

DEPARTMENT OF PLANNING & INFRASTRUCTURE

Development Assessment Systems and Approvals

SUBJECT: MODIFICATION TO THE UTS BROADWAY BUILDING, UTS CITY CAMPUS (MP 09 0212 MOD 1)

PURPOSE

To determine a modification request (MP 09_0212 MOD 1) for the UTS Broadway Building project approval, which seeks to modify the approved construction hours to allow for internal works to be undertaken Monday to Friday until 10 pm.

BACKGROUND

On 16 December 2011, the Deputy Director-General, Plan Making and Urban Renewal, as delegate of the Minister for Planning and Infrastructure, approved the major project for the UTS Broadway Building at the UTS City Campus (see **TAG B**).

The approved works comprise:

- construction of a 12 storey building with a maximum height of 46.82 metres (RL 54.550);
- 32,500 sqm of gross floor area for education and associated ancillary use (student union kitchen and café);
- an architectural feature in the form of an aluminium binary screen on each façade to a maximum height of 57.281 m (RL 71.721);
- landscaping around the building;
- parking for an additional 160 vehicles over three basement levels;
- modification to the adjacent Building 10 car park for:
 - vehicle access to the Broadway Building car parking,
 - 250 bicycle parking spaces and shower/change room facilities resulting in a loss of 32 car spaces in this building; and
 - pedestrian bridge links between levels 3-7 of both buildings.

PROPOSED MODIFICATION

The proponent is seeking to modify the approved construction hours to allow for internal works to be undertaken Monday to Friday until 10 pm.

MODIFICATION OF THE MINISTER'S APPROVAL

In accordance with clause 3 of Schedule 6A of the EP&A Act, section 75W of the Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects. Approved projects are transitional Part 3A projects.

Section 75W(2) of the Act provides that a proponent may request the Minister to modify the Minister's approval of a project. The Minister's approval of a modification is not required if the approval of the project as modified would be consistent with the original approval. As the proposal involves modification to the conditions, the application will require the Minister's approval.

CONSULTATION

In accordance with section 75X of the EP&A Act and clause 8G of the EP&A Regulation, the modification request was made available on the department's website. Due to the minor nature of the proposed modification, the application was not exhibited by any other means. No public submissions were received on the modification request.

The application was referred to City of Sydney Council, who is generally supportive of the proposed extension of construction hours. However, council requested that the works be restricted to internal works and appropriate conditions be imposed regarding the hours of work, restrictions on the scope of works in the extended construction hours, the cessation of the extended hours by March 2014, establishment of a community complaints hotline, notification of the surrounding area and notifying council if complaints are received.

DELEGATED AUTHORITY

The Minister has delegated his functions to determine a modification request under section 75W of the Act to the department where:

- the council has not made an objection, and
- there are less than 10 public submissions objecting to the proposal, and
- a political disclosure statement has not been made in relation to the application.

No submissions were received from the public regarding the proposed modification and council has not made an objection. There has also been no political disclosure statement made for this application or for any previous related applications or by any of the persons who lodged a submission.

Accordingly, the application is able to be determined by the Director, Industry, Social Projects and Key Sites under delegation.

KEY ISSUES

The department considers the key issues for the modification to be noise limits, neighbour notification and complaints management.

Noise Limits

The site is generally surrounded by educational buildings to the north and east, Broadway to the south and Wattle Street to the west. Located on the western side of Wattle Street, approximately 35 metres from the site, is a mixed use building which includes commercial and residential uses. The completion of the first stages of the Central Park development to the south-east of the site will also result in additional sensitive residential receivers on the southern side of Broadway approximately 55 metres from the site.

The construction hours for the project are identified in the Construction Management Plan Framework and are restricted to between the hours of 7.00 am and 7.00pm Monday to Friday, and the hours of 7.00 am and 5.00 pm Saturday. The proponent seeks to modify these construction hours to undertake internal fit-out and service commissioning works until 10 pm on weekdays, including light weight partitioning, ceilings, joinery, tiling, painting and the completion of building services trades. The proponent has indicated that deliveries will be undertaken during the existing approved construction hours and all movement of materials can be undertaken within the internal lifts. The construction activities would include use of power and hand tools. The extended hours would allow for early completion of the project by approximately five to six weeks, and therefore reduce the overall construction period and impact on surrounding residents. The extended hours are expected to run until the targeted project completion in February 2014 and therefore occur over a period of three to four months.

The proposed works are to be internal works and will be undertaken within the evening period. City of Sydney Code of Practice for Construction Hours / Noise 1992 (SCC Code) identifies noise limits for various hours including for the proposed extended period, which is categorised as Category 2. The noise limit for Category 2 is background plus 3 dBA. The proponent has identified the background noise level during the evening period through noise monitoring undertaken at the site. The proponent's Project Environmental Management Implementation Plan (PEMIP) identifies a noise level restriction of 61 dBA (based on a background level of 59 dBA and the 3 dBA permissible under the SCC Code). The PEMIP states that any sources identified as exceeding this limit will be reduced or eliminated.

The proponent has undertaken further noise monitoring to identify a background level of 76 dBA $L_{ax\ max}$ (council's preferred method for measuring background noise level). The department notes that the background noise level for the evening period has been measured at the site whilst construction works for the Jones Street services trenches have been under way (extended construction works approved for the hours between 4 pm and 1 am Monday to Friday) and during inclement weather days. Therefore, there is the potential that the background evening noise monitoring has been skewed as a result of the works and

the weather. The department does not consider the internal fit-out works would generate noise levels above that of the construction works for the service trenches, which include jackhammers until 10 pm, and therefore the adopted background levels are considered acceptable whilst the Jones Street works are still being undertaken. However, upon completion of these works, the department considers that the background noise level should be re-evaluated and the PEMIP updated to reflect any variations to the measured background noise level.

The department considers that the extension of hours can be supported as:

- the works will be internal fit-out works and would be undertaken within the completed façade of the building;
- the extended construction hours would not extend into the night time period (i.e. beyond 10 pm);
- the period of extended hours is expected to be only three months and would reduce the construction period by five to six weeks; and
- the extension of hours would allow the educational establishment to be completed in time for the 2014 year.

For clarity purposes and to ensure the extended construction hours are adequately managed, the department recommends that conditions be included in the approval as follows:

D8 Hours of Work

The standard hours of construction, including the delivery of materials to and from the Site, shall be restricted as follows:

- a) between 7:00 am and 7:00 pm, Mondays to Fridays inclusive;
- b) between 7:00 am and 5:00 pm, Saturdays;
- c) no work on Sundays and public holidays.
- d) works may be undertaken outside these hours where:
 - i) the delivery of vehicles, plant or materials is required outside these hours by the Police or other authorities;
 - ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
 - iii) a variation is approved in advance in writing by the Director General or his nominee.

D9 Extended Hours of Work

Notwithstanding condition D8 above, additional work is permitted to be carried out between 7:00 pm and 10:00 pm, Mondays to Fridays. Works within these hours is to comply with the following:

- a) restricted to the internal fit-out works within the constructed and completed façade of the building;
- b) no use of and operation of high noise intrusive equipment;
- c) no works on the façade of the building;
- d) deliveries are not permitted;
- e) no use of cranes;
- f) no use of floodlighting or additional lighting beyond internal lighting and lighting required for safety and access.

Works between 7:00pm and 10:00 pm (Monday to Friday inclusive) as outlined above must comply with the Construction Noise Criteria of Background Level plus 3 dB(A) _{La90} to surrounding residential receivers. Works within the extended hours must comply with the Project Environmental Management Implementation Plan. The Project Environmental Management Implementation Plan is to be updated to identify the latest background noise level for the evening period at the closest residential receiver and a new background noise level should be measured for the evening period upon completion of the adjacent Jones Street service trenches work at the closest residential receiver. No internal works should be undertaken on the evening when the additional noise monitoring is undertaken to establish the background noise level and the weather must also be fine.

The department does not consider it necessary to set a timeframe for the extended hours as it would be reasonable for the internal works to be undertaken up to project completion, which is currently set for February 2014.

Neighbour Notifications and Complaints Management

The modification application included a draft letter to surrounding residents advising them of the extended construction hours. Council has requested that the extent of the notification area be established in consultation with council and that the letter be sent 14 days prior to the extended hours commencing. The department considers the template letter is acceptable and that the notification area should be determined in consultation with council. The department considers a seven day notification period adequate given the internal nature of the works and the adjacent Jones Street works currently under construction and recommends the following condition:

D10 Notification of Extended Hours of Work

All properties, commercial and residential within the notification area as agreed to by the council, should be notified in writing, seven days prior to the commencement of approved extended construction hours.

The proponent has also advised that the project adopts the complaints handling procedure outlined in the PEMIMP and will be appropriate to cater for the extended construction hours. The department has reviewed the procedure and has included a condition that requires that council be notified of any complaints related to the works undertaken during the extended construction hours. If these complaints are not appropriately addressed and adequate ameliorative measures implemented, the construction hours will revert back to the standard construction hours. The department recommends the following condition:

D11 Community Complaints during Extended Hours of Work

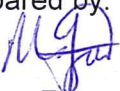
- a) Council should be notified of any complaints received regarding works undertaken during the extended construction hours in condition D9. Should any substantiated complaints concerning offensive noise from any works conducted outside the standard construction hours not be satisfactorily resolved, then the approved hours shall revert back to the standard hours of construction in condition D8.
- b) Resumption of extended working hours referred to in condition D9 shall not be permitted until the proponent can demonstrate to council and the department that appropriate ameliorative measures recommended by an acoustic consultant have been fully implemented and that the complaints are satisfactorily resolved.

RECOMMENDATION

It is RECOMMENDED that the Acting Director, Industry, Social Projects and Key Sites:

- note the information provided in this briefing;
- approve the modification request, subject to amending the conditions of approval; and
- sign the attached modifying instrument (TAG A).

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