

**MODIFICATION REQUEST:  
Internal and External Design Changes  
and Amendment to Conditions to Dr  
Chau Chak Wing Building  
14-28 Ultimo Road, Ultimo  
(MP09\_0153 MOD 3)**



Director-General's  
Environmental Assessment Report  
Section 75W of the  
*Environmental Planning and Assessment Act 1979*

April 2013

© Crown copyright 2013  
Published April 2013  
NSW Department of Planning & Infrastructure  
[www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

Disclaimer:

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.



## 1. BACKGROUND

### 1.1 The Site

The University of Technology, Sydney (UTS) has lodged a section 75W modification application (MP09\_0153 MOD 3), seeking to allow minor internal and external design changes to the Dr Chau Chak Wing Building at 14-28 Ultimo Road, Ultimo, and delete a number of conditions relating to the approval for MP09\_0153.

The site is bounded by Mary Ann Street, Omnibus Lane, Ultimo Road and the Ultimo Pedestrian Network (UPN). A Location Plan is provided at **Figure 1 below**. The site is vacant and early works have commenced in accordance with a Part 4 approval issued by the City of Sydney Council (council).



**Figure 1:** Site and Site Context

### 1.2 Site Context

The site is located within a commercial and educational precinct. Immediately north of the site is the Powerhouse Museum and a number of 5 to 9-storey commercial buildings. To the east is the Transgrid building and the embankment of the former Darling Harbour Railway Line, which forms part of the UPN. To the south-east of the site is the Ultimo Street Railway Underbridge which is listed as a heritage item on the State Heritage Register. The ABC headquarters and the Inner City Childcare Centre are to the south of the site. To the west of the site is a 10-storey residential flat building and the Former National Cash Register Co building, which is listed as a heritage item in the Sydney Local Environmental Plan (LEP) 2005. **Figure 2** overleaf depicts the site and its context.

### 1.2 Approval History

On 4 March 2012, the Deputy Director-General, Development Assessment and Systems Performance, acting under delegation, approved the UTS Faculty of Business building (known as the Dr Chau Chak Wing Building). The Project Approval (MP09\_0153) permitted the construction and fit-out of a 12-storey educational building with basement car parking accommodating 21 car parking spaces, 155 bicycle parking spaces, and a tri-generation plant.

On 24 August 2012, the Director, Metropolitan and Regional Projects North, acting under delegation, approved a modification to the project (MOD 1) permitting:



- minor internal and external design modifications; and
- modifications to the conditions of approval to alter the timing for the satisfaction of a number of conditions, and permitting the proponent to obtain a 109R Crown Certificate in lieu of a Construction Certificate.

MP09\_0153 MOD 2 was approved by the Director, Metropolitan and Regional Projects North on 12 September 2012 under delegation. It permitted the deletion of Condition B25, which required a report to be submitted to the Certifying Authority, confirming the building's ability to withstand intermittent surcharge loads from passing rail traffic.

## **2. PROPOSED MODIFICATION**

---

### **2.1 Modification Description**

The subject modification (MOD 3) seeks approval to undertake minor internal and external design changes, and deletion to the conditions of approval. The proposed modifications are outlined below:

#### **2.1.1 Design Modifications**

- Reducing the number of basement bicycle parking spaces from 171 spaces to 160 spaces;
- Increasing the number of external bicycle parking spaces from 16 spaces to 18 spaces on ground level;
- Removal of perimeter stormwater drain and addition of 13 individual rain water outlets on ground level;
- Changing the pavement material from asphalt block pavers to cast in-situ concrete pavers, with saw cut pattern on ground level;
- Reduction in trees on the northern end of Omnibus Lane from 4 trees to 3 trees;
- Increasing the wall height of Stair C from 1.2 m to 1.8 m for safety reasons;
- Addition of a security gate to Stair C on ground level to increase safety;
- Deletion of the tri-generation plant and the cooling tower, and the addition of three air cooled chillers on level 13, and
- Increasing the sprinkler tank height by 600 mm on roof level.

#### **2.1.2 Modifications to Conditions**

As a result of the proposed deletion of the tri-generation plant, the application also seeks approval to delete the following conditions:

- Conditions E6 and E7; and
- Conditions F10 to F15, and F19.



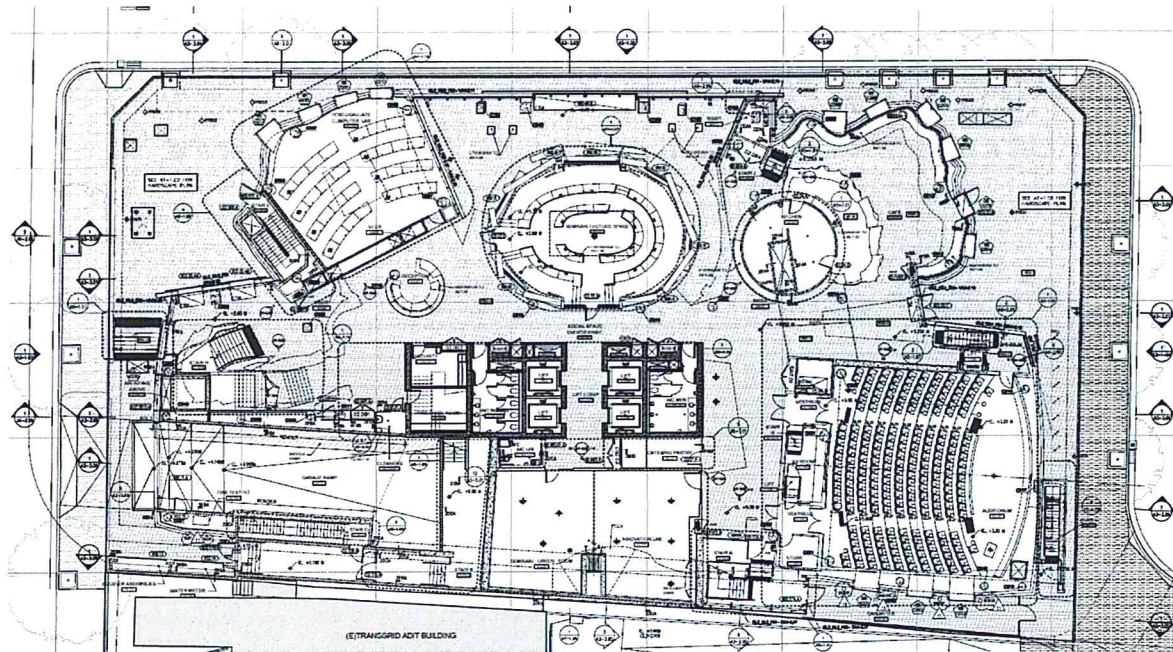


Figure 2: Approved Ground Level Floor Plan

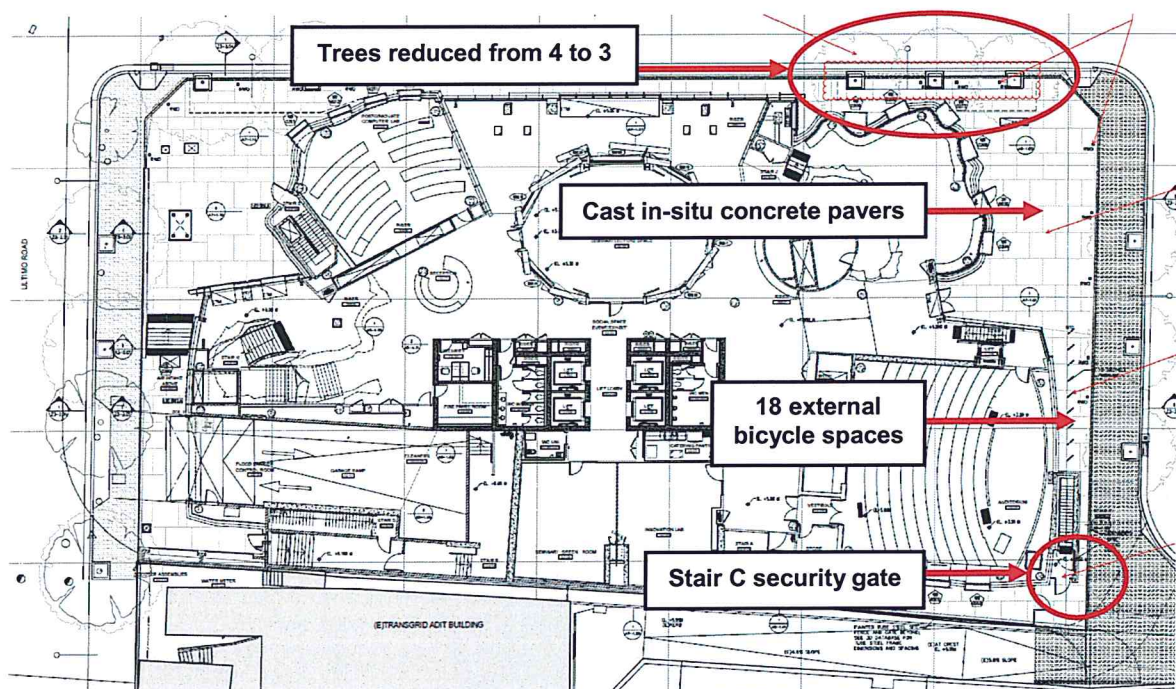


Figure 3: Proposed Ground Level Floor Plan

## 2.2 Justification of Modification

The minor design modifications are proposed to address safety issues and compliance with the City of Sydney (council) requirements. Modification to the pavement material is sought as the original specified product is an American product and not available in Australia.

The proposed deletion of the tri-generation plant is sought because it is considered too small to extract maximum efficiency from the technology and therefore it would be more sustainable to connect to a city-wide system when available. The proposed modifications are not considered to have significant visual or functional impact on the building or surrounding area.



### 3. STATUTORY CONTEXT

---

#### 3.1 Changes to Part 3A

In accordance with clause 3 of Schedule 6A of the EP&A Act, section 75W of the Act as in force immediately before its repeal on 1 October 2011, and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove of the carrying out of the project under section 75W of the EP&A Act.

#### 3.2 Modification of the Minister's Approval

Section 75W (2) of the EP&A Act provides that a proponent may request the Minister to modify the Minister's approval of a project. The Minister's approval of a modification is not required if the project, as modified, would be consistent with the original approval. As the proposed modification seeks to delete conditions E6, E7, F10 to F15 relating to the use of the tri-generation and modify the approved drawings, the modification will require the Minister's approval.

#### 3.3 Environmental Assessment Requirements

Section 75(3) of the EP&A Act provides the Director-General with scope to issue Environmental Assessment Requirements (DGRs) that must be complied with before the matter will be considered by the Minister. DGRs were not issued for this modification as the proponent has addressed the key issues related to the modification request.

#### 3.4 Delegated Authority

The Minister has delegated his functions to determine a modification request under section 75W of the EP&A Act to the Director, Metropolitan and Regional Projects North where:

- the relevant local council has not made an objection;
- a political disclosure statement has not been made; and
- there are less than 10 public submissions in the nature of objections.

Council raised no objection to the application, and no public submissions were received. There has been no political disclosure statement made for this application. Accordingly, the modification application is able to be determined under delegation by the Director, Metropolitan and Regional Projects North.

### 4. CONSULTATION AND SUBMISSIONS

---

#### 4.1 Exhibition

Under section 75X(2)(f) of the EP&A Act and clause 8G of the Environmental Planning & Assessment Regulation 2000, the modification request was made publically available on the department's website. The department also notified the council.

#### 4.2 Submissions by public agencies

Council raised no objection to the proposed modifications. Notwithstanding, council requested that all stone setts around all trees be removed as they are only required when placed in granite paving, and therefore not necessary. The proponent has agreed to council's request.

#### 4.2 Public Submissions

No submissions were received from the public.



## 5. ASSESSMENT

The key issues for the proposed modifications are outlined and addressed below.

### 5.1 Deletion of the Gas Fired Tri-generation Plant and Cooling Tower

The original application implemented the tri-generation system and cooling tower as part of the building's ESD concept approach. MOD 3 seeks to substitute the tri-generation plant and cooling tower on level 13 with three air cooled chillers following an assessment of the engineering process. As a result, minor reconfiguration to the plant rooms are necessary to accommodate the air cooled chillers. Access to the roof via Stair P is to be relocated a few metres to the west and the mechanical plant relocated to the western portion of the building (see Figure 4).

A revised ESD report prepared by AECOM and dated 19 March 2013, concludes that an overall weighted score of 65.4 points will be achieved as a result of the proposed modification. This will result in a slight reduction from the original project application, which achieved 66 points. Notwithstanding, the proposed modification will ensure the building will still exceed the 60 points requirement for a 5 Star Green Star rating.

The department considers the proposed modification is acceptable as it will maintain a 5 Star Green Star building rating. The reconfigurations to the plant rooms are minor in nature, would improve its functionality, and have no external visual amenity impacts. Accordingly, all conditions relating to the tri-generation plant (conditions E6 to E8, F10 to F15, and F19) will be deleted from the Instrument of Approval.

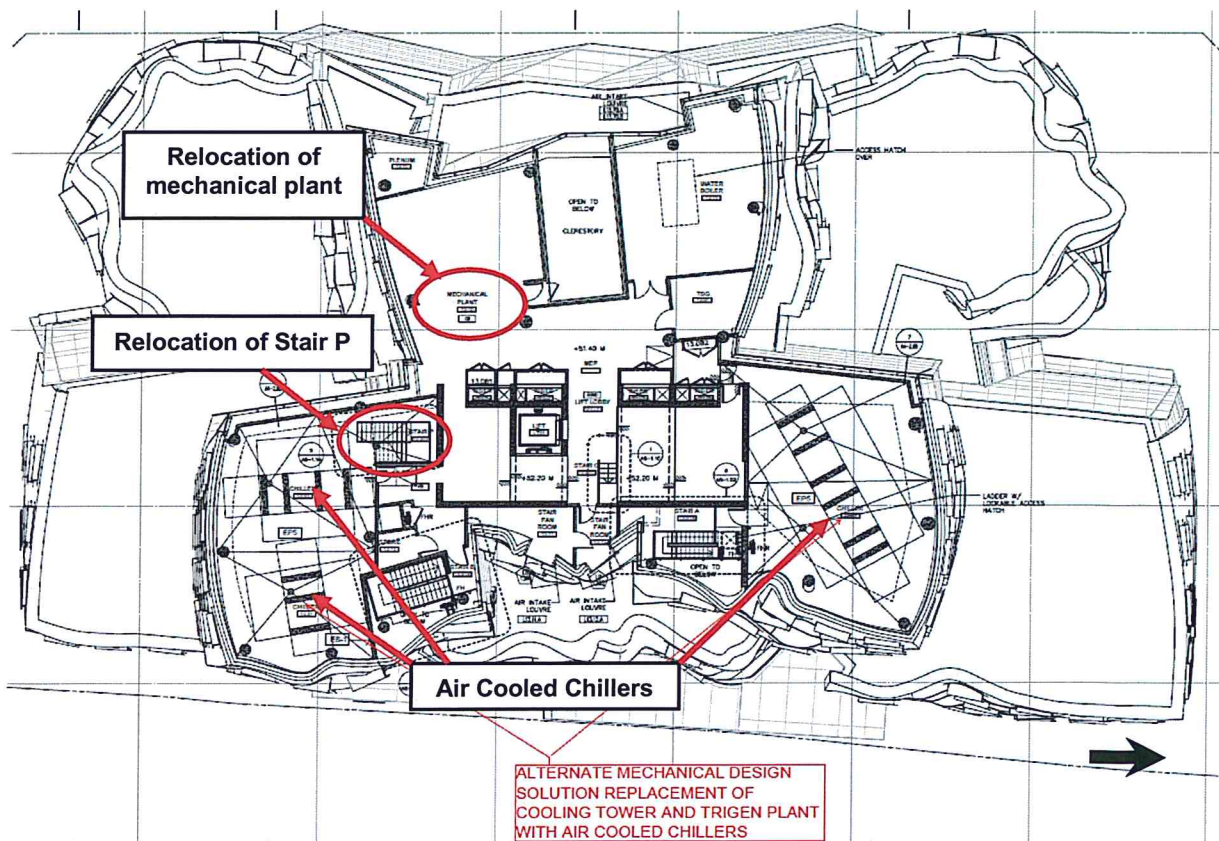


Figure 4: Thirteenth Floor Plan



## 5.2 Amenity Impacts

The approved building height, inclusive of the sprinkler tank on roof level, is RL 58.70. The proponent seeks a slight increase to RL 59.30. The modification request is the result of adding 600 mm structural piers to support the sprinkler tank.

The approved building exceeded the building height limit (42 m) set out by the Sydney Local Environmental Plan 2005 (Sydney LEP 2005). This was acceptable as Sydney LEP 2005 allowed a 10 per cent variation to building height. The Sydney LEP 2012 sets a maximum height of 33 m for the site (inclusive of sprinkler tank). When calculated as per requirements of the Sydney LEP 2012, the proposed building height would be 49.7 m. The department notes the provisions of Part 3A of the EP&A Act continue to apply for the site, and therefore prevail over Sydney LEP 2012. Further, council did not object to the height modification.

The approved building was considered to have an acceptable level of overshadowing impact on adjoining properties during the winter solstice. The department considers the minor height increase would have no further reduction in sunlight entering surrounding buildings as the additional shadow would only be created on the roof. In addition, no visual impacts would arise from the minor height increase of the sprinkler tank as it will be adequately obscured from public view due to its setback from the building façade. **Figure 5** depicts the setback of the sprinkler tank that may be perceived from Ultimo Road and Mary Ann Street.

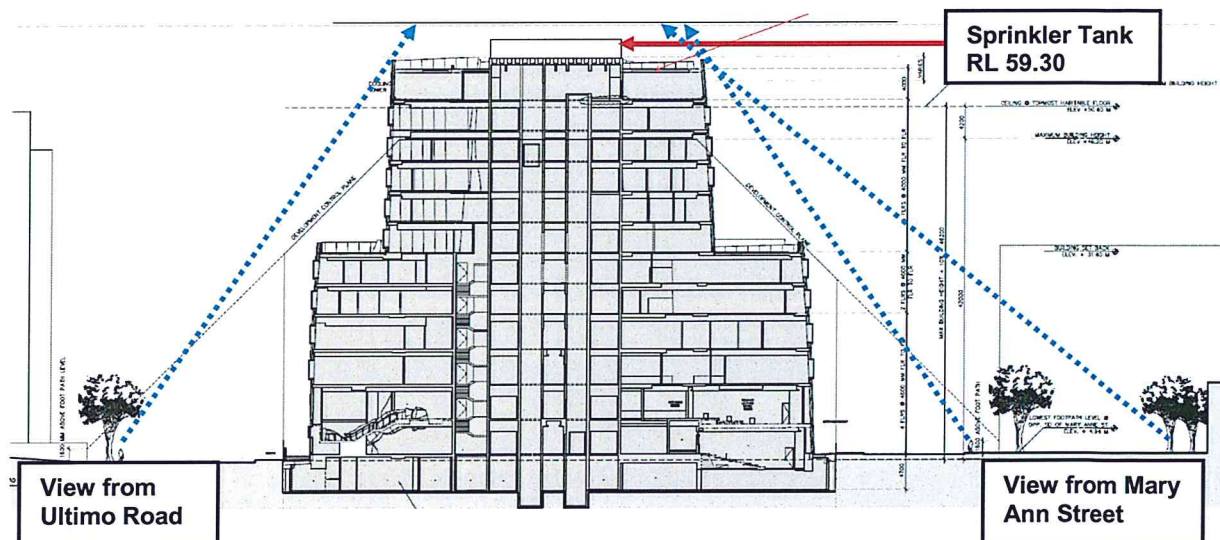


Figure 5: Proposed Site Section

## 5.2 Stormwater Drainage

The modification application seeks to delete the perimeter stormwater drain on ground level due to potential blockages and trip hazards. Thirteen individual rainwater outlets are sought to be placed around the site in lieu of the perimeter drain to collect stormwater within the boundary.

The department requested additional information from the proponent on 6 March 2013 confirming that the proposed modification can cater for a 1 in 20 year storm event. The proponent's drainage consultant AECOM, confirmed in a letter dated 20 March 2013, that the revised drainage system has the capacity to collect rain fall runoff from a 1 in 20 year storm event. Notwithstanding, it did acknowledge in some instances, rain water may bypass the site's drainage system and be collected in the council kerb and gutter. The department is satisfied with the additional information provided and notes council accepts such potential overflow situations. In addition, the department considers the revised design appropriate to mitigate the risk of trip hazards associated with the perimeter drain.



### 5.3 Public Domain and Bicycle Facilities

#### Street Trees

The modification proposes to reduce the number of trees along the northern end of Omnibus Lane from four to three, to comply with council's request to allow a 6 metre separation between the trees. Council's submission confirmed the reduction in trees was required to allow sufficient spacing. The department considers this appropriate and it will not significantly alter the approved landscaping plan. In addition, council request the removal of all stone setts around all trees on site and on council land, as this detailing is no longer required by council. Accordingly, the department will condition the removal of all stone setts in the Instrument of Modification.

#### Pavement Material

The proponent is seeking to replace the approved external asphalt pavers on ground level with cast in-situ concrete pavers, with a saw cut pattern in a natural concrete colour. This modification is pursued due to the unavailability of the approved material in Australia. The department considers the modification acceptable and the council has confirmed that it is consistent with the City of Sydney's Interim Sydney Street Design Code 2010.

#### Bicycle parking

One hundred and eighty seven bicycle parking spaces were approved under MOD 1, with 171 spaces within the basement and 16 on ground level. This was as result of minor reconfiguration of rooms within the basement which allowed extra bicycle spaces. The subject application proposes to decrease the number of bicycle spaces by 9, with 160 bicycle spaces available within the basement and 18 along Mary Ann Street. The department considers the proposed modification acceptable as it still exceeds the required amount that was approved in the original project application (177).

## 6. CONCLUSION

The department has considered the proposed modifications to the project approval and the key issues associated with these modifications. The department is satisfied that the proposed design modifications will not create any adverse amenity impacts, or reduce the functionality of the building.

It is therefore recommended that the modification application be approved, subject to conditions, as outlined in the recommended Instrument of Modification.

## 7. RECOMMENDATION

It is recommended that the Director, Metropolitan and Regional Projects North:

- a) **Consider** the findings and recommendations of this report;
- b) **Approve** the modification, subject to conditions, under section 75W of the *Environmental Planning and Assessment Act, 1979*, and;
- c) **Sign** the attached Instrument of Modification Approval (**Tag A**).

 24/4/13  
Team Leader

**Metropolitan and Regional Projects North**

 24/4/13  
Director

**Metropolitan and Regional Projects North**

## **APPENDIX A      MODIFICATION REQUEST**

---

See the Department's website at:

<http://majorprojects.planning.nsw.gov.au>



## **APPENDIX B SUBMISSIONS**

---

No submissions in the nature of objections were received.

**APPENDIX C    RECOMMENDED    MODIFYING    INSTRUMENT**

---