

# Modification of Minister's Approval

## Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation dated 14 September 2011, I approve the modification of the project application referred to in Schedule 1, subject to amendments to the conditions in Schedule 2.



Chris Ritchie  
**A/Director**  
**Industry, Social Projects and Key Sites**

Sydney **9 DECEMBER** 2013

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### SCHEDULE 1

**Project Approval:**

MP 09\_0212 granted by the Deputy Director-General, Plan Making and Urban Renewal, as delegate of the Minister for Planning and Infrastructure, on 16 December 2011.

**For the following:**

Construction of the UTS Broadway Building, including:

- 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 of the Broadway Building;
- 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.

**Modification:**

MP 09\_0212 MOD 1: modify construction hours to allow internal works to be undertaken Monday to Friday until 10 pm.

## SCHEDULE 2 CONDITIONS

### Insert the following Hours of Work conditions after condition D7:

#### **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)<sub>La90</sub> 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.

#### **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.

#### **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 satisfactory 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.