

**MAJOR PROJECT ASSESSEMENT:
University of Technology Sydney
Peter Johnson Building -
Redevelopment for student housing
Major Project Application MP 09_0021**

Director-General's
Environmental Assessment Report
Section 75I of the *Environmental Planning and
Assessment Act, 1979*

December 2009



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1 EXECUTIVE SUMMARY

This is a report on a project application seeking approval for works to the existing Peter Johnson Building at the University of Technology (UTS) Broadway precinct, to provide student housing and additional teaching space. The proponent is the University of Technology Sydney.

The details of the proposal include:

- Expansion of the existing 7 level podium to provide student housing support services and additional teaching space;
- New 13 level tower above the podium to provide 720 student housing beds and communal facilities.

The estimated Capital Investment Value (CIV) of the proposed development is \$69.9 million.

The proposal will create 500 full time equivalent construction jobs and 40 full time equivalent operational jobs.

The proposed development is a Part 3A project under the *Environmental Planning and Assessment Act 1979* ("the Act") as the CIV is greater than the threshold for Part 3A projects under Schedule 1, Group 7, clause 20 of the Major Projects SEPP.

The project was placed on public exhibition for a period of 31 days from 26 May 2009 until 25 June 2009. The Department received 7 letters from agencies and 5 letters from the public.

Key Issues

Key issues raised by the public agencies related to:

- Height, bulk and scale of the proposed tower element;
- Articulation of the Harris Street façade;
- Relationship of the development with adjoining buildings and the Ultimo Pedestrian Network;
- Internal residential amenity.

Additional key concerns raised in the public submissions relate to:

- Impact of construction works on the operation of the ABC facility;
- Impacts on the public domain including traffic, wind and overshadowing.

Preferred Project Report

On 23 October 2009, the proponent amended the application via the Preferred Project Report to address issues raised by the Department and in the submissions. The report provided:

- Revised design of the tower element;
- Improved privacy for a number of bedrooms;
- Further details relating to construction hours, wind impacts and bicycle parking.

Assessment

The Department has assessed the merits of the proposal and is satisfied that the impacts of the proposed development have been addressed via the proponent's Preferred Project Report, the Statement of Commitments and the Department's recommended conditions.

The City of Sydney is satisfied that the revised design resolves their concerns about the appearance of the building from Harris Street

ABC's concerns about noise and vibration impacts have been resolved by a recommended condition requiring fortnightly meetings between the proponent/builder and the ABC to ensure noisy works, such as demolition and piling, are scheduled at times to minimise impacts on recording activities.

2 BACKGROUND

2.1 INTRODUCTION

The site of the proposed development is known as the Peter Johnson Building, which is part of the University of Technology (UTS) City campus at Broadway. The site has a street address of 702-730 Harris Street Ultimo and comprises Lot 11 DP 835246. The site is owned by UTS, and has an area of approximately 5,109m². It is located within the City of Sydney LGA.

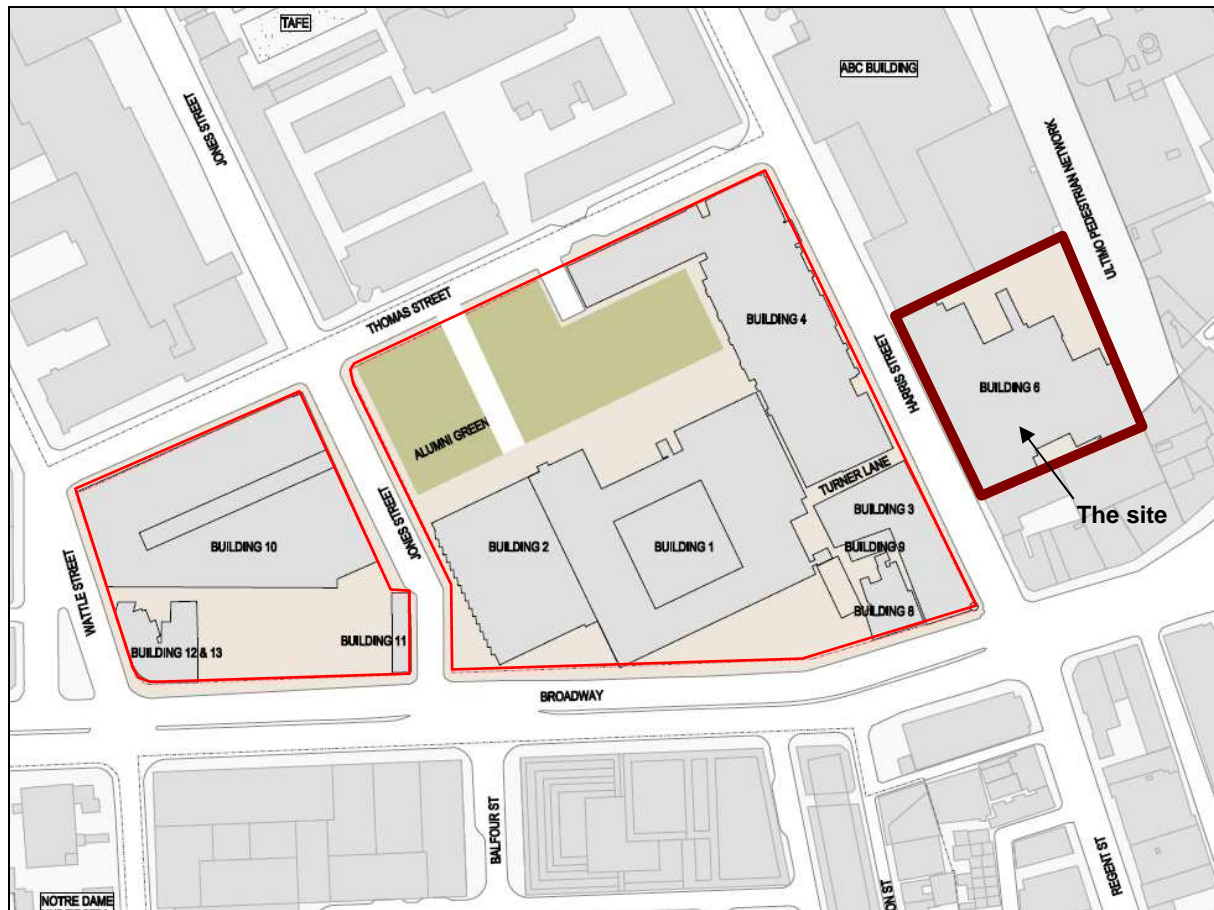


Figure 1. Locality map of the Peter Johnson Building (Building 6 within the UTS Broadway precinct)

2.2 THE SITE AND EXISTING LAND USE

The Peter Johnson Building is also known as Building 6 within the UTS Broadway precinct and is used by the Faculty of Design, Architecture and Building. It has a primary frontage to Harris Street and a secondary frontage to the Ultimo Pedestrian Network (UPN), which is a public pedestrian link between Ultimo Road and the Devonshire Street Tunnel (and further to Central Station). Broadway/George Street is further south of the site.

The existing building has a gross floor area of 15,872m² and contains 7 levels, with Level 1 being a basement wholly below ground containing 135 car parking spaces. Vehicular access to the basement, and loading dock on Level 2, is from Harris Street.

The remainder of the building contains teaching space and administration areas including lecture theatre, faculty offices, design studios and workshops, as well as a café and gallery on Level 4. An uncovered courtyard containing a basketball court adjoins, and is level with, the UPN.

Pedestrian access into the building is provided from Harris Streets into Levels 2 and 3. There is no level access from the UPN into the building, however an elevated pedestrian bridge over the UPN provides direct entry to Level 4. Another pedestrian bridge across Harris Street connects Level 4 of this building to the main UTS tower building, and other components of the Broadway campus.



Figure 2. Peter Johnson Building from Harris Street, including the Harris Street pedestrian bridge (© Google 2009)

2.3 SURROUNDING LAND USES

The ABC Ultimo Centre adjoins the northern side of the site and also has a frontage to the UPN. It has a varied height, including RL 76.58 immediately adjoining the subject site, and RL 69.26 for the main tower component of the building.

A residential flat building known as the Taragon Building adjoins the southern side of the site. It has a podium element 6 storeys in height fronting Harris Street, with a total of 17 stories, and a height of RL 65.57. This building also adjoins the UPN.

On the opposite side of the UPN are multistorey buildings that comprise part of The Sydney Institute of TAFE Ultimo College, commercial buildings including Wembley House, and also the Citigate Central Hotel, which includes a 9 storey hotel carpark.

2.4 APPROVAL HISTORY

The Peter Johnson Building was approved by City of Sydney in 1991 (DAZ91-00242). The Development Consent approved a 19 level building (including basement), plus roof, to a height of approximately RL 80m AHD. The consent included a condition restricting the floor space ratio to 7:1.

Following the approval, only the first 7 levels of the building (known as the podium) has been constructed.

3 PROPOSED DEVELOPMENT

3.1 PROJECT APPLICATION

The proponent seeks project approval to modify and extend the Peter Johnson building, comprising the following works:

- Extension and alterations of the existing 7 level podium to provide student housing support services, additional teaching space and area for a cafe; and
- Construction of a 13 level tower above the podium providing 720 student housing beds and associated recreational and communal spaces.

3.2 DETAILED DESCRIPTION

Podium (Levels 1-7)

Extension and alterations of the existing podium are proposed, consisting of:

- An increase in floor space from 15,872m² to 21,808m² (an additional 5,936m²);
- Infill of levels 2-7 of the existing podium adjoining the UPN, including retail space for a café and provision of level access from the UPN into the building;
- Alterations to the Level 1 basement including a reduction in car spaces from 135 to 122 spaces for use by staff only. One space will be allocated for the use by a mobility impaired student resident; and
- The provision of 70 bicycle spaces on level 2 for the use by residents of the student accommodation.

Tower (Levels 8-21)

A new tower is proposed to be located on the eastern side of the podium consisting of the following:

- 13 levels above the podium with a GFA of 18,979.9m² ;
- Accommodation for 720 students in studio and shared apartments; and
- Provision of communal and recreational spaces on level 8, and a rooftop terrace on Level 21.

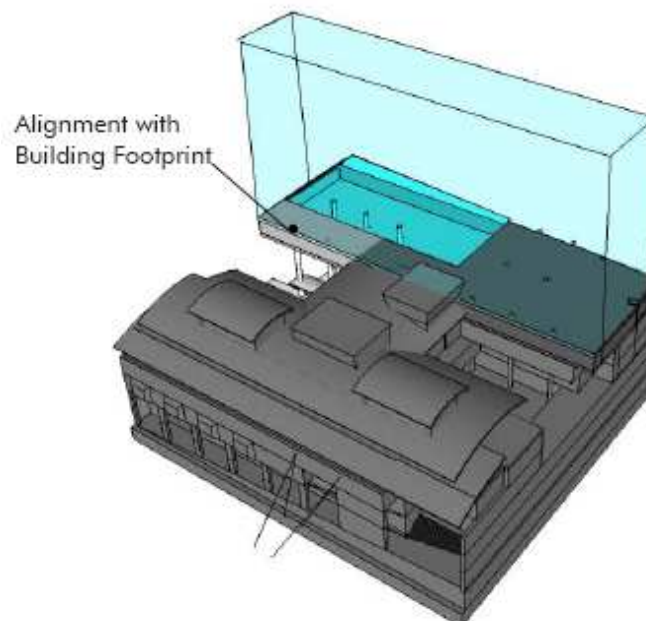


Figure 3 Axonometric view of existing building (grey) and proposed podium extension (dark blue,) and new tower element (light blue).



Figure 4. Photomontage of the proposed development from the Broadway/Harris Street Intersection



Figure 5. Photomontage of the development viewed from the UPN

3.2 PREFERRED PROJECT REPORT

On 26 October 2009, the proponent submitted a Preferred Project Report (PPR). The PPR included details of design changes summarised as follows:

- Amendments to the building façade to Harris Street to reduce the appearance of bulk and scale;
- Improved internal amenity for bedrooms;
- Further details on construction hours, wind impacts and bicycle parking.

The City of Sydney was consulted on the revised design in the PPR. The Council advised the Department that it was supportive of the revised design of the Harris Street facade, including the use of pre-cast panels and the colour treatment.

4 STATUTORY CONTEXT

4.1 MAJOR PROJECT DECLARATION

The proposal is a Major Project under Part 3A of the Act as the proposal meets the criteria in Schedule 1, Group 7, clause 20, as it is development for the purpose of teaching or research (including universities) and has a CIV more than \$30 million.

On 4 September 2008, the Minister formed the opinion that a proposal to redevelop the UTS Broadway campus (including the Peter Johnson Building) is a project to which Part 3A applies.

4.2 ZONING / PERMISSIBILITY

The site is zoned Residential-Business under Sydney Local Environmental Plan 2005 (SLEP 2005). The proposed development is not prohibited by the LEP.

4.3 DIRECTOR GENERALS ENVIRONMENTAL ASSESSMENT REQUIREMENTS (DGRS)

On 17 February 2009, the Director General issued environmental assessment requirements (DGRs) pursuant to Section 75F of the EP & A Act. The Environmental Assessment submitted on 8 April 2009 was adequate for exhibition.

4.4 OBJECTS OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

The objects of any statute provide an overarching framework that informs the purpose and intent of the legislation and gives guidance to its operation. The Minister's consideration and determination of a project application under Part 3A must be informed by the relevant provisions of the Act, consistent with the backdrops of the objects of the Act.

The objects of the Act in section 5 are as follows:

- (a) to encourage:
 - (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
 - (ii) the promotion and co-ordination of the orderly and economic use and development of land,
 - (iii) the protection, provision and co-ordination of communication and utility services,
 - (iv) the provision of land for public purposes,
 - (v) the provision and co-ordination of community services and facilities, and
 - (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and
 - (vii) ecologically sustainable development, and
 - (viii) the provision and maintenance of affordable housing, and
- (b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State; and
- (c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

The Department has considered the Objects of the Act in the assessment of this application. The balancing of the project in relation to the Objects is provided in Section 5.

4.5 ESD PRINCIPLES

The Protection of the Environment Administration Act 1991 provides five accepted ESD principles:

- (a) decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations (the integration principle);

- (b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (the precautionary principle);
- (c) the principle of inter-generational equity - that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (the inter-generational principle);
- (d) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (the biodiversity principle); and
- (e) improved valuation, pricing and incentive mechanisms should be promoted (the valuation principle).

The Department has considered the project application for subdivision in relation to the ESD principles and has made the following conclusions:

1. Integration Principle - The proposed development will provide additional teaching space and accommodation for students of UTS Broadway.

2. Precautionary Principle – The proposed development will not impact on threatened or vulnerable species, populations, communities or significant habitats as the site has a low level of environmental sensitivity.

3. Climate Change –The proposed development is not likely to be impacted by potential rises in river or sea levels due to the height of the site above sea level and is not classified as being within a flood prone area.

4. Inter-Generational Principle –The development will facilitate the growth and development of the university, which provides both teaching and research, and will provide accommodation for students close to the campus. Minimal parking is proposed, and the construction will achieve a high level of environmental sustainability.

5. Biodiversity Principle – There is little natural vegetation on the site and the site does not contain any threatened or vulnerable species, populations, communities or significant habitats. Therefore the proposal will not impact upon the conservation of biological diversity or ecological integrity.

6. Valuation Principle – The development will facilitate the operation of UTS which is an internationally recognised institution and a large employer in the region. The provision of additional housing will provide greater choice for students and ease the demand for other accommodation in the area.

The proponent is committed to ESD principles which are detailed in the Preferred Project Report including:

- Green construction management practices;
- Use of energy and water saving appliances, fittings and fixtures;
- Harvest rainwater for on-site reuse;
- Residents encouraged to use non-car transport (one mobility impaired space is provided only).

4.6 SECTION 75I(2) OF THE ACT & CLAUSE 8B OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

Section 75I(2) of the Act and Clause 8B of the Environmental Planning and Assessment Regulation 2000 provides that the Director-General's report is to consider a number of requirements. These matters and the Department's response are set out as follows:

Section 75I(2) criteria	Response
Copy of the proponent's environmental assessment and any preferred project report.	The Proponent's EA and Preferred Project Report are located in Appendix D.
Any advice provided by public authorities on the project.	Submissions provided by public authorities on the project for the Minister's consideration are discussed in Section 6 and Appendix C of this report.
Copy of any report of the Planning Assessment Commission in respect of the project.	The project was not required to be referred to the Planning Assessment Panel.

Copy of or reference to the provisions of any State Environmental Planning Policy that substantially govern the carrying out of the project.	A brief assessment of each relevant State Environmental Planning Policies that substantially governs the carrying out of the project is provided in Section 4.7 of this report.
Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division.	The application is not critical infrastructure. Consideration of relevant EPIs is detailed in section 4.7 of this report.
Any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate.	The environmental assessment of the project is this report in its entirety. All environmental impacts associated with this proposal have been assessed within this report.
A statement relating to compliance with the environmental assessment requirements under this Division with respect to the project.	The EA and subsequent submissions by the proponent forms the basis for consideration of the environmental impacts associated with the development. The Department is satisfied that the project complies with the environmental assessment requirements issued on 17 February 2009.
Clause 8B criteria	Response
An assessment of the environmental impact of the project.	An assessment of the environmental impact of the proposal is discussed in section 5 of this report.
Any aspect of the public interest that the Director-General considers relevant to the project.	The public interest is discussed in section 5 of this report.
The suitability of the site for the project.	The site is considered suitable for the proposed development.
Copies of submissions received by the Director-General in connection with public consultation under section 75H or a summary of the issues raised in those submissions.	A summary of the issues raised in the submissions is provided in section 5 and Appendix C of this report.

Clause 8B of the Regulation sets out the matters which the Director General must present in his report for environmental assessment and Ministerial consideration. It states that the Director General's report is to include an assessment of the environmental impact of the project, any aspect of the public interest that the Director General considers relevant to the project, the suitability of the site for the project and copies of public submissions received by the Director General. These issues are discussed in this report.

4.7 ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy No. 55 (Remediation of Land) (SEPP 55)

SEPP 55 aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment by specifying that certain considerations be made by the consent authority when determining development applications in general, and where relevant, land has been appropriately remediated.

A contamination report was not submitted with the application as minimal excavation is proposed, and that due to the previous uses on the site, it is unlikely that there would be significant contamination exposed on the site. The site should therefore be suitable for the continued use as a teaching facility, and proposed new use for student housing.

State Environmental Planning Policy (Infrastructure) (SEPP Infrastructure)

SEPP (Infrastructure) 2007 became operational on 1st January 2008. Due to the size of the development, the proposal was referred to the RTA on 5 May 2009 for comment in accordance with the Infrastructure SEPP. The RTA made a submission with a number of recommendations including design of works and noise standards. These have been addressed by the proponent in the PPR, as well as in the recommended conditions of approval.

Clause 102 of SEPP Infrastructure requires bedrooms in the building to not exceed 35 dB(A) between 10pm and 7am. The application proposes that the bedrooms not exceed 40dB(A) between 10pm and 7am, and will meet the Australian Standard AS2107:2000 requirements and the worst affected sleeping areas will be approximately 36-37 dB(A). The proposal is considered satisfactory.

5 ASSESSMENT OF ENVIRONMENTAL IMPACTS

Key issues considered in the Department's assessment of the Environmental Assessment include:

- Height, bulk and scale
- Design and materials
- Construction and geotechnical issues
- Connection with the Ultimo Pedestrian Network
- Internal residential amenity
- Traffic and parking
- Public domain impacts
- Impact on heritage items
- Relationship to the UTS Broadway Concept Plan
- Demand for student housing beds

5.1 HEIGHT, BULK AND SCALE

Concerns were raised in the public submissions about height, bulk and scale of the proposed development.

The highest part of the structure is RL 81.00. The top of the building would be 4.42m higher than the adjoining ABC building (excluding the spire), although the ground to roof height would be similar due to the change in ground levels along Harris Street. The proposal would also be 15.43m higher than the adjoining Taragon Building. The tower element is well set back from Harris Street and Broadway which will reduce the appearance of height, bulk and scale from these streets. The proposed height is also similar to the height of the building approved under the Council issued Development Consent for the site.

It is also noted that the development will be 52m lower than the existing 32 storey UTS tower building on the opposite side of Harris Street, and 53m less than the Concept Plan approved height of the Frasers/CUB Building 2 located further south on Broadway.

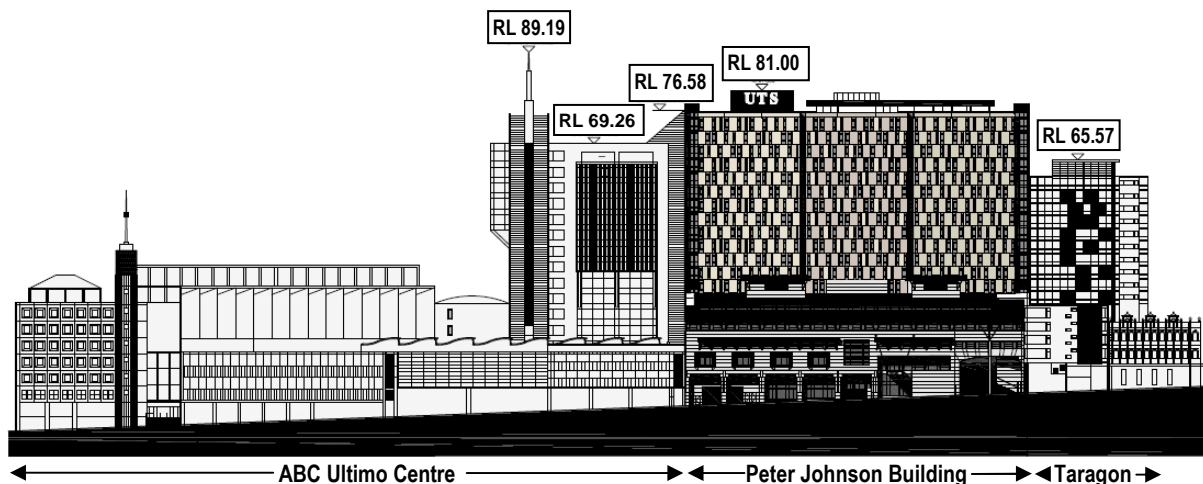


Figure 6. Building elevations from Harris Street, and heights

The floor space ratio (FSR) of the proposal is approximately 8:1 (in accordance with the Sydney LEP 2005 definition). The proposed FSR is higher than the commercial FSR of 5:1 and residential FSR of 4:1 for this site as specified in the Ultimo-Pymont precinct under the Sydney LEP. However, the site is located at the very south-eastern edge of this precinct, at the interface with the Central Sydney precinct. Land immediately to the south of the subject site, and on the opposite side of the UPN is located in the Central Sydney precinct and are permitted to have an FSR of up to 8:1 for residential purposes. The proposed FSR is also similar to the previously approved

FSR of 7:1 in the Council issued Development Consent for the site. As stated above, the height, bulk and scale of the proposal does not result in adverse impacts on amenity or public domain and is not out of character with the surrounding scale of development along Harris Street. Accordingly, the additional FSR is supported.

The increased articulation and choice of materials of the revised design assists in reducing the appearance of bulk. The proposal is not out of scale or character with surrounding development in Harris Street or adjoining the UPN, and there are no significant amenity impacts as a result of the development.

It is also noted that increasing the floor space of the building enables large numbers of staff and students to benefit from the extensive provision of public transport in the vicinity of the site, encouraging the use of non-car transport.

5.2 DESIGN AND MATERIALS

The City of Sydney's main concerns with the proposal related to the massing resulting from the façade detailing and materials, including the colour scheme proposed and lack of articulation.

The architectural Design Document provided in Appendix E of the EA states there are structural limitations to the design options for the tower as a result of the existing podium. This includes the location of the existing central courtyards of the podium, which restrict the use of balconies and overhangs which would impede daylight and views to the sky, as well as restricting the use of these courtyards during construction. This results in limited opportunities to stagger or indent the setbacks of the façade to Harris Street.

The proponent amended the design of the tower element in the PPR to address Council's concerns. The changes include:

- Modifications to articulation on the Harris Street frontage, to modulate the massing of the building into three vertical sections;
- Use of varied colour treatments and window sizes;
- Changes to the floor plan to accommodate the external changes.



Figure 7. Original design (left) and revised design (right) of the Harris Street façade.

The City of Sydney advised the Department that it is satisfied with the revised design of the Harris Street façade.

The Council requested that the podium on the UPN frontage should match the height of the indented podium of the ABC building. However, the Department notes that the podium element is existing and therefore opportunities for changes to this structure are limited. The purpose of a podium is to assist in creating a clear base for a building along street frontages, which will still be the case for this development. The height of the podium is similar to the ABC building podium, and a substantial redesign to match the ABC building is not warranted, especially as the podium level is not consistently applied to other buildings fronting the UPN.

In considering the proposed form and design of the proposed development, the Department considers that the Peter Johnson Building will be generally consistent with the future built form of the immediate locality and previously approved envelope. The design is therefore considered to be satisfactory in this regard.

5.3 CONSTRUCTION ISSUES

Geotechnical Issues

The structural loads from the new building (Levels 9 and above) will be transferred to Level 8 and then supported by the columns in the existing structure. The Structural Engineers Report (Appendix R in the EA) notes that a number of columns will theoretically be overstressed by approximately 5% and further geotechnical investigations are required to confirm whether the existing foundations and structure are sufficient to carry the proposed loads or need to be upgraded.

The geotechnical investigations (Appendix Q in the EA) indicate that the existing piles appear to have been constructed in accordance with the original design (ie a minimum 1m socket into Class II sandstone). The report recommends that a bore shall be drilled adjacent to critical piles and 25% of remaining piles to confirm the individual load capacities of the piles. The Statement of Commitments only proposes to drill bores adjacent to critical piles and accordingly conditions of approval are recommended requiring additional bore testing to be carried out.

Construction Hours

The standard hours of construction are proposed to be 7:00am to 7:00pm Monday to Friday, and 7:00am to 5:00pm Saturday, with no work proposed on Sundays or Public Holidays.

The proponent also proposes works to be carried outside of these hours for internal works only, within the following hours (excluding public holidays):

- 12am Sunday to 7am Monday
- 7pm to 7am Tuesday to Saturday
- 5pm to 12am Saturday

The Department is satisfied with the construction hours proposed.

Construction Noise and Vibration

Concerns were raised by the ABC with regard to the impact of construction noise and vibration on their operations, including broadcasting. The proponent stated in the PPR that consultation will continue between ABC and UTS to minimise disruptions to ABC activities.

A noise impact report is included in Appendix S of the EA. Target goals for internal and external noise goals are based on City of Sydney DCP and AS2436. Vibration criteria have been developed based on Australian Standards and German Standards.

Proposed noise mitigation measures include a noise plan outlining work procedures and methods to minimise noise, acoustic measures for hydraulic hammering, provision of acoustic barriers, and treatment of equipment where necessary.

The Department recommends that regular communication with the ABC and other adjoining property owners be undertaken throughout the project including fortnightly meetings to reduce the potential for any scheduling conflicts between ABC recording and production activities and the construction of the development, in particular when noisier works such as demolition and piling are proposed.

Construction Management

A detailed construction management plan is included in Appendix S of the EA. A works zone will be located in the UPN, accessed from Thomas Street. The access path will require the removal of the wall at the end of Thomas Street adjacent to the car park wall owned by Mirvac. The construction zone will include a 6m wide access area along the eastern side of the UPN, and covered hoardings to allow pedestrian access to be available to access the Devonshire Street Tunnel (refer to figure 8).

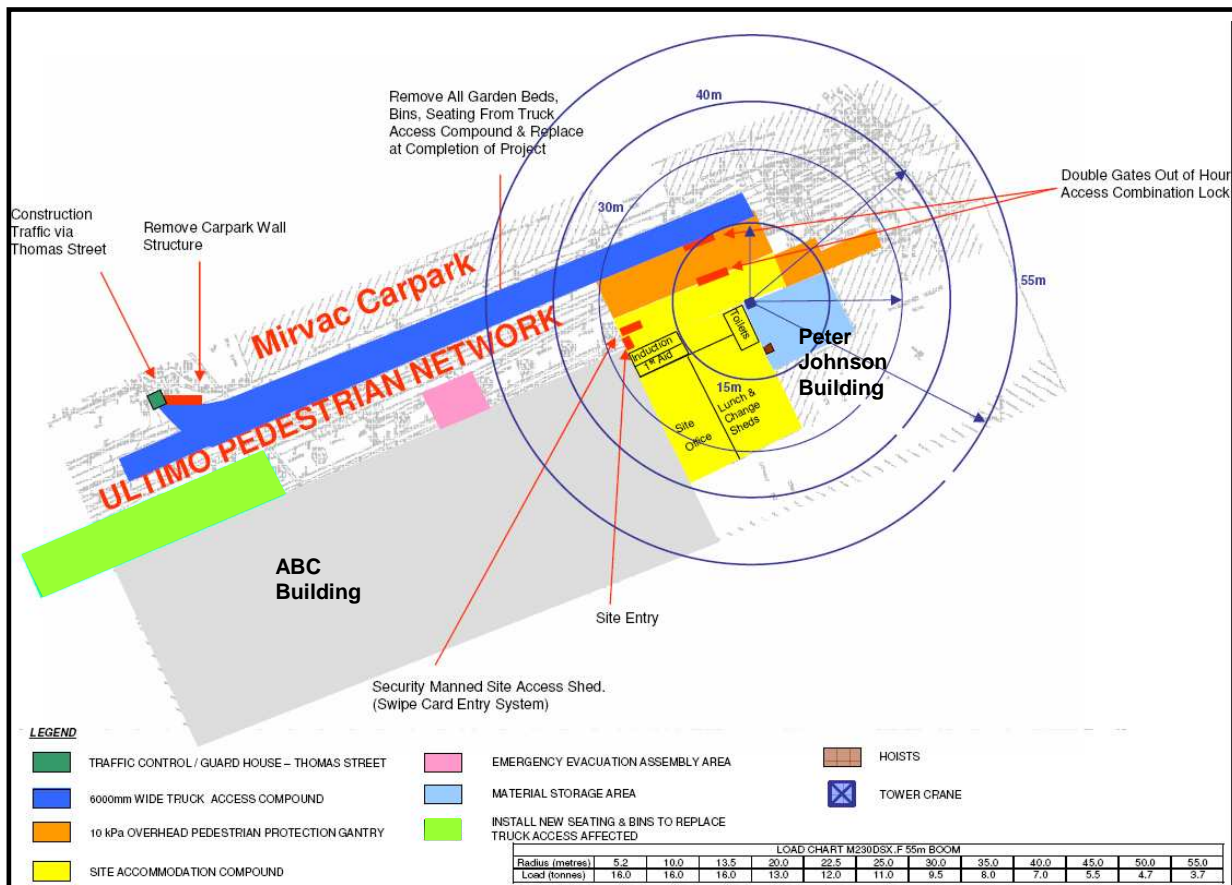


Figure 8. Construction work zones.

The CMP report identifies a number of areas requiring dilapidation reports prior to commencement of construction including the Mirvac car park and adjoining building. A condition of approval has been included to ensure the reports include the ABC building and Council property, and that upon completion of construction the paving, street furniture, trees in UPN affected by work zone should be replaced.

Emergency evacuation and general pedestrian access from the UPN to the ABC building will be maintained.

5.4 CONNECTION WITH THE ULTIMO PEDESTRIAN NETWORK/CIRCULATION

The proposed development will extend the podium over the existing uncovered courtyard at the rear of the site adjoining the UPN, and will introduce level access from the UPN into the Peter Johnson Building, although only for student residents. An area is also proposed for a café at ground level adjoining the UPN.

The elevated bridge and stairs over the UPN provides public pedestrian access from the Devonshire Street tunnel (from Central Station) to Level 4 of the Peter Johnson building. Level 4 is the main floor and foyer area within this building, and is connected to the ground floor of Building 1 on the campus by the Harris Street pedestrian bridge.

The City was of the opinion that the redevelopment creates an opportunity to remove the bridge, which is considered to be of poor visual quality.

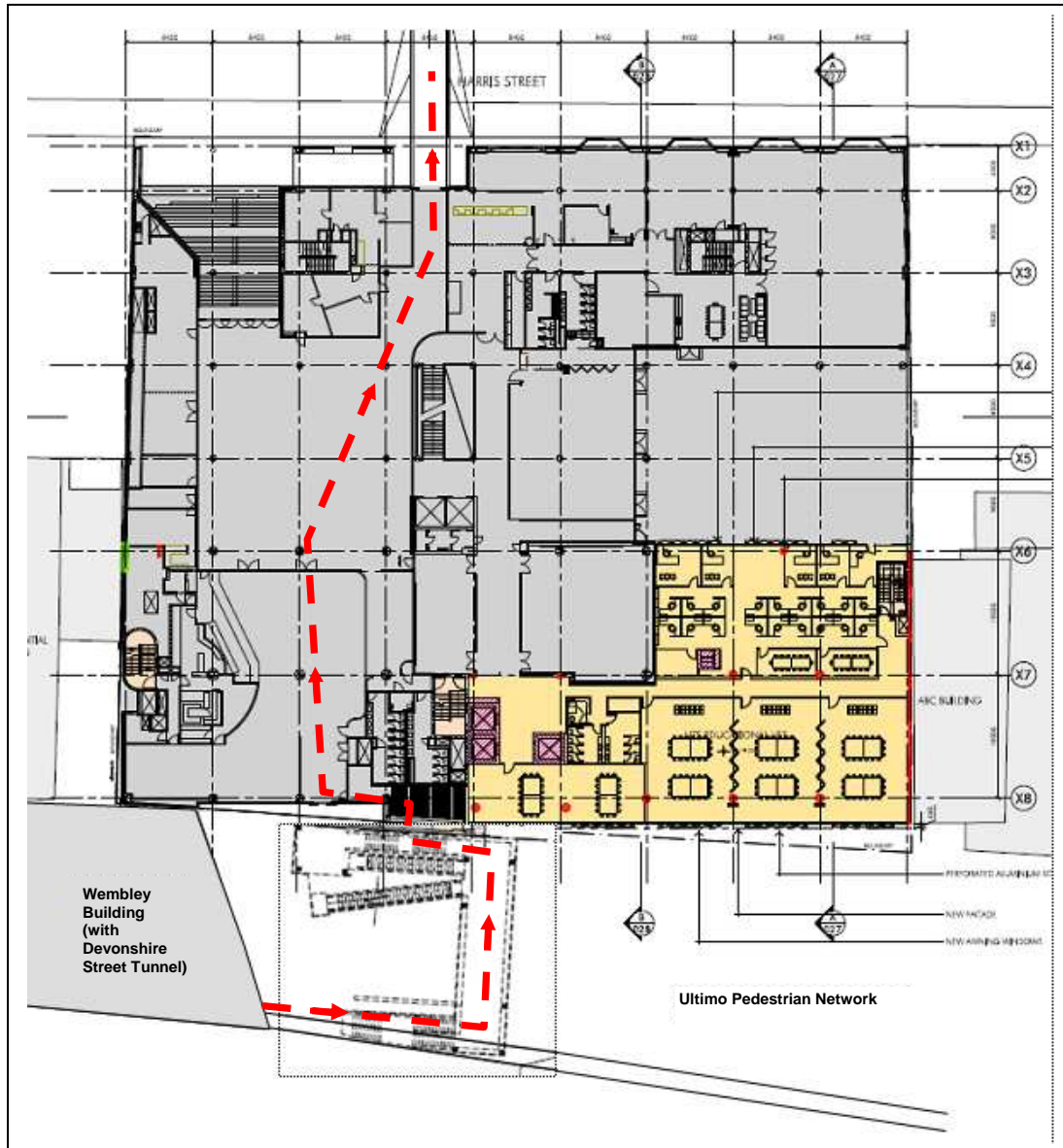


Figure 9: Pedestrian path of travel from Devonshire Street tunnel to Harris Street bridge

UTS maintains that the UPN bridge and stair/escalator provides a publicly accessible path within the university with direct connection to public transport and should be retained. Public access from the UPN to Level 4 could be internalised (where it is only proposed for student housing residents) although modifications to the internal design of the building would be required. The Department considers that the issue will be best addressed as part of the UTS Broadway Concept Plan, which covers public domain improvements and pedestrian paths of travel across the site.



Figure 10. UPN pedestrian bridge and stairs, connection to the Peter Johnson Building on the right.

5.5 INTERNAL RESIDENTIAL AMENITY

Concerns were raised by the Council and in the public submissions regarding the internal amenity for student residents, and that the development, particularly the size of rooms, should comply with State Environmental Planning Policy No. 65 (Design Quality of Residential Flat Development).

The proponent maintains that the type of development proposed is not for the provision of permanent accommodation, but rather a university college, and that the majority of principles in the SEPP will be achieved. It is noted that the revised design of the building as detailed in the PPR includes larger floor to ceiling windows on the Harris Street and UPN facades for residents.

The proposal is architecturally designed and purpose-built for student housing, and though the rooms are small, they are furnished and provide facilities such as built-in storage and study desks. In addition to the studio and shared units, large areas of communal facilities are proposed on Level 8 and the roof level. Facilities include a laundry, games room, theatre, and common lounge and meals room. Additional services and facilities are available on the main campus on the opposite side of Harris Street, including a fitness centre, cafes and study facilities. The design and size of the rooms are considered acceptable.

Concerns were also raised by the Council about 12 bedrooms where windows are less than 2m apart from each other. In response, the proponent has amended the design to include metal louvered screens that will comply with the BCA with regard to light and ventilation, whilst providing sufficient privacy for residents. The outcome is considered by the Department to be satisfactory.

Internal amenity resulting from traffic noise was raised in the public submissions. The environmental noise assessment prepared by Acoustic Logic Consultancy (Appendix M of the EA) details that the internal noise levels of the dwellings will comply with EPA criteria (ie. 40dB(A)), although it will exceed Clause 102 in SEPP

Infrastructure (35 dB(A)). In addition, natural ventilation will be provided through common areas and grills above doors, ceiling fans in rooms, and acoustically dampened ventilation grills in the window system to minimise noise transmission.

The Department considers that the design of the student housing provides sufficient levels of internal amenity for future residents of the student housing.

5.6 TRAFFIC AND PARKING

The existing Peter Johnson Building provides 135 car parking spaces for the use of staff. The proposed development will reduce the number of spaces by 13 spaces to 122. The application also proposes 70 bicycle spaces for the use of residents only.

The reduction in staff car parking spaces, and lack of parking spaces provided for students is considered to be a positive impact for the environment. The student housing is within walking distance of the university campus facilities, the Broadway Shopping Centre, as well being located close to public transport services including numerous bus services, light rail route, trains and proposed CBD metro.

5.7 PUBLIC DOMAIN IMPACTS

Concerns were raised in the public submissions regarding the external amenity impacts of the proposal, in particular wind impacts and overshadowing on pedestrians in surrounding streets.

In response, the proponent submitted an amended pedestrian wind assessment in the PPR. The report states that the site is generally well shielded from prevalent wind conditions by existing buildings. The ground level areas, communal terraces and communal roof terrace are expected to achieve a ranking of 4-5 (out of 9) on the Beaufort Scale, which is a measurement of wind intensities. This equates to a moderate breeze to a fresh breeze. It is not expected to result in any adverse impacts on pedestrian footpaths and thoroughfares.

During the winter solstice, the worst case scenario for overshadowing, the existing podium and adjoining buildings cast extensive shadows over Harris Street, Broadway and the UPN. The proposed tower element will add only a small amount of overshadowing to these streets. The tower element will increase the overshadowing of elevations of adjoining buildings, mainly the UTS educational buildings. Bedroom windows in the Taragon Building facing east, closest to the Peter Johnson Building, will be affected throughout the day, however these are low use rooms and the result is not considered to be significant. Some north facing living rooms facing the subject site are affected, but only after 12 noon. Given the CBD location, height and density of the surrounding built form, the overshadowing impacts are considered to be reasonable.

The Department is satisfied with the report and considers that the impact of the development for pedestrians will be satisfactory.

5.8 IMPACT ON HERITAGE ITEMS

Heritage items in the vicinity of the site include the Bon Marche building, located on the south-western corner of Harris Street and Broadway, and adjoining Terraces and Loft building, all owned by UTS. The Agincourt Hotel, Federation free-style building and Marcus Clark Building on Broadway are also heritage items.

A Heritage Impact Statement prepared by Godden Mackay Logan was included in Appendix G of the EA. The report concludes that the separation of the subject site from the heritage items will result in no physical impacts on the items, and that the substantial setback of the tower element from the podium and heritage items means that the impacts of the new building will have a negligible impact on heritage items in the vicinity.

The Department has considered the heritage reports and agrees that the impact on heritage items will not be significant.

5.9 RELATIONSHIP TO UTS CONCEPT PLAN

Concerns were raised in the public submissions that the application is being considered prior to the determination of the Concept Plan application for the UTS Broadway Campus (MP 08_0116) which is currently under assessment by the Department.

This application has been assessed concurrently with the Concept Plan application, and whilst they can be determined independently, due consideration was given to the Concept Plan application. The site is physically separate from the remainder of the UTS Broadway precinct, and the existing Development Consent and surrounding context determines the appropriate building envelope for the site already. The Concept Plan does not include additional analysis to justify the redevelopment of the Peter Johnson Building, and has only included it for completeness. It is noted however that the project application is consistent with the building envelope in the Concept Plan, proposed to have a maximum height of RL 83.30 (the proposed height of the project application is RL 81.00).

5.10 DEMAND FOR STUDENT HOUSING BEDS

UTS currently provides 423 off-campus student beds, which represent a ratio of 1 bed to 45 equivalent full-time students, which is much lower than other Sydney and Australian Universities. The current proposal will not only provide more than double the number of student beds, but locate them on campus. A range of accommodation is provided, including studios, 2 and 6 bedroom units, and accessible accommodation to meet different housing preferences and needs. The additional student beds will also alleviate the demand for housing in the private rental market.

5.11 STATEMENT OF COMMITMENTS

A copy of the final Statement of Commitments submitted with the application is located at **Appendix B**. The key issues identified are:

- Ecologically sustainable development;
- Noise and visual privacy
- Construction management;
- Operation and management of the student housing;

The Statement of Commitments is generally considered to be reasonable for this application, and along with the recommended conditions of approval, the impacts of the development are considered to be acceptable.

5.12 PUBLIC INTEREST

The public interest can be satisfied on the basis that the proposed development will facilitate the provision of an improved teaching space for the university, and will provide additional student accommodation for both domestic and international students attending the university, reducing the need for students to find accommodation in the private rental market. The social and economic benefits include locating students within walking distance to the university campus and transport nodes and reducing dependence on private vehicles, increasing the activation of this part of the city at nights and weekends, and assist in providing a world leading university of technology.

6 CONSULTATION AND ISSUES RAISED

6.1 PUBLIC EXHIBITION DETAILS

The EA was publically exhibited from **27 May 2009** until **26 June 2009** for a period of 31 days and was published in the Central Courier and Sydney Morning Herald, and was made available on the Department of Planning's website. Copies of the EA were also available for inspection at City of Sydney offices and the Department of Planning's offices in Sydney during the exhibition period.

6.2 AGENCY SUBMISSIONS

The Department received 7 submissions from the following agencies:

- City of Sydney
- Ministry of Transport
- RTA
- RailCorp
- Department of Water and Energy
- Sydney Water
- TransGrid

A summary of the response to these issues is located at **Appendix C**, as well as a discussion of the major issues in sections 5 and 6 of this report. It was concluded that the relevant issues could be adequately addressed by the Statement of Commitments and conditions of approval.

6.3 PUBLIC SUBMISSIONS

The Department received 5 submissions from the public. Concerns included:

- Height, bulk and scale of the development
- Relationship to the Concept Plan application under assessment by the Department
- Increased pedestrian and vehicle traffic
- Wind impacts, solar reflectivity and overshadowing of the public domain
- Internal amenity and open space
- Operational management of the facility including management of noise
- Building design to achieve a high level of ecologically sustainable development
- Construction noise and vibration impacts on ABC recording/broadcasting studios.

These issues have been addressed in Appendix C of this report.

7 CONCLUSION

The Department has assessed the EA and considered the submissions in response to the proposal. The key issues relating to the proposed development are the built form of the proposal, residential amenity and pedestrian amenity.

The Department has considered these issues and a number of conditions are recommended to ensure issues are satisfactorily addressed.

On these grounds, the Department considers the site to be suitable for the proposed development and that the proposal is in the public interest as the development will provide additional teaching space and student accommodation for the University of Technology. Consequently, the Department recommends that the proposed redevelopment of the Peter Johnson Building be approved, subject to conditions.

8 RECOMMENDATION

It is recommended that the Minister:

- (A) **consider** all relevant matters prescribed under Section 75J(2) of the Environmental Planning and Assessment Act, 1979, including those relevant matters prescribed by 75I(2) as contained in the findings and recommendations of the Director General's report and appended documentation;
- (B) **approve** the application, subject to conditions, under section 75J(1) of the Environmental Planning and Assessment Act, 1979, having considered all relevant matters in accordance with (A) above;
- (C) **sign** the attached instrument of approval.

Michelle Cramsie
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Strategic Assessment

Simon Bennett
Team Leader
Strategic Assessment

Michael File
Director
Strategic Assessment

Giovanni Cirillo
Executive Director
Urban Renewal and Major Sites

Tom Gellibrand
Deputy Director General
Plan Making and Urban Renewal

APPENDIX A. RECOMMENDED INSTRUMENT OF APPROVAL

APPENDIX B. STATEMENT OF COMMITMENTS

APPENDIX C. RESPONSE TO SUBMISSIONS

APPENDIX D. ENVIRONMENTAL ASSESSMENT AND PREFERRED PROJECT REPORT

APPENDIX E. PUBLIC DISCLOSURE DOCUMENTS RELATING TO CONTACT WITH LOBBYISTS
