

# Modification of Major Project Approval

## Section 75W of the *Environmental Planning & Assessment Act 1979*

I, the Deputy Director General, as delegate of the Minister for Planning and Infrastructure under delegation dated 28 September 2011, approve of the modification of the application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and / or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.

  
Richard Pearson  
**Deputy-Director General**  
**Development Assessment & Systems Performance**

Sydney 19 September 2012

### SCHEDULE 1

**Project Approval:** MP09\_0078 granted by the Minister for Planning on 18 June 2010.

**For the following:**

- Construction of a new mixed use retail, commercial and residential building with ancillary retail uses consisting of two towers (east tower maximum 133.0m AHD and west tower maximum 79.5m AHD) located above a podium accommodating:
- Residential floor space comprising up to 593 residential apartments
- Retail floor space comprising a food court, speciality retail and a supermarket
- Commercial floor space
- Construction of terraces (landscaped platforms) which rise from the plaza to podium level 2 of the new building on Block 2
- Installation of a heliostat (consisting of mirrors which are oriented to focus sunlight onto the landscaped platforms)
- Construction of the surrounding public domain
- Stratum Subdivision of the proposal

**Modification:** Amend Condition D1 *Hours of Works and Noise CBD* and Statement of Commitments No.10 as follows:

- Additional work is permitted to be carried out between the hours of 7.00pm and 10.30pm on Mondays to Fridays. Works within these extended construction hours are restricted to:
  - a) internal fit-out works within the constructed and completed

façade of the building, such as installation of plaster board, services installation, painting and joinery and the like;

b) no works on the façade of the building;

c) use of external hoists located on the western façade of the east and west towers only;

d) no vehicle movement to be permitted on / off the site, except for vehicle movement within the basement level of Block 2;

e) deliveries are not permitted outside of standard construction hours i.e. 7.00am to 7.00pm Monday to Friday inclusive and 7.00am and 5.00pm on Saturdays, and no work must be carried out on Sundays or public holidays;

f) no use of cranes; and

g) no use of floodlights or additional lighting over and above current lighting levels required for safety and access i.e. no change from approved lighting levels.

- Works between 7.00pm and 10.30pm (Monday to Friday inclusive) as outlined above must comply with the Construction Noise Criteria of 51 dB(A)  $L_{av}$  max to surrounding residential receivers in accordance with the Acoustic Report prepared by Acoustic Logic Pty Ltd dated 17 July 2012. Works within the extended hours must comply with the Construction Management Plan Project Environmental Management Plan prepared by Watpac Construction (NSW) Pty Ltd, dated July 2012.

## SCHEDULE 2

The above approval is modified as follows:

- 1) Conditions A2 and D1 are amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out words / numbers~~ as follows:

### **A2. DEVELOPMENT IN ACCORDANCE WITH PLANS AND DOCUMENTATION**

The development will be undertaken in accordance with MP 09\_0078 and the Environmental Assessment dated September 2009, prepared by JBA Urban Planning Consultants Pty Ltd, except where amended by the Preferred Project Report dated February 2010, prepared by JBA Urban Planning Consultants Pty Ltd, and the following drawings **and as amended by the Section 75W application dated 23 July 2012 by Frasers Broadway Pty Ltd and the following documents:**

- i) **Extended Construction Hours Noise Assessment – Block 2 – 26 Broadway, prepared by Acoustic Logic Pty Ltd, dated 17 July 2012;**
- ii) **Construction Management Plan Central Park, prepared by Watpac Construction (NSW) Pty Ltd, dated 12 July 2012;**
- iii) **Project Environmental Management Plan Central Park Project, prepared by Watpac Construction (NSW) Pty Ltd, dated 12 July 2012; and**
- iv) **Project Safety (OHS) Management Plan Annexure: G – Traffic Management Plan, prepared by Watpac Construction (NSW) Pty Ltd, dated 12 July 2012.**

### **D1. HOURS OF WORK AND NOISE CBD**

The hours of construction and work on the development must be as follows:

- a) All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 7.00pm on Mondays to Fridays, inclusive, and 7.00am and 5.00pm on Saturdays, and no work must be carried out on Sundays or public holidays.
- b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.

Note: The "City of Sydney Code of Practice for Construction Hours / Noise 1992" allows extended working hours subject to the approval of an application in accordance with the Code and under Section 96 of the *Environmental Planning and Assessment Act 1979*.

**Additional work is permitted to be carried out between the hours of 7.00pm and 10.30pm on Mondays and Fridays. Works within these extended hours are restricted to the following:**

- a) **Internal fitout works within the constructed and completed façade of the building;**
- b) **No works on the façade of the building;**

- c) Use of external hoists located on the western façade of the east and west towers only;
- d) No vehicle movement is permitted on / off the site, except for vehicles used for moving materials / personnel already stationed within the basement level of Block 2;
- e) Deliveries are not permitted outside of standard construction hours;
- f) No use of cranes; and
- g) No use of floodlights or additional lighting over and above current lighting levels required for safety and access.

Works between 7.00pm and 10.30pm (Monday to Friday inclusive) as outlined above must comply with the Construction Noise Criteria of 51dB(A) <sub>L<sub>av</sub> max</sub> to surrounding residential receivers in accordance with the Acoustic Report prepared by Acoustic Logic Pty Ltd dated 17 July 2012. Works within the extended hours must comply with the Construction Management Plan Project Environmental Management Plan prepared by Watpac, dated 12 July 2012.

- 2) Conditions D8 – D10 to be added by the insertion of the **bold and underlined** words / numbers as follows:

#### **D8. COMMUNITY COMPLAINT HOTLINE**

A community complaint hotline to receive and address complaints received shall be established by the Proponent. The hotline should be operational during the extended construction hours (i.e. between 7.00pm and 10.30pm, Monday to Friday) and is to be managed by a suitable member of the construction team.

#### **D9. NOTIFICATION AREA**

All properties, commercial and residential within the Council notification area (Schedule 4), should be notified in writing, 14 days, prior to the commencement of approved extended construction hours. Details of the aforementioned complaint hotline should be included in the notification letter. A copy of the notification letter shall be submitted to Council prior to the commencement of work during the extended construction hours.

#### **D10. COMPLAINTS RECEIVED**

Any complaint reported to the hotline staff member, for investigation shall be forwarded to Council and the Department within 24 hours for consideration. If any complaint is substantiated, the extended construction hours shall cease and revert back to the hours of 7.00am and 7.00pm, Mondays to Fridays, 7.00am and 5.00pm, Saturdays and no work must be carried out on Sundays or Public Holidays.

**End of modification to MP 09\_0078 MOD 4**

**SCHEDULE 4**

**Project Application for Block 2  
Frasers Broadway 26 Broadway, Chippendale**

**Notification Area for Extended Construction Hours**

