



# *WSU Innovation Hub*

*State Significant  
Development  
Modification  
Assessment  
(SSD 9670 MOD 1)*

March 2020

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# Glossary

Abbreviation	Definition
AHD	Australian Height Datum
BCA	Building Code of Australia
CIV	Capital Investment Value
Consent	Development Consent
Council	City of Parramatta
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	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development
TfNSW	Transport for NSW
TfNSW (RMS)	Transport for NSW (Roads and Maritime Services)



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# 1. Introduction

This report provides an assessment of an application to modify the State Significant Development (SSD) consent for the Western Sydney University Innovation Hub (SSD 9670).

The modification application seeks approval for adjusting the number of bicycle parking spaces to match applicable Green Star provisions, amend mitigation measures following a detailed wind tunnel testing report and an extension of permitted Saturday construction hours.

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

## 1.1 Site Description

The Western Sydney University Innovation Hub is located at 2-6 Hassall Street, Parramatta at the south-eastern portion of the Parramatta CBD as depicted in **Figure 1**. The site is an amalgamation of three allotments legally described as Lot 22 in DP 608861, Lot 62 in DP 1006215 and Lot 7 in DP128820 with a combined area of 2,647sqm and a frontage of 62m along Hassall Street.



**Figure 1:** Site Location (Source: Nearmaps)

## 1.2 Approval History

On 21 November 2019, development consent was granted by Executive Director, Infrastructure Assessments for the development of the Western Sydney University Innovation Hub (SSD 9670). The development consent permits the following works:

- construction of a new 19 storey mixed use development for 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.
- ancillary infrastructure and utilities installation.



## *2. Proposed Modification*

### **Bicycle Parking**

The existing approval requires a minimum of 182 bicycle parking spaces. Following further detailed design and assessing the Green Star Building Council's requirements, the number of bicycle parking spaces has been amended to 177 spaces. The request includes 163 bicycle parking spaces at the basement level and 14 bicycle spaces at ground level.

### **Detailed Wind Assessment**

In its comments on the original SSD application, the City of Parramatta raised concerns with the wind assessment submitted as part of the EIS. The Applicant has since undertaken detailed wind tunnel testing of the approved development and the results have been incorporated into an updated Pedestrian Wind Environment Report. The mitigation measures listed in Condition B12 of the existing approval are proposed to be updated to reflect the recent assessment and the inclusion of trees on the southern portion of the site.

### **Construction Hours**

Construction hours approved for Saturday are proposed to be increased from 8am to 1pm to 8am to 5pm.

### **Administrative Changes**

Minor amendments are proposed to approved plans to reflect further design refinements.



### *3. Strategic Context*

The proposed modified consent would remain consistent with:

- Greater Sydney Central City District Plan.
- Transport for NSW's Future Transport Strategy 2056.
- Infrastructure NSW's State Infrastructure Strategy 2018 – 2038.
- Parramatta CBD Planning Strategy.





## 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; and
- 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 Mandatory matters for consideration

The following environmental planning instruments (EPIs) apply to the site:

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy No. 64 – Advertising Structures and Signage (SEPP 64)
- Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP)
- Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP)
- Parramatta Local Environmental Plan (PLEP) 2011.

### 4.3 Consent Authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5(a) of EP&A Act. However, under the Minister's delegation dated 11 October 2017, the Director, Social and Infrastructure Assessments may determine the application as:

- the relevant local council has not made an objection.
- a political disclosure statement has not been made.
- there are no public submissions by way of objection.



## *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 State significant development. Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website on 13 December 2019, and was referred to City of Parramatta (Council) for comment.

### **5.2 Summary of Submissions**

The Department received a submission from Council raising no objections or concerns with the modification application.



The modification application proposed to alter the number of approved bicycle parking spaces in the WSU Innovation Hub. Under the existing approval, Condition B30 required a minimum of 196 bicycle parking spaces to be provided. The modification seeks to change this number to 177 spaces, with 163 spaces in the basement level and 14 spaces at ground level.

A detailed review of the architectural drawings now identifies that the total net lettable area of the development is 27,694sqm. Under requirements of the Green Star Building Council, the total number of bicycle parking spaces equates to 177.



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requirements of Council's DCP and the Green Star Building Council's requirements and there is no net decrease in accessible parking spaces. The Department is satisfied that the reduction in bicycle parking spaces is appropriate as the Applicant has demonstrated the requirements of Council and the Green Star Building Council are being met.

### **Detailed Wind Assessment**

The site was identified to have potentially hazardous wind conditions once construction has been completed. Accordingly, a requirement was imposed to ensure that prior to construction a detailed wind impact assessment would be undertaken to further assess the extent of the impact. During the exhibition of the original application, Council raised concerns with the wind assessment and requested that all wind impacts be adequately resolved prior to any approval being granted. The Response to Submissions included three mitigation measures to address the RtS and were incorporated into Condition B12 as follows:

*"B12. 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 E prepared by Windtech dated 11 April 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, to the satisfaction of the Certifying Authority."*

The Applicant undertook a Pedestrian Wind Environment Study (PWES) in accordance with Condition B12. The study identified that the wind conditions for the public domain space within and around the development will be suitable for their use except for a small portion of the site. A remedy identified in the PWES required the inclusion of trees at the southern entrance of the site to improve the amenity of the area and reduce the risk (**Figure 3**). In accordance with the updated mitigation measure identified in the report the Applicant seeks to remove the following mitigation measures listed in Condition B12:

- horizontal screening elevated above ground level through the plaza.
- planting or localized screening throughout the plaza.
- 1.5m high impermeable balustrades around the Level 12 terraces.

The proposed replacement for Condition B12 reads as follows:

*"Prior to the commencement of construction, the Applicant must submit amended documentation demonstrating the design includes the wind mitigation measures recommended in the Pedestrian Wind Environment Study WE531-01F04(rev1)-WE prepared by Windtech dated 31 October 2019, including trees at the southern entrance to the through site link, to the satisfaction of the Certifying Authority."*



**Figure 3:** Wind Mitigation Tree Planting (Source: Modification Report)

The Department has reviewed the modification report and the accompanying Wind Assessment, including the updated mitigation measures, and is satisfied that the amendments to the wind mitigation measures required by Condition B12 would protect the amenity of the public domain for pedestrians.

### Construction Hours

The Department has reviewed the proposed modified construction hours along with the Noise Impact Assessment for the extended hours. The construction noise assessment report identified that the proposed extension of construction hours on Saturday by four hours, ending at 5pm, would result in additional exceedances at two residential receivers, being 11 Hassall Street and 13-15 Hassall Street (both unit tower buildings). The exceedance is not due to more noise intensive works but a variation in the noise criteria as the proposed hours are outside standard construction hours. **Table 1** illustrates there are also minor exceedances at 9 Hassall Street (residential tower currently under construction), Commercial Hotel and Curtis Cheng Centre.

Construction Component	Receiver	Predicted Noise Level	Criteria	Assessment
Building Works	9 Hassall St	67	56	Noise affected
	11 Hassall St	61	56	Noise affected*
	13-15 Hassall St	60	56	Noise affected*
	Commercial Hotel	79	70	Noise affected
	Curtis Cheng Centre	79	70	Noise affected
	Eclipse Tower	68	70	Complies

\*Non-standard hours only

**Table 1:** Construction Noise Levels (Source: *Appendix D - Construction Hours Noise Assessment*)

The proposal identifies that recently approved residential developments, namely 9 Hassall Street and 11 Hassall Street that were determined by Council, had approved construction hours from 8am to 8pm and 8am to 5pm respectively on Saturday. The early works approvals for the subject development site, also issued by Council, permitted construction on Saturdays up until 5pm.

The Department is satisfied that extending Saturdays hours of construction will have minimal impact on the surrounding receivers and will improve amenity by reducing the overall construction timeframe. The proposed hours are also consistent with recent approvals issued by Council and are considered reasonable for a busy CBD locality. The Applicant is still required to ensure mitigation measures outlined in the Construction Noise and Vibration Management Plan are utilised to minimise any noise impacts on sensitive receivers.



## *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 Department's assessment concludes that the proposed changes to the bicycle parking, wind mitigation measures and construction hours are appropriate for the subject development and the surrounding locality. The Department's original conditions of consent and those modified would ensure that the construction and future operation of the precinct would maintain the environmental amenity of the surrounding area.

The Department considers that the application is consistent with the objects of the EP&A Act, State Priorities and the Central District Plan. The development as modified would be substantially the same as that originally approved and would deliver a significant public benefit through the improved educational facilities in the area.

The Department concludes the impacts of the proposed modification are 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 9670 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 with 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 grant approval to the application.
- **modify** the consent SSD 9670.
- **signs** the attached approval of the modification (Attachment D).

Recommended by:

**Caleb Ball**

Planning Officer

Social and Infrastructure Assessments

Recommended by:

**David Gibson**

Team Leader

Social Infrastructure





## 9. Determination

The recommendation is **Adopted** by:

4/3/20

**Karen Harragon**

Director

Social and Infrastructure Assessments



# Appendices

## Appendix A – List of Documents

List of all the documents relied on by the Department in its assessment

1. Modification Report and Appendices

<https://www.planningportal.nsw.gov.au/major-projects/project/26121>

2. Further Information

<https://www.planningportal.nsw.gov.au/major-projects/project/26121>

## Appendix B – Instrument of Modification

<https://www.planningportal.nsw.gov.au/major-projects/project/26121>

## Appendix C – Consolidated Consent

<https://www.planningportal.nsw.gov.au/major-projects/project/26121>