

9 August 2018

15746

Carolyn McNally
Secretary
Department of Planning and Environment
320 Pitt Street, Sydney NSW 2000

Attention: Megan Fu (Senior Planner, Social and Other Infrastructure Assessments)

Dear Ms McNally

SECTION 4.55(1A) MODIFICATION APPLICATION, SSD-7382 UTS CENTRAL PROJECT, BROADWAY PRECINCT

This application has been prepared by Ethos Urban on behalf of the University of Technology Sydney (UTS), pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify State Significant Development Consent SSD-7382 relating to the extension of Building 1 and the redevelopment of Building 2 (CB02) (otherwise known as UTS Central) at the Broadway Precinct of UTS (the site).

The modification relates to design development changes and includes the following items:

- Rationalisation of Level 17 plant;
- Provision of critical substation ventilation shafts and steps along Jones Street;
- Alumni Green and part Jones Street podium design changes; and
- Clarification of Green Star conditions.

This application identifies the consent, describes the proposed modifications and provides an assessment of the relevant matters contained in section 4.55(1A) of the EP&A Act. This application is accompanied by:

- Amended Architectural Plans, prepared by FJMT (**Attachment A**); and
- Design Report, prepared by FJMT (**Attachment B**).

1.0 Consent proposed to be modified

On 23 September 2016, the NSW Department of Planning and Environment granted development consent for State Significant Development (SSD) 7382 entirely consistent with the Concept Plan (MP 08_0116) as modified on 17 March 2016. The consent was granted 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 improvement works;
- landscaping works;
- staged construction of the two buildings; and
- extension and augmentation of physical infrastructure/utilities.

There have been two modifications to the consent. MOD 1 was approved on 18 May 2017 for design modifications including façade changes, additional tree removal, additional laboratory, additional skylights, raised Level 8 terrace, additional flues and reconfiguration of internal layouts. MOD 2 was approved on 17 April 2018 for an extension of allowable hours of construction.

2.0 Proposed modifications to the consent

The proposed modification to the development consent comprises:

- Rationalisation of Level 17 plant;
- Provision of critical substation ventilation shafts and steps along Jones Street;
- Alumni Green and part Jones Street podium design changes; and
- Clarification of Green Star conditions.

The proposed modifications are described in more detail below.

2.1 Modifications to the development

The following modifications are proposed to the approved development.

Amendments to Level 17

Further design development has resulted in a rationalisation of plant space on Level 17. The modified proposal utilises surplus plant space no longer required in order to provide additional:

- Meeting room;
- Store rooms x 2; and
- Male, female and accessible bathrooms.

There is a minor increase in GFA of 146sqm resulting from this proposed amendment.

Jones Street Substation Ventilation and Steps

In accordance with Ausgrid requirements, two ventilation shafts with louvres are required to provide inflow ventilation and outflow exhaust to the approved electrical substation on Level 2. The proposed ventilation shafts are to be located within the site boundary along Jones Street near to the edge of the UTS Central building and in proximity to Broadway.

The proposed ventilation shafts are a critical item to the functioning of the substation and meet the design specifications as required by Ausgrid. The shaft furthest from the building facade is 4.9m in height and 2.5m in width. A louvre panel is integrated in one side of the shaft. The second shaft is proposed to be in the façade fronting Jones Street and comprises a concrete upstand and lid that fits within the recess of the facade. The ventilation shafts are proposed to be rendered and painted to match the Alumni Green façade. They will connect to existing services and infrastructure. Adequate clearance is provided between the underside of the louvres and the public thoroughfare.

Consideration has been given to locating the substation ventilation shafts at alternate locations. The proposed location has been determined as the most appropriate for the following reasons:

- Consideration was given to integrating this louvre into the building façade adjacent and 6m from the exhaust louver. Due to the air flow dynamics of the intake and exhaust louvers being on the same face and in the same alcove in close proximity, the buoyancy of the air would not assist in cooling the substation transformers or the efficient removal of heat. This was reviewed by UTS's engineering consultants and Ausgrid's internal design departments and considered to be not a viable option, as any wind would negate ventilation and the dispersion of hot air.

- Being a suburban substation as classified by Ausgrid, fans were not permitted. This therefore required almost vertical straight ventilation shafts from the substation chamber below. Achieving air cross flow to the chamber corners, requirements of chamber layouts within the basement, and retaining straight ventilation shafts governed the available locations for external louvers (i.e. reticulation to other areas of the building were not available).
- Limited facade space that was not glazing posed an issue to have the louvre within the building proper. This was due to the requirement of a 3m concrete zone around the louver to achieve 3-hour fire rating. The design team managed to get the single exhaust louvre into the building at great difficulty with a one-off dispensation from Ausgrid.
- The Design Team previously considered the Broadway frontage however this would have a significant impact on the Entry Lobby and glazed façade to the building due to the requirement for a large 3m² concrete shaft and 3 hour fire rated concrete construction required around the louvres.

A new set of steps is also proposed between the freestanding shaft and the UTS Central Building. Four steps are required to address the local ground level conditions.

Refer to **Figure 1** for the location and view of the proposed substation ventilation shaft and steps.

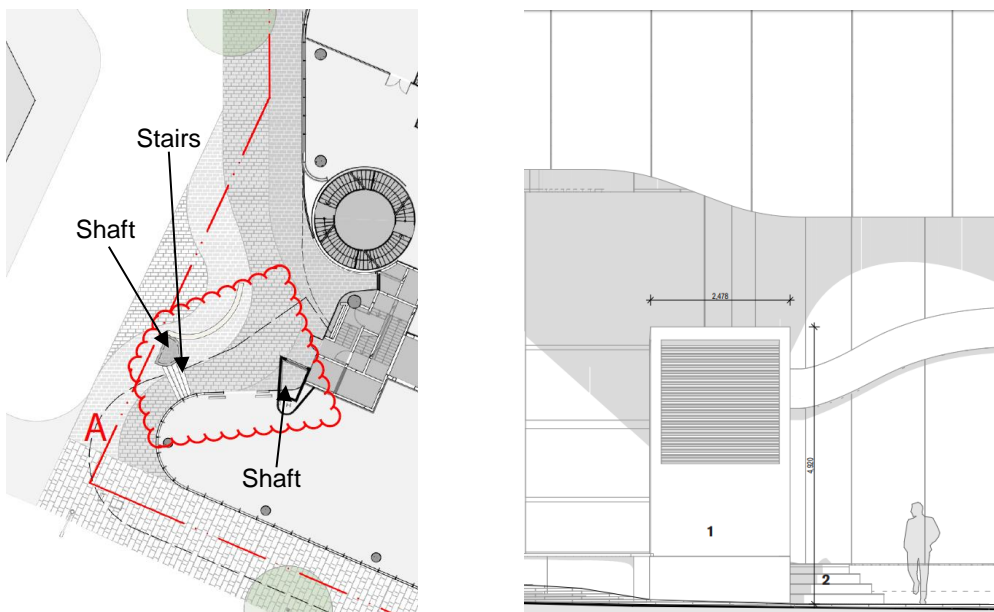


Figure 1 Proposed Substation Ventilation Shaft and Stairs

Source: FJMT

Alumni Green and part Jones Street podium design changes

The Alumni Green façade as approved features a glazed façade comprising vision and spandrel panels (strips) with external battens. Natural sandstone panels were also proposed for the walls either side of the main stair connecting the building to Alumni Green.

Under this modification, the relationship between the solid and transparent materials on the façade has changed at levels 3 and 4. The painted render ‘sandstone’ finish element has been extended to run from either side of the stairs then tapering to a narrow strip at high level running to the edge of the façade wrapping around the corners. This also affects a small part of Jones Street where the façade wraps around the corner of the building.

The Reading Room façade is also proposed to be modified. Previously, the horizontal glass joints running across the façade had been in a continuous alignment. The glass joints are proposed to be modified to be staggered across the length of the façade, making the openings much larger in some areas. Refer to **Figure 2** below.

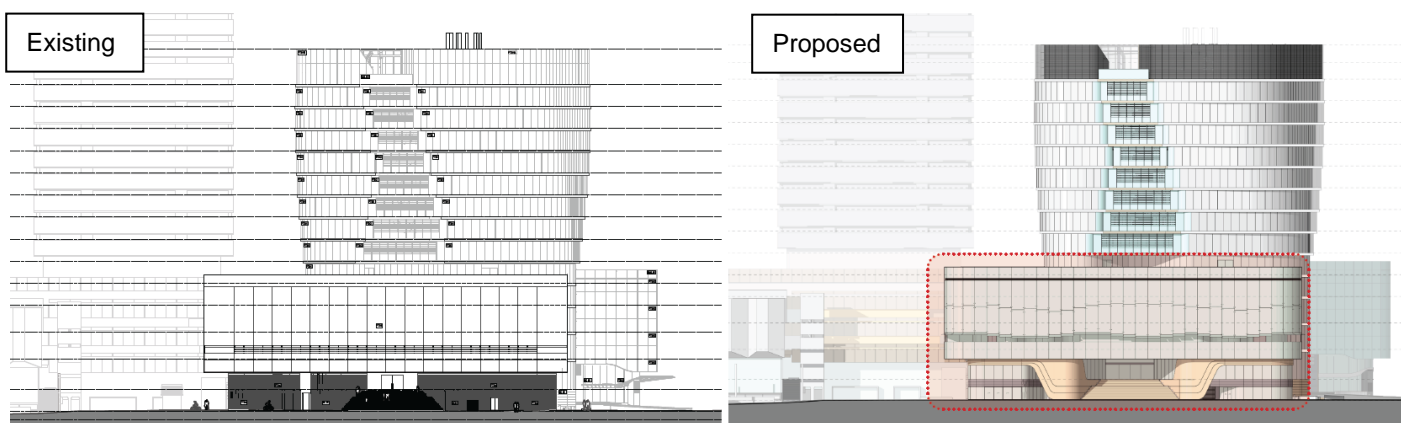


Figure 2 Amendments to Alumni Green Façade, demonstrating extension of 'sandstone' finish element

Source: FJMT

Green Star Rating

Conditions B9 and D6 of the consent require the development to achieve a minimum 5 star Green Star Design rating. Since the granting of the development consent, the version of the rating tool has progressed. UTS are targeting a 5 star 'Green Star Design + As Built v1.1'. This amendment is primarily administrative, as whilst the development will continue to target and achieve best practice sustainability targets, the amendment to the wording of the condition is required for certification purposes under Section 6.28 of the EP&A Act.

3.0 Modifications to conditions

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. Words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in **bold italics**.

SCHEDULE 2

A ADMINISTRATIVE CONDITIONS

Development in Accordance with Plans and Documents

A2. The Applicant must carry out the project in accordance with the conditions of consent and generally in accordance with the:

- a) *State Significant Development Application SSD 7382;*
- b) *EIS, as amended by the RtS;*
- c) *Following modification applications:*
 - i) *Section 96(1A) Modification Application (SSD 7382 MOD 1) prepared by JBA Urban Planning dated 1 February 2017 and Response to Request for Additional Information dated 7 April 2017;*
 - ii) *Section 4.55(1A) Modification Application (SSD 7382 MOD 2) prepared by Ethos Urban dated 13 October 2017, Response to Submissions dated 27 February 2018 and addendum acoustic report dated 4 April 2018;*
 - iii) ***Section 4.55(1A) Modification Application (SSD 7382 MOD 3) prepared by Ethos Urban dated 23 July 2018.***
- d) *The conditions of this consent; and*
- e) *The following drawings, except for:*
 - i) *Any modifications which are Exempt or Complying Development; and*
 - ii) *Otherwise provided by the conditions of this consent.*

Architectural (or Design) Drawings prepared by <i>FJMT and Lacoste + Stevenson and Daryl Jackson Robin Dyke Pty Ltd Architects</i>			
Drawing No.	Revision	Name of Plan	Date
DA S96 S4.55 1001	B C	Site plan Location plan	01/2017 08/2018
DA S96 S4.55 1002	B C	Ground plane and Level 4	01/2017 08/2018
DA2001	A	General Arrangement Demolition – Level 1	05/2016
DA2002	A	General Arrangement Demolition – Level 2	05/2016
DA2003	A	General Arrangement Demolition – Level 3	05/2016
DA2004	A	General Arrangement Demolition – Level 4	05/2016
DA2005	A	General Arrangement Demolition – Level 5	05/2016
DA2006	A	General Arrangement Demolition – Level 6	05/2016
DA2007	A	General Arrangement Demolition – Level 7	05/2016
DA2008	A	General Arrangement Demolition – Level 8	05/2016
DA S96 2201	B	General Arrangement Proposed – Level 1	01/2017
DA S96 2202	B	General Arrangement Proposed – Level 2	01/2017
DA S96 2203	B	General Arrangement Proposed – Level 3	01/2017
DA S96 S4.55 2204	B C	General Arrangement Proposed – Level 4	01/2017 08/2018
DA S96 2205	B	General Arrangement Proposed – Level 5	01/2017
DA S96 2206	B	General Arrangement Proposed – Level 6	01/2017
DA S96 2207	B	General Arrangement Proposed – Level 7	01/2017
DA S96 2208	B	General Arrangement Proposed – Level 8	01/2017
DA S96 2209	B	General Arrangement Proposed – Level 9	01/2017
DA S96 2210	B	General Arrangement Proposed – Level 10	01/2017
DA S96 2211	B	General Arrangement Proposed – Level 11	01/2017
DA S96 2212	B	General Arrangement Proposed – Level 12	01/2017
DA S96 2213	B	General Arrangement Proposed – Level 13	01/2017
DA S96 2214	B	General Arrangement Proposed – Level 14	01/2017
DA S96 2215	B	General Arrangement Proposed – Level 15	01/2017
DA S96 2216	B	General Arrangement Proposed – Level 16	01/2017
DA S96 S4.55 2217	B C	General Arrangement Proposed – Level 17	01/2017 08/2018
DA S96 2218	B	General Arrangement Proposed	01/2017
DA S96 3010	B	South (Broadway) Elevation 1:250	01/2017
DA S96 S4.55 3011	B C	North (Alumni Green) Elevation 1:250	01/2017 08/2018
DA S96 S4.55 3012	B C	West (Jones Street) Elevation 1:250	01/2017 08/2018
DA S96 3013	B	East (CB01) Elevation 1:250	01/2017
DA S96 3014	B	Section A 1:250	01/2017
DA S96 3015	B	Section B 1:250	01/2017
DA3016	A	Section C 1:250	05/2016
DA8010	A	Materials Sample Board	05/2016
1	A	Broadway Façade – Elevation and Views	05/2016
Landscape (or Design) Drawings prepared by <i>FJMT and Lacoste + Stevenson and Daryl Jackson Robin Dyke Pty Ltd Architects</i>			
Drawing No.	Revision	Name of Plan	Date
DA S96 6010	B	Landscape Site Plan	01/2017
DA S96 S4.55 6011	B C	Landscape – Level 4	01/2017 08/2018
DA S96 6012	B	Landscape – Level 8	01/2017
DA S96 6013	B	Landscape –Level 17	01/2017
DA S96 6014	B	Landscape - Sections	01/2017

Ecologically Sustainable Development

*B9. Prior to the commencement of the works (excluding site preparatory works), the Applicant shall submit details of all design, operation and construction measures to the Certifying Authority demonstrating that the proposed new building has been designed to achieve a minimum 5 star Green Star Design **and As Built v1.1** rating.*

Ecologically Sustainable Development

*D6. Prior to the occupation of Building 2, the Applicant shall submit details to the Certifying Authority demonstrating that the subject building has achieved a minimum 5 star Green Star Design **and As Built v1.1** rating.*

4.0 Substantially the same development

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if “it is satisfied 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 development, as proposed to be modified, is substantially the same development as that originally approved in that:

- retains the existing use of the building, being a tertiary education facility with a range of educational and ancillary educational uses;
- the nature of the changes are purely design development driven and aim to support the functioning of the building;
- no significant modification is proposed to the approved concept plan, or to the general building envelope of the approved building (as modified);
- the proposal will continue to contribute to the emerging education and innovation precinct on Broadway; and
- the proposal retains the design quality excellence of the original application.

5.0 Environmental assessment

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if “it is satisfied that the proposed modification is of minimal environmental impact”. Under section 4.55(3) the consent Authority must also take into consideration the relevant matters to the application referred to in section 4.15(1) of the EP&A Act.

The following assessment considers the relevant matters under section 4.15(1) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

5.1 Compliance with relevant Planning Instruments and Policies

The Environmental Impact Statement (EIS) submitted with SSD-7382 addressed the proposed development’s level of compliance against a number of relevant environmental planning instruments.

The proposed modifications involve changes that respond to the detailed design development for the project. The proposed modifications will therefore not alter the level of compliance of the development with the relevant planning instruments. For completeness, **Table 1** provides a summary overview of the proposed modified development’s continued level of compliance with the relevant planning instruments.

Table 1 Compliance with relevant planning instruments

Instrument	Comments
SEPP (State & Regional Development)	The modified development continues to meet the threshold for State Significant Development.
SEPP (Infrastructure)	The provisions of the Infrastructure SEPP apply more during the consideration and assessment of the original SSDA in terms of requirements and referrals for development applications (i.e. not modification applications). Further referral of this modification application to relevant agencies and approval bodies is not considered necessary, given the nature of the changes.
SEPP 55 (Remediation of Land)	The site remains suitable for the proposed development, as there are no changes to the approved uses. The proposed modifications do not alter mitigation measures associated with contamination risks identified as part of the approved SSDA.
Sydney Development Control Plan	In accordance with Clause 11 of the SRD SEPP and Planning Circular PS 11-019, DCPs do not apply to SSD.

5.2 Floor Space

The proposed rationalisation of plant and conversion to educational and ancillary uses results in an increase of GFA for the development of 146m².

Floor space is restricted under the approval of the Concept Plan (MP 08_0116). Condition A1 of the consent reads the following:

Except as modified by this approval, Concept Plan approval is granted only to the carrying out of development solely within the Concept Plan area as described in the document titled “Environmental Assessment Report UTS City Campus Broadway Precinct Concept Plan” dated May 2009, as amended by the “Preferred Project Report UTS City Campus, Broadway Precinct Concept Plan” dated October 2009, as modified by “Section 75W to Concept Plan (MP08_0116) UTS City Campus, Broadway Precinct GFA and Building Envelope Amendments” dated July 2015, and as amended by “the Response to Submissions Section 75W to Concept Plan (MP08_0116)” dated November 2015, prepared by JBA Urban Planning Consultants, including:

- (a) *New Broadway building and Thomas Street Building, with a combined GFA of 44,650 sqm;*
- (b) *Expansion of Building 1 podium (4,050 sqm) and new Building 2 (60,357 sqm), with a combined GFA of 64,407 sqm;*
- (c) *Expansion of Building 6 for the provision of student housing, with an additional 25,250 sqm GFA;*
- (d) *Modifications to Buildings 3, 4 and 10;*
- (e) *Modifications to Alumni Green, with a new Multi Purpose Sports Hall and book vault beneath;*
- (f) *Public domain improvements to Broadway and Thomas, Harris, Wattle and Jones Streets.*

GFA approvals for the UTS Central Project (existing and proposed) in comparison to the cap mandated by the Concept Plan are captured in **Table 2** below.

Table 2 Amendments to GFA per application/modification

Approved Concept Plan (as modified)	Approved development (original)	MOD 1	MOD 2	Amended proposed development (MOD 3)
64,407m ² overall • CB01 – 4,050m ² • CB02 – 60,357m ²	46,150m ² overall • CB01 – 6,917m ² • CB02 – 39,233m ²	45,528m ² overall (-622m ²) • CB01 – 8,286m ² (+1,369m ²) • CB02 – 37,242m ² (-1,991m ²)	No change	45,674 (+146m ²) • CB01 – 8,286m ² (no change) • CB02 – 37,388m ² (+146m ²)

As demonstrated in **Table 1**, the proposed GFA continues to be under the cap set by the approved Concept Plan (as modified). This figure is also less than the GFA approved as part of the original development.

Further to the above, the additional GFA will have no impact on the external built form of the building. It utilises internal plant space that is no longer required. The amendments are a more efficient use of internal floorspace and seek to provide additional uses and facilities that integrate with the outdoor rooftop garden.

5.3 Design Quality and Visual Impact

The amendments to the Alumni Green façade have been designed to improve the visual appearance of the building and more closely deliver on the design intent of the building.

Other elements forming part of the modification, i.e. ventilation shaft, include elements such as painting and geometry to match the existing elements and façade treatments. Ultimately, all of the changes have been designed to be cohesive and positive additions to the proposed development, whilst balancing the project needs and requirements from an operational perspective.

Notwithstanding the positive attributes above, the proposed modifications do not have a significant impact on the overall appearance of the building in that no significant changes are proposed to the building envelope itself. Further design rationale for the propose amendments to the Alumni Green façade are provided within the Design Statement prepared by fjmt at **Attachment B**.

5.4 Environmentally Sustainable Development

The Green Star Rating Tool has been developed by the Green Building Council Australia (GBCA) as a sustainability rating system for buildings. A number of legacy rating tools exist that have been superseded by the release of new rating tools. The rating tool conditioned under SSD 7382 (Green Star Design) is a legacy rating tool. At the commencement of the project, UTS implemented sustainability initiatives to meet the newer Green Star Design and As Built v1.1 rating. It is noted that this version has also been superseded by v1.2, which was released in July 2017. However, at the time of detailed design of the UTS Central project, v1.1 is what was pursued, as this was the latest available tool at the time.

The application of any version of the Green Star Rating Tool will continue to seek best practice sustainability outcomes for the project. The proposed modification is therefore primarily administrative, as whilst the development will continue to target and achieve best practice sustainability targets, the amendment to the wording of the condition is required for certification purposes under Section 6.28 of the EP&A Act.

6.0 Conclusion

The proposed modifications comprise minor design development changes addressing improvements to the building façade, rationalisation of plant, clarifying ESD requirements, and facilitating essential infrastructure requirements. These changes have been made in response to detailed design development and further testing of the operational and servicing requirements of the building and wider precinct.

In accordance with section 4.55(1A) of the EP&A Act, the Minister or his delegate may modify the consent as:

- the proposed modification is of minimal environmental impact; and
- substantially the same development as development for which the consent was granted.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request.

Yours sincerely,



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