

Planning Assessment Report

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

Major Project MP 08_0116 MOD 3

1 BACKGROUND

On 23 December 2009, the Minister for Planning approved a Concept Plan for the University of Technology Sydney (UTS) 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 Buildings 3, 4 and 10;
- Modifications to Alumni Green;
- Public domain improvements to Broadway, and Thomas, Harris, Wattle and Jones Streets;
- The Multi Purpose Sports Hall, beneath the eastern part of Alumni Green, be approved without the need for a further application or environmental assessment.

2 THE PROPOSED MODIFICATIONS

On 11 March 2011, the proponent requested that the project be further modified under Section 75W of the Act for the excavation, construction and operation of the Library Retrieval System (LRS) and adjoining Storage Building, and bulk excavation works for the basement levels of the proposed Thomas Street Building, to be approved as part of the Concept Plan and thereby require no further environmental assessment.

The proposed LRS and Storage Building are to be generally located below the western part of Alumni Green. The development includes five temporary structures for access and air shafts which will be located above ground level. The Thomas Street Building site adjoins the LRS location.

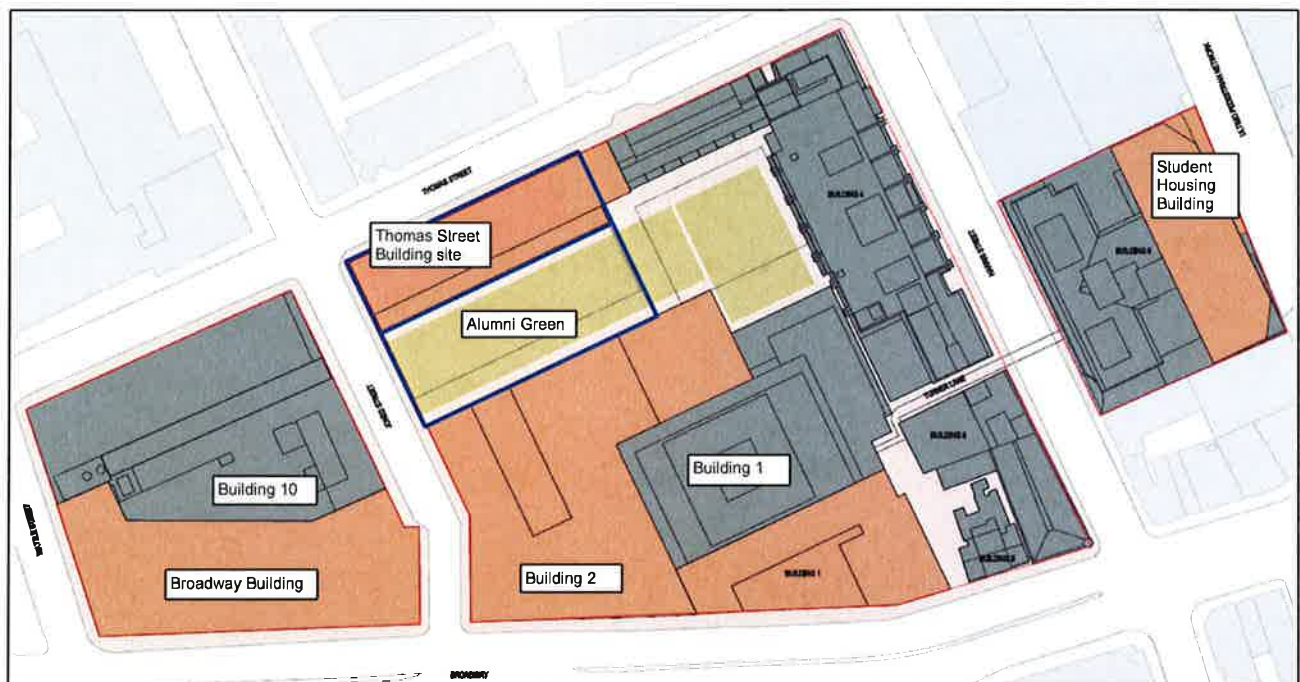


Figure 1. Location of the proposed works (in blue area) within the UTS Broadway campus.

Library Retrieval System and Storage Building

The main components of the Library Retrieval System (LRS) and ancillary Storage Building are to be located below ground, under the proposed Alumni Green. The LRS, referred to as the book vault in the Concept Plan, is a book storage facility and will be the first stage of a new campus library which is to be located in the refurbished Building 2. It will be located over 3 levels, with the area above the structure to be covered with 1.2m of soil and turfed, and comprehensively landscaped when the construction of the adjoining Thomas Street Building is completed.

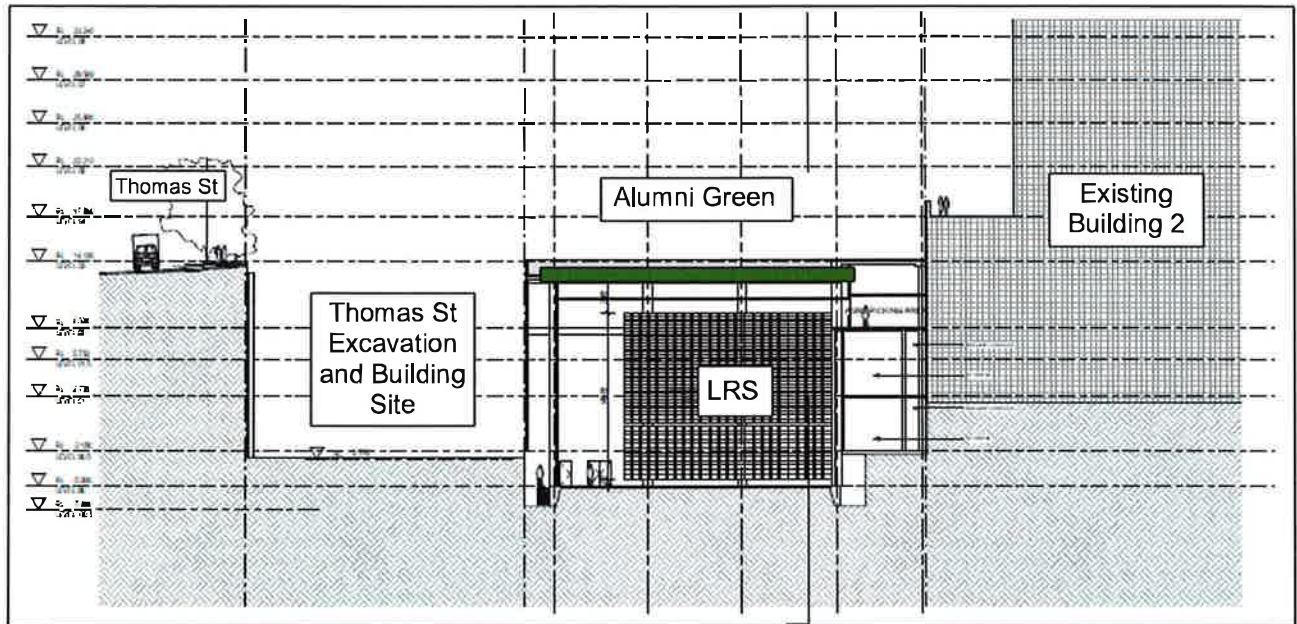


Figure 2. Cross section through the subject site

The LRS will be accessed by lift and fire egress stairs from three of the five above ground structures located within Alumni Green. Revised details provided by the proponent on 24 May 2011 state that the five structures will be temporary. The two northern access structures and the air shafts are proposed to be accommodated within the future Thomas Street building. It is proposed that the southern access structure be incorporated into the refurbished Building 2. Both the Thomas Street building and Building 2 will be subject to future applications.



Figure 3. The five temporary structures (future Thomas Street Building not shown), with the southern access structure on the left

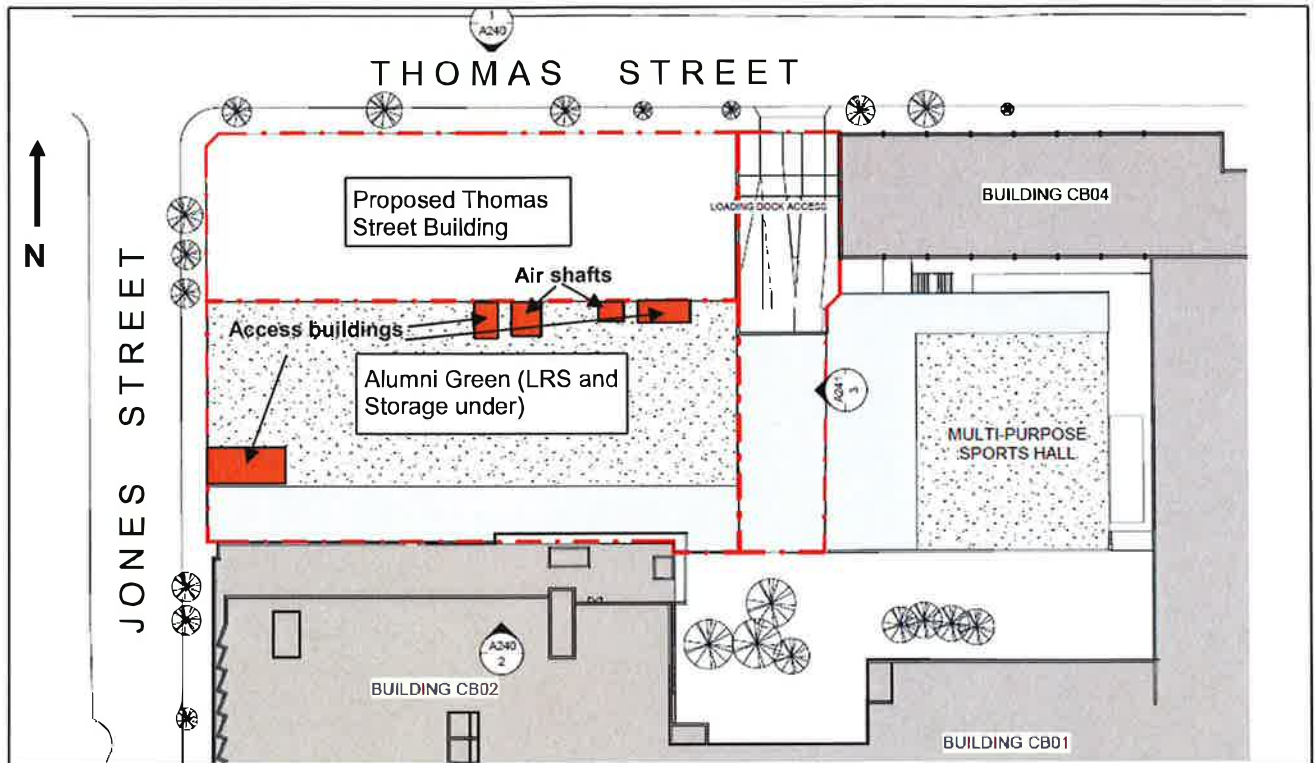


Figure 4. Site plan for the proposed works, and loading dock.

A loading area is accessed via the loading dock ramp from Thomas Street, which also provides access to Buildings 1 and 2 beneath Alumni Green. The City of Sydney issued development consent on 7 March 2011 for this existing ramp to be widened and upgraded.

The LRS will mostly be operated by a single library staff member, with additional staff at busy times.

Excavation for the Thomas Street Building

Bulk excavation works for the Thomas Street Building are proposed to be carried out at the same time as the excavation for the LRS, as the two sites are adjoined. The site will be excavated to a depth to accommodate two basement levels and a part ground level. Construction of the Thomas Street Building will be subject to a separate application.

Excavated material

A total of 75,931m³ of material will be excavated. The disposal of excavated material will be addressed in the Waste Management Plan to be prepared as detailed in the Statement of Commitments.

3 ASSESSMENT PROCESS

Section 75W(2) of the Act provides that a proponent may request the Minister to modify the approval of a project. The Minister's approval is not required if the project as modified will be consistent with the original approval.

The proposed modification seeks to change the terms of the Minister's determination by including the excavation, construction and operation of the Library Retrieval System (LRS) and Storage Building (including the 5 above ground structures), and excavation of the basement levels of the Thomas Street Building to be approved as part of the Concept Plan, and thereby require no further environmental assessment.

Section 75W(3) of the Act provides the Director-General with scope to issue environmental assessment requirements (DGRs) that must be addressed before the consideration by the Minister or his delegate. DGRs have not been issued for the modification because the potential impacts arising from the modification are addressed by the DGRs issued for the original application and the environmental assessment provided in response to the DGRs. It is considered that the impacts arising from the proposed modifications are similar to the original proposal, and that no further assessment requirements are necessary.

Modifications are not required to be publicly exhibited. The proposed changes to the Concept Plan are considered to minor environmental impacts on adjoining properties and formal exhibition was not undertaken. The City of Sydney was notified of the application and provided comments and draft conditions. These were considered in the assessment of the application. The request for the modification was placed on the Department's website in accordance with clause 8G of the Environmental Planning and Assessment Regulation 2000.

Section 75W(4) of the Act gives the Minister the authority to modify the approval (with or without conditions) or disapprove the modification. Following consideration of the proposed modification (see below), the Department recommends the modification be approved.

4 CONSULTATION

The modification application was referred for comment to the City of Sydney. The Council did not object to the proposal, however raised the following key issues:

Traffic Management

The Council raised no objection to the proposed Traffic Management Plan subject to a number of additional requirements to be included in the Plan to address truck movements and parking, impacts on pedestrians, and approvals from Council for cranes, barricades etc.

The Department has recommended a condition for these requirements to be included.

Construction hours

The Council did not support the hours of construction and were of the opinion that the site should be subject to the hours of construction for sites outside the CBD, which is between 7:30am and 5:30pm Mondays to Fridays, and 7:30am and 3:30pm on Saturdays. The approval to date provides for excavation and construction of the Multi Purpose Sports Hall and Broadway Building excavation to occur between 7am and 7pm Monday to Friday, and 7am to 5pm Saturdays. The closest neighbours to the site are other UTS buildings and the TAFE to the north, which are not considered to be noise sensitive uses around the work area. Therefore the Department considers it reasonable that the works subject to this modification application be carried out in within the existing approved hours.

The Department did not receive any complaints during the excavation and construction of the Multi Purpose Sports Hall, which opened earlier this year.

Noise Management from Excavation

Council was of the opinion that the noise assessment was limited and provided no specific site assessment and prediction of noise to be generated from the use of equipment. The Council provided a condition for these to be addressed through a noise and vibration assessment, which the Department has recommended to be included as a condition in the approval, and has been agreed to by the proponent.

Water Quality Monitoring

Concerns were raised regarding the adequacy of documentation relating to water quality monitoring. It is considered that the Advisory Note AN7 – Groundwater in the original Concept Plan approval, which was provided by the NSW Office of Water, sufficiently addresses this issue.

Other conditions

Conditions were provided by Council for geotechnical and structural certification for the construction of the LRS, which the Department has recommended to be included in the approval. The conditions provided by Council for asbestos waste have been consolidated and included as advisory notes as these are covered under WorkCover requirements.

5 CONSIDERATION OF KEY ISSUES

5.1 Consistency with Concept Plan approval

The Concept Plan included a below ground book storage vault with a GFA of 2,250m² over five levels beneath Alumni Green. The LRS, essentially the same facility, is consistent with this location although has a slightly larger GFA of 2,530m², and is over three levels. The changes are considered to have a negligible impact as the facility will still remain below ground, with the exception of the access buildings and ventilation shafts, and provide greater space for the operations of the university. The difference between the finished ground level of RL 14.1 in the application, and the finished ground level of RL 14 in the Concept Plan is considered to be negligible.

The 5 structures located above ground level, comprising the 3 access buildings and 2 air shafts, are intended to be temporary structures, as stated in the proponent's letter of 24 May 2011. A condition of approval is recommended to ensure these structures will be temporary and their functions incorporated into adjoining buildings in the future when they are developed.

The excavation for the basement of the Thomas Street Building is generally consistent with the footprint for the building as indicated in the Concept Plan. The Concept Plan indicated 2 levels of basement for this building, the proposal is to excavate for a two level basement, and part of the ground floor.

The Department is satisfied that the modification is consistent with the Concept Plan.

5.2 Staging/timing of excavation work and new building construction

The proponent has provided details on the development program for the site. Site works are intended to commence in September 2011, with the following timeframes:

- Excavation – 6 months
- Construction of building works – 8 months
- Finishing works to buildings – 6 months
- Hard and soft landing – 2 months

Shoring will be installed to the Jones Street and Thomas Street elevations, and other areas where necessary during the excavation and construction stage. Hoarding will be installed to prevent unauthorised entry into the site.

Construction of the Thomas Street Building will be subject to a separate application, although it is anticipated that this will commence in September 2011, at the same time as the LRS and Storage Building.

The Department is satisfied that appropriate staging/timing and shoring has been proposed.

5.3 Noise and Vibration

A Noise and Vibration Management Plan was prepared by Acoustic Logic.

Noise and Vibration

The application proposes a detailed study be undertaken for the proposed activities, and detailed ameliorative treatments for noise and vibration determined when an excavation and construction methodology plan is prepared by the engaged contractor. In particular, the plan states that if noise levels at sensitive receiver locations (the nearest residential buildings to the site) exceed the requirements, an investigation will be undertaken to implement measures to reduce noise.

The greatest impacts are expected from the 6 month excavation stage, when excavating rock. The draft Statement of Commitments states that noise and vibration will be mitigated through the Construction Environmental Management Plan. The Department considers this will satisfactorily address noise and vibration resulting from the development.

Construction hours

The Concept Plan approved works between 7am to 7pm Monday to Friday, and 7am to 5pm Saturday for the construction of the Multi Purpose Sports Hall and the excavation works for the Broadway Building.

With the exception of the first hour each day, the maximum noise emission permitted is background level plus 10db(A). As stated above, a Construction Environmental Management Plan will be implemented to manage noise and vibration.

5.4 Contamination

A Stage 1 Environmental Site Assessment was prepared by EIS.

The results of the Stage 1 environmental site assessment indicated that based on a site history assessment and site inspection, potential sources of contamination were:

- Potential contamination from imported fill material;
- Potential asbestos contamination associated with former site buildings/sheds;
- Historical use of the site for commercial/industrial purposes;
- Historical activities such as use of pesticides.

Soil samples were obtained from seven sampling locations. The sample results were below the Site Assessment Criteria for soil contaminants and no asbestos detected. EIS were of the opinion that the potential for significant widespread soil contamination is low.

The report concludes that the site is suitable for the proposed development provided the site is inspected by experienced environmental personnel during demolition and excavation works to assess any unexpected conditions or subsurface facilities that may be discovered between investigation locations.

Conditions are recommended to be included to ensure that excavated material is disposed of appropriately, and that a Site Audit Statement be submitted to confirm that the site is suitable for the proposed use.

The Department considers that the proposal is satisfactory with regard to Clause 7 of SEPP 55.

5.5 Groundwater

The Stage 1 Environmental Site Assessment by EIS states that traces of copper and arsenic were detected in the groundwater however these were considered to be a regional groundwater condition rather than site specific, as these materials were not detected in the natural soil or fill. The report notes that elevated concentrations of these materials are commonly encountered in groundwater in urban environments.

The low level traces of copper and arsenic do not affect the suitability of the site for the development. Notwithstanding this, any dewatering undertaken will need to protect groundwater systems. This is addressed in the draft Statement of Commitments. The existing Concept Plan approval includes advisory notes for groundwater management which address this issue.

5.6 Traffic

A Construction Traffic Environmental Management Plan was prepared by ARUP.

Approximately 4 to 6 trucks per hour for 6 months for both sites are expected during the excavation stage (6 months). This will then drop to 3-5 trucks per hour for the construction stage (8 months) and 2-4 trucks per hour for finishing stage (6 months). The landscaping stage is predicted to generate approximately 15 trucks per week for two weeks for the landscaping.

A Traffic Management Plan is proposed to be prepared prior to the commencement of works to establish designated transport routes, scheduling of vehicle movements including managing truck movements at peak times so that they do not conflict with the bus movements, and encourage staff to use public transport. The proposed development is considered to be satisfactory in this regard.

City of Sydney provided a condition for additional measures to be included in the proposed Traffic Management Plan, including management of truck movements, parking and pedestrian movement, and these have been included in the recommended instrument of approval.

6 CONCLUSION

The excavation works associated with the development of the UTS Sports Hall and Broadway Building have been permitted under the Concept Plan without further assessment. The conditions in the Concept Plan approval for these works are also generally relevant for the excavation, construction and operation of the LRS and Storage Building (including the temporary above ground structures), and excavation for the Thomas Street Building. Additional conditions are recommended to address specific issues related to these works.

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

7 DELEGATION

The Instrument of Delegation gazetted 5 February 2010 delegates the Minister's functions in relation to modifying an approval under S75W of the EP&A Act to the Director General.

8 RECOMMENDATION

It is recommended that the Director General:

- Consider the Minister's Concept Plan approval for the University of Technology Sydney (UTS) Broadway Concept Plan dated 23 December 2009;
- Consider the Director General's Environmental Assessment Report for the University of Technology Sydney (UTS) Broadway dated December 2009, including attachments;
- 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 ^BA).



**Director
Strategic Assessment**



**Executive Director
Urban Renewal and Major Sites**
19.07.11



**Deputy Director General
Plan Making and Urban Renewal**



Director General

29/7/2011