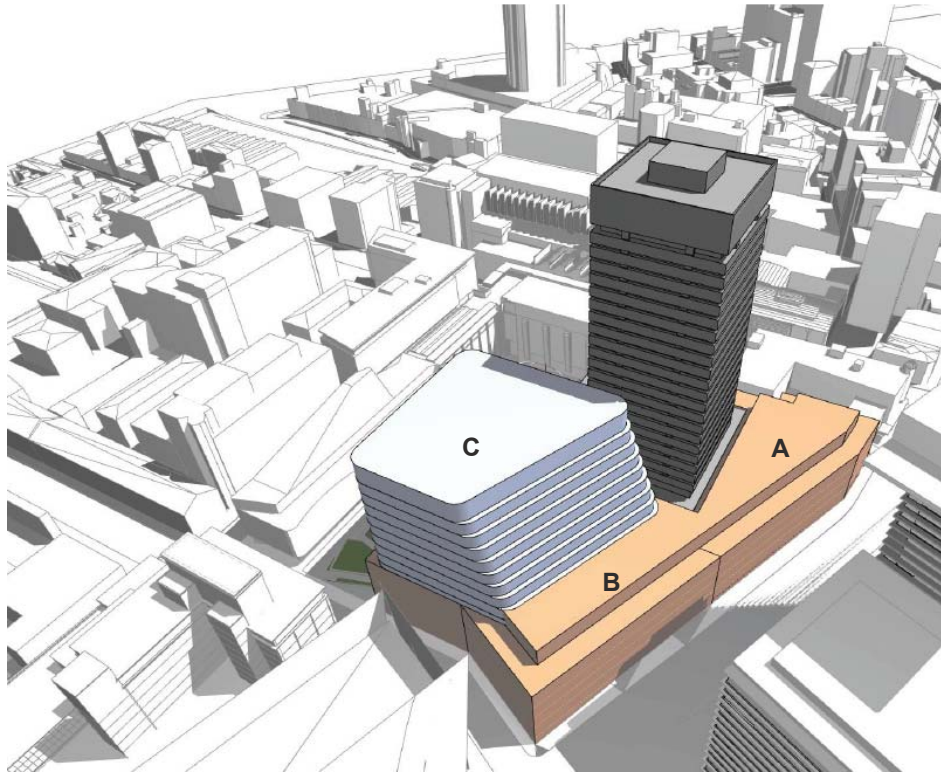


Figure 5 – UTS Central project scope

As noted, the design for the Building 1 podium extension and new Building 2 podium has been prepared by Lacoste + Stevenson following a design competition. **Figure 6** provides an illustration from Broadway of the design concept. The proposed development will create a significant new campus entrance of a human scale (4 – 5 storeys) and enhance UTS's frontage to Broadway. To deliver this component, the existing Building 2 will be demolished down to ground level. The demolition of Building 2 rather than retention and refurbishment allows for significant advantages and benefits, including enabling seamless interaction and connections with the existing Building 1 podium.



Figure 6 – Lacoste + Stevenson winning design competition entry for Building 1 and Building 2 podium

Above the new Building 2 podium, there are proposed to be nine (9) additional floors, accommodating a range of educational uses, such as:

- Library (part)
- Research
- Teaching
- Informal Learning
- Academic (including Faculty space)

The additional floors incorporate significant setbacks to Broadway and the existing Building 1 tower.

fjmt will lead the design of the proposed additional floors above Building 2, with the design still being developed. Accompanying this SEARs request are details of the current indicative design scheme for the project.

No material changes are proposed to existing vehicle access or parking arrangements.

4.0 PERMISSIBILITY AND STRATEGIC PLANNING

The following are the key relevant legislation and environmental planning instruments that will apply to the proposed development:

- *Environmental Planning and Assessment Act 1979*;
- NSW 2021: A Plan for Growing;
- A Plan for Growing Sydney;
- NSW Tertiary Education Plan;
- Sustainable Sydney 2030;
- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy (Infrastructure) 2007;
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Harbour REP); and
- Sydney Local Environmental Plan 2012.

4.1 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) establishes the assessment framework for State Significant Development. Under Section 89D of the EP&A Act the Minister for Planning is the consent authority for State Significant Development. Section 78A(8A) requires that a development application for SSD is to be accompanied by an Environmental Impact Statement (EIS).

Under the EP&A Act (Clause 3B of Schedule 6A - Transitional arrangements—repeal of Part 3A) the Concept Plan Approval is a "Transitional Part 3A project" on the basis that it is a project that is the subject of an approved concept plan (whether approved before or after the repeal of Part 3A).

The Concept Plan Approval (MP 08_0116) therefore continues to have substantial weight and force. The following clauses also collectively have the effect of reinforcing the terms of the approval of the Concept Plan (Schedule 2 of the Concept Plan Approval) and confirm that they prevail despite anything to the contrary in an environmental planning instrument or development control plan.

3B Provisions applying with respect to approval of concept plans

(1) This clause applies to development (other than an approved project) for which a concept plan has been approved under Part 3A, before or after the repeal of Part 3A, and so applies whether or not the project or any stage of the project is or was a transitional Part 3A project.

(2) After the repeal of Part 3A, the following provisions apply (despite anything to the contrary in section 75P (2)) if approval to carry out any development to which this clause applies is subject to Part 4 or 5 of the Act:

...

(c) any development standard that is within the terms of the approval of the concept plan has effect,

The maximum gross floor area, building height, land use, and other controls specified in the Concept Plan Approval (Schedule 2) function in effect as development standards and therefore continue to apply to the site and future development applications.

(d) a consent authority must not grant consent under Part 4 for the development unless it is satisfied that the development is generally consistent with the terms of the approval of the concept plan,

This subclause reiterates that consistency with an approved Concept Plan is required and paramount.

(f) the provisions of any environmental planning instrument or any development control plan do not have effect to the extent to which they are inconsistent with the terms of the approval of the concept plan,

In the hierarchy of legislation, the EP&A Act takes precedence over lower order environmental planning instruments including State instruments (State Environmental Planning Policies - SEPPs) and local instruments (Local Environmental Plans – LEPs). This means that the EP&A Act's Transitional arrangements—repeal of Part 3A (and consequently the Concept Plan Approval) prevail over existing local instruments (i.e. Sydney LEP 2012) in the event of an inconsistency.

4.2 A Plan for Growing Sydney

The proposal aligns with a number of key directions and actions outlined within the pre-eminent strategic plan for Sydney. In particular, the following goals:

Goal 1: A competitive economy with world class services and transport

- Responds to the need to meet Sydney's growing needs in education;
- Supports new opportunities to grow the Sydney CBD footprint south;
- Supports the growth of tertiary education activities in a strategic centre/significant metropolitan health and education precinct; and
- Supports one of the NSW Government's priority industries (i.e. international education and research).

Goal 3: A great place to live with communities that are strong, healthy and well connected

- Supports the delivery of a precinct that builds upon Sydney's vibrant cosmopolitan culture;
- Will provide an opportunity to create a new healthy built environment; and
- Matches a growing community with better access to jobs and essential social/cultural infrastructure.

Goal 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

The proposal enables the provision of additional density within a highly suitable urban infill location and therefore takes pressure off potential impacts on the natural environment (often) associated with urban sprawl.

Central Subregion

Key priorities established under the Plan for the Central Subregion (which includes the City of Sydney LGA) that the proposal supports include:

- Supporting Global Sydney as a transformative place;
- Providing capacity for additional mixed use development in the precincts that make up Global Sydney; and
- Enhancing the Sydney CBD as Australia's premier location for employment, vibrant land uses, cultural activity, and iconic buildings/places.

Further, The Plan includes a specific priority for Broadway and Camperdown Education and Health Precinct in which the proposal supports:

“Support education-related land uses and infrastructure around Sydney University, University of Technology Sydney, and Notre Dame University.”

4.3 State and Regional Development SEPP 2011

The State and Regional Development SEPP identifies development which is declared to be State Significant.

The proposal development, relating to an Educational Establishment and having a capital investment value of more than \$30 million, is declared under Clause 15 of Schedule 2 of SEPP SRD to be State Significant Development (SSD) for the purposes of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

4.4 Sydney LEP 2012

The UTS Central project site, along with more broadly UTS Broadway Precinct is zoned B4 Mixed Use under Sydney LEP 2012.

This zone permits a wide range of uses, including educational establishments.

In terms of relevant development standards under the LEP, it is noted that the proposal relates to a stage of development in which a Transitional Part 3A Concept Plan applies. Subject to the proposed modification to the Concept Plan being approved, the proposal will be consistent with the Concept Plan and therefore as noted above it will prevail over any inconsistencies with the Sydney LEP. Accordingly, whilst the LEP is a matter for consideration, it is not a key matter as would be typical if there was not a Transitional Part 3A Concept Plan in place.

Included at **Attachment A** is a formal request to waive the requirement of a competitive design process under Clause 6.21 and a development control plan under Clause 7.20 of Sydney LEP 2012.

5.0 PRELIMINARY IMPACT IDENTIFICATION AND RISK ASSESSMENT

The following impacts and risks associated with the proposal are summarised below and will be addressed in detail in the EIS.

5.1 Built Form and Design Excellence

The proposed development will establish a new built form element along Broadway and strengthen the western gateway to the Sydney CBD. The height, bulk and scale of the development with respect to surrounding context will therefore be a key issue to be addressed (this said the key built form principles of the proposal are/will have been established under the Concept Plan and as proposed to be modified under Mod 5 to the Concept Plan).

This will include a comprehensive response in relation to:

- The approved and as proposed to be amended Concept Plan;
- The interface with existing development and adjoining development under construction, and public domain;
- Design excellence and the design quality of the proposal, including site layout, siting and design, vistas and connectivity, street activation, pedestrian spaces, building massing, articulation, materials and finishes;
- Relationship of maximum building height to other development including Central Park and more broadly the expanding southern CBD corridor; and
- Visual impact when viewed from the public domain and key vantage points around the site.

5.2 Traffic, parking and accessibility

The site is highly accessible by public transport. The proposal is not expected to incorporate any material changes to the existing parking, servicing and access arrangements.

A traffic, parking and accessibility study will nonetheless be prepared to accompany the EIS and will refer to and build upon previous studies undertaken – including the Transport Management and Accessibility Plan (TMAP) prepared in support of the original Concept Plan.

5.3 Sustainability

Opportunities to incorporate ESD measures within the project will be detailed within the EIS and align with the commitments made within the Concept Plan (i.e. targeting a minimum 5 Star Green Star Design plus As Built Rating).

5.4 Wind

Local wind conditions along surrounding streets and Alumni Green could potentially change due to increased massing as associated with the proposed development.

Wind effects will be addressed in the design of the building and a detailed wind impact assessment will be undertaken as part of the development application. If necessary, measures to mitigate any impacts will be incorporated into the design.

5.5 Overshadowing

The additional floors above the Building 2 podium are configured to preserve solar access to all apartments within One Central Park in accordance with the planning controls/framework established for that site. A detailed shadow impact study of the development will be undertaken for the development application.

5.6 Visual and View Impacts

The proposal will have some impacts on private views experienced from One Central Park opposite. The proposal will continue to provide reasonable outlook for all dwellings. It is unreasonable to expect that views from all of the adjoining residences should remain unobstructed, especially given the site's context within a Global City.

Impacts on views experienced from the public domain are expected to be negligible given the scale of the proposal and the limited viewing opportunities of the proposal. A detailed visual and view impact analysis will be prepared and submitted in support of the development application.

5.7 Construction and Operational Impacts

The EIS will address and consider the construction and operation impacts of or on:

- Noise and vibration;
- Soil, groundwater, and geotechnical attributes of the site and environs;
- Tree replacement/landscaping;
- Staging/decanting;
- Construction traffic;
- Stormwater and air-borne pollutant control; and
- Servicing and infrastructure for the development.

5.8 Landscaping and Public Domain

A number of opportunities are being explored to provide an enhanced public domain along Jones Street and Broadway, along with additional new open space and recreational opportunities for staff and students on the subject site (i.e. rooftops). Relevant details and plans will be prepared and submitted with the EIS.

6.0 EXPECTED DELIVERABLES

To assist in confirming the SEARs, we have undertaken an analysis based on our experience of what the expected deliverables will be to support the EIS, which include:

- Owner's Consent
- DA Fees
- QS Certificate
- Environmental Impact Statement (EIS)
- Site Survey Plan
- Architectural Package (design statement and drawings)
- Photomontages/Perspectives
- Wind Impact Assessment
- Reflectivity Analysis
- Visual and View Impact Analysis
- Acoustic/Noise Impact Assessment
- Traffic, Parking and Access Statement
- Public Domain Plan / Landscape Plan and Design Statement
- ESD Report/Strategy
- Services and Infrastructure Report
- Stormwater/OSD Concept Report and Plans
- Contamination Report/Remediation Action Plan/Site Audit Statement (as relevant)
- Geotechnical Report
- Structural Design Report (as relevant)
- Waste Management Plan
- Construction Management Plan/Environmental Management Plan / Construction Traffic Management Plan
- BCA Statement
- Fire Engineering Report (as relevant)
- Accessibility Statement
- Stakeholder and Community Engagement Report (as relevant)

7.0 CONSULTATION

In preparing the EIS, it is expected that consultation will occur with a number of organisations, groups, and government agencies.

8.0 CONCLUSION

The Capital Investment Value (CIV) of this educational establishment project is over \$30 Million and in excess of the requisite State Significant Development threshold.

On the basis that the project falls within the requirements of clause 15 of Schedule 2 of the SRD SEPP, UTS formally requests the Department issue the SEARs for the project to facilitate the preparation of the Environmental Impact Statement to accompany the DA for the project.

Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or acella@jbaplanning.com.au.

Yours faithfully



Alexis Cella
Associate

Enc:

Request for Waiver from Clause 6.21 and 7.20 of Sydney LEP 2012
Indicative Design Report prepared by fjmt