

## Planning Assessment Report

### Application to Modify the Minister's Approval for the University of Technology (UTS) Broadway Concept Plan

#### Major Project MP 08\_0116 MOD 1

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#### 1 BACKGROUND

The Minister for Planning approved a Concept Plan for the Broadway Campus of the University of Technology Sydney (UTS) on 23 December 2009 subject to modifications. The approval provided for the following:

- New Broadway Building and Thomas Street Building;
- Expansion of Buildings 1 and 2;
- Expansion of Building 6 for student housing;
- Modifications to Building 3, 4 and 10;
- Modifications to Alumni Green;
- Public Domain improvements to Broadway and Thomas, Harris, Wattle and Jones Streets;
- Project Approval for the construction of the Multi Purpose Sports Hall, beneath Alumni Green

#### 2 THE PROPOSED MODIFICATIONS

The application seeks to modify the Project approval, contained in Schedule 3 and 4 of the Concept Plan determination, to allow the early bulk excavation works for the proposed Broadway Building to be conducted as part of the Concept Plan.

The proposed modification is for the following:

- Bulk excavation, to a maximum depth of 23m, of the basement areas for the proposed Broadway Building, as approved for in the Concept Plan;
- Construction of temporary retention / stabilisation systems for the basement areas.

The estimated Capital Investment Value (CIV) of the proposed bulk excavation works is approximately \$9.902 million.

#### 3 ASSESSMENT PROCESS

Section 75W(2) of the Act provides that a proponent may request the Minister to modify an approved project. The proposed modifications (as listed above) seek to change the terms of the Minister's determination through amendments to the approved plans and conditions and therefore the Minister's approval is required.

Director-General's Environmental Assessment Requirements (DGRs) have not been issued due to the nature of the modification. It is considered that the proposed impacts arising from the proposed modification would be similar to the excavation of the multi-purpose sports hall.

Modifications are not required to be publicly exhibited, and as the proposed changes to the staging of the development program were minor in nature, formal exhibition was not undertaken. The request for the modification was, however, placed on the Department's website in accordance with Clause 8G of the Environmental Planning and Assessment Regulation 2000.

#### 4 CONSULTATION

The modification was referred for comment to the City of Sydney Council and Transport NSW.

## 4.1 City of Sydney

The City of Sydney raised concerns as discussed below.

### Construction Noise Assessment

Council raised the following concerns:

- the noise management section of the Construction Management Plan inadequately addresses the issues raised in the noise assessment report.
- The Excavation and Vibration Plan (23 September 2010) should be amended to include additional site specific mitigation and community consultation measures.

The concerns of City of Sydney in relation to noise generated during the bulk excavation works are discussed in Section 5.3 below.

### Air Quality

Council requested that the Construction Management Plan be amended to include additional detail regarding dust monitoring methodology, the location of sensitive receptors and complaints response procedures and details of mitigation measures. The concerns of City of Sydney in relation to air quality are discussed in Section 5.4 below.

### Land Contamination

Council requested that a Remediation Action Plan be submitted to Council to address land contamination issues. The concerns of City of Sydney in relation contamination are discussed in Section 5.5 below.

In addition to the above issues, Council recommended a series of standard conditions to be imposed on the modification.

## 4.2 Transport NSW

The subject site is located in close proximity to the Westmead to CBD Transport Corridor, a potential future mass transit corridor identified by Transport NSW. Specifically, the basement of the proposed Broadway building is located adjacent to the West Metro 1<sup>st</sup> Reserve Protection Zone of the corridor, located under Broadway.

Funding is not currently allocated for the corridor project. However, Transport NSW, in correspondence and discussions with the Department, has emphasised the importance of ensuring that the viability of planning for a future mass transit corridor is not adversely impacted upon by the proposed development, should the project re-commence in the future if funding becomes available.

Transport NSW's comments on the proposed development specifically relate to the placing of any foundations, other structures and building loads in or near the proposed rail alignment which may affect the practicability of the mass transit corridor, its construction cost and the capacity to design it to meet future railway operational needs.

The University has consulted extensively with Transport NSW over the technical design of the excavation and structure and Transport NSW does not have any issues in this regard. However, Transport NSW had requested a Deed of Agreement with the University, which would essentially give Sydney Metro powers equivalent to a consent authority (eg no modifications could be made without Sydney Metro's prior approval, rights to enter property, register positive covenants on title etc).

The University is not prepared to enter into a Deed and it is considered unnecessary in any case, as the Department of Planning as the consent authority is able to enforce the conditions of its approval (should the need arise). In the event that any modifications to the design are required, a subsequent Section 75W modification would need to be lodged and the Department would consult with Transport NSW at that time.

In addition, the University has offered to undertake the following:

- consult further with Transport NSW on the potential impacts of the excavation prior to issue of a Construction Certificate,
- undertake excavation and retention works and the design/location of footings in accordance with technical documents discussed with Transport NSW and to consult further with Transport NSW prior to making any amendments;
- provide copies of relevant drawings, plans and reports to Transport NSW upon request.

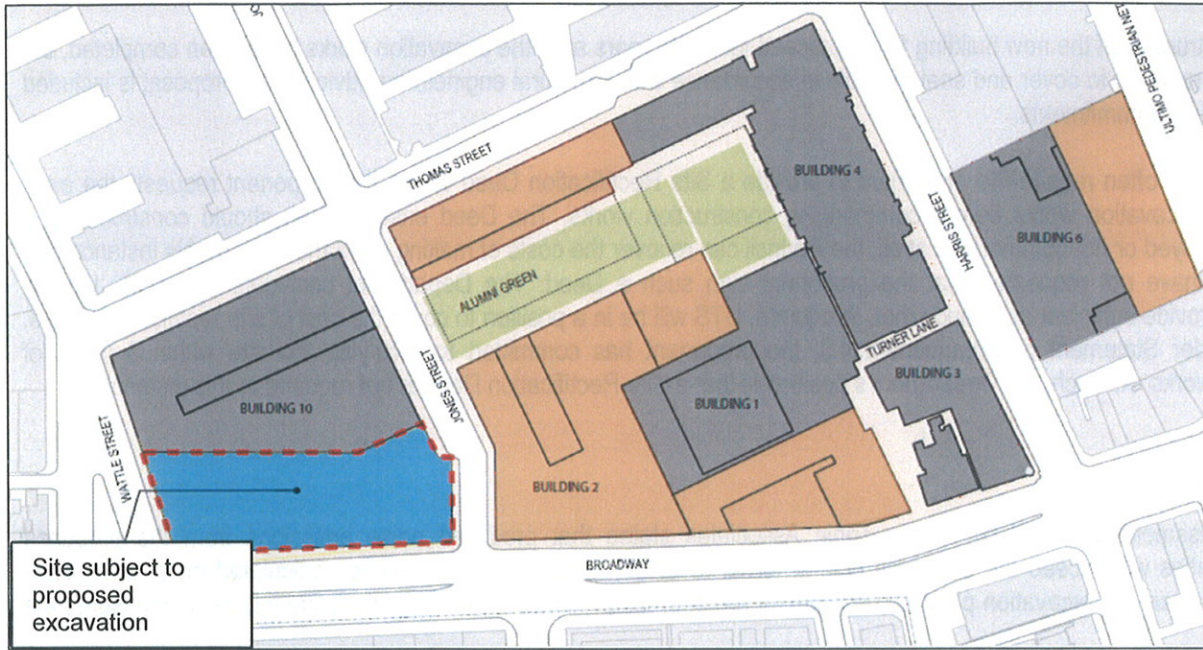
The proponent has demonstrated a commitment to consult, and exchange information, with Transport NSW to ensure the proposal does not impact adversely on the viability of the corridor. The Department is satisfied that the proponent's suggested conditions relating to the impact on the corridor are reasonable and adequately address the concerns of Transport NSW. As

such, a modified version of Transport NSW's recommended conditions have been included as part of the modification approval.

## 5 CONSIDERATION

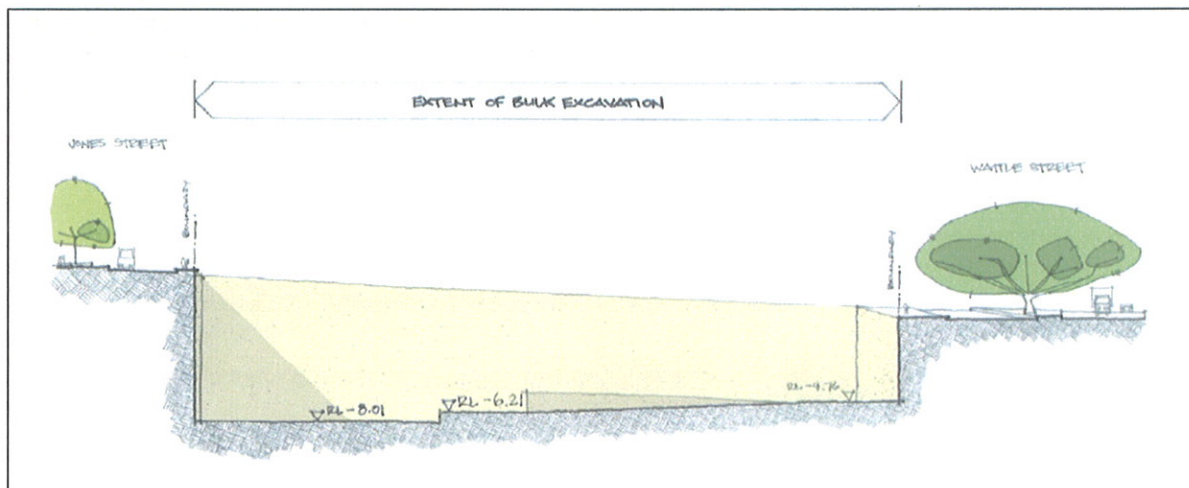
### 5.1 Consistency with Concept Plan Approval

The proposed bulk earthworks are generally in the same location as the approved footprint of the Broadway Building envelope. Refer to Figure 1 below:



*Figure 1 – Location of Proposed Excavation*

The proposed excavation will provide for four basement levels, requiring excavation to a depth of RL -8.01 at Jones St, RL -6.21 at the centre of the site and RL -4.76 at Wattle Street.



*Figure 2 – Extent of Excavation (along the Broadway frontage)*

It is considered that the extent of the excavation, in terms of depths and the proportion of the Broadway Building site subject to the works, is consistent with the approved Concept Plan.

## 5.2 Staging/Timing of Excavation Works and New Building Construction

The proponent has provided details of the development program for the site, which includes projected dates for the commencement and completion of bulk earthworks, and commencement of the main construction works stage. According to this program, the Broadway Building must be completed and functional by December 2013. According to the proponent, the carrying out of the bulk excavation earlier than previously planned for will ensure the project is completed in time.

The proponent's report also states that UTS has received a grant from the Commonwealth government's Education Investment Fund to partly fund the development. This funding commits UTS to strict project delivery criteria and building project milestones, which serve to minimise the risk of the development remaining incomplete.

Should the construction of the new building fail to proceed for three years after the excavation works have been completed, the proponent has proposed to cover and seal the hole in accordance with structural engineering advice. This proposal is included in the Statement of Commitments.

The City of Sydney often require the proponent to provide a Site Rectification Deed where the proponent requests the early carrying out of excavation works before commencing construction works. The Deed ensures that, should construction be unacceptably delayed or not commenced at all, the Council can recover the costs of making good the site. In this instance, the City of Sydney have not requested that the proponent sign such a Deed. The Department considers that UTS' funding arrangements provide sufficient assurance that, if required, UTS will be in a position to cover the cost of site rectification works. Additionally, under Statement of Commitment 4.9, the proponent has committed to rectifying the site within 3 years of completing the works. As such, the Department's position is that a Site Rectification Deed is not required in this instance.

## 5.3 Noise and Vibration

The noise assessment prepared by Renzo Tonin Associates states that predicted noise emissions from the proposed excavation activities will exceed the set noise criteria for all receiving locations. This has been calculated on a 'worst case scenario' basis, where all excavation plant and equipment are operating concurrently. As such, noise mitigation measures are required.

The noise assessment report sets out noise mitigation and management measures, include general engineering controls, specific noise mitigation measures to reduce airborne noise through windows on the southern elevation of Building 10 and noise management measures. The proponent has committed to implementing these measures, under 4.1 of the Draft Statement of Commitments.

The noise assessment report identifies the location of sensitive noise receptors in proximity to the subject site (see Figure 3 below). The site is located adjacent to UTS and opposite the CUB/Central Park site to the south and not in immediate proximity to sensitive receiving environments including residential dwellings. The Department is of the opinion that the most significant impact will likely be experienced by the University itself, which can manage the impact, for example, by scheduling noisy works during University holiday periods, and fixing CFC, glass or Perspex sheets to windows in the southern façade of Building 10.

## 5.5 Land Contamination

The proponent has identified existing soil contamination on the site, including concentrations of contaminants from underground storage tanks and previous use of ash waste as fill from the 1800s/1900s. Category 2 remediation works are required which under SEPP 55 do not require consent. The proponent has identified the need to prepare and implement a Remediation Action Plan (RAP) to ensure potential contamination caused by the excavation, and any pre-existing contamination, is adequately resolved. Accordingly, the draft Statement of Commitments sets out a series of decontamination measures.

The Department considers that the proposed measures relating to land contamination are sufficient to address this issue and to address the related concerns of City of Sydney.

## 5.6 Archaeological Assessment

The proponent has submitted an *'Interim Excavation Report and Archaeological Assessment Review'*, prepared by Archaeological and Heritage Management Solutions Pty Ltd. The report assesses the archaeological potential and significance of the site and makes recommendations to appropriately manage the site's archaeological values. These are as follows:

- Archaeological salvage excavation is recommended
- The salvage excavation should focus on the Fowler allotment(s) to realize the archaeological research potential of the site
- Additional work is recommended for areas which contain the footings of otherwise unrecorded 1830s structures in the south-east and the 1840s/1850s structures in the western area of the site
- A detailed archaeological methodology to identify specific areas, extent and duration of any additional excavation work and post-excavation reporting, should be completed as part of an Archaeological Management Plan for the site.

The Department considers that the above recommendations be incorporated into the recommended conditions of approval. However, the Department considers that the report to be incomplete. Therefore, the report must be updated and completed.

## 5.7 Construction Traffic Management

The proponent has submitted a Construction Traffic Management Plan (CTMP) for the site.

It is proposed to remove 58,900 cubic tonnes of spoil material from the site. It is predicted that 6-8 construction vehicle movements per hour will take place over the 26 week excavation period. The CTMP identifies the Jones Street entrance a set of routes for use by trucks servicing the excavation works. The proponent considers the number and frequency of trucks to be 'relatively low' and will not have negative impact on the function and efficiency of the local road network.

Pedestrian access will remain unaffected along Wattle Street, Jones Street and Broadway, with the exception of the closure, for the duration of the works, of the footpath along the site frontage on Jones Street.

The Department is satisfied that the proposed Construction Traffic Management Plan adequately addresses construction traffic issues on the site.

## 6 CONCLUSION

The excavation works associated with the development of the UTS Sports Hall were permitted under the Concept Plan approval without further environmental assessment. The conditions in the Concept Plan approval for these works are also generally relevant for the Broadway Building excavation, although additional conditions are recommended to address potential impacts specific to the Broadway Building excavation. Other changes are also recommended in order to consolidate the conditions in Schedule 4 of the approval.

The proposed modification works are considered to be acceptable and generally consistent with the original approval, subject to additional recommended conditions.

## 7 DELEGATION

The Minister has delegated his functions in relation to modifying an approval under s75W of the EP&A Act under the Instrument of Delegation gazetted 5 February 2010.





Figure 3 Site, Surrounds, Receivers and Measurement Locations

The noise assessment also recommends the following standard work times during which works can be carried out on site:

- Monday to Friday, 7am to 6pm
- Saturday, 7am to 1pm if inaudible on residential premises, otherwise 8am to 1pm
- No construction work to take place on Sundays or Public Holidays.

The Department is satisfied that the proposed the above work times take into consideration the impact on sensitive receptors in the locality, subject to proposed management/mitigation measures, such as the requirement, as set out in the noise assessment, that respite periods be imposed to restrict the hours during which very noisy activities take place.

The proponent's vibration assessment sets out minimum buffer distances, which apply to residential buildings only, and a series of vibration management measures to avoid building damage and human discomfort associated with the excavation works.

Appendix I Construction Traffic Management Plan of the EA states that the bulk excavation works will take place over a period of 26 weeks. The proponent's draft Statement of Commitments requires the submission of a Construction Management Plan to implement both the proposed noise and vibration management measures. The Department is satisfied that these management measures will be sufficient to address the noise and vibration generated by the works.

#### 5.4 Air Quality

The Construction Management Plan (CMP) proposes management/mitigation measures relating to impacts on air quality. The City of Sydney have stated that the CMP should be revised to address the following:

- Confirmation of dust monitoring methodology that is to be undertaken during the main stages of work at neighbouring sensitive properties in order to keep complaints to a minimum.
- What course of action will be undertaken following receipt of a complaint concerning site dust.
- Further details of mitigation measures to be employed.

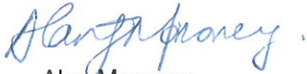
The Department agrees that the CMP should be revised, by way of a recommended condition of approval, to adequately address the City of Sydney's concerns.

## 8 RECOMMENDATION

It is recommended that the Executive Director, Plan Making & Urban Renewal:

- consider the documentation submitted to the Department in support of the proposed modification;
- approve the proposed modification under section 75W of the EP&A Act; and
- sign the attached Instrument (**Tag A**)

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