



13074
28 August 2013

Mr. Sam Haddad
Director-General
Department of Planning and Infrastructure
23-33 Bridge Street
SYDNEY NSW 2000

Dear Mr. Haddad

**SECTION 75W MODIFICATION APPLICATION TO MP 09_0007
STAGE 1 MOORE THEOLOGICAL COLLEGE RESOURCE AND RESEARCH BUILDING**

This Section 75W Modification has been prepared to modify the Project Approval (MP 09-0007) for the Moore Theological College Research and Resource Building at the corner of King Street and Carillon Avenue, Newtown. It is submitted to the Minister for Planning and Infrastructure (or his delegate) pursuant to section 75W and Clause 12 of Schedule 6A of the *Environmental Planning and Assessment Act, 1979* (EP&A Act), on behalf of the Moore Theological College Council, the owner of the site.

As a non-profit theological training college, Moore Theological College (MTC) relies entirely on donations to undertake capital works projects. MTC has spent the last few years raising funds in order to commence construction on the Research and Resource Centre. During that time MTC has also undertaken further spatial and cost planning exercises which revealed that elements of the approved design, such as the Automatic Storage Retrieval System were too costly to build, and were not aligned with the College's current and future needs.

Accordingly, this modification seeks to make a series of design refinements to the Approved Project that will enable MTC to proceed with the construction of the Approved Project. In doing so, amendments are also sought to the terms (i.e.: conditions) of the Project Approval and Statement of Commitments.

This letter has been prepared by JBA for MTC, and is based on amended Architectural Drawings prepared by Allen Jack & Cottier (AJC) (**Attachment A**). It describes the proposed modifications to the Approved Project and includes an assessment of the proposal against the relevant considerations of the EP&A Act. It should be read in conjunction with the Project Approval (MP 09_0007).

1.0 BACKGROUND

1.1 Concept Plan and Project Approval

On 27 November 2010, the Deputy Director General of the then Department of Planning, as delegate of the then Minister for Planning, granted Project Approval to MP 09_0007 for the Research and Resource Building at Moore Theological College. The Approved Project includes:

- construction of a 6 storey Resource and Research Centre at the corner of King Street and Carillon Avenue, including a library, teaching and administration spaces, and 3 basement levels including an Automatic Storage Retrieval System (ASRS), archive / storage spaces, and plant;
- site preparation works including demolition of the existing structures on the site, removal of 10 trees and excavation;
- associate landscaping and public domain works;
- construction of a temporary car park containing 36 spaces on part of Site B to facilitate the staging of the development; and
- provision of 40 bicycle spaces and associated facilities.

A Concept Plan was approved concurrently with the Project Approval. The Concept Plan, which applies to the wider MTC campus included:

- demolition of buildings;
- distribution of land uses across the site associated with the activities of the MTC;
- up to 27,500m² of GFA for education purposes including ancillary student accommodation and retail uses;
- building envelopes;
- pedestrian and vehicle access arrangements; and
- a maximum of 270 car parking spaces to service the staff and students of MTC to be located in basement car parking under Site A and Site B; and the open space an public domain concept including the removal of 34 trees.

2.0 DESCRIPTION OF PROPOSED MODIFICATION

2.1 Proposed Design Modifications

The following modifications are sought to Approved Project:

- modifications to the design of the Research and Resource Building, including:
 - removal of the ASRS resulting in deletion of Basements 2 and 3, reduction in the size Basement 1, and removal of the connection through 2-16 Carillon Avenue;
 - provision of a new basement lecture theatre;
 - modification of the central atrium to include a multi-purpose space at ground level, and tutorial rooms on Level 1;
 - reduction in the size of the Level 2 terrace over the atrium and removal of the terrace at the corner of King Street and Carillon Avenue;
 - general reconfiguration of the internal planning of Levels 1-5;
 - increased area of building plant room on Level 6;
 - relocation of the bicycle parking to the existing training room at 2-16 Carillon Avenue with upgraded adjoining amenities;
 - removal of the loading dock off Carillon Avenue and provision of a new loading zone on Carillon Avenue;

- refinements to the building facades;
- modifications to the landscaping, including:
 - expanded area of landscaping including provision of the College Green;
 - provision of a landscaped courtyard at the rear of 9-11 King Street;
 - revised front landscaping along Carillon Avenue including removal of the stair and ramp into 2-16 Carillon Avenue;
 - removal of two liquid amber street trees and replacement with two jacarandas; and
- changing the use of 9-11 King Street from academic to retail uses;
- increasing the approved GFA by 488m² from 7,376m² to 7,864m²;
- modifications to the temporary car park on Site B, including:
 - regrading and connecting the two previously separate but adjacent car parks;
 - increasing the landscape area; and
 - removal of Tree 39 (Hackberry).

The modifications are shown on the amended Architectural Drawings prepared by AJ + C (**Attachment A**), and amended Landscape Drawings prepared by Aspect (**Attachment B**).

A photomontage of the proposed Research and Resource Centre is shown at **Figure 1**.



Figure 1 – Photomontage of the modified Research and Resource Centre

2.2 Proposed Modifications to the Project Approval

The proposed modifications described in Section 2.1 necessitate amendments to the Project Approval. The words proposed to be deleted are shown in ~~**bold italics strike through**~~ and words to be inserted are shown in **bold**.

Schedule 1

The project description is proposed to be updated to reflect the modified project as follows:

Stage 1 Resource and Research Building, including:

- *construction of a 6 storey Resource and Research Centre at the corner of King Street and Carillon Avenue (Site A), including a library, teaching and office/administration spaces, and ~~31~~ **31** basement levels ~~including an Automatic Storage Retrieval System (ASRS),~~ archive / storage spaces, and plant;*
- *site preparation works including: demolition of the existing structures on the site; removal of ~~120~~ trees; and excavation;*
- *associated landscaping and public domain works;*
- *construction of a temporary car park containing 36 spaces on part of Site B to facilitate the staging of the development; and*
- *provision of 40 bicycle spaces and associated facilities.*

Condition A2

Condition A2, which references the approved plans and document, is proposed to be amended to reflect the modified architectural and landscape drawings and this Section 75W Environmental Assessment Report.

Condition A6

Condition A6 is proposed to be amended to allow for the removal of the two liquid amber street trees. See further discussion at Section 3.3.

*A6. Only trees numbered 1, 2, 3, 4, **5, 6**, 39, 54, 55, 56, 57, 60, 61 and 63 in Drawing No. mtr1.01, rev0.4, in impact of development on trees - moore theological college, newtown prepared by Footprint Green Pty Ltd and dated 9 October 2009, are approved for removal.*

Condition E6

Condition E6 is proposed to be amended to refer to the Inhabit Living Engineering Report at **Attachment C**, which modifies certain components of the Acoustic Studio report. See further discussion at Section 3.7.

*Prior to the issue of a relevant Occupation Certificate a statement from an accredited acoustic consultant certifying that the recommendations detailed in the report prepared by Acoustic Studio and dated September 2009 are suitably incorporated, and the noise criteria in the subject report have been met shall be submitted to the satisfaction of the Certifying Authority, **except as modified by the Inhabit Living Engineering Letter dated August 2013.***

2.3 Proposed Modifications to the Statement of Commitments

Commitment 6.3 Construction Management

A review undertaken by MTC's acoustic consultant, Inhabit Living Engineering, found that commitment '6.3 Construction Management', which commits MTC to undertake noise monitoring throughout the entire demolition and construction period, as being both unusual and unnecessary for a project of this nature, which will generate typical construction noise levels and is not directly adjacent to any sensitive noise receivers. Inhabit Living Engineering recommends that the proposed construction noise and vibration monitoring procedures set out in section 4.5 of the Acoustic Studio Construction Noise Vibration Management Plan (CNVMP) (also submitted with the Project

Application) be implemented by the contractor. Accordingly, it is proposed to modify Commitment 6.3 as follows:

6.3 Construction Management

Following the engagement of building contractor MTC will prepare a Construction Management Plan to address noise and vibration, construction traffic, erosion and sediment controls, dust suppression, and waste management. The plan will include the principles set out in this report to minimise construction impacts at different stages of the Construction process.

MTC commits to undertake the following actions during the construction and demolition process to minimise any adverse impacts:

- *Recommendations in the Traffic Management Plan for Demolition and Construction Works will be adopted including engaging a traffic controller to manage all vehicle movements to the site and providing relevant signage to alert pedestrians, public and private transport operators of the works.*
- *Noise and vibration associated with construction work will be monitored in accordance with the Construction Noise and Vibration Management Plan prepared by Acoustic Studio dated September 2009. ~~throughout the demolition and construction period and additional controls implemented if appropriate.~~*
- *Up to 90% of waste generated during works will be recycled.*

Hours of construction will be limited to 7.00am to 6.00pm Monday to Friday, and 7.00am to 3.00pm on Saturdays. There will be no work on Sundays and public holidays.

3.0 ENVIRONMENTAL ASSESSMENT

3.1 Consistency with the Concept Plan

The proposed modifications do not affect the project's consistency with the approved Concept Plan. Specifically, the proposed modifications do not affect the general consistency with or intent of:

- Schedule 2 - Terms of Approval;
- Schedule 3 - Future Assessment Requirements; or
- Schedule 4 - Final Statement of Commitments.

As a result of replacing the ASRS with teaching spaces within the basement, the modification will increase the GFA of the Resource and Research Centre by 488m². Condition 1 of the Terms of the Concept Approval set a maximum GFA for the entire Concept Plan site, therefore the increase does not affect the Project's consistency with the maximum approved GFA. It is noted that the additional GFA, which is predominantly located in the basement in the form of the lecture hall and within the atrium, does not affect the height, bulk or scale of the building, or the external appearance of the building.

The modification also seeks to convert 9-11 King Street from academic uses to retail uses. The proposed change of use relates to approximately 100m² of GFA, and reflects the adjoining retail uses shown in the Concept Plan, and is therefore still considered to be generally consistent with the Concept Approval. The proposed retail will provide greater activation of King Street than the approved academic uses and is therefore considered to be a positive outcome.

3.2 Built Form

The proposed modifications will not have any material impact on the approved built form and will not result in any increase in height or scale of the building. The approved and proposed comparison perspectives at **Figures 2-4** illustrate that the modifications will still achieve a high quality built form outcome consistent with the approved building.

The modified building retains or enhances the key design features of the Approved Project, specifically it:

- adopts the existing parapet heights along King Street;
- reflects the subdivision character of King Street through fine grained vertical articulation;
- complements the materials and finishes along King Street by using a masonry base for the first two storeys and glass in the upper levels;
- provides a continuous street edge at the corner of King Street and Carillon Avenue; and
- presents a five storey street wall with an upper level setback.

As part of the detailed design phase it became apparent that the roof top plant room provided as part of the approved project was undersized and would not be able to accommodate the quantum of plant required to service the building. Accordingly, it is proposed to increase the area of the rooftop plant room, noting that it does not increase the approved height and continues to comply with the maximum approved height under the Concept Plan. It is noted that

The additional plant area will increase the bulk of the top level when viewed from certain angles. As illustrated in **Figures 2-4**, the plant room is only partially visible and will read as part of the building and when viewed from City Road but will become more prominent when viewed from certain locations on King Street. Despite becoming more prominent, the plant room is adequately setback so that it does not contribute to the bulk or scale of the building. The shadow diagrams included at **Attachment A**, illustrate that the plant room will not result in any discernible additional overshadowing, and in some cases the modified design will reduce the shadow cast by the development.



Figure 2 – Approved and Proposed Resource and Research Centre from City Road



Figure 3 – Approved and Proposed Resource and Research Centre from City Road near Carillon Avenue



Figure 4 – Approved and Proposed Resource and Research Centre from King Street

3.3 Tree Removal

The approved project retained the two liquid ambers street trees on Carillon Avenue adjacent to the future Resource and Research Centre (Trees 5 and 6 as identified in the Footprint Green Arborist Assessment submitted with the Environmental Assessment Report).

As part of the process of developing the design for construction further arborist investigations were undertaken by Earthscape Horticultural Services (Earthscape) (see **Attachment D**). As part of its further investigations it came to light that despite the original findings by Footprint Green indicating that both trees could be retained, the erection of the construction scaffolding will result in disfigurement of the trees and may result in a significant adverse impact on both trees. Given the proximity of the building, Earthscape see that there are no alternative measures that can be recommended in this instance to avoid such impact.

Earthscape concludes that significant modification of the building would be required to provide greater clearance from the canopy and root zones to permit the retention of these trees. Modification to the shape and design of the building in this location to allow for the retention of the trees would not be an appropriate design outcome on a corner site where the building is otherwise located to the street edge.

Whilst there are a total of four Liquid Ambers at the eastern end of Carillon Avenue, they are not consistent with the remaining street planting. Council's Street Tree Master Plan indicates *Jacaranda mimosifolia* (Jacaranda) as the preferred street planting in Carillon Avenue. Therefore in order to compensate for the loss of Trees 5 and 6, it is proposed to replace the trees with two new trees that are consistent with Council's Street Tree Master Plan.

The modified temporary car park design also require the removal of one tree. This tree was approved for removal as part of the Concept Plan and Project Approval, but the design of the approved Temporary Car Park allowed for its temporary retention until the time Site B was redeveloped. Whilst the modified Temporary Car Park design will necessitate its removal, the modified design will allow for a larger area of landscaping around the perimeter of the site (see **Attachment B**) and will therefore achieve a better landscape/streetscape outcome than the approved scheme which allowed for retention of the tree.

3.4 Heritage

A Heritage Impact Statement (HIS) has been prepared by Weir Phillips (see **Attachment E**) to consider the impact of the proposed modifications on the adjoining heritage items and conservation areas.

The HIS concludes that:

The proposed revisions to the Resource and Research Centre will have no further impact than those impacts already accepted by the approval because the height, footprint and overall character of the proposed building are similar to the approved building. There will be no additional impacts on the view corridors or the setting of items and conservation areas part of the site or within the immediate vicinity than those already accepted as part of the approval.

3.5 Traffic, Parking and Loading

A traffic assessment has been prepared by Traffix and is included at **Attachment F**. The letter considers the proposed modification and concludes the following:

- The revised layout of the Temporary Car Park:
 - provides a significantly improved level of accessibility to the external road network and hence will result in reduced traffic impacts to that which has been approved previously through a more efficient distribution of traffic; and
 - meets all the relevant Australian Standards.
- The modifications to the Research and Resource Centre will not result in any increase in staff or student population and hence will have no impact on the previously approved traffic generation or operation of key intersections in the locality.
- Consultation with Council's Traffic Engineers, including an on-site meeting, in relation to the relocation of the loading zone to Carillon Avenue has Council's in-principle support subject to the following conditions being met:
 - formal approval is obtained the City of Sydney Traffic Committee; and
 - the existing driveway crossover to Carillon Avenue is reinstated.

3.6 Acoustics

Inhabit Living Engineering has undertaken a review of the proposed modification and the Acoustic Studio report that was submitted with the Project Approval (see **Attachment C**). The letter concludes the findings of the Acoustic Studio report generally stand with exception of the following matters.

The Acoustic Studio report recommended that the future building use of a system that provides a combined façade performance of Rw 45. Inhabit states that due to the low frequency nature of traffic noise, an Rw will not provide an accurate representation of the actual reduction achieved. Accordingly Inhabit proposes that during the detailed design phase of the project each space is assessed separately and an engineered solution be provided.

Statement of Commitment 6.3 requires noise and vibration monitoring to be undertaken during the entire construction process. Inhabit states that this is not necessary and should only be undertaken during noisy and vibration intensive activities as per standard construction practices. Inhabit recommends that the proposed construction noise and vibration monitoring procedures proposed in section 4.5 of the Acoustic Studio Construction Noise Vibration Management Plan (CNVMP) also submitted with the Project Application be implemented by the contractor. Commitment 6.3 has been modified accordingly as set out in Section 2.3.

3.7 Building Code Compliance

The following letters and reports have been prepared confirming that the modified development continues to be capable of achieving compliance with the requirements of the Building Code of Australia (BCA) and other relevant codes and standards:

- BCA Report prepared by Blackett Maguire Goldsmith (see **Attachment G**);
- Access Report prepared by Accessibility Solutions (see **Attachment H**); and

4.0 CONCLUSION

This modification seeks to make a series of design refinements to address specific issues MTC identified with the Approved Project. The modification will enable MTC to commence construction on this regionally significant development at an important higher educational establishment.

The modifications are minor in nature and do not result in additional adverse environmental impacts beyond those already deemed acceptable during assessment of the Approved Project. We therefore recommend this Section 75W Modification be approved.

Should you have any queries about this matter, please do not hesitate to contact me or Stephanie Ballango on 9956 6962 or mrowe@jbaplanning.com.au.

Yours faithfully

Michael Rowe



Principal Planner

Attachments:

- Attachment A – Architectural Drawings
- Attachment B – Landscape Drawings
- Attachment C – Acoustic Letter
- Attachment D – Arborist Letter

Attachment E – Heritage Impact Statement

Attachment F – Traffic

Attachment G - BCA Report

Attachment H – Access Report