

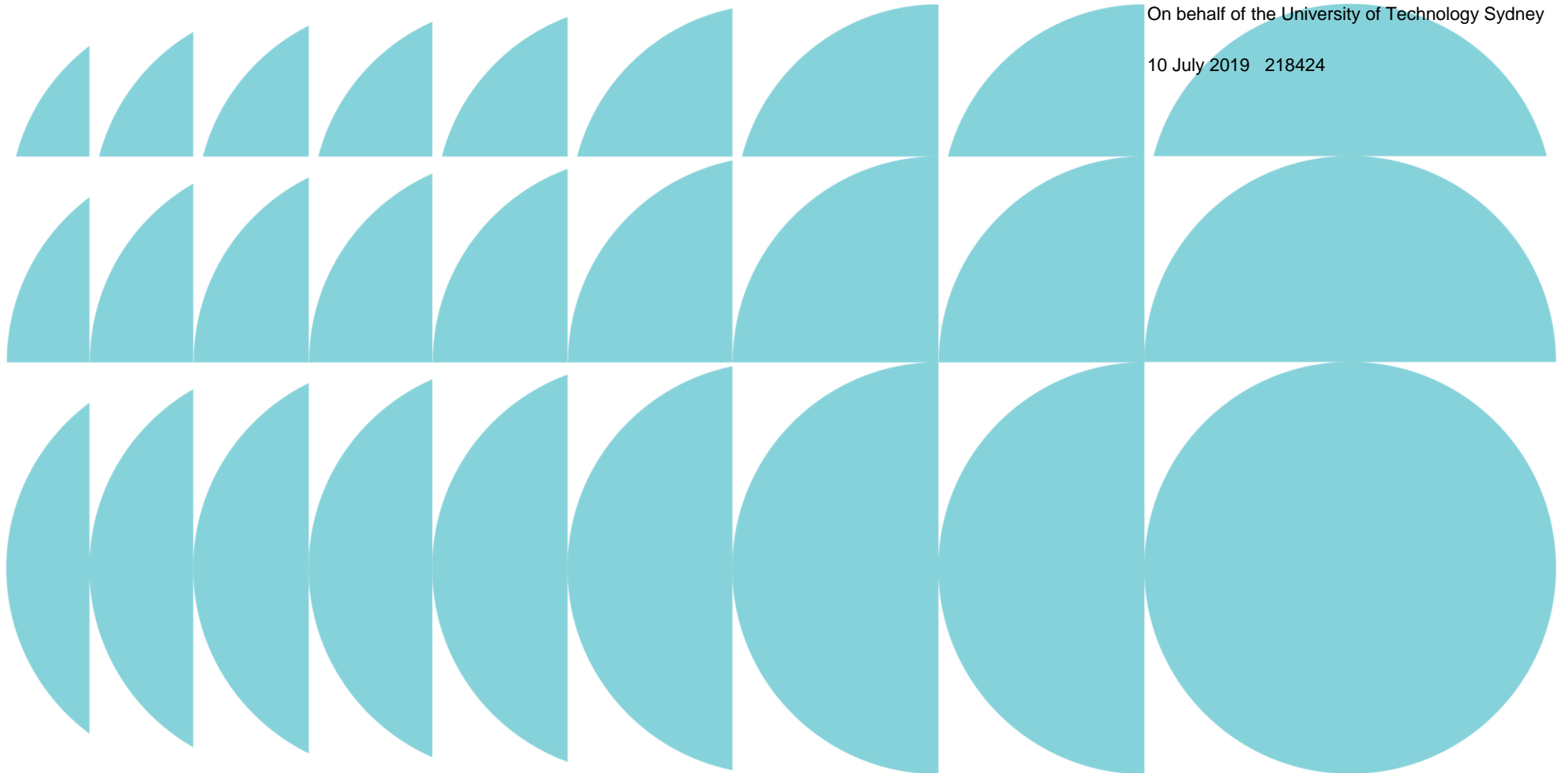
ETHOS URBAN

Response to City of Sydney Council Submission

Bon Marche and Science Precinct Redevelopment
UTS City Campus, Broadway Precinct
Section 75W to Concept Plan (MP08_0116) for
GFA and Building Envelope Amendments

Submitted to the Department of Planning and
Environment
On behalf of the University of Technology Sydney

10 July 2019 218424



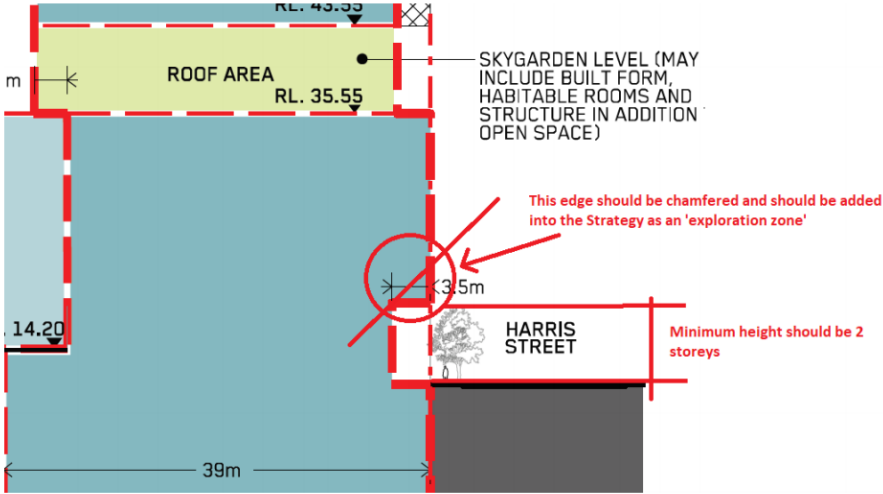
1.0 Response to Council's Submission

A detailed response to Council's submission is provided in **Table 1** below.

Table 1 Responses to Council's Submission


| Recommendation/Issue | Response |
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| Design Excellence | |
| The Design Excellence Strategy (Strategy) dated 18 April 2019 submitted with the above section 75w referral has been reviewed. Most of the issues raised have not been addressed and amendments to the submitted Strategy are required. | UTS has further reviewed the Design Excellence Strategy and made additional amendments in an effort to resolve Council's comments. Refer to Attachment B for a copy of the revised Design Excellence Strategy. |
| Relationship of Strategy with EPIs | |
| As set out at 1.1, the proposed Strategy seeks to prevail over the City's Competitive Design Policy (Policy) and the Sydney LEP and DCP. This is not supported for competitive processes that are to be carried under the City's Policy. In addition, sections of the Strategy are not consistent with the requirements of the City's Policy. | The Strategy has been amended as requested, refer to Attachment B . |
| The Strategy should be amended to delete this paragraph and be updated to reflect the requirements of the City's Policy as noted in these comments. | |
| Number and extent of competitive process/processes | |
| The number and extent of a competitive process/processes remains ambiguous with the Strategy (at 1.1) stating that it is premature to identify the exact approach to the achievement of design excellence. | Council's position is noted, however UTS retains its position that there are a number of factors that will ultimately influence the number of competitive design processes. As noted within the Strategy, the complexities around the existing site being part of a functioning university, consideration of decanting and staging etc, mean that it is premature to identify the number of competitions to occur across the Bon Marche and Science Precinct. |
| The Strategy (at 3.1) limits the extent of a competitive process to part of the precinct subject to significant redevelopment which is described as the demolition of Building 3 and Building 4 and excludes alterations and additions <i>in accordance with 6.21 of the Sydney LEP</i> . | UTS remains fully committed to continuing to deliver a campus that sets a high benchmark for design quality and excellence in architecture. |
| In determining the s75w application, under 6.21 of the Sydney LEP the consent authority is required to be satisfied that the proposal will exhibit design excellence. The purpose of the Design Excellence Strategy is to establish the framework for the achievement of design excellence and this includes determining the number and extent of competitive processes, as required under 1.2(2)(a) and (b) of the City's Policy which applies to the development. Two competitive processes should be required for the precinct having regard to: <ul style="list-style-type: none">the size of the block | The Strategy remains consistent with Council's Policy, which does not dictate a requirement for the number of competitive processes required to be undertaken. |

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| <ul style="list-style-type: none"> the size and prominent siting of Building 3 and Building 4 the size of the precinct compared to other buildings across the UTS campus that have been subject to single competitive processes achieving architectural design variety across the precinct (as required under 1.2(d) of the City's Complete Design Policy) and to provide a fine grain to enhance the public realm. <p>Contrary to what is noted in the proposed Strategy, proposals for alterations and additions are not excluded from the requirement for a competitive process. Under Clause 6.21(6) of the Sydney LEP, a competitive design process is not required where the development (emphasis added):</p> <ol style="list-style-type: none"> involves only alterations or additions to an existing building, and does not significantly increase the height or gross floor area of the building, and does not have significant adverse impacts on adjoining buildings and the public domain, and does not significantly alter any aspect of the building when viewed from public places. <p>It is recommended that the Strategy be amended to nominate two competitive processes for the precinct. It is also recommended that consent conditions address the requirements for a competitive design process in accordance with the Strategy, as required to be amended as set out in these comments.</p> | |
| <p>Number of architectural firms to be invited</p> <p>At 3.3 of the Strategy, an invited architectural design competition has been nominated. Under 3.4 of the City's Policy, a minimum of five competitive submissions must be considered for an architectural design competition. Accordingly, 3.3 of the Strategy should be amended to include the following: <i>A minimum of five (5) competitors will be invited to participate in each architectural design competition.</i></p> | <p>Noted and accepted. Refer to amended Strategy at Attachment B.</p> |
| <p>Establishment of competition jury</p> <p>In recognition of the development's state significance, in addition to the jury establishment requirements for a 4 or 6 member jury under 3.2 of the City's Competitive Design Policy, the jury is to include the NSW Government Architect as Chair. At 3.5 of the Strategy, it is recommended the jury composition is amended to include the following:</p> <p>The jury is to comprised of:</p> <ul style="list-style-type: none"> Two members nominated by the Consent Authority*, one of which must also be a member of the State Design Review Panel; and Two members nominated by the proponent; and The Government Architect NSW (jury Chair) or their nominee. <p><i>*The Draft Government Architect's Design Excellence Competition Guidelines (on exhibition May 2018) specifies that the local authority nominate 2 jurors where the consent authority is the Minister of their delegate.</i></p> | <p>Noted. However, Council's policy takes precedence over the draft GANSW Design Excellence Guidelines. Proposed jury establishment remains consistent with Council's policy. Given the SSD pathway, clarity has been provided within the amended Strategy that the local authority is to nominate up to 2 jurors.</p> |

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| <p>Jury members are to:</p> <ul style="list-style-type: none"> • Represent the public interest; • Be appropriate to the type of development proposal; • Have no pecuniary interest in the development proposal or involvement in approval processes; • Include only persons who have expertise and experience in the design and construction professions and industry; and • Include a majority of registered architects with urban design expertise. | |
| Built Form Exploration Zone | |
| <p>At 3.2 of the Strategy, an exploration zone is included which would allow competitors to encroach into the 3m setback zone to Harris Street. This is not supported and this section should be deleted. No amount of detailed design will mitigate the encroachment of a building into a limited 3m setback. Any envelopes approved under the s75w application should be certain and establish appropriate parameters to guide future competitions.</p> <p>Section 3.2 of the Strategy should be amended to include an exploration zone within the chamfered edge (refer image below) along the length of the 3.5m Harris Street setback. The setback area should have a minimum height of two storeys. No columns should be permitted within this setback zone.</p>  | <p>Council's comments are noted, with the 3m exploration zone now removed from the modification application (Refer to Appendix C) and amended Strategy (Refer to Appendix B).</p> <p>The suggested adoption of a chamfered exploration zone to the edge of the ground plane setback is considered too specific a design outcome for this stage of the process and accordingly has not been adopted.</p> <p>The height of the Harris Street ground plane setback will be of a volume of between 1 – 2 storeys, responding to the gradient of the land. In an effort to address Council's comment regarding the height of this space, it is proposed that a minimum height of 5m be adopted. The volume of this space is considered to be well proportioned and responsive to the needs to provide suitable weather protection.</p> <p>To enable flexibility within the future design it is proposed to retain the ability to incorporate structure within this setback zone, noting any structure within this setback zone will need to demonstrate it can be accommodated without impacting on pedestrian flow/amenity.</p> |

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| <p>Design Integrity</p> <p>The Strategy should be amended to reflect the design integrity requirements of the City's Policy by the inclusion of the following additional responsibilities of the Design Architect:</p> <ul style="list-style-type: none"> • prepare the design drawings for a construction certificate for the preferred design; • prepare the design drawings for the contract documentation; and • maintain continuity during the construction phases to the completion of the project. | <ul style="list-style-type: none"> • Noted, the Strategy has been amended accordingly. |
| <p>Whether additional height or floor space is being pursued</p> <p>The Strategy still does not address whether additional height or floor space is being pursued as part of the competitive process. As previously stated, even when including an additional 10% floor space available for having undertaken a competitive process, the proposal exceeds the FSR permitted. The Strategy should be amended to specify that no additional height or floor space will be pursued.</p> | <p>Any future competitive process undertaken on the site will be subject to the building envelope and floor space as proposed under this application. The building envelopes and floor space sought under this application, if approved, will prevail despite anything to the contrary under the SLEP 2012, including the FSR control and design excellence bonuses. It is therefore not considered necessary to address whether additional height or floor space is being pursued as part of the competitive process. Notwithstanding, the Strategy has been updated to make this point explicit (refer to introduction to Section 3.0).</p> |
| <p>Development Contributions</p> <p>It is agreed that the proposal is for a concept plan and not for physical works and therefore, development contributions are not directly applicable to this modification application.</p> <p>The City however maintains its position that the redevelopment of the Bon Marche and Science Precinct is not exempt from development contributions.</p> <p>Development Contributions will be applicable at the detailed design stage and any request for an exemption from development contributions will not be supported.</p> | <p>Development contributions are not a relevant matter for a concept plan modification application that does not provide for any physical works, as noted in the City's submission. A future detailed application will further consider the applicability and appropriateness of development contributions.</p> |
| <p>Heritage</p> <p>The City's submission raised the following major heritage issues:</p> <ul style="list-style-type: none"> • investigation and retention of internal timber structure, • avoiding major changes to ground level shopfronts, and • retention of rear courtyard and setbacks to the new addition. <p>The updated heritage report and draft heritage conservation plan has been reviewed. In particular a detailed description of the interior of Bon Marche building (1908) and some conservation policies have been added in Section 4.2 and Section 7 of the heritage report which is supported.</p> <p>New entries and site links through Bon Marche facades are constrained to the reinstatement of the original department store entries and it is indicated that any other entries will be secondary and contained within the shop bays.</p> | <p>Council's comments are noted and the 3m upper level exploration zone has now been removed from the proposal.</p> |

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| <p>It is noted that the courtyard behind the terraces is retained and the rear wings of those terraces are also being retained. The cantilever of the new building over the courtyard has been deleted from the concept application.</p> <p>The 3m setback proposed for the top form of the new building from Harris Street is consistent with the City's recommendation. It should be noted that the City <u>does not support</u> the applicant proposing that the 3m podium setback area provide an opportunity or allow flexibility during the future competitive design process for designers to investigate whether any built form may be appropriate within this zone. The purpose of the setback is to define the podium/tower form and enhance the street wall aligning with the heritage wall. This minor setback area will be eroded if it is identified as an 'exploration zone'.</p> <p>It is considered that the 3.5m setback of the new building at ground level to provide a wider footpath on Harris Street does not have adverse heritage impact.</p> <p>It is considered that the RTS has responded appropriately to the heritage issues raised with the exception of the applicant identifying the 3m setback made to the upper levels to be used as an 'exploration zone' during the competitive design process.</p> | |
| Overshadowing | |
| <p>The reduction to the southern alignment of the envelope removes a minor impact at 11am to the northwest corner of 16-18 Broadway. Though it is not clearly demonstrated in the static 3D viewpoint (views from the sun would be clearer), it appears that this building retains a minimum of 2 hours sunlight.</p> <p>In noting there is a current approval for 16-18 Broadway for a change of use to a hotel, at the time of writing this response, the consent had not been activated or construction certificate issued.</p> <p>It is therefore considered that the use of 16-18 Broadway must be considered as the most current use which is a residential flat building. Therefore, the solar access requirements of SEPP 65 and the provisions of the Apartment Design Guide still apply.</p> <p>The Department should ensure that the modification application as amended should not further decrease the amount of apartments receiving a minimum 2 hours of sunlight.</p> | <p>Council's comments are noted. The amended envelope together with the indication that 16-18 Broadway will in the future no longer be a residential use are considered to provide sufficient evidence that any solar access amenity impacts are acceptable. Further detailed solar access studies of 16-18 Broadway are able to be undertaken as part of the future detailed design phase, where there will be further certainty on both the final building form (which is expected to be less than the proposed envelope) and its land use classification (i.e. residential or non-residential).</p> <p>Notwithstanding, 16-18 Broadway has a curved corner between the west elevation fronting Kensington Street and the north elevation fronting Broadway. It is generally accepted that currently, the west elevation does not achieve 2 hours solar access, whilst the northern elevation does achieve at least 2 hours solar access. As demonstrated by the static 3D viewpoint provided in the Response to Submissions package, the impact of the proposal will inhibit the ability of the ground floor (which is currently retail) to receive a minimum 2 hours solar access in addition to a portion (less than half) of the curved corner connecting the western and northern elevation.</p> <p>The curved corner of this building is shown in the image below. The large windows on this curved corner indicate that only one residential unit appears to occupy the curved corner on each level of the building. This is a maximum of six units. According to the exhibited documents for D/2018/1184, there are a maximum of 14 units in the building. The shadow analysis indicates that the majority of these windows will continue to achieve more than 2 hours solar access. On this basis, the DPE can be assured that the modification application does not decrease the number of apartments receiving a minimum 2 hours of sunlight.</p> |

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| |  <p>Sufficient detail and evidence is considered to have been provided to the Department for this stage of the planning process (concept/envelope) to be assured that the amenity of surrounding residential dwellings will not be adversely affected.</p> |
| Wind Impacts | |
| <p>Wind tunnel testing has now been undertaken. It is noted that the Sydney Development Control Plan (SDCP) does not require active frontages along the Harris Street or Broadway street frontages.</p> <p>SDCP 3.26 requires wind speeds to not exceed 16m/s for non-active frontages. The northern alignment of Broadway, (to the south of the proposed addition) has an active frontage requirement (wind speeds must not exceed 10m/s).</p> <p>The wind tunnel test results show that the proposed control envelope produces unacceptable results in a number of locations, including:</p> <ul style="list-style-type: none"> Location 6 (Alumni Green) which changes from 14.4m/s 'pedestrian walking' to 16.4m/s 'uncomfortable'. Ideally, this recreational space should achieve no greater than 10m/s or a 'sitting' comfort criteria, as defined in Table 2 on page 5 of the Wind Report. This area is negatively impacted by downwash from westerly winds. A greater setback to the west face of the tower may ameliorate the additional wind impacts. | <p>Council's comments are noted, however they need to be considered in the context of existing wind conditions as well as the fact that the modelling has been done on envelope massing and not the future final building architecture.</p> <p>It is in UTS's own interests to ensure the amenity of Alumni Green is protected. It is noted that the proposed envelope only results in a marginal increase above the 16m/s threshold for pedestrian walking (16.4m/s). Further, the articulated envelope tested demonstrates achievement of wind conditions consistent with the existing situation. Further testing as part of the detailed design is expected to investigate mitigation measures in order to achieve equivalent or improved wind conditions for Alumni Green. Further and to ensure an acceptable wind outcome is achieved, an additional Statement of Commitment is proposed that's aims to ensure wind conditions at Alumni Green are equivalent to existing levels at the completion of the Bon Marche project.</p> |

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| <ul style="list-style-type: none"> Location 8 'The Loft' outdoor courtyard. At Location 3, at the eastern alignment of Harris Street, wind from the west accelerating around the north side of the proposed tower. At Locations 14 and 15 ('Sky Garden'), the conditions are not suitable for outdoor sitting and at location 15, exceed the 'standing' comfort criterion. This does not achieve the design intent for these spaces as described on page 22 of the Design Report. Further testing is required to ensure these spaces are suitable for their intended use. <p>Additional testing is required in the locations of the through site links between Harris Street and Alumni Green.</p> <p>Greater clarity is required on which of the two schemes tested form the basis of the scheme under assessment. The control envelope does not include the articulated recess between the podium and tower. In some cases the recess mitigates negative wind impacts and in others, increases wind impacts. It would be beneficial to have a consolidated single proposal in any updated wind tunnel testing.</p> | <p>The results for the loft courtyard indicate pedestrian standing is achievable. It is noted that for the articulated envelope that it is marginally exceeds the pedestrian sitting criteria by 0.1m/s. Mitigation measures are able to be investigated during the detailed design phase in order to determine the feasibility of achieving pedestrian sitting for the Loft Courtyard.</p> <p>In terms of location 3, it is noted that for 99% of the time, wind conditions would be suitable for pedestrian walking.</p> <p>The wind results for the sky garden provides important detail in terms of focussing the future design brief to ensure the space is usable and aligns with UTS aspirations. The use of the space and adaptation of mitigation measures will form a key aspect of the future detailed design phase.</p> <p>Wind tunnel testing is not able to be used to measure wind conditions of through site links. Testing has been undertaken to factor in conditions at either end of through site links.</p> <p>A sufficient level of wind testing is considered to have been undertaken to date in support of the modification application, with the results considered to be acceptable with this stage in the planning process (concept/envelope) and given the ability during the next detailed design phase to investigate any specific mitigation measures.</p> |
| Landscaping | |
| <p>The Landscaping information submitted with the RTS has been reviewed and does not address the landscaping issues previously raised by the City.</p> <p>The applicant notes that: <i>The landscape and public information provided is considered to be sufficient for this stage of the planning process and is considered to address the requirements of the SEARs issued for the modification application. A future detailed development application will demonstrate the landscaping strategy with detailed landscape plans at street level and Level 5 elevated sky garden will be provided to support a future detailed development application on the site.</i></p> <p>Given no amendments have been submitted, and the applicant states that any change will be subject of a future detailed DA, it is considered that insufficient information has been submitted with the RTS to adequately assess the design.</p> | <p>Council's comments are noted, however UTS retains its position that sufficient landscaping and public domain details has been provided with the concept plan modification application. An amendment to the landscape and public domain plan has been made in order to remove reference to the indicative planters along Harris Street (refer to Attachment D).</p> |
| Increased Car Parking | |
| <p>The RTS has not addressed the car parking and associated traffic impact issues to the adjacent network that were originally raised.</p> <p>UTS modification application proposes to accommodate a maximum of 150 car parking spaces within the new basement levels. The proposed car parking does not comply with the <u>approved Concept</u> (page 8) strategic direction as stated "to strengthen usage of existing public transport</p> | <p>The RTS included commentary from TTPP (Appendix E) noting that the proposed modest increase of around 40 vehicles per hour (arrivals and departures) as a result of the proposed development in the peak periods (equivalent to adding only one/two vehicles to each traffic signal cycle) will have minimal traffic impact on the efficiency of the road network.</p> |

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| <p>services by not providing additional car parking and thereby encouraging a modal shift away from private vehicle use and encouraging sustainable transport use;"</p> | <p>Notwithstanding this and in light of Council's position, UTS has reviewed its need for parking and accordingly propose to reduce the amount of car parking down to 65. Refer to amended indicative plans highlighting the reduced amount of car parking included at Attachment C.</p> |
| Public Domain | |
| <p>Generally the RTS remains unchanged for the purposes of the public domain assessment whilst noting the following key points:</p> <ul style="list-style-type: none"> • Not proceeding with the Harris St lane expansion means the footway width and any constraints for pedestrians at the southern end of the frontage towards Broadway remain as per existing. • Although there is a proposed increased setback at ground level that will increase pedestrian space at the northern end, the widening take place inside the private boundary. <p>The Public Domain comments provided the original submission remain the same:</p> <ul style="list-style-type: none"> • The current proposal would seem to constrict the private footway with the addition of planters and seating, pushing pedestrians into the private land. Two main issues result that require further consultation prior to any development of drawings towards construction approval: <ul style="list-style-type: none"> – <i>The maintenance and ownership of the planters and seating and any other proposals for this area in public land would fall to the City unless the University enters into a maintenance agreement.</i> – <i>The diversion of pedestrians into private land means that the City cannot protect pedestrian amenity along Harris Street. Placement of café seating or other obstructions would be difficult to control unless the University enters into an agreement or easement.</i> <p>The planters also set up an atypical streetscape along Harris Street that is not matched elsewhere. This creates access and maintenance issues for the City that are above our normal commitments. In addition, it is observed the planters would restrict access for Services Authorities.</p> <p>It is recommended that the planters be removed from the kerb edge and installed inside the property boundary if desired as long as there is a clear delineation between public and private space.</p> | <p>Council's comments regarding the planters are noted, and in response the landscape and public domain plan has been amended accordingly (refer to Attachment D).</p> |

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| <p>ESD</p> <p>The targets in the revised strategy (GreenStar 4 and 5 Star for existing / new builds) are considered appropriate given:</p> <ul style="list-style-type: none"> • Changes to Section J of the NCC which, irrespective of GreenStar, will lift the facade performance in terms of thermal performance. • GreenStar is the only Australian rating tool applicable to education facilities with laboratory elements. <p>It is suggested that the following additional line added to the ESD targets section:</p> <p><i>“Further, regarding inclusions of environmental performance elements the development should:</i></p> <ul style="list-style-type: none"> • <i>At least maintain existing, and preferably increase on site renewable energy generation (via photovoltaic system),</i> • <i>Seek to include rainwater harvesting and onsite re-use, or access other available water recycling infrastructure to offset mains potable water consumption”</i> | <p>Council’s comments are noted and accepted, the ESD targets have been amended accordingly.</p> |