



AC  
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

**UTS CENTRAL  
REQUEST FOR WAIVER FROM CLAUSES 6.21 AND 7.20 OF SYDNEY LEP 2012**

We are writing on behalf of the University of Technology Sydney (UTS), the proponent for the UTS Central project, more specifically the extension of Building 1 (podium) and redevelopment of Building 2 at the City Campus, Broadway Precinct.

This letter has been prepared in conjunction with the request for the Secretary's Environmental Assessment Requirements in relation to the UTS Central project, being a State Significant Development for the purposes of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

More specifically this letter responds to the Department's request for formal correspondence seeking a waiver from the provisions of Clause 6.21 and Clause 7.20 of *Sydney Local Environmental Plan 2012* (Sydney LEP 2012).

As detailed in previous discussions and correspondence issued to the Department, we are of the view that it would be unreasonable and unnecessary for UTS to comply with these provisions of Sydney LEP 2012, as outlined below.

**Clause 6.21 Design Excellence**

The design excellence provisions at Clause 6.21 of Sydney LEP 2012 seek to deliver the highest standard of architecture and urban design, and apply to development involving the construction of a new building, as well as external alterations to an existing building.

Clause 6.21(4) requires the consent authority to consider a number of elements in determining whether a development achieves design excellence. Clause 6.21(5) requires a competitive design process to be held if the proposed development is greater than 25 metres in height (amongst other triggers).

Whilst the proposed development would trigger the requirement for a competitive design process, Clause 6.21(6) goes on to say that:

...

(6) *A competitive design process is not required under subclause (5) if the consent authority is satisfied that **such a process would be unreasonable or unnecessary** in the circumstances or that the development...*

....

We are of the view that a competitive design process would be unnecessary and unreasonable in the circumstances, as outlined below.

### **Background to Design Excellence at UTS**

The achievement of design excellence for new development across the Broadway Precinct (and Haymarket Precinct) has been an important theme since the master planning process first started back in the 2000s, and is clearly linked to the long term strategic vision for UTS which is 'to be one of the world's leading Universities of Technology'.

UTS is committed to design excellence for new development approved under the Concept Plan. A mix of techniques are being utilised to achieve design excellence.

Design competitions have been undertaken to deliver (amongst other facilities):

- The Faculty of Engineering and IT Building – refer to **Figure 1**;
- Alumni Green – refer to **Figure 2**; and
- The Faculty of Science and Graduate School of Health Building – refer to **Figure 3**.

With completion of all of these projects it is abundantly clear that UTS's Broadway Precinct is a campus raising the bar and at the forefront of achieving design excellence.



**Figure 1 – Faculty of Engineering and IT Building**



**Figure 2 – Alumni Green**





**Figure 3** – Faculty of Science and Graduate School of Health Building

#### **Background to Design Excellence for UTS Central Project**

UTS went through a competitive design process for the Building 1 and Building 2 Podium Extension project, with Lacoste + Stevenson in association with Darryl Jackson Robin Dyke Architects (Lacoste + Stevenson) awarded the design commission in 2010 (refer to **Figure 4**). Since then, it has become clear that the Broadway Precinct needs to accommodate an additional 4,500 students by 2020. With the Concept Plan clearly well progressed in its delivery, there remains realistically only one site left capable of accommodating the increased student load, being the Building 2 site.

With UTS's desire to deliver on the vision and concept of the winning Lacoste + Stevenson podium design, the opportunity to meet educational demands presents itself in providing additional floors above the Building 2 podium.



**Figure 4** – Lacoste + Stevenson winning design competition entry for Building 1 and Building 2 podium

When selecting the architect for the new scope for Building 2, UTS was mindful of the need to select a firm that was compatible with the winners of the Building 1 and Building 2 Podium Extension Competition – Lacoste + Stevenson, and included as key criteria for selection:

- Methodology for collaboration with Lacoste + Stevenson;
- Adoption and full integration with the Lacoste + Stevenson scheme;
- Experience with University work; and
- Philosophy regarding contemporary library design.

A public expression of interest was accordingly launched in January 2014, with 22 submissions received. From these 22, six (6) firms were invited to participate in a Request for Tender (RFT) process/stage.

Evaluation of the RFT submissions resulted in the short listing of four (4) firms, with inspections subsequently undertaken by UTS of completed buildings by these firms. Ultimately, the selection panel were of the collective opinion that **fjmt** were the most suitable practice with a clear workable synergy with Lacoste + Stevenson and an exemplary record of design excellence.

It is considered that this approach of directly appointing/selecting the architect (fjmt) in this instance is valid and appropriate where it is necessary for the integration of the competition winning podium scheme into the broader UTS Central project.

**Undertaking a competitive design process would be unreasonable in these circumstances because:**

- UTS is committed to achieving and has a proven track record of delivering design excellence across its City campuses. Whilst acknowledging its place and importance, this outcome is not solely reliant on undertaking competitive design processes.
- The proposal represents an important piece of social infrastructure and will provide a significant public benefit. The development incorporates a new library, which is a critical component of a University. The time and expense associated with conducting a competitive design process as set out in Council's Competitive Design Policy would unnecessarily delay the delivery of this infrastructure, and would divert funds from the provision of this infrastructure.
- The most visible aspect of the project and that which has the greatest interaction at street level with the public domain (i.e. the podium along Broadway) has been through a competitive design process.
- There are a number of complexities in the delivery of this project, especially given the interrelationships and integration of the project both horizontally and vertically across the campus. There are also a number of very specific spatial and functional requirements, along with site specific constraints, such as:
  - Having no additional shadow impacts on One Central Park;
  - Ensuring appropriate building separation to Tower 1; and
  - Responding to a height datum set by One Central Park (west).

In effect, there are limited alternative design solutions/options available.

- Some of the best and most functional University designs arise from the architect and user groups working in a creative partnership, which is necessary in this case given the complex detailed user requirements. This partnership develops over time through collaboration and through building trust - a competitive design process would not facilitate this relationship.
- Precedent has previously been established within the locality (i.e. Central Park) in terms of a mix of processes and methodologies for achieving design excellence, e.g. competitive design processes and direct appointment.
- The design involves some highly specialised aspects and is strongly informed by the University's existing infrastructure, operational management, and staging/decanting strategies.
- UTS has chosen fjmt from a field of university/education-specialist architects with superior design capability.

- Fjmt's credentials are demonstrably equal to any other high calibre Australian architect that Council would be seeking to attract through a competitive design process.
- It is possible to achieve a high level of design, equal to the standards achieved through design competitions, by proceeding with fjmt and Lacoste + Stevenson and through a consultative review process including the UTS Central Project Control Group<sup>1</sup>, Council and Departmental officers.

Whilst UTS has not undertaken a competitive design process for this aspect of the UTS Central project, UTS and its design team is committed to achieving design excellence in accordance with Clause 6.21(4) of Sydney LEP 2012. The future State Significant Development Application to be submitted for the UTS Central Project will detail more specifically how design excellence is achieved, including addressing Clause 6.21(4) of Sydney LEP 2012.

#### **Fjmt credentials**

Francis-Jones Morehen Thorp is a multi-award-winning Australian architectural practice dedicated to design excellence and the enhancement of the public domain. Through studios in Sydney and Melbourne, and project offices interstate and overseas, fjmt undertake public, institutional, commercial and residential commissions throughout Australasia and recently in Europe.

Of critical relevance to this project is fjmt's unrivalled track record and history of delivering tertiary education buildings. Accompanying this letter is a selection of key public and civic buildings, tertiary education buildings, and commercial buildings designed by fjmt which demonstrate the ongoing delivery of design excellence in buildings similar to that proposed by this project.

Importantly, fjmt have the capabilities and experience to appreciate the intricacies of and successfully deliver important tertiary education buildings in partnership with public authorities. Additionally they have extensive experience in library design and the requirements of Universities.

#### **Clause 7.20 Development Requiring Preparation of a Development Control Plan**

Clause 7.20(2)(b) requires the preparation of a DCP for land that will result in buildings greater than 25 metres in height. This would ordinarily apply to the building the subject of this application. It is considered that a waiver from this requirement is appropriate on the basis that it would be unreasonable or unnecessary to prepare a DCP, or undertake a two-stage DA process in these circumstances.

The reasons for this are generally consistent with those outlined above with respect to the competitive design process and relate to: the constrained nature of the site, the specialist nature and functional requirements of university design, the fact that a competitive process has already been undertaken for the most visible component of the project, and absence of significant impacts on surrounding properties, as well as the need to provide this important piece of social infrastructure within the University's program constraints.

Furthermore, it would unduly duplicate a process and outcome that has already effectively been provided for under the approved Part 3A Concept Plan (MP08\_0116), which includes:

- Building envelopes;
- Urban Design Principles; and
- Design Quality Controls

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<sup>1</sup> The purpose of the PCG includes review in regard to meeting Design Excellence requirements and maintaining the standard of design achieved in the three major buildings recently completed on the UTS City Campus (being the Faculty of Science and Graduate School of Health Building, The Dr Chau Chak Wing Building, and the Faculty of Engineering and IT Building). The PCG meets bi-monthly, and membership includes representatives of the UTS Executive and Professor Desley Luscombe - Dean UTS Faculty of Design Architecture and Building. Outside of the PCG process, Professor Luscombe has also provided additional review and guidance to the design team.

We trust that this information provides the Department with the detail required to form a view that strict compliance with Clauses 6.21 and 7.20 of Sydney LEP 2012 is not reasonable or necessary in these circumstances, and request that the Department provides UTS with written confirmation of this exemption.

Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or [acella@jbaurban.com.au](mailto:acella@jbaurban.com.au).

Yours faithfully,



Alexis Cella  
*Associate*



29th July 2015

## **Faculty of Law (University of Sydney)**

Following an international design competition, fjmt was commissioned to design this noteworthy development that represented a unique opportunity to transform a key site into a powerful new campus identity and gateway.

The design is uncompromisingly modern, providing state-of-the-art workplace, study and learning environments, general teaching spaces, lecture theatres, library, retail, basement car parking and integrated public domain. It incorporates significant sustainable innovation including a double-skin ventilated façade with occupant controlled timber louvres, to control solar gain and glare, mixed-mode, chilled-beam and displacement air-conditioning, precinct stormwater collection and an iconic light tower which fills below-grade spaces with an abundance of filtered, natural light.

The project has received numerous awards including AIA awards for Architecture, Urban Design and Sustainability.



### **Directors**

Richard Francis-Jones  
Jeff Morehen

### **Principals**

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Christine Kwong  
Sean McPeake  
Johnathan Redman  
Adrian Yap

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## **Surry Hills Library and Community Centre**

Located in the heart of Surry Hills and replacing the existing library and neighbourhood centre, this 'hybrid' building is many different things in one: a library/resource centre, community and childcare centre all integrated into one modest building accessible by all. On the southern edge, the Collins Street road closure was converted to a modest public park with a raised grass platform. This new space extended the function of the building and reasserted itself as public place. The brief was developed in close consultation with the local community. The key approach emerging from these discussions was the community wanted a facility everyone could share and the original plans were amended to include a basement level to provide an additional floor for library space and expanded space for childcare services. In this way the building became a truly shared place where the whole community could meet and use in different ways.

The Surry Hills Library is revered by the locality community and has been awarded numerous architecture and design awards of the years.





## **Auckland Art Gallery Toi o Tāmaki**

The new Auckland Art Gallery Toi o Tāmaki is an extensive public project that includes the restoration and adaption of heritage buildings; a new building extension which more than doubles the public exhibition areas; extensive basement storage and support areas; and the redesign of adjacent areas of Albert Park. The new building is characterised by a series of fine 'tree-like' canopies that define and cover the entry forecourt, atrium and gallery areas. These light, profiled forms are inspired by the adjacent canopy of pohutukawa trees and 'hover' over the stone walls and terraces that reinterpret the natural topography of the site. The ceilings of the canopies are assembled from carefully selected Kauri, profiled into precise geometric patterns and supported on slender and tapering shafts. These emblematic forms give the Gallery with a unique identity that is inspired by the natural landscape of the site.

The project has received numerous awards, including the World Building of the Year Award.



## Macquarie University Library

The new library at Macquarie University is an innovative, welcoming and inspiring landmark building for the University. It represents a new generation of library design — full of dynamic, collaborative, open spaces for learning, rather than traditional notion of a library as a quiet, storage facility for printed materials. The transparent and inviting forms of the building open to embrace and define the new University Common, welcoming students, staff and the public to this new place of learning. It is a radical new library characterised by new opportunities for learning, exchange and interconnection, filled with natural daylight, fresh air and landscape.



## **Darling Quarter, Sydney**

Darling is a true integration of urban design, architecture, and landscape architecture toward the creation of a public place within the City. We have sought to enhance the joy and beauty of Darling Harbour, one of the most popular public places in Australia, and to do so in a way that imbues it with a sense of quality and permanence. Darling Quarter is where the western edge of the City and the Park meet and is celebrated in a series of defined public spaces, including a pedestrian boulevard, parklands, gateway, children's playground, and activated edges lined with cafes and restaurants. It is a place for everyone, for city workers at lunchtime and in the evenings, families, children, the young and old, visitors and locals. This project has received multiple awards.



## 200 George Street, Sydney

fjmt were awarded the commission for the design of a multi-story office tower at 200 George Street in Sydney's CBD. The site constraints and planning controls are utilised to orient the building toward the harbour and the organic form is completed by the elegant roof feature which sits comfortably and dynamically within the city's skyline. The form of the building streetscape works to integrate and enhance the alignments and scale of existing adjoining and surrounding buildings, creating a human scale environment at ground level with a richness of activity, life and spatial and architectural interest. The building is deigned to a target 6 star NABERS Energy rating and 6 Star Green Star rating. Importantly, the energy saving and ESD initiatives have been targeted to areas of the building which enhance the function and provide a visible qualitative improvement through imaginative design.





24th July 2015

## Education Projects

- Allen Library, University of Western Sydney
- Analytical Centre, University of New South Wales
- Applied Science Building (F10) Loading Dock & Workshops, University of New South Wales
- Applied Science Labs, University of New South Wales
- Australian International School, Singapore
- Australian School of Business, University of New South Wales
- BioHub Development, University of New South Wales
- Chancellery & Business School, Edith Cowan University
- Chemical Sciences Building, University of New South Wales
- Chemistry Research Laboratory II, University of Oxford
- Creative Industries Precinct, Queensland University of Technology
- Dalton Building Refurbishment, University of New South Wales
- Eastern Avenue Auditorium and Seminar Complex, University of Sydney
- Faculty of Law, University of Sydney
- Heffron & Dalton Building Master Plan, University of New South Wales
- Holme Building Study, University of Sydney
- Independent Learning Centre, Methodist Ladies College, Burwood NSW
- International Centre, University of New South Wales
- International East Wing Foyer, University of New South Wales
- International House (Greycourt) Redevelopment, University of Melbourne
- International House (study), University of Sydney
- Laboite Theatre, Queensland University of Technology
- Library Tower (study), University of New South Wales
- Library-Law Precinct, University of New South Wales
- Lower Campus Feasibility Study, University of New South Wales
- Macquarie University Library, Macquarie University
- Medley Hall, Melbourne University

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- MLC School Sports Centre (study), Methodist Ladies College, Burwood NSW
- Nanostructures, University of New South Wales
- New Law & Business School, Deakin University
- New Education Building (proposal), University of Technology, Sydney
- New Law Faculty (proposal), University of New South Wales
- Old Police Hospital Refurbishment, Melbourne University
- Optometry, University of New South Wales
- Partnerships Victoria in Schools Project
- Pedestrian Science Square and International Square, University of New South Wales
- Penrith Campus Library, University of Western Sydney
- Performing Arts Theatre & Studio Building, Edith Cowan University
- Red Centre, University of New South Wales
- School of Business, University of Auckland
- School of Information Technologies, University of Sydney
- School of Mathematics, University of New South Wales
- School of Nursing Library (study), University of Sydney
- Science Precinct Development, University of New South Wales
- Seymour Centre Forecourt, University of Sydney
- Singapore Art School (proposal), Singapore
- Skywalk Feasibility Study, University of New South Wales
- Stamford American International School, Singapore
- The Scientia, University of New South Wales
- Tinbergen Building Refurbishment, University of Oxford
- Tyree Building, University of New South Wales

24th July 2015

### **Australian School of Business, UNSW**

- Architecture Award for Public Architecture, AIA NSW

### **Charles Perkins Centre, University of Sydney**

- Finalist Commercial Interior, Dulux Colour Awards
- Shortlisted in Education Architecture, AIA NSW
- Interior Architecture Award, AIA NSW

### **Chemical Sciences Building, UNSW**

- Award of Excellence (Education Building: \$10m - \$50m), MBA Awards
- Highly Commended, Institute of Engineers Australia Awards
- Urban Design Award (Public Building), Randwick City Council

### **Eastern Ave Auditorium, University of Sydney**

- Commendation (Public Building), AIA NSW

### **Business School & Chancellery, Edith Cowan University**

- Award of Excellence for Main Entry Colonnade, Illuminating Engineering Society
- Public Building over \$20 Million, MBA Awards
- Commendation (Civic Design), AIA WA

### **Faculty of Law, University of Sydney**

- General - High Commendation, Australian Institute of Building
- Excellence in Construction Award – Tertiary Buildings (Over \$25 million), MBA Awards
- Public Architecture Commendation, AIA NSW
- Public Architecture Award, AIA NSW
- Sustainable Architecture Award, AIA NSW
- Urban Design Commendation, AIA NSW
- Public Building - Highly Commended, BPN Sustainability Awards
- General - High Commendation, Australian Institute of Building
- Best Use of Decorative Wood veneers, Australian Timber Design Awards
- Interior Fit-out, Australian Timber Design Awards
- Best Use of Decorative Wood veneers, Australian Timber Design Awards
- Best Use of Timber Panels - Highly Commended, Australian Timber Design Awards
- Interior Design, Australian Timber Design Awards
- Public or Commercial Buildings - Highly Commended, Australian Timber Design Awards

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### **John Niland Scientia Building**

- The Lloyd Rees Award for Excellence in Civic Design, AIA NSW
- National New Commercial Building Award for Construction Excellence, MBA Awards
- Outstanding Construction Award Educational Building \$5M Plus category, MBA Awards
- Overall Winner for Construction Excellence, MBA Awards
- Sir John Sulman Award for Architectural Excellence, AIA NSW
- Sir Zelman Cowen Award, AIA NSW
- Citation of Merit, Medium Structures, Lightweight Structures Association of Australia Design Awards
- The Green Building Awards Bronze Medal, The Architecture Show Magazine & The Francis Greenway Society
- The Kevin Cavanagh Medal for Excellence in Concrete, Concrete Institute of Australia
- Award for Outstanding Concrete Structures, Fédération Internationale du Béton (International Federation for Structural Concrete)
- Randwick City Urban Design Award for Public Building, Randwick City Council

### **Macquarie University Library**

- Best Tertiary Building (\$50M & Over), MBA Awards

### **Creative Industries Precinct, QUT**

- Commendation Award, AIA QLD

### **Red Centre, UNSW**

- Sole Recipient, Honour Award for Design Excellence, Sustainable Design Awards Program,

### **School of Information Technologies, University of Sydney**

- Excellence in Construction Award, Educational Building \$10m-\$50m, MBA Awards
- Shortlist (Education), Property Council Australia

### **Sunshine Coast University College Master Plan, Queensland**

- Institutional Building Award, The Maroochy Shire Excellence in Building & Planning Awards
- Town Planning Merit Award, The Maroochy Shire Excellence in Building & Planning Awards



**Tyree Energy Technologies Building, UNSW**

- Tertiary Buildings - \$50 million and over, MBA
- 2012 Outstanding Construction Award, MBA
- Green Building Award - Finalist, UN World Environment Day Awards
- Public Buildings Category, Randwick City Council
- Sustainability Category, Randwick City Council
- 2013 Green Dot Sustainability Award - 3rd Place, Green Dot Awards USA

**Owen G Glenn Business School, University of Auckland**

- Shortlist (Education), World Architecture Festival
- Auckland Architecture Award (Public Architecture), NZIA
- Merit award (Education & Arts), Property Council New Zealand
- Innovate Gold Award of Excellence, Association of Consulting Engineers New Zealand