

1 July 2020

218990

Jim Betts  
Secretary  
Department of Planning, Industry & Environment  
GPO Box 39  
SYDNEY NSW 2000

Attention: Caleb Ball (Planner – Social and Infrastructure Assessments)

Dear Mr Ball,

**SECTION 4.55(1A) MODIFICATION APPLICATION – SSD 9670 MOD 3  
WESTERN SYDNEY UNIVERSITY INNOVATION HUB – 2-6 HASSALL STREET, PARRAMATTA**

This application has been prepared by Ethos Urban on behalf of Western Sydney University (applicant), pursuant to section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act) to modify Development Consent SSD 9670 relating to the Western Sydney University Innovation Hub at 2-6 Hassall Street, Parramatta (the site).

This application is the third modification to the consent and is known as MOD 3. The application the following amendments:

- Replacement of the approved western and southern elevation architectural drawings approved as part of Condition A2, to reinstate three (3) signage zones, which were omitted from the drawings during the 'Response to Submissions' phase of the original SSDA assessment, with adjustment in size and location to a further one (1) approved signage zone; and
- A minor amendment to Condition B23 to facilitate Council's endorsement of an alternative stormwater infrastructure design, connecting to Hassall Street in a western direction instead of an eastern direction.

This application identifies the consent, describes the proposed modifications and provides an assessment of the relevant matters contained in section 4.55(1A) of the EP&A Act. This application is accompanied by:

- Revised Architectural Elevations, prepared by Tzannes+Blight Rayner (**Attachment A**);
- Revised Civil Stormwater Drawings, prepared by Robert Bird Group (**Attachment B**); and
- Correspondence with the City of Parramatta, regarding the amended stormwater design (**Attachment C**).

## 1.0 Consent proposed to be modified

Development consent SSD 9670 was granted by the Department of Planning, Industry and Environment (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.

Two modification applications have been approved in relation to this development. Modification 1 (MOD 1) was approved on 04 March 2020, including modifications to:

- 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.

On 06 May 2020 Modification 2 (MOD 2) was approved for minor design refinements including the introduction of glass to the roof parapet, reduction in the parapet height and reduction of pre-cast building core panel height.

The subject modification application is therefore the third modification to the approved consent.

## 2.0 Proposed modifications to the consent

### 2.1 Description of proposed modifications

The proposed modification to development consent SSD 9670 comprises the following amendments.

#### Signage Zones

This modification seeks to reintroduce three building identification signage zones as follows:

- Two (2) on the Western Elevation, comprising one within the building parapet and the second within the mid-rise section; and
- One (1) on the Southern Elevation within the mid-rise section.

These signage zones were originally included on the architectural plans at the time of lodgement, but due to a drawing error were omitted at the time of preparing the 'Response to Submissions' package. In addition, the top of building signage zone on the Southern Elevation is proposed to be adjusted to the size and location originally approved (previously altered as part of MOD2).

Amended elevations, prepared by Tzannes + Blight Rayner (incorporating the signage zones together with the revised building parapet form approved in MOD 2) are provided at **Attachment A**.

#### Stormwater Management

Detailed design development has revealed that the most efficient stormwater infrastructure design is not consistent with Condition B23 of the consent, which requires the pipeline to be connection to Hassall Street in an easterly direction. The project team has designed a westerly alternative which mitigates construction impacts and is provided at **Attachment B**. This alternative design which has been submitted to the City of Parramatta for review on 15 June 2020 and has received in principle support from Council's Senior Catchment and Development Engineer (with relevant correspondence provided at **Attachment C**).

Therefore, this application seeks to modify Condition B23 to facilitate the above alternative arrangement. Whilst Condition B23 is already considered satisfied in order to receive the initial Construction Certificate (endorsed by Council on 2 April 2020, ref NCA/3/2019 at **Attachment C**) the proposed modifications introduce flexibility for endorsement of the preferred stormwater infrastructure. This will ensure consistency with subsequent Condition D12 and enable the issue of a future Occupation Certificate.

The proposed alternative stormwater drainage design to Hassall Street in a westerly direction is illustrated within the Civil Infrastructure Drawings prepared by Robert Bird Group at **Appendix B**. The proposed stormwater design has been designed by a suitably qualified person, in accordance Council's standards, Australian Standards, Australian Rainfall and Runoff (Engineers Australia, 2016), and Managing Urban Stormwater: Council Handbook (EPA, 1997) Guidelines.

## 2.2 Modifications to conditions

The proposed modifications described above necessitate amendments to the consent conditions which are identified 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
30.02	<del>L</del> <b>N</b>	South Elevation	<del>09.08.2019</del> <b>24.06.2020</b>
30.03	<del>L</del> <b>N</b>	West Elevation	<del>09.08.2019</del> <b>24.06.2020</b>

**Reason:** The above drawing is proposed to be replaced to reinstate three (3) building identification signage zones and amend one (1) further signage zone.

### Stormwater Management System

B23. Prior to the certification of Crown building work or commencement of any construction work, whichever occurs first, relating to the ground floor (including slab pour, public domain works or any other above ground structure), the Applicant must design an operational stormwater management system for the development and it be approved by Council's Group Manager Development and Traffic Services. The system must:

- (a) be designed by a suitably qualified and experienced person(s);
- (b) include a stormwater drainage pipeline ~~with kerb inlet pits along the kerbline of Hassall Street~~ from the site ~~eastwards then crossing Hassall Street to the~~ **to an appropriate** point of connection ~~near 13-15 Hassall Street,~~ with minimum 375mm diameter concrete spigot and socket pipe in accordance with Council's standards with an underground connection from the site to the kerb inlet;
- (c) be designed in accordance with On-site Detention and Water Sensitive Urban Design requirements in Parramatta Development Control Plan 2011;
- (d) be in accordance with applicable Australian Standards;
- (e) ensure that the system capacity has been designed in accordance with Australian Rainfall and Runoff (Engineers Australia, 2016) and Managing Urban Stormwater: Council Handbook (EPA, 1997) guidelines

**Reason:** The above wording change introduces flexibility to incorporate an alternative stormwater infrastructure design for endorsement by Council.

### 3.0 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 the proposed modifications relate only to minor matters relating to stormwater drainage infrastructure and signage. The proposed modifications will not alter the function and operation of the development, with the approved uses to remain identical to the current approval.

### 4.0 Environmental assessment

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 to the application referred to in section 4.15(1) of the EP&A Act and the reasons given by the consent authority for the grant of the original consent.

The following assessment considers the relevant matters under section 4.15(1) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact. 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.

#### 4.1 Signage Zones

A total of nine (9) building identification signage zones were noted within the Western Sydney University Innovation Hub (SSD 9670) Assessment Report, prepared by the Department of Planning, Industry & Environment. This number includes the three (3) zones on the West and South Elevations as originally sought by the applicant, which are now proposed to be reinstated. As such, the impacts of the proposed building identification signage zones were already contemplated at the time of assessment, despite the drawing error omitting these zones at the 'Response to Submissions' phase of assessment. A further amendment to one (1) zone on the South Elevation merely restores it to its originally approved size and location.

Notwithstanding, the incorporation of these signage zones remain consistent with the original assessment undertaken against *State Environmental Planning Policy No. 64 – Advertising Structures and Signage* (SEPP 64). The proposed additional zones will assist in identifying a key new university campus within the Parramatta CBD from prominent locations to the west of the site, such as Parramatta Transport Interchange. The detailed signage to be installed within these zones will be subject to Condition A29, with design, content and illumination to be to the satisfaction of the Secretary.

Accordingly, the proposed amendment to Condition A2 will not result in any new or expended environmental impacts, when compared to the original assessment of the SSD.

#### 4.2 Stormwater Infrastructure

Commencement of the construction of the development, including potholing in both east and west directions along Hassall Street and further stormwater design development has revealed that a stormwater drainage pipeline in a westerly direction to an alternative connection point would be a more efficient and less disruptive arrangement,

The proposed western stormwater option by Robert Bird Group, as illustrated within **Appendix B**, does not include kerb inlets and does not directly follow the kerbline for the whole length. Accordingly, the proposed amended condition wording reflects this difference and introduces flexibility within the consent for Council to endorse an alternative arrangement to their satisfaction.

The simplification of the wording within Condition B23 does not ultimately change the function or intent of the, however adds flexibility to facilitate a more efficient stormwater drainage system whilst remaining in accordance with Council's guidance. This will ensure that the future handover of this infrastructure and issue of a future Occupation Certificate for the development will not be delayed nor will it require condition wording changes to facilitate this process.

The western option is considered to be superior by the builder and developer (as detailed within **Attachment C**) for the following key reasons:

- It reduces the amount of crossover points with existing underground services when compared to the eastern option which has a higher chance for disruption in the general vicinity during works;
- It has greater flexibility with pipe depth due to the availability of a deeper connecting point;
- It will result in less disruption to traffic flow due to the reduced length of trenching and potential services relocations; and
- It will result in a shorter construction period and will assist in achieving completion of the project sooner.

Accordingly, the proposed amendment to Condition B23 will result in a positive environmental impact when compared to the current conditions of consent.

#### 4.3 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:

- The proposal includes only minor sub-surface infrastructure design changes and will not culminate in any amendments to the overall form, operation, function and use of the approved development;
- The proposed correction to the approved architectural drawings seek only minor adjustments to restore signage zones to how they were originally contemplated (before a drawing error omitted them) which are in line with the approved development, having no resultant additional or expanded environmental impacts; and
- The environmental impacts of the modified development are substantially the same as the approved development.

## 5.0 Conclusion

The proposed modifications to SSD 9670 sought under this application relate to minor amendments to the wording of a condition related only to stormwater drainage design, and correcting a minor error within the approved architectural elevations. No changes are proposed to the approved operation and uses contained within the development.

It has also been demonstrated in this statement that the proposed minor 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 the development consent be suitably modified.

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,



**Prugya Maini**  
Urbanist  
02 9409 4943  
pmaini@ethosurban.com



**Daniel Howard**  
Principal, Planning  
02 9409 4979  
dhoward@ethosurban.com