

ASSESSMENT REPORT

UTS CENTRAL, BROADWAY PRECINCT, CITY CAMPUS SSD 7382 MOD 2

1. INTRODUCTION

This report is an assessment of an application seeking to modify the State significant development (SSD) approval (SSD 7382) for the construction and use of an educational building at the University of Technology Sydney (UTS) City Campus Ultimo, in the Sydney local government area (LGA).

The application has been lodged by UTS (the Applicant) pursuant to section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval to extend the general hours of construction and establish internal hours of construction.

2. SUBJECT SITE

The UTS City Campus is comprised of three precincts including the Haymarket, Broadway and Blackfriars Precincts, which are all located at the southern edge of the Sydney Central Business District (CBD).

The subject site is located along the southern boundary of the UTS City Campus Broadway Precinct fronting Broadway to the south (refer to **Figure 1**). The site is bound by Alumni Green and Building 1 to the north, Building 18 to the east and Jones Street to the west.

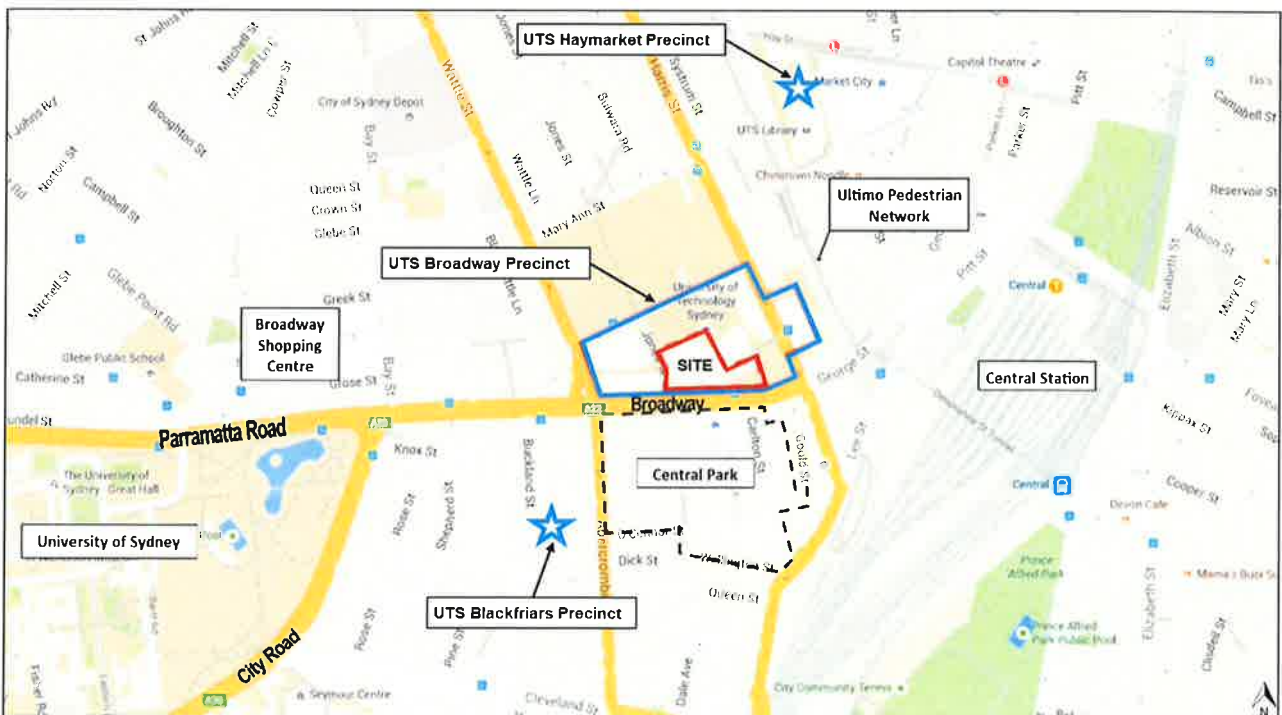


Figure 1: Site location (Base source: Nearmap)

The closest sensitive receivers to the site include:

- educational uses within UTS Buildings CB10 and CB11 within the Broadway Precinct, approximately 25 metres (m) west of the site on the opposite side of Jones Street
- apartments within the Central Park development approximately 45 m south of the site, on the opposite side of Broadway
- retail and commercial uses within the Central Park development approximately 45 m south of the site, on the opposite side of Broadway.

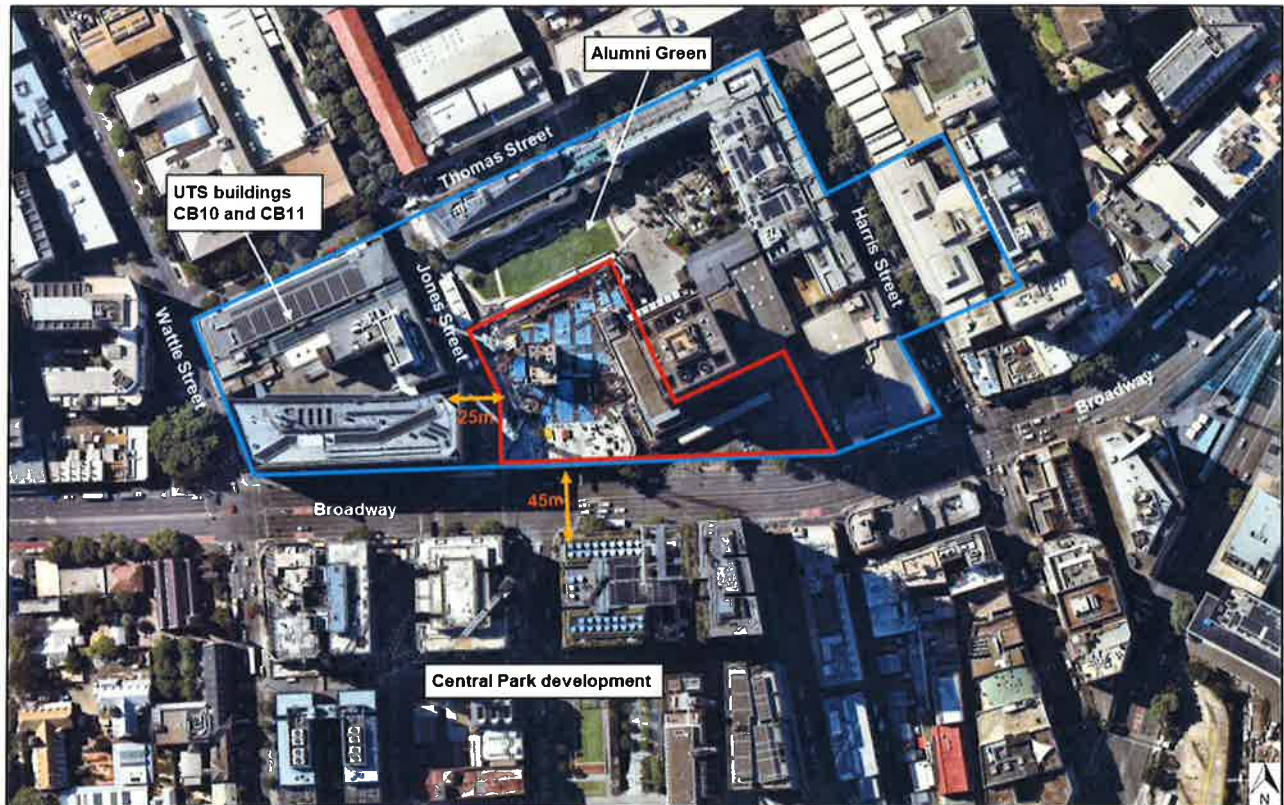


Figure 2: Aerial view of the site and its surrounding context (Base source: Nearmap)

3. APPROVAL HISTORY

On 23 September 2016, the Executive Director, Priority Projects Assessments approved a SSD application (the SSD Approval) for the construction and use of an education building, including:

- site preparation works, including demolition of existing Building 2 to ground level and associated tree removal
- construction of a new 15 storey Building 2, including a part five storey podium and one level of plant, above an existing two level basement
- construction of a four storey extension of podium of Building 1 along Broadway
- public domain improvements works
- landscaping works
- staged construction of the two buildings
- extension and augmentation of physical infrastructure/utilities.

On 18 May 2017, the Director, Social and Other Infrastructure Assessments approved a modification application (SSD 7382 MOD 1) to amend the design of the development including façade changes, additional skylights and flues, reconfiguration of internal and external layouts and additional tree removal.

The development is currently under construction as indicated at **Figure 2**.

The SSD Approval includes the following condition C1, which stipulates hours of construction for the development.

Hours of Work

C1 *The hours of construction, including the delivery of materials to and from the subject site, shall be restricted as follows:*

- a) between 7 am and 6 pm, Mondays to Fridays inclusive;*
- b) between 7.30 am and 3.30 pm, Saturdays; and*
- c) no work on Sundays and public holidays.*

Works may be undertaken outside these hours where:

- i) the delivery of materials is required outside these hours by the Police or other authorities; or*
- ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; or*
- iii) variation is approved in advance in writing by the Secretary or her nominee.*

Condition B26 of the SSD Approval requires the preparation of a Construction Noise and Vibration Management Plan (CNVMP). In addition conditions C8 to C15 set requirements to prevent offensive noise being emitted during construction, including compliance with the *Interim Construction Noise Guideline 2009* (ICNG).

4. PROPOSED MODIFICATION

On 23 October 2017 the Applicant lodged an application (SSD 7382 MOD 2) seeking approval to amend condition C1 to:

- extend the hours of construction for all works:
 - between 6 pm and 7 pm, Monday to Friday
 - between 7 am and 7.30 am, Saturday
 - between 3.30 pm and 5 pm, Saturday
- establish extended hours of construction for internal works between 7 pm and 10.30 pm, Monday to Friday, and subject to the following restrictions:
 - works are limited to internal fit-out works only, which are contained within the constructed and completed façade
 - no use/operation of high noise intrusive equipment
 - no works on the façade of the building or use of tower cranes (excluding external hoist cranes)
 - no deliveries
 - no floodlighting or additional lighting beyond internal lighting and lighting required for safety and access.

The modification is requested on the basis the:

- extended hours of construction would address predicted construction time overrun of two to four weeks, which has resulted from 46 days of inclement weather that prevented the use of tower cranes
- extended hours of construction are similar to the hours of construction of other development sites within the vicinity of the site
- establishment of internal hours of construction would not result in adverse noise impacts on nearby sensitive receivers
- sensitive receivers are already affected by high levels of construction noise and the likelihood of complaints is therefore low.

5. STATUTORY CONSIDERATION

5.1 Modification of approval

Section 4.55(1A) of the EP&A Act requires the consent authority to be satisfied that the following matters in **Table 1** are addressed in respect of all applications that seek modification approvals.

Table 1: Section 4.55(1A) matters for consideration

Section 4.55(1A) matters for consideration	Comment
That the proposed modification is of minimal environmental impact	Section 7 of this report provides an assessment of the impacts associated with the proposal. The Department is satisfied the environmental impacts of the proposed extended hours of construction (general and internal) can be appropriately managed so they are of minimal overall impact.
That the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).	The proposed modification seeks approval to extend the general and internal hours of construction and no physical changes to the development or its use are proposed. The Department is satisfied the impact of the extended hours of construction are negligible and can be appropriately managed subject to conditions. On this basis, the proposal would result in development that is substantially the same as the originally approved development.
The application has been notified in accordance with the regulations	The modification application has been notified in accordance with the regulations. Details of the notification are provided in Section 6 of this report.
Any submission made concerning the proposed modification has been considered.	The Department received two submissions on the proposal. The issues raised in submissions have been considered in Section 7 of this report.

5.2 Environmental Planning Instruments

The following EPIs are relevant to the application:

- *State Environmental Planning Policies (State and Regional Development) 2011*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policies (Infrastructure) 2007*
- *Sydney Local Environmental Plan 2012 (SLEP 2012).*

The Department undertook a comprehensive assessment of the redevelopment against the above-mentioned EPIs in its original assessment. The Department has considered the above EPIs and is satisfied the modification does not result in any inconsistency with the EPIs.

5.3 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Director, Regional Assessments may determine the application under delegation as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- there are no public submissions in the nature of objections.

6. CONSULTATION

6.1 Consultation

The application was notified in accordance with the *Environmental Planning & Assessment Regulation 2000*. The modification request was made publicly available on the Department's website and referred to City of Sydney (Council). Letters were also sent to adjoining owners/occupiers.

Council did not object to the proposal and provided the following comments:

- respite periods be applied to intrusive appliances
- noise from internal construction works should be controlled to prevent noise complaints
- delivery times and waste collection should be restricted
- shift times should be considered.

There were no public submissions received on the proposal.

6.2 Response to Submissions (RtS)

Following the notification of the modification application the Department requested the Applicant to provide a response to the issues raised in Council's submission.

On 27 February 2018, the Applicant provided a RtS (**Appendix A**). The RtS contains an updated Acoustic Report and clarification of the issues raised by Council. The RtS did not include any amendments to the proposal.

7. ASSESSMENT

The Department considers the key issue associated with the proposed modification relates to the potential noise impact of internal construction works on nearby sensitive receivers.

The modification seeks to allow for extended hours of construction for all construction works as shown in **Table 2**.

Table 2: Amendment to hours of construction for all construction works

	Approved Hours of Construction (all works)	Proposed Extended Hours of Construction (all works)	Difference (+/-)
Monday to Friday	7:00 am and 6:00 pm	7:00 am and 7:00 pm	+ 1 hour
Saturday	7:30 am and 3:30 pm	7:00 am and 5:00 pm	+ 2 hours
Sunday and Public Holidays	No work	No work	none

The modification also seeks to establish extended hours of construction for internal works between 7 pm and 10.30 pm, Monday to Friday, and subject to the following restrictions:

- works limited to fit-out and finishes works, which are to be undertaken behind the fully enclosed façade of the building
- no use/operation of high noise intrusive equipment and no deliveries
- no works on the façade of the building or use of tower cranes (excluding external hoist cranes)
- no floodlighting or additional lighting beyond lighting required for safety and access.

The Applicant submitted an Acoustic Statement (AS) to assess the potential noise impacts associated with the extended hours of construction for all works and establishment of internal house of construction on nearby sensitive receivers. The AS identifies the nearest sensitive receivers (**Figure 2**) as:

- educational uses within UTS Buildings CB10 and CB11 approximately 25 m to the west
- apartments within the Central Park Precinct approximately 45 m to the south
- retail and commercial uses within the Central Park precinct approximately 45 m to the south.

The Department is satisfied the AS has appropriately identified the key sensitive receivers potentially impacted by the proposal. Impacts on the affected receivers are considered below.

Sensitive receivers

Condition C8 indicates the development should achieve the construction noise management levels (NML) stipulated by the EPA's *Interim Construction Noise Guideline 2009* (ICNG). The ICNG NML at sensitive receivers outside the standard hours of construction is background + 5 dB(A) Leq.

Notwithstanding condition C8, the Department notes the Council's *City of Sydney Construction Hours/Noise within the Central Business District Code of Practice 1992* (the Code of Practice) has also been applied to major developments within the immediate surrounding area, including the Central Park Precinct. The Department therefore considers the Code of Practice is also a relevant consideration. The Code of Practice NML at sensitive receivers during the proposed extended hours:

- 6 to 7 pm Monday to Friday and 3:30 to 5 pm Saturday + 10 dB(A)

- 7 to 7:30 am Saturday +5 dB(A) (which is consistent with the ICNG).

The AS confirms monitoring was undertaken to determine the existing rating background level (RBL) applicable to the nearby sensitive receivers. The RBL was established to be between 53 - 56 dB(A) for residential receivers and the applicable NML is therefore between 58 - 66 dB(A). The ICNG sets a NML for non-residential sensitive receivers of 70 dB(A). The ICNG also states when noise impacts are above 75 dB(A) it represents a point where sensitive receivers are likely to be 'highly noise affected'.

The AS predicted noise levels at the nearest sensitive receiver using a worse-case scenario to determine whether the proposal would comply with the applicable Code of Practice NML criteria of 58-66 dB(A) for residential and the ICNG criteria of 70 dB(A) for retail, commercial and educational receivers. The results are presented in **Table 3**.

Table 3: The predicted noise levels at nearby sensitive receivers (exceedances highlighted red)

	Code of Practice				ICNG	
	Residential Receivers				Non-Residential Receivers	
	Mon-Fri 6 to 7pm	Sat 7 to 7:30 am	Sat 3:30 to 5pm	Mon-Fri 7 to 10:30pm	Commercial	Educational
					Mon-Fri All hours	
NML dB(A)	66	60	66	58	70	70
All Construction Works						
Structural – Formwork	58 to 70	58 to 70	58 to 70	n/a	58 to 70	63 to 75
Structural – Concrete	63 to 72	63 to 72	63 to 72	n/a	63 to 72	68 to 78
Facade – Glazing	59 to 66	59 to 66	59 to 66	n/a	59 to 66	65 to 72
In Ground Services	64 to 68	64 to 68	64 to 68	n/a	64 to 68	69 to 73
Landscaping	50 to 72	50 to 72	50 to 72	n/a	50 to 72	55 to 78
Internal Fit-out Works						
Installation of Services	33 to 54	33 to 54	33 to 54	33 to 54	33 to 54	48 to 69
Masonry	43 to 48	43 to 48	43 to 48	43 to 48	43 to 48	58 to 63
Linings and Joinery	33 to 46	33 to 46	33 to 46	33 to 46	33 to 46	48 to 61
Floor Finishes and Tiling	34 to 44	34 to 44	34 to 44	34 to 44	34 to 69	50 to 59

As indicated above, the AS predicts noise from the internal fit-out construction works, which comprises low noise activities, within the extended hours of construction (between 7 pm and 10:30 pm Monday to Friday) would be below the Code of Practice recommended NML.

The AS predicts a number of exceedances up to 12 dB(A) at residential receivers and 8 dB(A) for non-residential receivers. In the case of education receivers, the noise levels would exceed the ICNG 'highly noise affected' threshold of 75 dB(A) by up to 3 dB(A).

In consideration of the predicted impacts the Applicant has advised receivers in Central Park are already affected by high levels of construction noise and as the construction works program nears completion, the number of workers on the site at any one time (and associated site activity) is anticipated to decrease.

The AS includes the following work scheduling and on-site management to minimise the impact of noise on sensitive receivers:

- use of appropriate plant and equipment and practices to minimise operational noise
- maximising the distance between noise activities and sensitive receivers
- undertaking noising fabrication off-site and avoid use of reversing beeping alarms
- scheduling work during periods when people are less affected

- consultation, notification and complaints handling and implement all feasible and reasonable measures to address the source of the complaint
- undertaken ongoing noise monitoring at the boundary of the site for the first four weeks.

The Applicant has suggested new conditions requiring all relevant properties be notified seven days prior to commencement of works and monitoring of any complaints.

Council did not object to the proposal and suggested the inclusion of respite periods, internal construction noise should be controlled, restrict deliveries and shift times.

All construction works

The Department notes the extended hours of construction for all construction work would result in noise exceedances to both residential and non-residential sensitive receivers with the greatest potential exceedances occurring during Saturday morning between 7 and 7:30 am.

The Department has carefully considered the findings of the AS, Council's submission and the Applicant's proposed response to the predicted NML exceedances. On balance, the Department concludes the extended hours of all construction for all construction work is acceptable in this instance for the following reasons:

- residential receivers would not experience noise impacts above 75 dB(A) and will therefore not be 'highly noise affected'
- the site is located within in a noisy environment and it adjoins other construction sites, in this context it is reasonable to expect being exposed to construction noise
- the proposed extended working hours are consistent with the Code of Practice, which has been routinely applied to construction sites in the surrounding area, including the Central Park Precinct
- noise impacts on the adjacent educational receivers are to buildings within UTS' campus, and UTS will therefore be capable of managing and mitigating noise impacts on its own premises
- the Department is satisfied the work management measures suggested by the Applicant are capable of managing and mitigating significant noise emissions
- the extension of hours (1 hour Monday to Friday and 2 hours on Saturday) are minor in nature
- the extended hours of construction would contribute to reducing the predicted construction overrun timeframe.

The Department also notes Council considers the extended hours to be acceptable and no public submissions were received.

The Department has recommended a condition requiring the proposed construction works be carried out in accordance with the AS recommended mitigation measures.

The Department's assessment therefore concludes, subject to the recommended conditions, the extension of construction hours is acceptable in this instance and the potential construction noise impacts can be appropriately managed.

Internal construction works

As indicated in **Table 3**, the AS predicted noise emissions from the extended hours of construction for internal works would be below the recommended construction noise level, provided the works are carried out behind a closed façade.

The Department is satisfied the extended hours of construction for internal works is acceptable in this instance for the following reasons:

- the AS has demonstrated the proposal would comply with the Code of Practice
- the construction works would be undertaken behind the closed façade of the building, which will prevent noise emissions
- the Planning Assessment Commission and the Department have previously approved extended hours of construction for internal works within the neighbouring Central Park Precinct, including Blocks 3, 8, 10 and 11

- the extended hours of construction would contribute to reducing the predicted construction overrun timeframe.

While the proposal would meet the relevant construction noise criteria, to further mitigate and manage noise impacts the Department recommends the following conditions to ensure the amenity of the surrounding sensitive receivers is protected:

- all works to be carried out within a fully enclosed building
- no works to be undertaken outside of the building, including its façade
- deliveries, waste collection and use of cranes (except hoist cranes) to occur during the standard construction hours
- no floodlighting or additional lighting beyond what is currently required for safety and access
- site access be restricted to existing site accesses
- construction staff working on the site during the extended hours of construction adhere to appropriate noise reduction practices
- sensitive receivers be notified prior to the commencement of works and that the works revert to the standard hours of construction should complaints be substantiated and unable to be resolved.

The Department also notes existing conditions C8 to C15 set requirements to prevent offensive noise being emitted during construction and compliance with the ICNG.

Subject to the recommended and existing conditions, the Department's assessment concludes the extended hours of construction for internal works are acceptable.

8. CONCLUSION

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification to establish internal hours of construction is appropriate as:

- the extended hours of construction would reduce the overall construction period and the duration of impacts on nearby sensitive receivers
- residential receivers would not experience noise impacts above 75 dB(A) and will therefore not be 'highly noise affected' and noise impacts on UTS' own buildings can be managed by UTS
- the extension of the hours of construction are minor and temporary in nature
- noise impacts resulting from internal construction works are below the Code of Practice NML and will be carried out behind a closed façade
- the new and existing conditions would ensure noise impacts are appropriately managed and mitigated.

Consequently, it is recommended that the application be approved, subject to the recommended conditions.

9. RECOMMENDATION

It is recommended the Director, Regional Assessments, as delegate for the Minister for Planning:

- **consider** the findings and recommendations of this report
- **determine** that the application falls within the scope of section 4.55(1A) of the EP&A Act
- **approve** the UTS Central modification application (SSD 7382 MOD 2), subject to conditions
- sign the attached notice of modification (**Attachment A**).

Recommended by:



Tim Green
Planning Officer
Regional Assessments

DECISION

Approved by:



Anthony Witherdin
Director
Regional Assessments

as delegate of the Minister for Planning.

APPENDIX A: NOTICE OF MODIFICATION

A copy of the notice of modification can be found on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8837

APPENDIX B: SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Modification request

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8837

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8837

3. Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8837