



University of Sydney – Engineering and Technology Precinct Stage 1 Modification 1

Extension to Construction Hours
State Significant Development Modification Assessment
(SSD 8636 MOD 1)

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Glossary

Abbreviation	Definition
CIV	Capital Investment Value
Council	City of Sydney Council
Department	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development

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1 Introduction

This report provides the NSW Department of Planning, Industry and Environment's (the Department's) assessment of an application to modify the State significant development (SSD) consent for University of Sydney's Engineering and Technology Precinct (ETP) Stage 1.

The modification application seeks approval for the extension of construction hours for internal works until the development is complete.

The application has been lodged by SJB Planning on behalf of The University of Sydney (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background

The University of Sydney is located approximately three kilometres south-west of the Sydney central business district. The University campuses in Camperdown and Darlington cover a combined area of approximately 49 hectares and are divided by City Road. The campus is characterised by various low-scale and multi-storey education and ancillary buildings and expansive open space areas.

The current Electrical Engineering Building is situated on the eastern side of the Darlington Campus within the Engineering Precinct of the campus (see **Figure 1**). The site is legally described as Lot 1 DP 790620 and is within the City of Sydney local government area.

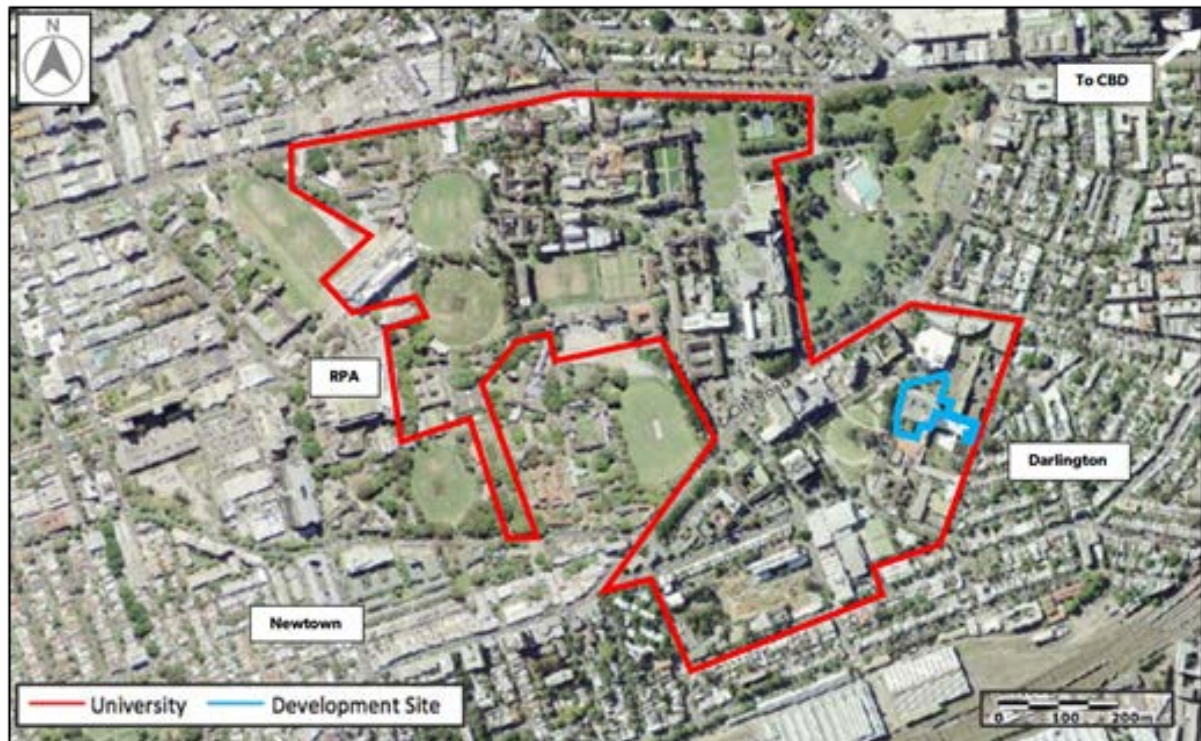


Figure 1 | Regional Context Map (Source: SSD 8636 Assessment Report)

The site fronts Maze Crescent to the west, on the opposite side of which is Cadigal Green, a large open space area incorporating the former Darlington Primary School (a locally listed heritage item

under Sydney Local Environmental Plan 2012 (SLEP 2012)). Blackwattle Creek Lane is situated to the north, beyond which is the Seymour Centre, a performing arts centre owned by the University. A service corridor between the Link Building Engineering Services Building and Mechanical Engineering Building links the site to Shepherd Street on the east (see **Figure 2**).

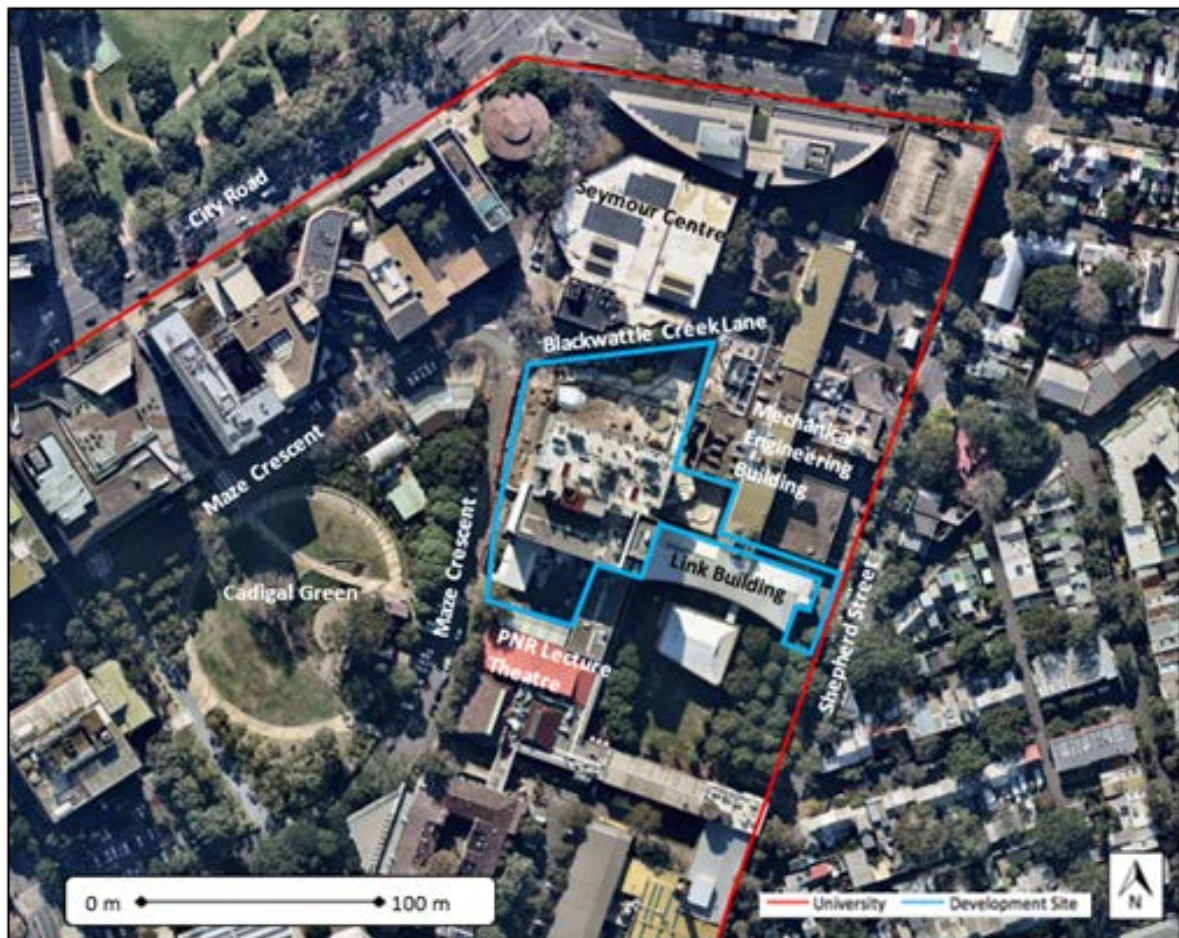


Figure 2 | Local Context Map (Source: Nearmaps)

South of the site are other low scale university buildings including the PNR Lecture Theatre. Outside of the campus, on the eastern side of Shepherd Street and adjoining streets is the residential area of Darlington, predominantly characterised by terrace form housing. The area is a conservation area under SLEP 2012.

1.2 Approval history

SSD 8636 - Stage 1 Engineering and Technology Precinct

On 14 February 2019, development consent was granted by the then Executive Director, Priority Projects, as delegate of the Minister, for the development of Stage 1 of the Engineering and Technology Precinct (SSD 8636). The development consent permits the following:

- site excavation and earthworks.
- upgrade of retained southern tower.

- construction of a new eight to nine 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.
- utilities and infrastructure connection works.

Construction is well advanced on site.

The development has not been subject to a modification application.

Campus Improvement Program Concept Proposal (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 education establishment building envelopes of varying height and scale within six 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 CIP approval allows for a maximum additional gross floor area (GFA) of 264,650 sqm within the approved building envelopes an increase of approximately 10,000 new students and 400 new staff.

The CIP development consent has been modified on one occasion (see **Table 1**).

Table 1 | Summary of Modifications – SSD 6123

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Approved additional GFA is contained within approved precinct building envelopes and does not preclude other minor development within CIP outside of the building envelopes.	Director	Section 96(1)	9 June 2015

2 Proposed modification

The Applicant seeks approval to modify condition C4 Construction Hours as follows, as amended in the Response to Submissions (RtS) (proposed changes shown ***bold and italicised***):

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 fitout works only;***
- b) between 7am and 6pm, Mondays to Fridays inclusive; ~~and~~
- c) ***between 6pm and 10pm Mondays to Fridays inclusive for internal services installation and internal fitout works only; and***
- d) between 7:30am and 3:30pm Saturdays.

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

The works to be undertaken proposed extended hours of work (between 6am and 7am and 6pm and 10pm Monday to Friday) will be limited to 'quiet activities' and will include the following:

- internal service installation including:
 - wet and dry fire services.
 - hydraulics services.
 - electrical services.
 - duct services.
- internal fitout works including
 - ceilings and partitions including doors.
 - painting, tiling and floor finishes.
 - balustrades and handrails.
 - service fit-off.
 - signage and wayfinding.
 - flooring.

The modification application also originally proposed external façade works, however, following community feedback received during the exhibition of the application, these works were subsequently removed from the proposal.

The modifications to the approved construction hours are sought by the Applicant to ensure construction personnel during the final stages of the internal fitout can achieve social distancing requirements through the implementation of split shifts. The proposed extensions will facilitate a faster construction program and minimise long term community impacts.

3 Strategic context

The development, as modified, continues to be consistent with the assessment of the strategic context in the original application and does not alter the key components or outcomes of the proposal. The Department considers the development, as modified, remains consistent with the relevant provisions of:

- A Metropolis of Three Cities – the Greater Sydney Region Plan, as the education land uses at the University of Sydney will be enhanced.
- The Eastern City District Plan, as the development contributes to the growth of the Camperdown-Ultimo health and education precinct.

4 Statutory context

4.1 Scope of modifications

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not significantly increase the environmental impacts of the project as approved.
- is substantially the same development as originally approved.
- would not involve any further disturbance outside the already approved disturbance areas for the project.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

4.2 Consent authority

The Minister will be the consent authority under section 4.5(a) of the EP&A Act.

Minister's delegate as consent authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 9 March 2020, the Director, Social and Infrastructure Assessments may determine the application as:

- the application has not previously been referred to the Independent Planning Commission for determination.
- a political disclosure statement has not been made.
- there are less than 10 public submissions by way of objection.

4.3 Mandatory matters for consideration

Section 4.55 of the EP&A Act requires the matters in **Table 2** to be assessed in respect of all applications which seek modifications to approvals.

Table 2 | Matters to be considered under section 4.55 of the EP&A Act

Matter	Consideration
Whether the proposed modification is of minimal environmental impact	The proposed modification seeks to vary the approved construction hours to extend the construction hours to allow quiet construction activities to be undertaken outside of the approved hours, comprising largely of internal fitout activities that are inaudible at surrounding sensitive receivers. Accordingly, the proposed amendments would result in minimal environmental impacts.
Whether the development to which the consent as modified relates is substantially the same development	The proposed modification does not seek to amend the development and only seeks to vary the approved construction hours. The approved development, as proposed to be modified, will remain substantially the same.
Whether notification has occurred and any submissions have been considered	In accordance with the EP&A Act and the EP&A Regulations, the modification request does not need to be notified. However, the application was exhibited and referred to Environment Protection Authority (EPA) and City of Sydney Council (Council).
Any submission made concerning the proposed modification has been considered	The Department has consulted the EPA and Council, which both advised that the modification was acceptable subject to complying with the conditions of consent and the recommendations of submitted noise report. Three submissions were also made by the community. Details of the consultation are provided in Section 5 of this report.
Any relevant provisions of section 4.15(1) of the EP&A Act	The Department conducted a comprehensive assessment of the project against the mandatory matters for consideration as part of the original assessment of SSD 8636. The Department considers this modification application does not result in significant changes that would alter the mandatory matters for consideration under section 4.15(1) of the EP&A Act and conclusions made as part of the original assessment. The relevant provisions of section 4.15(1) of the EP&A Act are considered in this section and the assessment section of this report. The modification would not alter the development's existing compliance with the relevant planning instruments.
Consideration of the reasons for the granting of the consent that is sought to be modified	The Department has considered the findings and recommendations in the Department's Assessment Report for SSD 8636, including the key reasons for granting consent outlined in the Notice of Decision. The Department is satisfied that the key reasons for the granting of consent continue to be applicable to the development, as modified.

5 Engagement

5.1 Department's engagement

Clause 117(3B) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to section 4.55(1A) modification applications with minimal environmental impact. However, the Department exhibited the application for 14 days from 3 July 2020 to 16 July 2020, on the Department's website and at the City of Sydney's offices.

The application was also referred to EPA and Council for comment.

5.2 Summary of submissions and key issues raised

Three public submissions were received, all objecting to the proposal. The submissions raised concerns regarding amenity impacts resulting from the proposed modification to construction hours.

The EPA advised the originally requested extension to trading hours did not align with those allowed by the Ministerial Covid-19 Order and the Applicant did not provide evidence of community support for the proposed hours. Further, the EPA noted that the originally proposed façade installation works would generate additional noise impacts above the accepted noise management levels.

Council supported the extension of construction hours for internal installation and fitout works only, while façade installation works should be restricted to the previously approved construction hours.

5.3 Response to submissions

The Department requested a Response to Submissions (RtS) from the Applicant on 21 July 2020. An RtS was submitted on 28 July 2020, which was made public on the Department's website on 31 July 2020.

The Applicant considered the issues raised in the submissions and have excluded façade works from the proposal, leaving the scope to include internal service installation and fitout works only.

6 Assessment

The key consideration is environmental amenity impacts from the extended construction hours.

The modification application seeks to extend the approved construction hours from 6am to 7am and 6pm to 10pm on weekdays for internal works only.

The Applicant has advised that extended construction hours are required to ensure construction personnel during the final stages of the internal fitout can achieve social distancing requirements through the implementation of split shifts. Furthermore, the extension of construction hours for quiet activities will have an overall reduction in amenity impacts on surrounding properties as the project would be completed in a shorter timeframe.

The acoustic assessment appended to the Modification Report assesses the impacts on the closest sensitive receivers (see **Figure 3**). Sensitive receivers labelled R1 to R7 are residential buildings, R7 to R13 are university buildings and R14 is a recreational space.

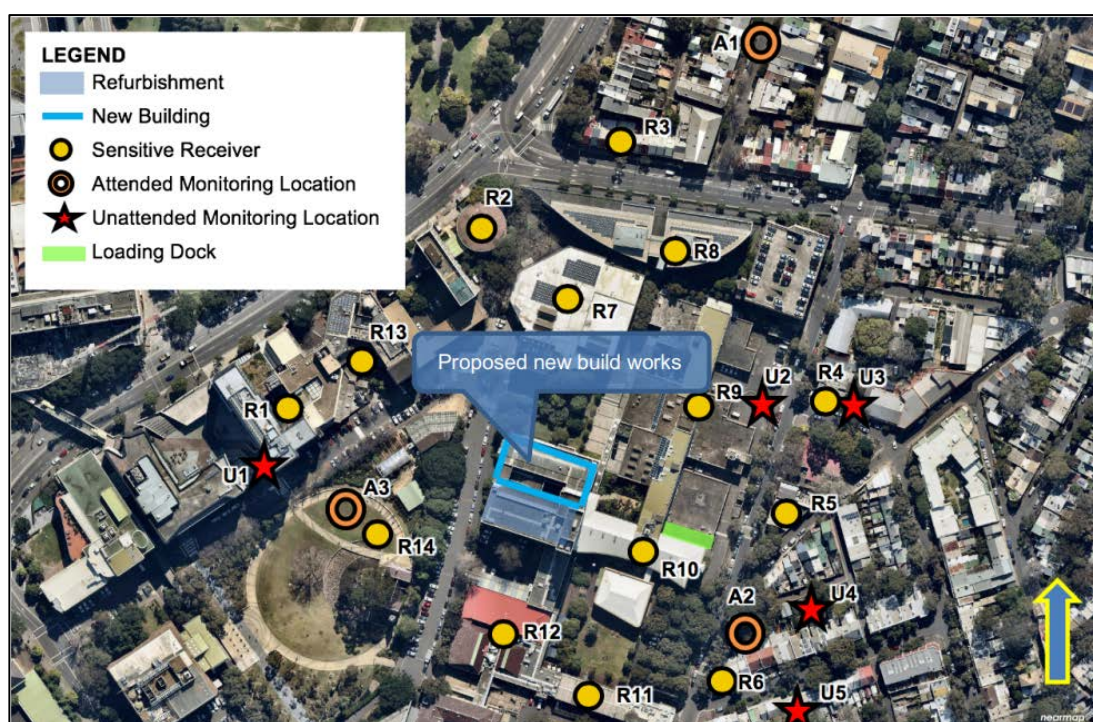


Figure 3 | Sensitive receivers (Source: Construction Noise Impact Assessment by Resonate)

Construction noise criteria for this development have been derived based on the requirements of the Interim Construction Noise Guideline (ICNG) and background noise levels identified in the acoustic assessment appended to the Modification Report. In this regard, the ICNG recommends a noise management level (NML) of rating background noise level plus five dB for residential receivers for out of hours works. The NMLs for closest residential and other sensitive receivers is shown in **Table 3**. Details of the estimated noise levels from the proposed activities during extended construction hours are also outlined in **Table 3** based on the following assumptions:

- The construction works are occurring at the nearest point to each receiver and that the receiver is located at the most exposed position (e.g. the nearest windows of Urbanest Darlington and International House).

- The noisiest construction sources are operating continuously for the entire 15-minute period. This will not occur at all times as equipment will regularly be stood down or idled while other activities are undertaken.

Table 3 | NMLs and predicted noise levels for out of hours works

Noise sensitive receiver	NML dB(A)			Construction noise levels for out of hours works
	Standard working hours	6pm to 10pm	10pm to 7am	
R1 – Urbanest Darlington	64	55	51	36
R2 – International House	64	55	51	39
R3 – Cleveland Street Residences	58	50	45	21
R4 – Shepard Street residences north	58	50	45	25
R5 – Shepard Street residences south	53	47	42	28
R6 – Calder Road residences	53	47	42	23
R7 – Seymour Centre	70	70	70	45
R8 – Warren Centre	70	70	70	35
R9 – Mechanical Engineering	70	70	70	51
R10 – Engineering Link Building	70	70	70	53
R11 – Civil Engineering	70	70	70	34
R12 – PNR Building	70	70	70	42
R13 – Wentworth Building	64	55	51	38
R14 – Cadigal Green	60	60	60	39

Table 3 demonstrates that the noise levels generated from internal works would be well under the proposed noise management levels for the various sensitive receivers. In addition to the existing construction noise and vibration management plan for the project, additional mitigation measures are also proposed, including but not limited to:

- internal fitout works being undertaken with building facade panels in place.
- no deliveries out of the currently approved hours.
- no external landscaping works proposed out of the currently approved hours.
- two-way radios are not to be used out of the currently approved hours.
- equipment that is used intermittently would be shut down or throttled down to a minimum during periods where it is not in use.

EPA, Council and nearby residents raised concerns with amenity impacts associated with the original modification, which included external façade installation works. The Applicant has considered these concerns and the RtS is reflective of this, with the modification being amended to include internal service and fitout works only. Façade works will now only be undertaken during the originally approved hours.

The Department accepts that the proposed works are unlikely to have unreasonable impacts on the nearby sensitive receivers. These impacts would be further ameliorated as the façade would be completed before the internal works are undertaken, substantially reducing the noise levels. The works will only be undertaken during the daytime and evening periods and no works are proposed during the night time period. As the noise levels are predicted to be inaudible at the nearest residential receivers, the Department considers the extended construction hours are acceptable. Light spill would be consistent with lighting for the operations of the building or mitigated by hoarding around the site on lower levels. The proposed extended construction hours will also allow the development to be finished in a shorter timeline, thereby reducing the duration of any amenity impacts on the locality.

Whilst the Department is recommending approval of the extended hours as sought, it is also acknowledged that Ministerial Orders in relation to construction work days would temporarily allow the Applicant to extend construction hours to address social distancing requirements during the current coronavirus crisis. The extended construction hours would revert back to the previously approved hours (as modified by this application) when the orders cease to be in effect, as per the modified conditions detailed in **Appendix C**. The Department has also recommended a condition that requires the Applicant to respond to and address any complaints received regarding the extended construction hours.

7 Evaluation

The Department has reviewed the proposed modification and assessed the merits of the modified proposal, and all environmental issues associated with the proposal have been thoroughly addressed.

The development will not significantly change, and the Department's conditions of consent as amended would ensure that any environmental amenity impacts associated with the modified construction hours can be appropriately mitigated.

The Department considers that the application is consistent with the objects of the EP&A Act and continues to be consistent with strategic directions for the State.

The Department concludes the impacts of the proposed modification are minor and acceptable. Consequently, the Department considers the development is in the public interest and the modification application should be approved.

8 Recommendation

It is recommended that the Director, Social and Infrastructure Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report.
- **determines** that the application SSD 8636 MOD 1 falls within the scope of section 4.55(1A) of the EP&A Act.
- **forms the opinion** under section 7.17(2)(c) of the *Biodiversity Conservation Act 2016* that a biodiversity development assessment report is not required to be submitted in relation to this application as the modification will not increase the impact on biodiversity values of the site.
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification.
- **modify** the consent 8636.
- **signs** the attached approval of the modification (**Appendix C**).

Recommended by:



Kathryne Glover
Assessment Planner
Social Infrastructure

Recommended by:



David Gibson
Team Leader
Social Infrastructure

9 Determination

The recommendation is **adopted** by:

Karen Harragon

Director

Social and Infrastructure Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – List of referenced documents

<https://www.planningportal.nsw.gov.au/major-projects/project/35051>

Appendix B – Modification report

<https://www.planningportal.nsw.gov.au/major-projects/project/35051>

Appendix C – Instrument of Modification

<https://www.planningportal.nsw.gov.au/major-projects/project/35051>