NSW GOVERNMENT | Planning & Environment

MODIFICATION REQUEST:
Blocks 3B, 3C & 10, Central Park
26 Broadway, Chippendale
(former Carlton United Brewery site)

(MP 11_0090 MOD 2)
Modifications to approved student accommodation

Secretary's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

October 2014

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NSW Government
Department of Planning & Environment

1. BACKGROUND

1.1 Introduction

The purpose of this report is to assess a request to modify the approved Project Application for student accommodation on Blocks 3B, 3C and 10 at Central Park, Chippendale (the former Carlton United Brewery site). The modification request seeks approval for the extension of construction hours for internal works only within the constructed façade of Blocks 3B, 3C and 10. The internal works relate primarily to internal fitout, installation of services, painting and joinery.

1.2 Site and Locality

The former Carlton United Brewery site, now known as 'Central Park', has an area of 5.834 hectares, and is located in the south-western portion of the Sydney Central Business District. The site is within short walking distance of Central Railway Station and Railway Square Bus Terminal.

Blocks 3B, 3C and Block 10, the subject of this modification request, are located towards the eastern part of the site, within the area referred to as the Kensington Precinct, shown in **Figure 1** below. The site is currently under construction.

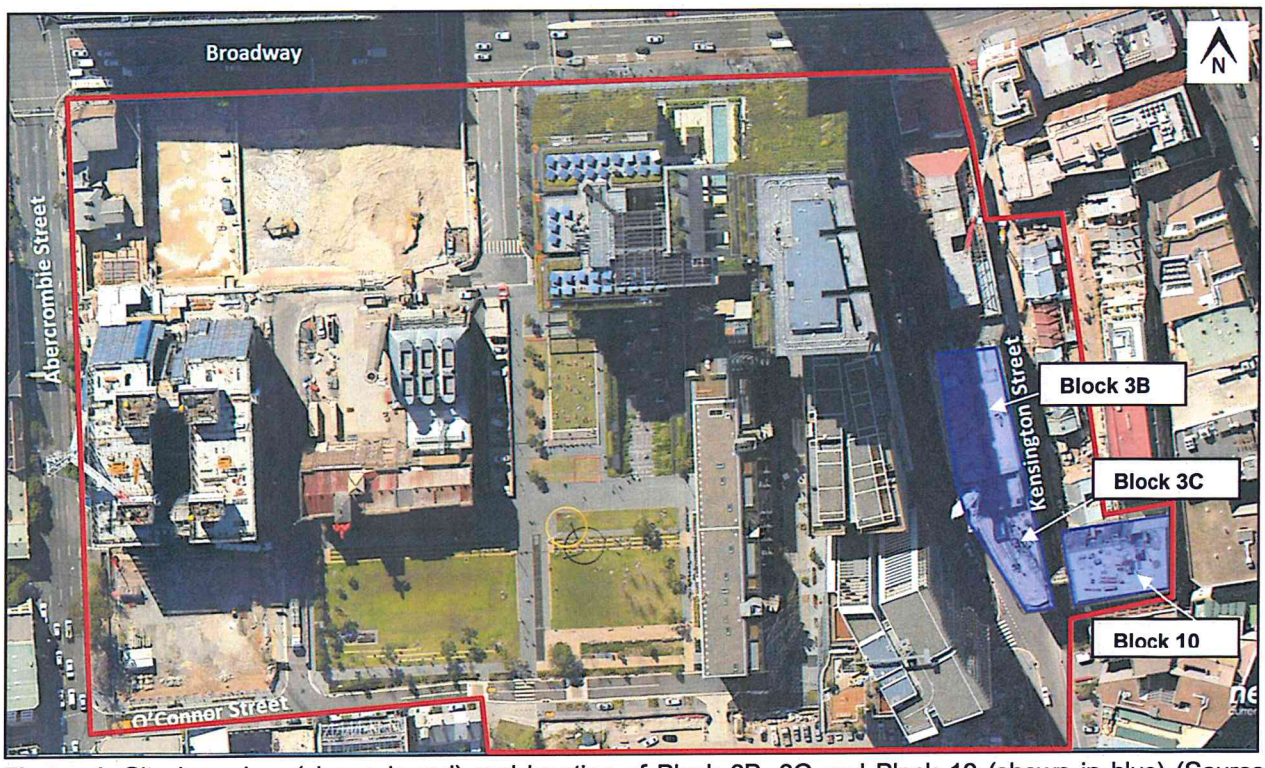

Figure 1: Site boundary (shown in red) and location of Block 3B, 3C and Block 10 (shown in blue) (Source: NearMaps 2014)

1.3 Previous Approvals

On 9 February 2007 the then Minister for Planning approved a Concept Plan (MP 06_0171) for the mixed use redevelopment of the former Carlton United Brewery site for residential, commercial, retail and public open space uses.

On 30 November 2012, the Deputy Director-General, Development Assessment & Systems Performance approved Major Project Application MP 11_0090 for the construction of a new building on Blocks 3B and 3C and major alterations and additions to the existing building on Block 10 to provide student accommodation for 267 students, ground floor retail development and associated public domain works.

On 10 April 2013, Modification 1 to MP 11_0090 was approved by the Executive Director, Development Assessment Systems & Approvals for various internal and external amendments.

2. PROPOSED MODIFICATION

Approval is sought to amend Condition D4 (of Schedule 2) of the Project Approval (MP11_0090) to allow internal building and fitout works after hours to Blocks 3B, 3C, and Block 10. The proposed amendments are shown in bold and underlined below:

D4. Hours of Work

The hours of construction, including the delivery of materials to and from the Subject Site, shall be restricted as follows:
a) between 7:00 am and 7:00 pm, Mondays to Fridays inclusive;
b) between 7:00 am and 5:00 pm, Saturdays;
c) no work on Sundays and public holidays; and
d) Works may be undertaken outside these hours where:
i. The delivery of materials is required outside these hours by the Police or other authorities;
ii. it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
iii. variation is approved in advance in writing by the Director General or his nominee.

Notwithstanding the above, internal fitout works within the enclosed facade is permitted to be carried out 24-hours Monday to Friday and between 7:00am and 10:30pm Saturday and Sunday. Works within these hours is restricted to the following:
a) Internal fitout works within the constructed facade only, such as the installation of plater board, services installation, painting and joinery and the like. All work is to be internal, within the completed facade of the building;
b) No vehicle movement is permitted on site (with the exception of internally within the building envelope);
c) No deliveries to the site, or vehicles movement within or to and from the site;
d) No use of cranes;
e) No work outside of, and including, the building facade; and
f) No floodlighting or additional lighting over and above current lighting levels required for safety and access, i.e. no change from current lighting levels.

Internal fitout works outlined above must comply with the Construction Noise Criteria of 51 dB(A) Lav max to surrounding residential receivers in accordance with the Extended Hours Construction Noise Assessment prepared by Acoustic Logic Pty Ltd dated 5 August 2014. Works within the extended hours must comply with the Environmental Management Plan, prepared by Built dated 26 August 2014 2014 (Revision 3).

3. STATUTORY CONTEXT

3.1 Continuing Operation of Part 3A to Modify the Project Approval

In accordance with clause 3 of Schedule 6A of the *Environmental Planning & Assessment Act 1979* (the EP&A Act), Section 75W of the EP&A Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or delegate) may approve or disapprove the modification of the project under Section 75W of the EP&A Act.

3.2 Modification of the Minister's Approval

The modification of the Minister's approval by way of section 75W of the EP&A Act is appropriate because the proposal is consistent with the original Concept Plan and Project approvals and will have limited environmental consequences.

3.3 Secretary's Environmental Assessment Requirements

In this instance it was not considered necessary to notify the proponent of the Secretary's Environmental Assessment Requirements pursuant to section 75W(3) of the EP&A Act as sufficient information was provided to assess the modification application.

3.4 Delegated Authority

In accordance with the Minister's delegations, the Secretary can determine the application as:

- the relevant local Council has not made an objection;
- a political donation disclosure statement has been made, but only respect of a previous related application; and
- there are less than 10 public submissions in the nature of objections.

4. CONSULTATION AND SUBMISSIONS

4.1 Notification

In accordance with section 75X (2) (f) of the EP&A Act, the Secretary is required to make the modification request publicly available. The modification request was made available on the Department's website and was referred to City of Sydney Council. Adjoining residents and landowners were also notified of the application in writing by mail.

The Department received a response from City of Sydney Council and 5 submissions from the public. A summary of the issues raised in submissions is provided below.

4.2 City Of Sydney Council

Council advised it has no objection to the proposed extended internal construction hours, subject to imposition of recommended conditions to control noise emissions from the site. Council also suggested that consideration should be given to imposition of a trial period or a mechanism to revert to standard construction hours if a noise complaint is substantiated.

4.3 Public Submissions

Five public submissions were received objecting to the proposed modification. The key issue in all submissions was the potential noise impacts of the extended hours. Specific concerns included:

- experience from residents is that internal building works are currently audible, and will be audible during the extended hours;
- the accuracy of the acoustic assessment is questioned;
- the buildings are not completely contained with windows and doors to prevent noise emissions;
- the proposal will create a precedent for other buildings under construction;
- noise from workers coming and going, deliveries, lighting and generator noise will result in additional impacts
- the reasons given by the proponent for the modification (that they are behind schedule) is not sufficient to justify the impacts; and

- if any modification request is to be granted, any extended hours should be restricted to the evenings only.

The Department has considered the issues raised in submissions in its assessment of the proposed modification.

5. ASSESSMENT

5.1 Noise Impacts

The key issue in the Department's assessment in this case is potential noise impacts of the out-of-hours work. Potential sources of noise impact include the actual construction activity within the site and also noise from workers and delivery vehicles accessing the site from surrounding streets.

Construction Activity Noise

The proponent has advised that out of hours construction works will be limited to internal fitout works only. These works typically include:

- painting;
- construction of partitions;
- installation of linings;
- joinery;
- electrical wiring and installation of light fittings; and
- installation of floorings.

The proponent has advised that these activities would involve the use of power and hand-held tools, and the typical loudest hand-held tools would be angle grinders.

The proponent engaged acoustic consultants to carry out an assessment of the likely impacts of the proposal on the closest residential premises. The nearest residential premises are 8 to 10 metres from the subject sites (refer **Figure 2**).

The assessment finds that typical internal finishing work would comply with the recommended noise emission *criteria in the City of Sydney Code of Practice for Construction Hours/Noise 1992.* Provided that the works are carried out behind a closed façade, the proponent's acoustic consultant predicts that construction noise levels at the nearest potentially affected residential receivers will be well below background noise levels, and therefore not perceptible from adjoining premises.

The amended condition proposed by the proponent specifies that all work is to be within the constructed façade. However one adjoining resident raised a concern that the building facades are not completely contained with windows and doors. It is recommended that additional wording be added to the condition to ensure the works are carried out within a fully enclosed building with all windows and doors installed and closed to provide an added safeguard and ensure consistency with the acoustic assessment.

The Department also recommends that additional conditions be imposed to require all works to be carried out in accordance with the City of Sydney's Code of Practice, the relevant Australia Standard for noise control on construction sites, and with the construction noise objectives of the Acoustic Assessment.

Furthermore, existing condition D3 requires that the site manager maintain a 24-hour contact phone number for any inquiries or noise complaints, and as such any noise complaints by residents will be able to be acted upon immediately.

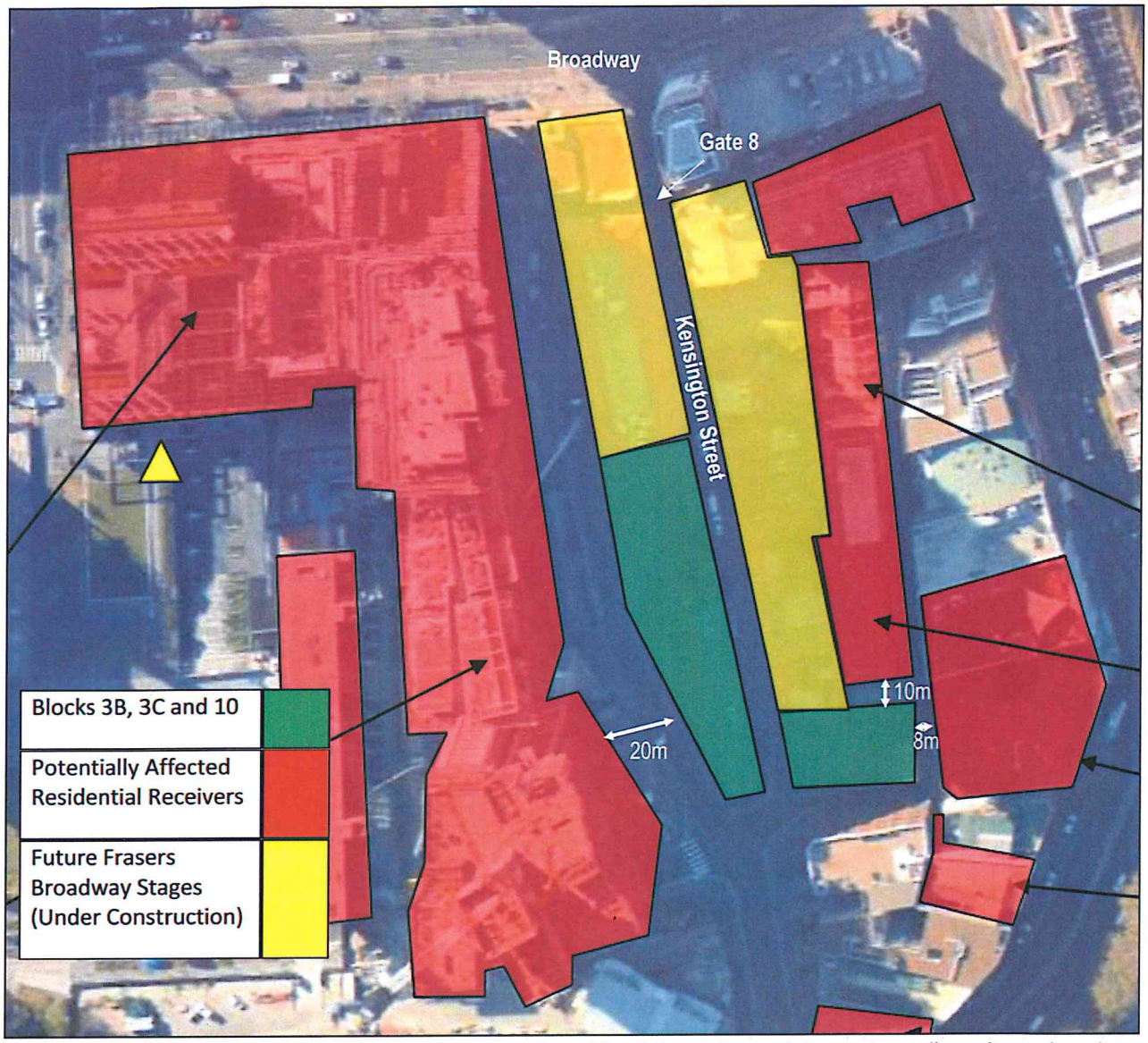

Figure 2: Site location (shown in green), nearest residential receivers (shown in red) and nearby sites under construction (shown in yellow) (Base image source: Proponent's Acoustic Report).

With the imposition of the recommended conditions, in conjunction with the existing 24-hour contact number, it is concluded that there are sufficient safeguards to ensure the proposed out of hours internal construction works can be carried out without unacceptable impacts to surrounding premises.

Furthermore, any impacts would be temporary and the extended hours will reduce the construction period (and its associated day time noise impacts) by 4 weeks.

City of Sydney Council also suggested that consideration be given to imposition of a trial period or a mechanism to cancel the extended hours if a noise complaint is substantiated. Given the proposal relates only to a short construction period, a trial period is not considered necessary in this instance. Further, as there are already mechanisms within the legislation to ensure compliance with approval conditions, the Department does not consider that additional mechanisms are necessary.

Access Noise

There will be no night time deliveries or vehicular access to the site during the extended hours.

The proponent has advised that subcontractors and workers accessing the site during the extended hours would walk onto the site from Gate 8 near Broadway and travel down Kensington Street to the site (refer **Figure 2**). Further, no vehicles are permitted to enter into Kensington

Street and development on both sides of Kensington Street is under construction and does not include any sensitive residential receivers.

The proponent also recommended management controls for workers using external areas whilst accessing the site or on a work break, including requiring that workers do not used raised voices, radios, talk on mobile phones in any external areas and take care in the transportation of tools.

These management controls have been incorporated into recommended conditions and the Department has recommended an additional condition to restrict workers from loitering outside or taking work breaks in external areas. With the imposition of appropriate conditions, in conjunction with the 24-hour contact phone line discussed above, it is considered that access noise is unlikely to impact on surrounding residential properties and is therefore acceptable.

6. CONCLUSION

The Department has assessed the proposed modification to extend construction hours and concludes that internal construction works could be carried out during the proposed extended hours without unacceptable impacts to the surrounding area subject to recommended noise control measures including:

- limitations on the type of work that can be carried out;
- a requirement that work is within a fully enclosed façade;
- a prohibition on deliveries, vehicle movements or use of cranes;
- restrictions on worker access;
- management of workers in external areas;
- compliance with the Acoustic Report and Construction Noise Criteria of 51 dB(A); and
- compliance with City of Sydney Code of Practice and relevant Australia Standard for noise control.

The Department therefore considers the modification should be approved subject to conditions to control noise during the extended hours.

7. RECOMMENDATION

It is recommended that the Secretary, as delegate for the Minister for Planning:

- **consider** the findings and recommendations of this report;
- **approve** the modification, subject to conditions, and;
- **sign** the attached instrument of modification.

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30 October 2014.