

## **ITEM 12 DEVELOPMENT CONTROL PLAN – UNIVERSITY OF NEW SOUTH WALES PADDINGTON CAMPUS (COLLEGE OF FINE ARTS) - GREENS ROAD PADDINGTON**

**FILE NO: M2005/1**

### **SUMMARY**

The purpose of this report is to seek approval of a development control plan (DCP) for the University of New South Wales Paddington Campus (Greens Road Paddington). The DCP is proposed to amend Part G Special Precincts of South Sydney Development Control Plan 1997 (DCP 1997) Urban Design.

Recent Stage legislative changes disallow 'Master plans' as required by South Sydney LEP 1997. They must be either a Stage 1 DA or a DCP. Most applicants will choose to lodge a Stage 1 DA. In this case, the applicant has prepared and submitted a draft DCP, with a view to a more open and consultative process.

The amendment to DCP 1997 is the result of the master planning process which was initiated in 2004 in conjunction with the Council and the local community. The adoption of these controls is the last stage in this process, prior to a development application.

A public meeting was held during the exhibition period and the DCP was on public exhibition for a period of 39 days. Concerns raised by residents can be summarised into the following issues: Access to the site, height, overshadowing, and staging of development including construction.

The DCP has been amended to take into consideration the concerns of the residents including further reducing access to the site from Selwyn Street. The DCP as amended will result in a better outcome to the community than exists on the site currently and provides certainty to residents and the University as to the desired outcome.

### **RECOMMENDATION**

It is resolved that:-

- (A) Council approve the Development Control Plan, as amendment to South Sydney Development Control Plan 1997 Urban Design, Part G Special Precincts – University of New South Wales Paddington Campus (Greens Road Paddington), shown at **Attachment A** to the subject report, pursuant to Clause 21(1)(b) of the *Environmental Planning and Assessment Regulation 2000*, with its operation to commence from the date of publication of its Notice of Approval; and
- (B) Authority be delegated to the Chief Executive Officer to make any minor drafting changes that may be required as a result of the Council's consideration of the Development Control Plan.

### **ATTACHMENTS**

**Attachment A:** Amendment to South Sydney Development Control Plan 1997 Urban Design, Part G Special Precincts – University of New South Wales Paddington Campus (Greens Road Paddington)

**Attachment B:** Summary table of submissions received and response to the public exhibition of the Draft DCP.

## BACKGROUND

1. The University of New South Wales Paddington campus occupies a whole city block, bounded by Greens Road, Napier Street, Selwyn Street and Albion Street, Paddington. The site is legally known as Lot 1 DP 826022. An aerial photo is shown below at figure 1.



**Figure 1 – Aerial Photo of Land to which Draft Amendments to DCP 1997 relates**

2. UNSW since mid 2004 has undertaken a community consultation process in conjunction with the City of Sydney to formulate a master plan for its Paddington campus.
3. Following changes to the Environmental Planning and Assessment Act 1979 that became operational on 1 August and 1 October 2005 the University has considered that a site specific DCP is the most appropriate planning document to contain agreed planning and design policies for the site.
4. Strategic briefs were prepared by both UNSW and the community. Formal community workshops, organised jointly by UNSW and Council, were held. An Options paper, presenting the site issues, draft planning concepts and three built form options were prepared for community review, comment and input. It was made public on the internet and discussed at the second community workshop. Informal consultation with the community also occurred frequently.
5. The proposals and options were refined as a consequence of the community input and further design considerations. Below are the key dates:

- |                  |  |
|------------------|--|
| 6 November 2004  | Community meeting on issues and draft Strategic Briefs   |
| 25 November 2004 | Community Strategic Brief  |
| 21 January 2005  | UNSW Strategic Brief   |
| May 2005         | Options Paper made available   |
| 25 June 2005     | Community workshop on planning and design issues and principles, and built form options                            |
| 8 August 2005    | Refinements made to proposed building envelopes for Buildings D and G  |
| 31 August 2005   | Final report by consultants to UNSW for its use in deciding on its preferred option and preparation of a Draft DCP |
| 3 November 2005  | Lodgement of Draft DCP and supporting report to Council  |
6. A report seeking to place the Draft DCP on public exhibition was considered by the Planning Development and Transport Committee of 5 December 2005 and the Central Sydney Planning Committee on 8 December 2005 with Council formally resolving to place the draft DCP on public exhibition at its meeting of 12 December 2005.
  7. The Draft DCP was placed on public exhibition from 13 January 2006 until 20 February 2006. A public meeting was also held on 13 February 2006 during the exhibition period.

## **ISSUES**

8. The following are seen as the most important issues identified at the public meeting and in submissions received:-

### **Access to the Site**

9. The community next to the site have expressed that they do not want any type of entrance to the subject site directly opposite or facing any house in Napier and Selwyn Streets or Albion Avenue with the proviso that there may be alarmed emergency pedestrian exits on the rear faces of the site.
10. Vehicle access currently consists of three driveways on Greens Road, one to a part basement car park and two to the open air loading dock. Less formal loading also occurs from Selwyn Street.
11. The campus is currently orientated to Selwyn Street, with its major access to the campus. No pedestrian access is encouraged from Greens Road or Napier Street. This orientation leads to some conflicts with the residential properties, particularly from campus related vehicle traffic.
12. This orientation also fails to take advantage of the Oxford Street activity strip that presents a new 'front door' and better links to public transport.

13. The DCP seeks to re-orientate the campus from Selwyn Street to Greens Road and Oxford Street. This is seen as critical and will improve pedestrian access to the site from Oxford Street and public transport.
14. The University have submitted that they seek minor controlled pedestrian access from Selwyn Street directly opposite the intersection of Little Selwyn Street, therefore not directly opposite or facing any house in Selwyn Street. The minor controlled access at this point is to be restricted between 7am and 9pm Monday to Friday and 7am and 7pm Saturday, with no access on Sundays.
15. Safer by design and urban design principles encourage active street frontages and passive surveillance of streets. Therefore it is important to keep some access to Selwyn Street but to minimise the hours of access and locating the entrance in a location that will have the least impact.
16. It is considered that with a reduced time period is appropriate as follows: -
 

	Draft DCP	DCP
Monday – Friday	7am – 9pm	8am – 9pm
Saturday	7am – 7pm	8am – 4pm
Sunday	Nil Access	Nil Access
17. Amendments to the DCP have also been incorporated which clarify and reinforce that the minor pedestrian entrance will be of a size and design that prevents access by any vehicle other than emergency vehicles. The location has also been specified within the controls so that will not directly face a residential property and will be located opposite Little Selwyn Street.
18. With these reduced hours of use, the location of access being positioned directly opposite Little Selwyn Street and the re-orientation of the whole campus from Selwyn Street to Greens Road and Oxford Street it is considered acceptable from both a residential amenity point of view and good urban design principles.

## Height

19. Requests have been made by residents to incorporate the drawings showing the height of buildings as shown at the public meeting.
20. It is considered that the maps that identify height of buildings in the DCP are sufficient as they clearly identify heights relative to Australian Height Datum (AHD). This is seen as more precise than specifying a distance as there is often confusion as to where this point is measured.
21. The Heights are considered an appropriate scale considering the site constraints and the existing controls for the site which allow for a higher building to be located on the site.

## **Overshadowing**

22. Concerns have been raised by residents that residential properties in Albion Avenue between Iris Street and Greens Road will have additional overshadowing from the proposed envelopes for buildings F & G between 9am and 10am on the 21 June.
23. The DCP has adopted a stricter solar access control for the site than the principal DCP which requires solar access to be maintained or improved to all adjoining properties and will ensure that the principal living areas and 50% of outdoor living areas receive sunlight for all of the time between the hours of 9am and 3pm in mid winter

## **Staging of Development including Construction**

24. Residents have raised concerns in respect of the staging of development, including construction.
25. The primary concern in respect of staging is that the re-orientation of the campus is achieved at the earliest stage of development.
26. It is considered that an additional objective be included in the Staging Section of the DCP that states as follows: -  
  
"To provide a staging that achieves the re-orientation of the campus towards Oxford Street and Greens Road in the early stages of development."
27. A further requirement has also been added to the DCP that requires the submission of a construction management plan with the lodgement of any DA for the site.

## **RELEVANT LEGISLATION**

28. Environmental Planning and Assessment Act 1979.
29. Environmental Planning and Assessment Regulation 2000.

## **PUBLIC CONSULTATION**

30. The Draft DCP was placed on public exhibition from 13 January 2006 until 13 February 2006. A public meeting was also held during the exhibition period.
31. Five (5) submissions were received including two (2) from the Paddington – Darlinghurst Community Working Group. The submissions are summarised in table format with a response contained to Attachment C to this report.
32. Changes made in response to the submissions include:
  - (a) A reduction in the hours of use of the minor controlled access to Selwyn Street.

- (b) A requirement that the size and design of the minor controlled pedestrian access shall prevent access by any vehicle other than emergency vehicles and the location shall be opposite Little Selwyn Street, and not directly opposite a residential property.
- (c) A requirement that achieves the re-orientation of the campus towards Oxford Street and Greens Road in the early stages of the development.

### **INTERNAL REFERRALS**

- 33. The application was referred to Council's Heritage Architect, Senior Urban Designer, Transport and Access Unit and Strategic Planning. No objection to the proposed development was raised, subject to the imposition of minor amendments. In particular Strategic Planning requested that Section 2, titled 'Environmental Planning Instrument and Principal Development Control Plan Compliance' of the Draft DCP should be deleted because it was unnecessary, and is addressed already in the DCP. This is agreed.

### **RELEVANT LEGISLATION**

- 34. *Environmental Planning and Assessment Act 1979.*
- 35. *Environmental Planning and Assessment Regulation 2000*

### **CRITICAL DATES / TIME FRAMES**

- 36. The timing for approval of the draft DCP is critical. New legislative requirements for DCPs come into effect on 1 May 2006. These changes allow only one DCP to apply to any one piece of land. The reforms allow amendments to be made to DCPs that apply to the whole LGA.
- 37. This means that the City will not be able to approve site – specific or issue specific DCPs if they come into force after 30 April 2006. The City's legal officers have advised that if the City were to approve a DCP after this date it would potentially risk invalidating one or more of the other existing DCPs that also must apply.

### **CONCLUSION**

- 38. An amended version of the Draft DCP is recommended for approval (refer to Attachment A). Changes have been made to the Draft DCP as a consequence of its public exhibition and assessment. The text to be included as a result of these changes is shown underlined and the text to be deleted is shown in ~~striketrough~~.
- 39. This DCP is considered an excellent model in achieving an outcome that benefits the community and the site. This has been achieved through a process of detailed and participatory public consultation over a period of 2 years that the University and Council have undertaken. The controls lay the foundation for guidance and assessment of future development applications.

40. The DCP provides certainty to residents and the University as to the desired outcome for the site. The DCP adopts building envelopes with maximum heights that are contextually appropriate, with lower buildings towards the residential property in Selwyn Street and higher buildings towards Greens Road and Oxford Street, where the impact on residents is minimised.
41. The re-orientation of the site from Selwyn Street to Greens Road and Oxford Street is seen as a positive outcome that will benefit all residents of Selwyn Street and enhance the Universities presence from Oxford Street.
42. With the inclusion of reduced access to Selwyn Street that has been included in the changes to the DCP it is recommended for adoption.

**JASON PERICA**

Director City Planning

(Jeremy Swan, Area Planning Manager – Surry Hills)