

ETHOS URBAN

SSD-9670 - WSU Innovation Hub

2-6 Hassall Street, Parramatta
Section 4.55(1A) Modification Report

Submitted to Department of Planning, Industry
and Environment

On behalf of Western Sydney University

03 December 2019 | 218990



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- A** Amended Architectural Plans
Tzannes Blight Rayner
- B** Pedestrian Wind Environment Study
Windtech
- C** Construction Hours Noise Assessment
Floth
- D** Construction Hours Supporting Statement
Solutions Consulting Australia

1.0 Introduction

On behalf of Western Sydney University, we hereby submit an application pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify SSD-9670, which relates to the Western Sydney University Innovation Hub at 2-6 Hassall Street, Parramatta.

This modification application (known as MOD 1) proposes the following:

- Conditions A2 and B30 – Correction of approved bicycle parking numbers to match applicable Green Star provisions;
- Condition B12 – Inclusion of reference to the detailed wind tunnel testing report and updated mitigation measures; and
- Condition C4 – Extension of approved construction hours on Saturdays.

In particular, the amendments sought to the approved hours of construction allow for an accelerated construction program. This will allow the expediting of on-site works to not only deliver the WSU Innovation Hub in the most time efficient manner possible, but may also assist in mitigating the duration of construction impacts on surrounding land uses and the road network.

This modification application is submitted to the Department of Planning, Industry and Environment (DPIE), and identifies the consent, describes the proposed modifications and provides a planning assessment of the relevant matters for consideration contained in Sections 4.55(1A) and 4.15(1) of the EP&A Act. It should be read in conjunction with the original Environmental Impact Statement (EIS) prepared by Ethos Urban dated 8 May 2019 and Response to Submissions dated 22 August 2019 (submitted with the original SSD DA).

This modification application is accompanied by:

- Amended Architectural Drawings, prepared by Tzannes + Blight Rayner (**Appendix A**);
- Pedestrian Wind Environment Study, prepared by Windtech (**Appendix B**);
- Extended Construction Hours Noise Assessment, prepared by Floth (**Appendix C**); and
- Construction Hours Supporting Statement, prepared by Solutions Consulting Australia (**Appendix D**).

2.0 Background

Development consent SSD 18_9670 was granted by the DPIE under delegation on 21 November 2019 for the development of the Western Sydney University Innovation Hub. This approval granted consent for the following:

- Construction of a 19 storey mixed use development, including
 - Tertiary education, commercial and retail uses.
 - A single level basement containing car and bicycle parking, vehicular servicing areas and waste storage areas.
 - Amphitheatre/exhibition space.
 - Landscaping and public domain works.
 - Plant and equipment.
 - Installation of utilities and infrastructure works.

This is the first proposed modification to the approved consent.

3.0 Proposed Modifications to Consent

3.1 Proposed Modifications to Development

This modification application (known as MOD 1) proposes the following modifications to the approved conditions of consent:

- Conditions A2 and B30 – Correction of approved bicycle parking numbers to match applicable Green Star provisions;
- Condition B12 – Inclusion of reference to the detailed wind tunnel testing report and updated mitigation measures; and
- Condition C4 – Extension of approved construction hours on Saturdays.

3.2 Proposed Modifications to Conditions

The proposed modifications described above necessitate an amendment to Condition D1 which is outlined below. Words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in **bold italics**.

A2 – Terms of Consent

The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) generally in accordance with the EIS and Response to Submissions;
- (d) in accordance with the approved plans in the table below:

Architectural Plans prepared by Tzannes Blight Rayner			
Dwg No.	Rev	Name of Plan	Date
10.00	L <i>M</i>	Basement	09.08.2019 <i>27.11.2019</i>

...

Reason: The proposed modification to the basement plan reflects an update to the call out note to adjust the total number of bicycle parking spaces provided by the development. Refer to **Appendix A**. Further explanation is provided below in relation to Condition B30.

B12 – Wind Mitigation

Prior to the commencement of construction, the Applicant must submit amended documentation demonstrating the design includes the wind mitigation measures recommended in the ~~Wind Impact Assessment WE531-01F02(REV3)-WS~~ **Pedestrian Wind Environment Study WE531-01F04(rev1)-WE** prepared by Windtech dated ~~11 April 2019~~ **31 October 2019** including horizontal screening elevated above ground level through the plaza, planting or localised screening throughout the plaza and 1.5m high impermeable balustrades around the Level 12 terraces **trees at the southern entrance to the through site link**, to the satisfaction of the Certifying Authority.

Reason: In response to Council's submission on the public exhibition of the SSDA dated 26 June 2019, the proponent undertook detailed wind tunnel testing of the proposed development. The results of this testing were incorporated into an updated report titled Pedestrian Wind Environment Report WE531-01F04(Rev0) dated 10 September 2019. Refer **Appendix B**.

B30 – Bicycle Parking and End-of-Trip Facilities

Prior to the commencement of construction, compliance with the following requirements for secure bicycle parking and end-of-trip facilities must be submitted to the satisfaction of the Certifying Authority:

- a) the provision of a minimum ~~482~~ **177** bicycle parking spaces **(including a minimum of 163 bicycle parking spaces at the basement level and 14 bicycle spaces at ground level)**;
- b) the layout, design and security of bicycle facilities must comply with the minimum requirements of the latest version of AS 2890.3:2015 Parking facilities - Bicycle parking, and be located in easy to access, well-lit areas that incorporate passive surveillance;
- c) the provision of end-of-trip facilities for staff;
- d) appropriate pedestrian and cyclist advisory signs are to be provided; and
- e) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority.

Reason: Based on a total net lettable area (NLA) of 27,694 sqm (as per the approved architectural drawings), the Green Star Building Council's requirements for publicly accessible bicycle parking is for a total of 177 spaces. The proposed modification clarifies the minimum spaces to be provided within the development's basement (163 spaces) and at the ground floor (14 spaces).

C4 – Construction Hours

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

- (a) between 7:00am and 6:00pm, Mondays to Fridays inclusive; and
- (b) between 8:00am and ~~4:00pm~~ **5:00pm**, Saturdays.

Reason: Following the submission of the SSDA, a series of early works development consents were approved by Parramatta City Council for the site. The most recent included excavation and civil works under DA/66/2019 on 5 July 2019. This consent included approved construction hours of 8:00am to 5:00pm on Saturdays. Further, other development consents issued by Parramatta City Council immediately surrounding the site offer extended construction hours such as until 8:00pm on Saturday (9 Hassall Street – DA/848/2008) and until 5:00pm on Saturday (11 Hassall Street – DA/67/2015).

To enable an efficient and expedient delivery of the SSDA project for the wider benefit of the Parramatta CBD and to ensure consistency and continuity between the early works and main works on-site contractors, the proponent requests that approved hours on Saturdays are extended until 5:00pm.

4.0 Substantially the Same Development

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if *“it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)”*.

The development, as proposed to be modified, is substantially the same development as that originally approved in that it the proposed modifications relate only to minor matters, including clarifications as to the number of bicycle parking spaces to be provided, ensuring the consent references the most up to date wind assessment report, and to align the construction hours of the project with the early works approvals in place for the site issued by the City of Parramatta. The proposed modifications will not alter the physical nature of the development, with the final building form and approved uses to remain identical to the current approval.

5.0 Assessment of Environmental Impacts

Section 4.55(3) of the EP&A Act requires a 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 and the reasons given by the consent authority for the grant of the original consent.

The original application considered a range of potential environmental impacts. The following are unchanged as a result of the proposed modifications:

- Design excellence
- Built form and urban design;
- Overshadowing;
- Visual impact;
- Privacy;
- Transport and accessibility;
- Heritage and archaeology;
- Noise and vibration;
- Infrastructure and utilities;
- Biodiversity;
- Contamination and hazardous material;
- Water cycle management;
- Waste management;
- Construction impact;
- Geotechnical impact and structural adequacy;
- Crime and public safety;
- BCA and accessibility;
- Lighting; and
- Social and economic impact.

The following matters however warrant further assessment, and the following assessment demonstrates that the proposed modifications will be of minimal environmental impact.

5.1 Wind Assessment and Mitigation

A Wind Impact Assessment was prepared by Windtech for the SSDA provided an assessment of the likely effect of wind on the various trafficable pedestrian outdoor areas within and surrounding the site. The assessment was qualitative and was based on a visual inspection and analysis of the design. The results of that qualitative assessment predicted that wind conditions for the majority of trafficable pedestrian outdoor locations within and around the development will be suitable for their intended uses, subject to the following mitigation measures:

- Inclusion of horizontal screening, such as a canopy or artwork, elevated above ground level through the plaza.
- Inclusion of planting or localised screening, such as an artwork, signage or baffle screens, throughout the plaza.
- Inclusion of 1.5m impermeable balustrades surrounding the Level 12 terraces.

In response to the City of Parramatta's submission on the public exhibition of the SSD DA dated 26 June 2019, the proponent undertook detailed wind tunnel testing of the proposed development. The results of this testing were

incorporated into an updated report titled Pedestrian Wind Environment Report WE531-01F04(Rev1) dated 31 October 2019 (refer **Appendix B**).

The results of the wind tunnel study indicate that wind conditions for the majority of trafficable outdoor locations within and around the development will be suitable for their intended uses. However, some areas will experience winds which will exceed the relevant criteria for comfort and/or safety. However, the wind tunnel assessment concludes that, with the inclusion of minor treatments to the final design, it is expected that wind conditions for all outdoor trafficable areas within and around the development will be suitable for their intended uses.

Suggested treatments are described as follows:

- Inclusion of the proposed trees at the southern entrance to the through site link, as referenced in Figure 7 of the wind report (and reproduced below). These trees should be densely foliating.

In relation to the recommendation above, the approved landscaping plan includes proposed street tree planting in locations generally consistent with the recommended locations. The final locations of the above trees will be coordinated with Council's Public Domain Section and resolved prior to commencement of public domain works.

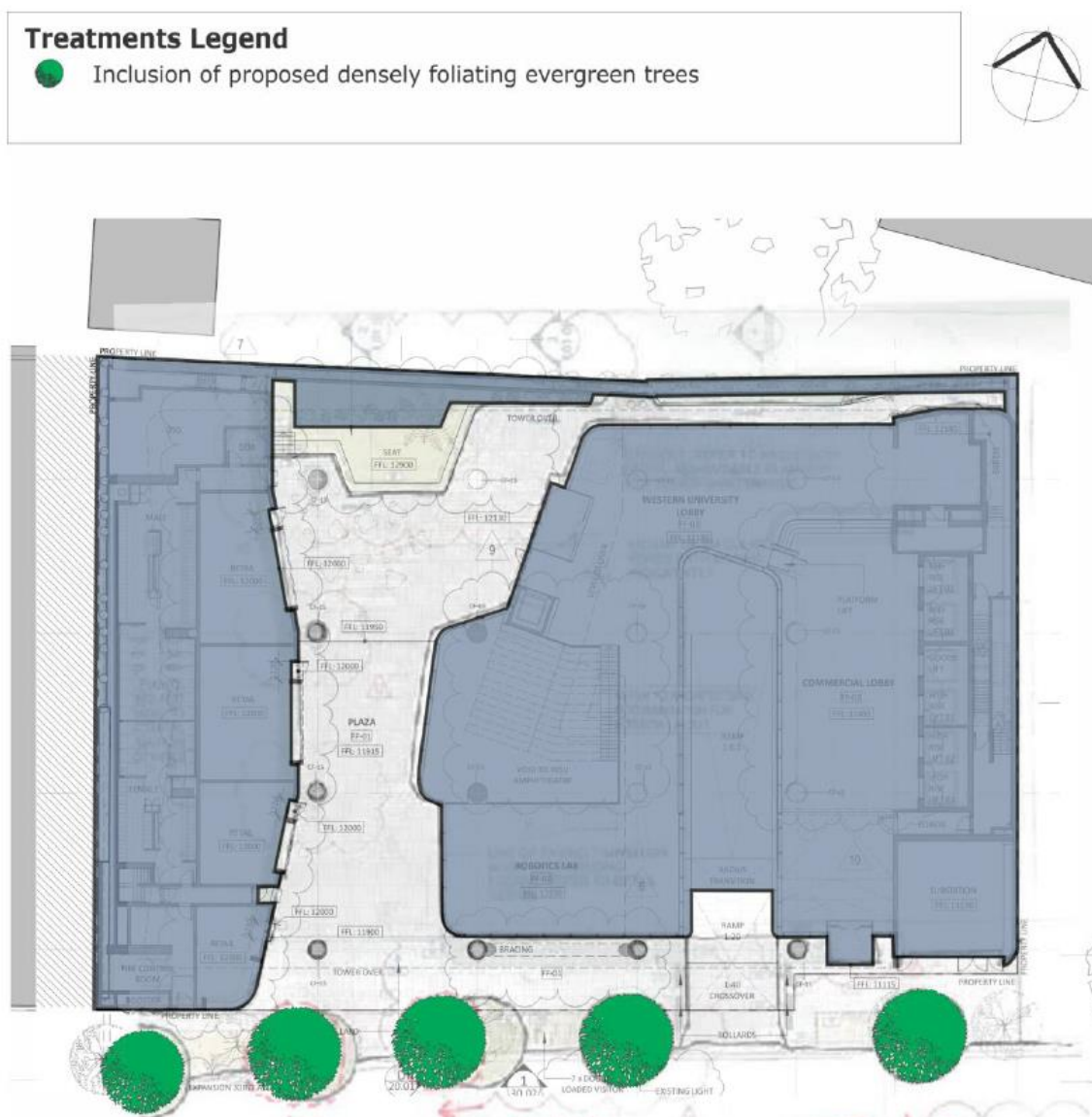


Figure 1 Suggested wind treatments, Ground Level Plan

Source: Windtech

5.2 Bicycle Parking

A traffic and parking assessment was submitted with the SSDA which assessed the proposal's provision of bicycle car parking spaces against the City of Parramatta's DCP requirements. The assessment determined that based on DCP requirements, the required number of bicycle parking spaces for the development would be 152 spaces (based on a rate of 1 bicycle space per 200m² of GFA) and a proposed GFA of 30,439m². The development consent approved a minimum of 182 bicycle parking spaces.

It is noted however that based on a total net lettable area (NLA) of 27,694m² (as per the approved architectural drawings), the Green Star Building Council's requirements for publicly accessible bicycle parking is for a total of 177 spaces. The proposed modification clarifies the minimum spaces to be provided within the development's basement as being 163 space, and 14 spaces at the ground floor, being a total of 177 bicycle parking space (5 less than approved). The reduction of 5 bicycle parking spaces is considered acceptable given the proposal provides greater than the required number under the DCP, and ensures that the proposal achieves the Green Star requirements for bicycle parking.

5.3 Construction Noise

An acoustic assessment has been prepared by Floth and is included in **Appendix C**, which assess the noise and vibration impacts associated with the proposed minor extension to the construction hours on Saturdays. A summary of the assessment and proposed mitigation measures is provided below. Sensitive receivers to noise in proximity of the site are identified in **Appendix C**, and are noted as the following locations:

- 9 Hassall Street: Approved and under construction residential development ("Imperial Apartments"). situated approximately 40 metres southeast of the site and will accommodate two 21-storey residential apartment buildings.
- 11 Hassall Street: Residential development ("Skyrise Apartments"), situated approximately 56 metres southeast of the site and consists of a single 43-storey residential apartment building.
- 13-16 Hassall Street: Residential development ("Fiori Apartments"), situated approximately 45 metres southeast of the site and consists of two 21-storey residential apartment buildings.
- Curtis Cheng Centre (NSW Police Headquarters) is a 13-storey commercial building located immediately north of the site;
- The Commercial Hotel is a 2-storey building located at 2A Hassall Street immediately west of the site; and
- Eclipse Tower is a 22-storey commercial tower located approximately 23 metres south of the proposed site at 60 Station Street, Parramatta.

Assessment

The assessment of the SSDA identified that noise from the construction of the project would be likely to exceed the relevant noise criteria for the sensitive receiver at 9 Hassall Street for works conducted within the approved construction hours. However, the assessment identified that 9 Hassall Street is under construction and not expected to be occupied by the time the main construction works on the site have been undertaken. The assessment also identified that the noise criteria would be exceeded at the adjoining Commercial Hotel and Curtis Cheng Centre, which may experience some periods of high noise during the construction phase. However, as these premises are commercial in nature, they were not considered to be as noise sensitive. Mitigation measures were approved ensuring that the project would not result in unreasonable impacts upon neighbouring receivers, including conditions requiring:

- A Construction Environmental Management Plan is to be prepared prior to the commencement of works.
- A Construction Noise and Vibration Management Sub-Plan must be prepared by a suitably qualified expert and include:
 - procedures in accordance with the EPA Interim Construction Noise Guideline.
 - consultation with the affected community to manage high noise generating impacts.
 - adherence to the recommendations of the NIA, as modified by the conditions of consent.

The proposed modification, which effectively seeks to permit construction to occur for an additional four (4) hours on Saturdays (between 1pm-5pm), has been assessed in **Appendix C** against the NSW EPA Interim Construction Noise Guideline (ICNG). The noise report identifies that, based on ICNG criteria for construction work conducted outside of recommended hours (i.e. between 1-4pm) and having regard to noise logging data conducted as part of the SSDA assessment, that the following construction noise limits would be considered acceptable for the non-standard construction hours on a Saturday:

- Residential receivers: LAeq(15min) of 56 dB(A)
- Commercial receivers: LAeq(15min) of 70 dB(A)

The noise impact assessment identifies that the predicted noise levels from the construction phase may result in some noise affected residential and commercial receivers as shown in the table below.

Table 1 Predicted Construction Noise Levels at Surrounding NSRs and Commercial Premises

Construction component	Receiver	Predicted noise level (LAeq, dB(A))	Criteria (LAeq, 15min), dB(A)	Assessment
Building works	9 Hassall St	67 (external)	56 (external)	Noise affected
	11 Hassall St	61 (external)	56 (external)	Noise affected*
	13-15 Hassall St	60 (external)	56 (external)	Noise affected*
	Commercial Hotel	79 (external)	70 (external)	Noise affected
	Curtis Cheng Centre	79 (external)	70 (external)	Noise affected
	Eclipse Tower	68 (external)	70 (external)	Complies

*Non-standard hours only

5.3.1 Compliance with the *Interim Construction Noise Guideline*

The current *Interim Construction Noise Guideline* gives consideration to situations in which construction out of the recommended standard hours could be contemplated. They are as follows:

2.3 CONSTRUCTION OUTSIDE THE RECOMMENDED STANDARD HOURS

The five categories of works that might be undertaken outside the recommended standard hours are:

- *The delivery of oversized plant or structures that police or other authorities determine require special arrangements to transport along public roads.*
- *Emergency works to avoid the loss of life or damage to property, or to prevent environmental harm.*
- *Maintenance and repair of public infrastructure where disruption to essential services and / or consideration of worker safety do not allow work within standard hours.*
- *Public infrastructure works that shorten the length of the project and are supported by the affected community.*
- *Works where a proponent demonstrates and justifies a need to operate outside the recommended standard hours.*

In the case of the proposed modifications, it is considered that the last two categories are relevant. A clear justification for the accelerated construction hours, other than convenience, can be provided given the locational context of the site. This is due to the site being bounded by a number of public assets including the Lancer Barracks and the Curtis Cheng Building (Police Station). The project proponent is also Western Sydney University, being a public authority, with the proposal being for key social infrastructure in the form of a university, with time pressure to open for students in 2021.

Noting this context, the proposed construction hours and the minor associated exceedances in noise criteria are on balance, considered acceptable following reasons:

- The hours proposed are no greater than the Saturday hours approved by the City of Parramatta on the projects for 9 Hassall Street (under construction) and 11 Hassall Street (completed), which are closer to residential receivers, being:

- 9 Hassall: Sat 6.30-8pm.
- 11 Hassall: Sat (no demo work) 8am-5pm.

The hours proposed are also consistent with the approvals for the early works on the subject site (DA/714/2018 and DA/66/2019) which both permit works on Saturdays from 8:00am to 5:00pm. These works include demolition and excavation. It is considered that these recent approvals in the Parramatta CBD issued by the City of Parramatta have adequately set the expectation for construction hours along Hassall Street.

- 9 Hassall Street is currently under construction and is unlikely to be occupied until mid-2020 at the earliest.
- Construction noise activities expected to be conducted between 1-5pm on Saturdays are not proposed to be more noise intensive than those approved to occur at other standard times. The reduction in noise criteria by 5dB above the RBL which is in place from 1-5pm on Saturdays is the primary reason for the proposed modification's exceedance above the noise criteria. The CMP once developed can manage noise impacts during this time through management techniques, including through the encouragement of less noise generating activities occurring during this time period.
- The site is within very close proximity to a number of key government assets, which are of importance to the functioning of Parramatta's CBD. Whilst reasonable mitigating measures will continue to be considered and implemented, the risk of adverse impacts upon these public assets remains for as long as construction is being undertaken at the site.
- By allowing for appropriate construction activities to be undertaken in the extended periods, the overall duration of works at the site can be minimised by a quantifiable period in the order of 4 to 6 weeks. Given the additional 4 hours every Saturday this is seen as a considerable gain and in turn minimises the duration of impact for surrounding properties. Refer to the letter of support for the reduced construction program at **Appendix D**.
- The mitigation measures approved as part of the SSD approval, including the requirements in the conditions, are expected to adequately manage any noise impacts.

On the basis of the above, the most appropriate measure to mitigate this risk is to work towards minimising the period of construction in the vicinity of these assets, and utilisation of the accelerated construction periods in the manner proposed is considered the most effective manner of achieving this.

5.4 Minimal environmental impact

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if "*it is satisfied that the proposed modification is of minimal environmental impact*". Under section 4.55(3) the consent authority must also take into consideration the relevant matters given by the consent authority for the grant of the original consent.

We consider that the proposed modifications are of minimal environmental impact, for the following reasons:

- Consideration of the wind tunnel assessment report as part of the consent will ensure the most accurate wind assessment will inform the detailed design of the proposal. The results of the updated wind report demonstrate that wind impacts resulting from the proposal will be minimal and mitigated through landscaping measures.
- No impacts are expected to ensue from the minor reduction in bicycle parking spaces, particularly given the proposal complies with DCP and Green Star requirements;
- The proposed modifications seek to align the construction hours permitted on Saturdays with construction hours permitted on a number of projects throughout the Parramatta CBD by the City of Parramatta, including a number of projects along Hassall Street.
- The proposed modifications will also align the permitted construction hours associated with the early works on the site with the main base building, ensuring a streamlining of construction activities.
- The proposed modification will also result in key benefits to the surrounding area, including a measurable shortening of the overall construction period.
- The acoustic statement provided at **Appendix C** has undertaken a substantial assessment of the surrounding acoustic environment, demonstrating that the proposed modifications can be undertaken without any adverse impacts.

6.0 Conclusion

The proposed modifications to SSD 9670 sought under this application relate only to minor matters and not propose any changes to the approved building form and uses. It has also been demonstrated in this statement that the proposed modifications will not result in any unacceptable impacts. In accordance with Section 4.55(1A) of the EP&A Act, the DPIE may modify the consent given that:

- The proposed modifications are of minimal environmental impact; and
- The development to which the consent as proposed to be modified relates is substantially the same development for which the consent was originally granted.

In light of the merits of the proposed development and in the absence of any significant environmental impacts, it is without hesitation that we respectfully recommend this application for development consent. We trust that this information is sufficient to enable assessment of the proposed modification application. Should you have any queries regarding this matter, please do not hesitate to contact the undersigned.

Yours sincerely,



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