



Mr Jim Betts
Secretary
NSW Department of Planning, Industry and Environment
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

Attn: David Gibson (Team Leader, Social Infrastructure Assessments)

2 June 2020

Re: Section 4.55(1A) Modification Application to SSD 8636 – University of Sydney –
Engineering Technology Precinct (ETP) Stage 1 – Extension to Construction Hours

Dear David,

This application has been prepared by SJB Planning on behalf of Laing O'Rourke Australia (LOR) / the University of Sydney and is made to the NSW Department of Planning, Industry and Environment (NSW DPIE), seeking amendment to SSD 8636 pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979).

Due to the unforeseen impacts arising from the COVID-19 pandemic, this application seeks to extend the approved construction hours identified in Condition C4 of the development consent to allow for the extension of construction hours to accommodate quiet trade activities across the site in a timely manner whilst also ensuring the safety of project personal and surrounding University and residential community. This letter describes the proposed modifications and provides a planning assessment of the relevant matters for consideration contained in Section 4.55 of the EP&A Act 1979 and is supported by:

- Engineering and Technology Precinct (ETP) – Stage 1 Construction Management Plan Rev 11 prepared by Liang O'Rourke dated 28 May 2020
- Acoustic Assessment prepared by Resonate dated 28 May 2020
- Notification letter prepared by Laing O'Rourke dated 20 May 2020

The local community has been notified of a previous draft proposal to modify the consent of SSD 8636 to conduct 24-hour activities. Since this proposal to modify SSD 8636 was initiated, the project's programme has moved partly due to changes in the University's teaching, exams and semester dates. This has created opportunities for further review and modification to the initial 24-hour proposal. In addition, two (2) submissions were received raising concern with the proposed extent of construction hours and potential environmental impacts. Therefore, in turn, this application now proposes to limit the extension of quiet construction activities to reasonable hours, consistent with the recent DPIE approval of construction hours for the Susan Wakil Health Development – SSD 7974 MOD 2, approved 6 May 2020.

1.0 The Site and Surrounding Context

SSD 8636 relates to the Electrical Engineering Building located on the eastern side of the Darlington Campus within the Engineering Precinct at the University of Sydney. The development site is legally described as Lot 1 in DP 790620.

The University of Sydney is located approximately 3 kilometres south-west of the Sydney central business district (CBD). The University campuses in Camperdown and Darlington cover a combined area of approximately 49 hectares and are divided by City Road. The University has been developed progressively since its inception in the early 1850's, with the wider campus now containing over 230 buildings of varying architectural styles that house the University's 16 educational faculties. The campus is characterised by various low-scale and multi-storey education and ancillary buildings and expansive open space areas.

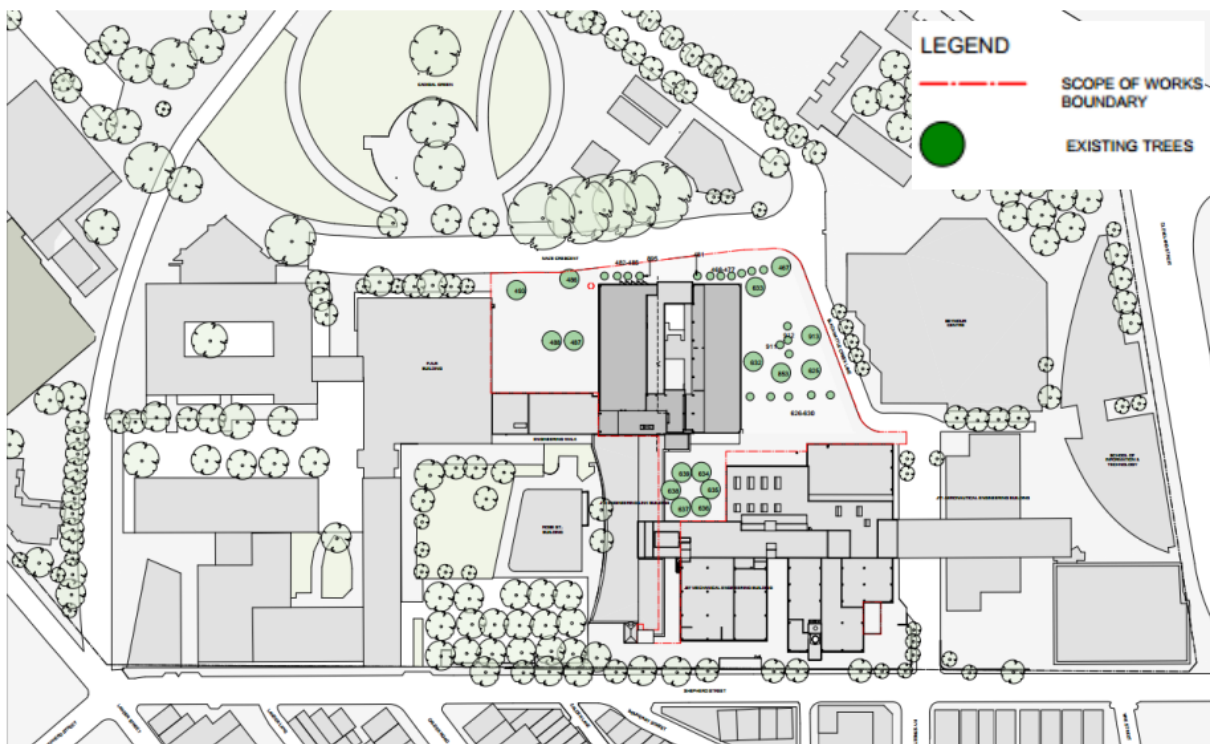


Figure 1: Location Plan (Source: SSD 8636 Application)

2.0 Background and Development History

Stage 1 DA (SSD 6123)

On 16 February 2015, the then Minister for Planning approved an SSD application (SSD 6123) for the University's Campus Improvement Program (CIP) concept proposal. The CIP concept proposal approved new educational establishment building envelopes of varying height and scale within six (6) identified precincts. Any new built form within these precincts requires detailed development applications to be lodged with and assessed by the relevant consent authority. The subject application is within Precinct C (Engineering Precinct) of the approved CIP precinct plan (refer to Figure 2).

The CIP approval has been modified on one (1) occasion. On 9 June 2015, the then Director, Infrastructure, as delegate of the Minister for Planning, approved a modification which clarified that approved additional GFA is contained within the approved precinct building envelopes and that the consent does not preclude other minor development within CIP precincts outside of the building envelopes.



Figure 2: Approved CIP Precinct Diagram from SSD 13_6123

Secretary's Environmental Assessment Requirements (SEARs)

Consistent with the requirements of SSD 13_6123, and the provisions of SEPP State and Regional Development (SRD) 2011, a concept plan was submitted to the former Department of Planning and Environment (the Department) requesting SEARs.

The SEARs for SSD 8636 were issued 8 August 2017, with revised SEARs issued 29 September 2017. The revised SEARs included the requirement for an Environmental Impact Statement (EIS) to address the provisions of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) (Education SEPP) which came into force after the initial issue of SEARs.

Stage 1 DA of Engineering and Technology Precinct (ETP) (SSD 8636)

On 14 February 2019, the Executive Director of Priority Projects, as a delegate of the Minister for Planning, granted approval for the redevelopment of the Engineering Precinct Stage 1, including:

- Site excavation and earthworks;
- Upgrade of retained southern tower;
- Construction of new eight (8) to nine (9) level northern wing and integration with retained southern tower;
- Integration with adjacent Link Building, including new loading dock and storage area;
- External gas storage areas;
- Landscaping works including:
 - Replacement of existing car park with the new southern plaza open space area;
 - Embellishment and upgrading of existing open space areas adjoining the building;
 - Tree removal and replacement planting; and
- Utilities and infrastructure connection works.

SSD 8636 – Condition C4

Condition C4 of SSD 8636 is outlined below and sets the approved construction hours for the project. Its amendment is subject of this report.

Construction Hours

C4. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:

- (a) Between 7am and 6pm, Mondays to Fridays inclusive; and
- (b) between 7:30am and 3:30pm, Saturdays.

No work may be carried out on Sundays or public holidays.

3.0 Previous and Ongoing Consultation

SEARs (SSD 8636)

As required by the SEARs, community engagement was undertaken with relevant public authorities, Council, and the community ahead of lodgement for SSD application 8636. This involved consultation with key stakeholders and referral agencies relevant to the project to clearly communicate the development proposal, establish if there are any issues and actions required to be addressed prior to the application lodgement.

The consultation included a community invitation to attend an information session and overview of the CIP and proposed works to the Engineering and Technology Precinct (ETP). The engagement with authorities during this time consisted of meetings and correspondence.

Stage 1 DA – ETP (SSD 8636)

The Department publicly exhibited the SSD 8636 proposal, which included consultation with Council and other public authorities and consideration of their responses.

In accordance with Schedule 1 of the EP&A Act 1979, the Department publicly exhibited application SSD 8636 from 19 April until 18 May 2018 (30 days), which included exhibition on the Department's website, at Service NSW Centres and at the City of Sydney Council's office. The Department also placed a public exhibition notice in the Sydney Morning Herald and The Daily Telegraph on 18 April 2018, and in the Inner West Courier on 17 April 2018. Adjoining landholders and relevant State and local government authorities were also notified in writing.

In assessing and determining application SSD 8636, Department representatives visited the site as well as considered comments received and raised in public authority and public submissions. The Department received a total of 18 submissions, comprising nine (9) submissions from public authorities and nine (9) submissions from the general public (including six (6) objections).

Proposed Modification (SSD8636)

With the unsuitability of drop in sessions and public meetings given current social distancing requirements, the approach considered most appropriate, and undertaken as part of ongoing consultation by LOR and University of Sydney for this proposed modification has been the provision of a notification letter detailing:

- Project background;
- Current approved work hours;
- Effect of COVID-19 on construction;
- Explanation of why LOR are making an application to DPIE to extend work hours;

- Details of proposed scope of work and extended work hours;
- Noise assessment details and mitigation measure; and
- Contact details.

A copy of the notification letter was provided to surrounding sensitive receivers, including residents on Shepherd Street, on 20 May 2020 and is provided at Attachment 3. The original proposal for modifications, as detailed in the letter, was intended for 24-hour works internal to the building. Upon detailed review by the project team, and in turn addressing the two (2) community submissions received to date (2 June 2020), the proposal has been considerably modified to reduce the overall potential environmental impacts.

This application now aligns with the recent DPIE approval of construction hours for the Susan Wakil Health Development – SSD 7974 MOD 2, approved 6 May 2020.

4.0 Proposed Modifications to the Development

4.1 Details of Request

The proposed works to be undertaken 'Out of Hours' (OOH) are considered low impact quiet construction activities and relate to both existing building and new build elements of SSD consent 8636. As detailed in the amended CMP (refer to Attachment 1), the modification of SSD 8636 construction hours relates to two (2) different components of the project, these being:

- The refurbishment works located in the existing building, and
- The new build external to the existing building.

The following Table 1 (Scope of Works – new Build) is provided as an extract from the revised CMP (refer Attachment 1), and identify approved construction hours and provide a summary of the OOH works proposed for the remainder of the construction process. Generally, these include:

- OOH works on Monday to Friday will be limited to:
 - Internal Service Installation and Internal Fit out Works (6:00am – 7:00am & 6:00pm – 10:00pm)
 - Faced Installation (6:00pm – 10:00pm)
- There are no OOH works proposed on Saturdays and Sundays.

Scope of Works			
	6:00am - 7:00am*	7:00am – 6:00pm* (Current Approved Working Ours)	6:00pm – 10:00pm*
Monday – Friday	Internal Service Installation: • Wet and dry fire services • Hydraulics services • Electrical services • Duct services Internal Fit out Works: • Ceilings and partitions (incl. doors) • Painting, tiling, floor finishes • Balustrades and handrails • Service fit off • Signage and wayfinding • Flooring	Façade Installation: • Install façade panels Service installation: • Wet and dry fire services • Hydraulics services • Electrical services • Duct services Internal Fit out Works: • Ceilings and partitions (incl. doors) • Painting, tiling, floor finishes • Balustrades and handrails • Services fit off • Signage and wayfinding • Flooring	Façade Installation: • Install façade panels Internal Services Installation: • Wet and dry fire services • Hydraulics services • Electrical services • Duct services Internal Fit out Works: • Ceilings and partitions (incl. doors) • Painting, tiling, floor finishes • Balustrades and handrails • Services fit off • Signage and wayfinding • Flooring

		Civil and Landscaping Works: · Landscaping, paving, placing of irrigation, planting and associated works · Civil works Site Logistics: · Deliveries and unloading of delivery · Traffic Controller to manage above	
		7:00am – 3:30pm* (Current Approved Working Ours)	
Saturday		Façade Installation: · Install façade panels Service Installation: · Wet and dry fire services · Hydraulic services · Electrical services · Duct services Internal Fit out Works: · Ceilings & partitions (incl. doors) · Painting, tiling, floor finishes · Balustrades & handrails · Service fit off · Signage & wayfinding · Flooring Civil & Landscaping Works: · Landscaping, paving, placing of irrigation, planting and associated works · Civil works Site Logistics: · Deliveries and unloading of delivery · Traffic controller to manage above	
Sunday	No works proposed		

Table 1: Scope of Works – New Build

* There will be staggered shifts between subcontractors to enable social distancing

As detailed in Table 1, the proposed OOH works will include quite internal construction works. Where façade installation is proposed Mon to Fri 6:00pm – 10:00pm, this will only be undertaken if absolutely necessary. Internal and façade installation works undertaken OOH will incorporate no change in plant/equipment that is to be used.

Normal construction activities will be undertaken during the originally approved hours. All new build internal works will only proceed out of hours on levels where façade installation is complete on that respective level.

There will be no deliveries during the extended working hours.

4.2 Amendment to Conditions

This application seeks to vary the approved constructions hours identified in Conditions C4 of SSD 8636 as marked overleaf. Strikethrough text is used to denote a proposed deletion and **red text** to denote proposed inclusion.

Construction Hours

- C4. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) **Between 6am and 7am, Mondays to Fridays inclusive for Internal Service Installation and Internal Fit out Works only;**
 - (b) **Between 7am and 6pm, Mondays to Fridays inclusive; and**
 - (c) **Between 6pm and 10pm Mondays to Fridays inclusive for Facade Installation, Internal Services Installation and Internal Fit out Works only;**
 - (d) **Between 7:30am and 3:30pm, Saturdays.**

No work may be carried out on Sundays or public holidays.

4.3 Justification for Modification

On 31 March 2020, the Minister for planning and Public Spaces, made an Order under Section 10.17 of the Environmental Planning and Assessment Act 1979, to allow a relaxation of the current construction site working day restrictions. The Order allows for development work to be carried out on a Saturday, Sunday or Public Holiday without the need for approval under the Act providing:

- The work is the subject of a development consent;
- Comply with all the conditions of the consent that restrict the hours of work or operation on any other days as if the conditions applied to work or operation on a Saturday, Sunday or public holiday;
- Not involve the carrying out of rock breaking, rock hammering, sheet piling, pile driving or similar activities during the hours of work or operation that would not be permitted but for this order; and
- Take all feasible and reasonable measures to minimise noise.

However, relaxation of working days to a Saturday, Sunday and Public Holiday as conveyed by the Order above does not extend to the extension of working hours required by Laing O' Rourke to break up the shifts on-site for social distancing reasons while keeping the existing University building in use. Laing O'Rourke do not wish to utilise the potential Sunday and public holiday construction days permitted by the Order to give the community respite from construction work.

The arrangement of OOH works will ensure that construction personnel during the final stages of internal fit out, can achieve social distancing requirements through the implementation of split shifts throughout the day and night. Further, the extended hours will ensure safety for university students and staff where student laboratories and ongoing VC sessions are in place and enable works to proceed with distancing.

As such, the modification consists of additional hours to complete various quiet construction activities. LOR have reviewed their work program and associated impacts if this modification of hours was not to proceed. In doing so, LOR have broken down an estimated timeframe to take into consideration COVID-19 social distancing restrictions and safe work practices in the live university building, given laboratory works with students continuing to be undertaken. In such an instance, the nine (9) week program of works associated with the existing building refurbishment would extent to 6 months' worth of work.

It is in the public interest for the educational establishment building (as critical social infrastructure) to be completed/ operational within agreed timeframes whilst achieving appropriate social distancing requirements.

On balance, the extended hours for quiet construction activities will allow for social distancing measures to be undertaken so as not to create delays in the existing construction program, resulting in less long-term community impact. Without the amended hours, staffing requirements on site would be reduced to account for social distancing requirements, resulting in extended construction timeframes.

It has been demonstrated through technical analysis (see below) that the works can occur in compliance with the relevant noise and vibration criteria, particularly given the works are quiet and unobtrusive in nature. LOR have also demonstrated a commitment to ongoing stakeholder engagement, with the construction program progressing without major issue to date. It is considered that the proposed OAH works will retain nearby campus users' right to reasonable peace, comfort and privacy.

It is also noteworthy that due to the temporary shutdown of the University, the campus is relatively free of pedestrians and traffic. Therefore, it is considered that this is an opportune time to expedite and complete construction works via the extended hours proposed.

The proposed OOH works will allow for the project's programme to progress and align more appropriately with changes undertaken by the University to their teaching, exams, and semester dates, as well as general contact hours.

The proposed OOH works generally reflect those approved in relation to the modified SSD 7974 consent for the construction of the Susan Wakil Health Building located on the on the Camperdown Campus.

5.0 Planning Assessment

5.1 Minimal Environmental Impact

Section 4.55 (1A)(a) requires the consent authority to be "satisfied that the proposed modification is of minimal environmental impact". Further, Section 4.55(3) requires the consent authority to "take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application".

The EIS (April 2018) and Response to Submissions (September 2019) and Supplementary Response to Submissions (December 2018) submitted as part of SSD 8636 addressed:

- The provisions of all relevant environmental planning instruments.
- The likely impacts of the development – environmental, social and economic.
- The suitability of the site for the development; and
- The public interest.

The assessment of the proposed modified against Section 4.55(3) remains unchanged with respect to the above considerations given the reasons outlined in Section 4.2 of this modification application, except for the additional matters which are assessed below:

5.1.1 Construction Management

Visual Amenity - The site will continue to be enclosed by approved hoarding arrangements as detailed in the CMP (refer to Attachment 1), providing a visual buffer to adjoining campus uses (while also ensuring safety).

Vehicle and Pedestrian Management - No deliveries are proposed out of the current approved working hours. As detailed in the CMP at Attachment 1, LOR's truck movements and deliveries will continue between 7:00am and 6:00pm Monday to Friday and on Saturdays between 7:30am and 3:30pm. The main vehicular access to the site will be on Maze Crescent from Blackwattle Creek Lane.

Accordingly, LOR will maintain the existing arrangements prepared for the project. This will ensure impacts on pedestrians, bicycles, public transport and vehicular traffic (including emergency vehicles) are mitigated; while

also ensuring the safety of all project staff, subcontractors, members of the University community and the public.

5.1.2 Noise and Vibration

An Acoustic Assessment (refer to Attachment 2) has been prepared by Resonate in support of this modification application. The assessment has been undertaken with reference to the originally completed University of Sydney Engineering & Technology Precinct – SEARs Noise and Vibration Assessment report Rev D, Dated 30 November 2018. These criteria and conditions are also provided in the Construction Noise and Vibration Management Plan: Rev A, dated 1 March 2019.

As detailed in the Acoustic Assessment provided at Attachment 2, the nature of the proposed OOH work is such that the majority of proposed work will be carried out inside the building, behind the façade, except for the façade installation itself and landscaping and civil work. LOR have stated that no service installation or fit out works will be carried out without the façade for that floor being installed. The façade installation will be carried out during currently approved daytime hours as usual, and only carry out this work OOH when deliveries have been delayed.

Construction noise levels for the OOH works have been predicted using the same model developed for the SEAR's noise assessment report. The receiver locations and noise propagation pathways remain the same. The applicable Noise Management Levels (NMLs), together with the predicted noise levels are shown in Figure 3 below:

Noise Sensitive Receiver	NCA Category	OOH work NMLs			Typical worst-case external construction noise level for phase during OOH Working Hours, dB(A) L _{eq}	
		Out of Hours Day ¹ (Saturday afternoon & Sundays)	Out of Hours Evening ²	Out of Hours Night ³	Facade works (F)	Service installation and internal works and fitout (SI&F)
R1 – Urbanest Darlington	NCA 1	59	55	51	58 (Eve)	36
R2 – International House	NCA 1	59	55	51	61	39
R3 – Cleveland Street residences	NCA 2	53	50	45	45	21
R4 – Shepherd Street residences north (NCA3)	NCA 3	53	50	45	48	25
R5 – Shepherd Street residences south	NCA 4	48	47	42	50	28
R6 – Calder Road residences	NCA 4	48	47	42	46	23
R7 – Seymour Centre	Non-residential	70	70	70	67	45
R8 – Warren Centre	Non-residential	70	70	70	57	35
R9 – Mechanical Engineering	Non-residential	70	70	70	73	51
R10 – Engineering Link Building	Non-residential	70	70	70	75	53
R11 – Civil Engineering	Non-residential	70	70	70	56	34
R12 – PNR Building	Non-residential	70	70	70	64	42
R13 – Wentworth Building	NCA 1	70	70	70	60	38
R14 – Cadigal Green	Non-residential	60	60	60	61	39

(1) Any out of hours work occurring between 7 am and 6 pm.

(2) Any out of hours work occurring between 6 pm and 10 pm.

(3) Any out of hours work occurring between 10 pm and 7 am.

Figure 3: Typical worst-case external construction noise levels for OOH working hours (Source: Resonate)

In summary, based on the predictions, it can be seen that the noise generated by the proposed OOH construction activities are predicted to exceed the relevant OOH Working Hours for relevant times of the day NMLs at:

- Urbanest student accommodation and International house in NCA 1 for the façade works. It should be noted that only during the evening time does the façade works exceed the NML.
- The façade installation works exceed the OOH NML's for daytime and evening at the Shepherd Street residences in NCA 4.
- There are some other exceedances from the façade installation works at nearby University buildings. However, the OOH work is only proposed to occur outside of normal university opening hours, when these buildings are typically less sensitive (and largely unoccupied) at these times.

Mitigation measures

In order for the works to be undertaken in accordance with the NMLs and the relevant vibration management levels, the following mitigation measures will be in place throughout the proposed OOH works in line with the Acoustic Assessment prepared by Resonate (refer Attachment 2). These include but are not limited to:

- Continued application of the noise and vibration management and mitigation measures and compliance management presented in Sections 6 and 7 to of the Construction Noise and Vibration Management Plan (Rev A, dated 1 March 2019);
- All internal fit-out and service installation works will be undertaken with building façade panels in place, or in the existing building's case, building walls in place, resulting in works generally being inaudible;
- Façade installation out of hours only noted from Monday to Friday. All façade panels will be delivered and lifted onto the applicable floor plate prior to undertaking the works out of hours, to reduce the amount of plant required to install and fix into place;
- No deliveries out of the current approved working hours;
- No external landscaping works proposed out of the current approved working hours;
- Equipment that is used intermittently should be shut down or throttled down to a minimum during periods where it is not in use;
- Two-way radios not to be in use out of the current approved working hours; and
- Noise associated with packing up plant and equipment at the end of works should be minimised.

5.1.3 Conclusion

Regarding service installation and internal fit-out works, LOR have advised that they will not carry out these works on building levels where facades are not installed and sealed. This will ensure that these works do not exceed any of the OOH NMLs. For the existing building refurbishment, the OOH works are proposed to take place at times when the laboratories and ancillary areas are unlikely to be occupied i.e. early weekday mornings and evenings.

Regarding façade installation, noise predictions show relatively minor exceedances of the OOH NMLs of up to 6 dB(A) (61 dB(A)) (refer Figure 3) but all significantly below the Highly Noise Affected level of 75 dB(A). The noise impact of these works during the proposed OOH times is considered to be minor and manageable by applying the mitigation and management measures detailed in Section 5.1.2 of this letter and the Acoustic Assessment prepared by Resonate at Attachment 2.

5.2 Substantially the Same Development

Section 4.55(1A) of the Environmental Planning and Assessment Act (EP&A Act) 1979 states:

“(1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and
- (b) 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), and
- (c) it has notified the application in accordance with:
 - (i) the regulations, if the regulations so require, or
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Subsections (1), (2) and (5) do not apply to such a modification.”

In relation to subclause (a), the proposed will not give rise to any adverse environmental impacts in terms traffic, acoustic and/or vibrations.

Section 4.55(1A)(b) requires the consent authority to be “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 NSW Land and Environment Court has established several precedents as to what may be considered as being ‘substantially the same development’, and what should be factored into the consideration of this threshold test.

Principles drawn from the judgments include that:

- The term ‘substantially’ means ‘essentially or materially having the same essence’;
- When a consent authority makes a determination as to whether a development is substantially the same it is a question of fact and degree and is not a question of law;
- The term to ‘modify’ means to ‘alter without radical transformation’;
- In comparing the approved development and the development as proposed to be modified it is necessary to undertake a qualitative and quantitative assessment of the developments in their proper context; and
- To undertake a numeric or quantitative assessment of the modification only in the absence of a qualitative assessment would be flawed.

These considerations apply to the modification of a development through design modifications as well as amendments to conditions that impact the nature of the proposal.

The consideration of the substantially the same development test should not only include the physical characteristics of the approved and modified schemes, but also the nature and magnitude of the impacts of

the developments. In these respects, the modified scheme should be 'essentially or materially' the same as that originally approved.

An assessment of the qualitative and quantitative elements of the development approved and as proposed to be modified are provided below:

5.2.1 Qualitative Assessment

The proposal is substantially the same development, in a qualitative sense, as that originally approved given:

- The proposed modifications are minor in nature and seek only to modify the construction working hours.
- There is no change to the architecture and landscape design of the proposal.
- The modifications do not change the purpose or use for which the development was approved.
- The development as modified will remain an educational establishment.
- The proposal maintains the same construction access arrangement for the site, which does not give rise to off-site impacts as considered under the original SSD 8636 application.

5.2.2 Quantitative assessment

The proposal is substantially the same development, in a quantitative sense, as that originally approved because:

- The proposed building envelope, height and FSR remains the same as that approved.
- It does not propose any change to the approved parking numbers.
- It does not modify determined compliance with the Sydney LEP 2012, or the CIP (SSD 8636).

5.2.3 Conclusion

The modifications will not result in any significant additional social and environmental impacts as previously assessed for the approved development.

5.3 Notifications of Submissions

As the proposed works are minor and submitted under Section 4.55(1A) of the Act, it is anticipated the application will not require public exhibition. In the event any exhibition is carried out, per Section 4.55(1A)(c) and (d), any submissions received will need to be considered by the DPIE in the assessment of the application.

6.0 Conclusion

The proposal has been considered against the provisions of Section 4.55 (1A) and Section 4.15 of the EP&A Act 1979. It is concluded that the development as proposed to be modified is substantially the same as the approved development and the modifications proposed to the consent should be approved for the following reasons:

The proposed modifications are considered to be in the public interest because:

- They will ensure construction and continued operation of the university is managed in line with relevant COVID-19 health precautions;
- They will ensure the building works are completed within an appropriate timeframe ensuring minimal impact to future teaching semesters. In turn, this will enable social and economic benefit and broader public benefit;

- The existing campus environment (i.e. temporarily shut down, generally free of pedestrians and traffic) provides an opportune time to expedite and complete construction works via the extended hours proposed;
- The expedited construction program will result in less long-term community impact;
- LOR have demonstrated an ongoing commitment to stakeholder engagement. It is also noted that the construction program has progressed without major issue to date and that the proposed modification has been amended to reflect community feedback received;
- The proposed OOH works will allow for the projects programme to respond more appropriately to changes made by the University to their teaching, exams, and semester dates;
- The proposal reflects a reduced scope of OOH works which was recently approved by DPIE for the Susan Wakil Health Building located on the Camperdown Campus (SSD 7974). However, it is noted that deliveries and extended Saturdays were included in the modified hours for the Susan Wakil Health Building;
- The proposal is of minimal environment impact. It has been demonstrated that the proposed quiet construction works can occur in compliance with the relevant environmental criteria/standards;
- Represents substantially the same development for which the consent was granted; and
- Where negligible noise impact is expected to nearby noise sensitive receivers, the exceedances are all significantly below the highly Noise Affected level of 75 dB(A) and considered relatively minor compared to previous construction stages.

Should the Department be concerned that there is a conflict between the proposed modification and the operation of COVID-19 development – Construction Days Order 2020, an alternative could be considered. This may be to retain Condition C4 as is and impose a new Condition C4 for Out of Hours Construction.

On this basis, the Section 4.55 (1A) modification application is considered worthy of support by the Department of Planning, Infrastructure and Environment.

Should you wish to discuss any of the above matters, please do not hesitate to contact me on (02) 9380 9911 or by email at sbarwick@sjb.com.au.

Yours sincerely,



Scott Barwick
Director

- Encl. Attachment 1: Engineering and Technology Precinct (ETP) – Stage 1 Construction Management Plan Rev 10 prepared by Liang O'Rourke dated 28 May 2020
- Attachment 2: Acoustic Assessment prepared by Resonate dated 28 May 2020
- Attachment 3: Notification letter prepared by Liang O'Rourke on behalf of USYD dated 20 May 2020