



AkD/SG
16140
2 May 2016

Carolyn McNally
Secretary
NSW Department of Planning and Environment
22-33 Bridge Street
SYDNEY NSW 2000

Attention: Amy Watson

Dear Ms McNally,

SECTION 96(1A)– HOURS OF CONSTRUCTION BLOCK 8, CENTRAL PARK

We write to you on behalf of the proponent Built (NSW) Pty Ltd, seeking an amendment to Project Approval State Significant Development (SSD) 6092 pursuant to Section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to allow for an extension of internal construction hours for the approved residential mixed use building known as Block 8, Central Park.

This modification application seeks to amend Condition D1 (Hours of Work) to permit internal only construction hours 24 hours, Monday to Sunday (seven days).

This application identifies the instrument of approval, describes the proposed modifications and provides a planning assessment of the relevant matters for consideration contained in Section 96(1A) of the EP&A Act. It should be read in conjunction with the Environmental Assessment Report (EAR) that provides a concurrent assessment of a section 75W modification to the Central Park Concept Approval (MP 06_0171 MOD 9) and the SSD approval for building Block 8 dated November 2014. The application is accompanied by:

- Section 96 application form;
- A copy of the Notice of Determination for SSD 6092 (**Attachment A**);
- Acoustic Report prepared by Acoustic Logic (**Attachment B**); and
- Revised Environmental Management Plan (EMP) prepared by Built Pty Ltd (**Attachment C**).

1.0 CONSENT TO BE MODIFIED

The site has a recent planning history, marked by a number of Part 3A (EPA Act 1979) approvals including a Concept Plan for the Carlton United Brewery Site (now known as Central Park).

Block 8 has been approved under a separate SSD (as detailed below). The relevant approvals are discussed below.

1.1 Frasers Broadway Concept Plan MP06_0171 (as modified)

MP06_0171, as modified in February 2009, is a Concept Plan approval applying to Central Park which permits the construction of a mixed use precinct comprising:

- 11 development blocks;

- A maximum Gross Floor Area (GFA) of 255,500m² of which a minimum of 30% must be commercial floor space;
- Combined basement car parks, providing car parking for Blocks 1, 4 and 8 and Blocks 2, 5, 9 and the Kensington Precinct;
- A new public park;
- Tri-generation and Re-cycle water treatment plants;
- Retention of heritage items;
- Public domain works; and
- Contributions.

A number of modifications have since been made to the Concept Plan, however, these do not affect the application for the proposed extension of internal construction hours.

1.2 Central Park Block 8 Approval SSD 6092

On 27 November 2014, the DPI approved an SSD application that sought consent for the development of a mixed use building currently under construction on Block 8 comprising:

- excavation to provide a three (3) level basement area with car parking, bicycle parking, end of trip journey facilities and service infrastructure; and
- construction of a 13 storey mixed use building containing 178 apartments and 135m² of non-residential uses on the ground floor.

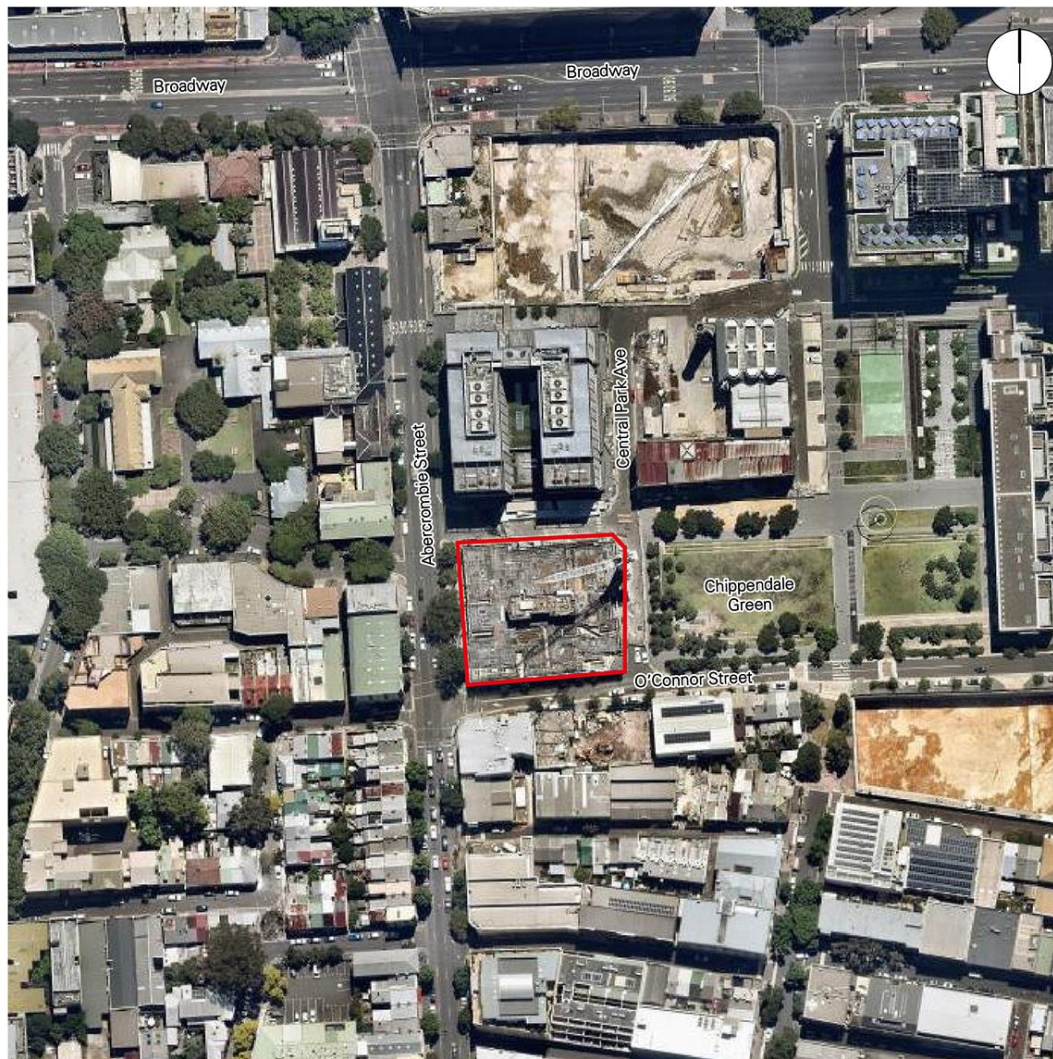
The application has not been modified since the approval.

1.3 Approved Hours of Construction

The hours of construction that were approved under SSD 6092 are 7:00am to 7:00pm Monday – Friday and 7:00am to 5:00pm Saturday, with no work on Sunday, consistent with the City of Sydney 'Hours of Construction for the CBD'.

2.0 SITE ANALYSIS

The site occupies the south-western corner of the Central Park Site and is bounded by Block 4S to the north, Central Park Avenue and the former Carlton Brewery building to the east, O'Connor Street to the south and Abercrombie Street to the west. The site consists of the approved building that is currently under construction. The site's location within the Central Park precinct is shown below in **Figure 1**.



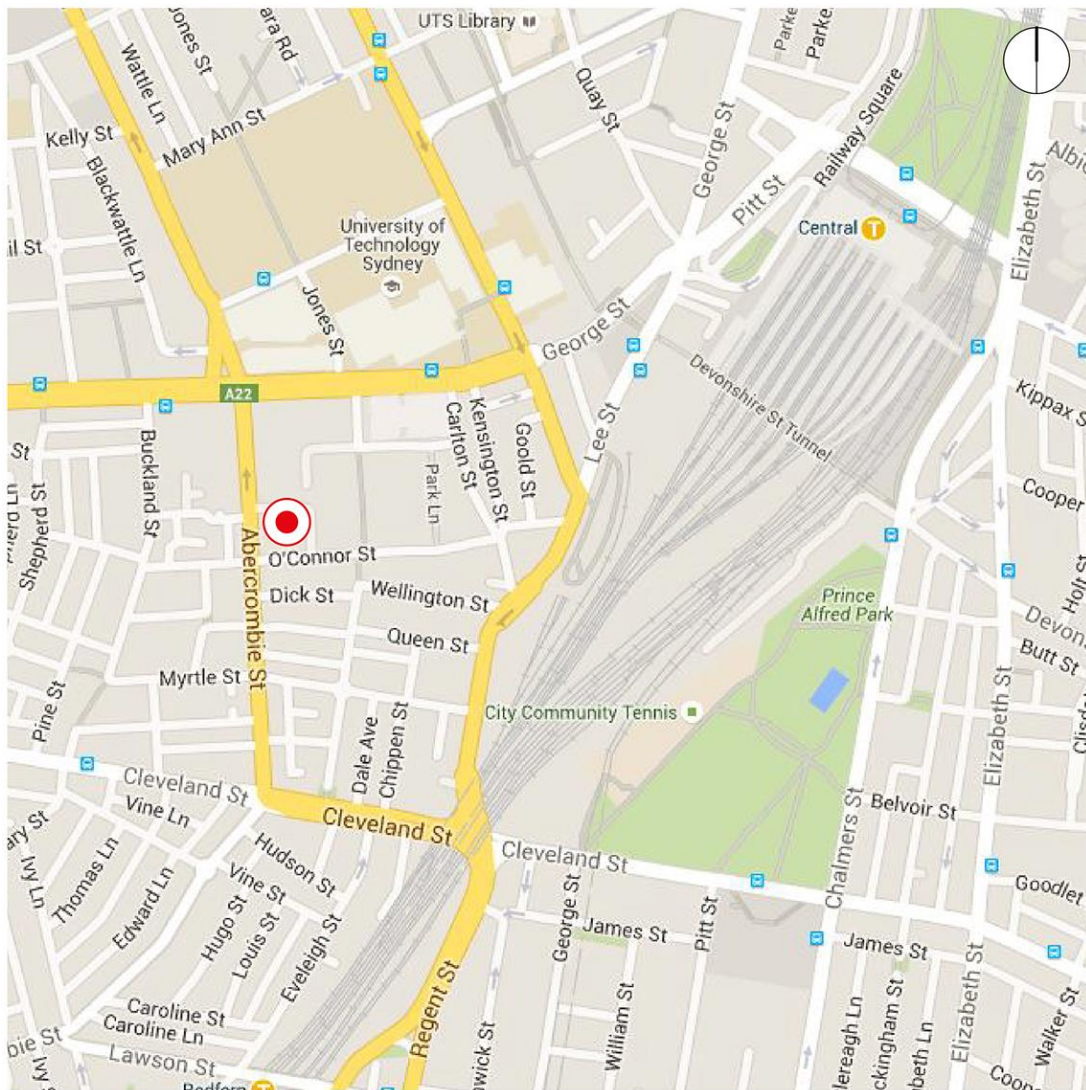
 The Site

Figure 1 – Aerial view of the site
Source: nearmap 14 March 2016

The registered owner of the site is Central Park JV No 2 and is legally described as follows Lot 11 DP1194122.

2.1 Site Location and Context

The site is located on the southern edge of the CBD in close proximity to Central Station, Broadway Shopping Centre, One Central Park and the University of Technology, Sydney. The site's locational context is shown in **Figure 2** below.



● The Site

Figure 2 – Location Plan

Source: Google Maps

3.0 PROPOSED MODIFICATIONS TO CONSENT

3.1 Description of Proposal

This modification seeks approval for extended internal construction hours for 24 hours Monday to Sunday. Works during the extended hours will be restricted to internal fitout and finishes works and are to occur behind the fully enclosed façade of the building. Accordingly, the revised hours of work will reduce the overall noise exposure for residents surrounding the site.

The proposal does not seek any variation to the hours for deliveries or vehicle movements on the site which will occur only during typical construction hours.

Importantly, the following activities are not proposed to be undertaken during extended internal construction hours:

- No deliveries to the site, or vehicles movement within or to and from the site;
- No use of cranes;

- No work outside of, and including, the building facade; and
- No floodlighting or additional lighting over and above current lighting levels required for safety and access, ie. no change from current lighting levels.

3.2 Construction Methodology

The construction methodology to be adopted during the extended construction hours is detailed below. It is noted the proposal does not seek to alter the details or practices of the existing construction methodology.

- Contractors undertaking internal fitout works including the installation of new ceilings, partition walls, floor installation and joinery. These teams will be using power and hand tools including drills to affix plasterboard.
- Internal finishing works will involve painting, the construction of surface finishes and installation of services.

3.2 Site Access

The main site entry points, Gate 1 & Gate 2, on the corner of Abercrombie and Irving Street(s), Gate 3 on O'Connor Street and Gates 5 & 6 leading to Central Park Ave (North) will not be used during the extended/restricted construction hours. All pedestrian traffic leaving the site at the end of the working shift will be required to use the secondary entry/exit point, Gate 4, located on the corner of Irving St & Central Park Avenue (currently closed to the public) and proceed directly onto Chippendale Green, away from the sensitive residential receivers.

Vehicle access to the site is restricted to the existing approved hours, with no extension sought as part of the modification.

Workers will be required to park off-site during the extended construction hours and enter/exit the site via Gate 4 as described above.

3.3 Need for Additional Construction hours

The extension of construction hours is sought to expedite the delivery of the mixed use Block 8 development. By permitting extended hours (for restricted and internal works only), it is estimated that the durations for construction works may be reduced by several months. Thus, by allowing greater durations of these activities on days available during the course of the works, it is possible to reduce the overall construction time and consequently reduce the noise impacts to surrounding properties.

3.4 Proposed amendments to condition

The proposed modifications described above necessitate amendments to the consent conditions which are identified below.

Condition D1 which references the approved construction hours will need to be deleted and replaced to reflect the proposed extension to the base hours of work for the limited/non-intrusive works. Words proposed to be inserted are shown in ***bold italics***.

D1. Hours of Work

The hours of construction, including the delivery of materials to and from the 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.*
- d) Works may be undertaken outside these hours where:*
 - i) the delivery of vehicles, plan or 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;*

- iii) *a variation is approved in advance in writing by the Director General or his nominee.*
- e) *All work, including demolition, excavation and building work must comply with the City of Sydney Building Sites Noise Code and Australian Standard 2436 – 1981 “Guide to Noise Control on Construction, Maintenance and Demolition Sites”.*

Notwithstanding the above, internal fitout works within the enclosed facade is permitted to be carried out 24 hours Monday to Sunday. Works within these hours is restricted to the following:

- a) Internal fitout works within the constructed facade only, such as the installation of ceilings and partition walls, services finishes and services. All work is to be internal, within the completed facade of the building;***
- c) No vehicle movement is permitted on site (with the exception of internally within the building envelope);***
- d) No deliveries to the site, or vehicles movement within or to and from the site;***
- e) No use of cranes;***
- f) No work outside of, and including, the building facade; and***
- g) No floodlighting or additional lighting over and above current lighting levels required for safety and access, ie. no change from current lighting levels***

Internal fitout works outlines above must comply with the Construction Noise Criteria of 44 dB(A) _{Lav max} to surrounding residential receivers in accordance with the Extended Hours Construction Noise Assessment prepared by Acoustic Logic Pty Ltd dated 29 February 2016. Works within the extended hours must comply with the Environmental Management Plan, prepared by Built dated 11 April 2016 (Revision 7).

4.0 SUBSTANTIALLY THE SAME DEVELOPMENT

Pursuant to Section 96(1A) of the EP&A Act, Council may modify development consent if:

- a) *it is satisfied that the proposed modification is of minimal environmental impact, and*
- b) *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), and*
- c) *it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

The proposed modification to the demolition and construction hours will not substantially alter the nature of the approved development. The development as proposed to be modified is substantially the same development as that originally approved in that it will have no resultant impact on the development or works approved under consent SSD 6092.

Moreover, the proposed amendments to hours of works will be limited to non-intrusive works/activities and accordingly ensure that there is no more than minimal environmental impacts to surrounding developments or land uses. Further discussion in regards to potential environmental impacts is provided below at Section 4.0.

4.0 ENVIRONMENTAL ASSESSMENT

Section 96(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”. The following assessment demonstrates that the development, as proposed to be modified in respect to the extended hours of construction, will be of minimal environmental impact.

5.1 Section 79C(1)(a) Planning Instruments

The SEE submitted with the original DA addressed the proposed development’s level of compliance against relevant planning instruments, including:

- Draft Metropolitan Strategy for Sydney 2031;
- Metropolitan Plan for Sydney 2036;
- Draft Sydney City Subregional Strategy;
- Sydney 2030 (The City of Sydney Council);
- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development and accompanying Residential Flat Design Code;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- Sydney Local Environmental Plan 2005; and
- City of Sydney Development Control Plan 2012.

The proposed modifications (relating to extending the hours of work) are not considered to affect the consistency of the proposed development with the relevant planning instruments.

5.2 S.79C(1)(b) Impact on the Environment

The SEE submitted with the original DA addressed the likely impacts of the development, including:

- Compliance with the relevant Strategic and Statutory Plans and Policies
- Permissibility
- Design Excellence
- Consistency with the Concept Plan
- Built form and Urban Design
- Environmental and Residential Amenity
- Landscaping and Public Domain Management
- Transport and Accessibility
- Ecologically Sustainable Development
- Acoustic Impacts
- Drainage and Flooding
- Waste Management
- Construction Management
- Staging
- Contributions
- Site Suitability

■ Public Interest

The planning assessment of the proposed modified development remains generally unchanged with respect of the above matters. The following matters however warrant further assessment.

5.3 Acoustic Impact Assessment

An Acoustic Report has been prepared by Acoustic Logic and is included at **Attachment B**. The report considers potential noise impacts on the primary residential and commercial receivers that arise as a result of the proposed modifications. The report reviews the relevant noise criteria and background noise levels, establishes the nearest sensitive residential receivers, undertakes an impact assessment of the proposed extended hours of construction and makes recommendations as to the management of noise emissions. It is determined the activities performed during the proposed extended hours of work will be compliant with the relevant standards.

Noise Monitoring

Acoustic Logic undertook attended and unattended noise monitoring within the site at the rear of Block 8 behind solid construction hoarding and established that the existing background noise level at the nearest residential receiver is 44 dB(A)_{L90} at night (worst case). This background noise level omits construction noise affected data as this is considered to be uncharacteristic of the quieter noise environment recorded throughout the monitoring process.

Relevant Acoustic Controls

Acoustic Logic has referred to the *City of Sydney's City of Sydney Code of Practice for Construction Hours/Noise 1992*, EPA's *Interim Construction Noise Guidelines (ICNG)* and the Australian Standard AS2436 – *Guide to Noise Control on Construction Maintenance and Demolition Site*. An extract of the Categories of Working Hours from the *City of Sydney Code of Practice for Construction Hours/Noise 1992* for the extended hours is provided below in **Table 1**.

Table 1 – Categories of Working Hours and Noise Criteria

Day	Time Zone	Category	Noise Criteria
Monday – Friday	00:00 – 07:00	4	Background + 0dB(A)
	07:00 – 08:00	1	Background + 5dB(A)
	08:00 – 19:00	1	Background + 5dB(A) + 5dB(A)
			To be determined on a site basis
	19:00 – 23:00	2	Background + 3dB(A)
	23:00 – 24:00	4	Background + 0dB(A)
Saturday	00:00 – 07:00	4	Background + 0dB(A)
	07:00 – 08:00	1	Background + 5dB(A)
	08:00 – 17:00	1	Background + 10dB(A)
	17:00 – 23:00	2	Background + 3dB(A)
	23:00 – 24:00	4	Background + 0dB(A)
Sunday and Public Holidays	00:00 – 07:00	4	Background + 0dB(A)
	07:00 – 17:00	3	Background + 3dB(A)
	17:00 – 24:00	4	Background + 0dB(A)

Using the above controls and guidelines, Acoustic Logic proposes the following construction noise objectives for the proposed extended hours (background + 0dB(A) as shown in **Table 2** below. This represents the worst case scenario.

Table 2 – Construction Noise Objectives

Category	Background Noise Level dB(A) _{L90}	Construction Noise Objectives dB(A) _{LAV MAX}
4	44	44

Nearest Receivers

Acoustic Logic has identified the following potential receivers within the surrounding area of the development which are illustrated in **Figure 3** below. The worst affected residential receiver is located to the immediate west of the site at 23-25 Abercrombie Street.

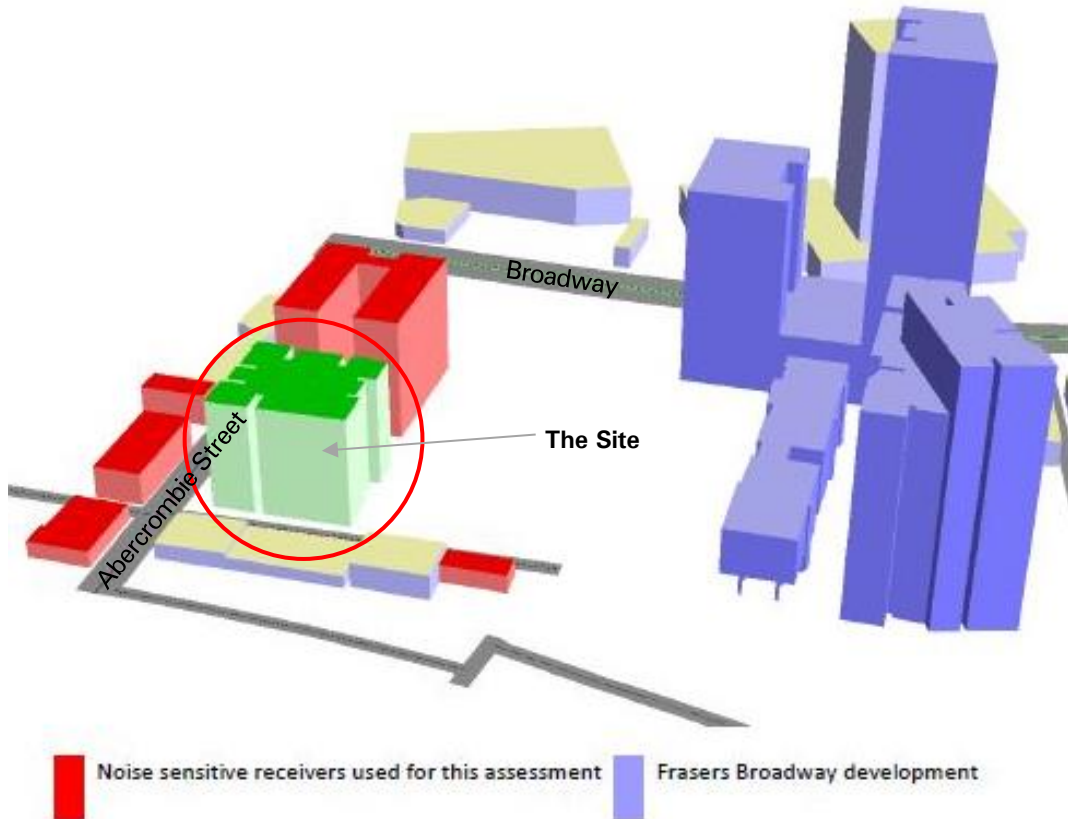


Figure 3 – The site outlined in red and location of surrounding noise receivers used for assessment,
Source: Acoustic Logic

Impact Assessment

Modelling and sample calculations were conducted by Acoustic in respect of the proposed extended hours and the potential impacts on nearby receivers. The sound power levels of the various construction activities were considered in this calculation.

A table of the predicted construction noise levels (considered at the worst case – category 4 level) categorised by the activity and sensitive receivers is included in the Acoustic Report (**Attachment B**). It is noted that the proposal is informed by the recommendations of the Acoustic Report. Through the adoption of the recommendations, the aforementioned predicted construction noise levels will comply with the noise criteria (as established in **Table 1**) and noise objectives set out in **Table 2** with no acoustic building treatment required for the activities. Graphic modelling of the predicted noise impact and location of receivers is also provided within the Acoustic Report.

In addition to the noise modelling discussed above, the report provides sample calculations related to the worst affected noise receiver located at 23-25 Abercrombie Street. The expected noise level at the receiver is limited to 39aB(A) and is therefore compliant with the noise objective of 44 dB(A)L.

In light of the above, the modelling is based on the worst-case scenario and the noise impacts are expected to be considerably less. Specifically, the modelling adopted a generous sound pressure level of 97dB(A) assumed to emanate from each apartment window with a minimal glazing rating of R_w 31 for 6.38.

Further, the assessment measured only those construction activities with the most severe impact and did not account for the external traffic noise from Abercrombie Street which will minimise possible construction noise. It is also emphasised the majority of the building activities are restricted to fitout works comprising painting, installation of fixtures and fittings, all of which are associated with low noise emissions.

Recommended Management Controls

On-going compliance monitoring of noise levels including unattended noise monitors during the commencement of noisy works or where noise emissions might be increased will ensure that the criteria set out in this report are met. In addition, an afterhours contact number of the Site Manager will be advertised outside the building site, so that residents and other interested parties may contact them, should they believe a noise breach is occurring.

In addition, the following recommendations are contained within the Noise Assessment that will be adhered to during the extended hours of internal construction.

- The façade is to be entirely closed during extended construction hours works.
- No external construction works are to be conducted during the extended construction hours period.
- Access to the site during the extended hours period will be from Abercrombie Street for personnel only. Deliveries are to be undertaken during normal construction hours.
- Personnel working during the proposed period are to be appraised of the noise restrictions. Good site practices should be employed to reduce noise as practically possible. This includes:
 - Not using raised voices external to the building; and
 - Care to be taken in the transportation of tools.
- No radios (cars or otherwise) are to be played external to the building envelope.

5.4 Transport and Accessibility

During the extended hours of construction no on-site parking for construction workers will be provided. As the site receives ample access to various modes of public transport, the extension of construction hours is not anticipated to increase the demand for parking nor is it expected to produce a corresponding increase in traffic activity and congestion.

The Traffic Management Plan prepared by GTA Consultants (2014) indicates the site is located within the immediate vicinity of bus services along Broadway and a bus interchange to the north east along George and Lee Streets. The site is also located 700 metres from Central Railway Station which provides access to suburban and interstate services on the Sydney rail network. Given the site's excellent access to public transport, it is envisaged construction workers would make use of these services during the proposed hours.

4.1 Environmental Management Plan

The Environmental Management Plan has been revised to reflect the amended hours of construction. The revised Plan ensures appropriate management, and administration for the extended construction hours being sought, including the addition of an Environmental Aspects and Impacts Register (Attachment 1 of the Environmental Management Plan). Specifically the following amendments to these documents have been made to correspond with the revised hours of construction:

- amended hours of construction to include the additional construction hours and detail of restricted works including a clear list of restricted works within the extended hours;
- works permitted within restricted location;
- site access during restricted hours of work; and
- management strategy.

5.5 S.79C(1)(c) Suitability of the site for the proposed development

The site remains suitable for the proposed development for the reasons outlined in the EIS lodged with the original SSD. The site's proximity to Abercrombie Street means that background noise due to traffic noise emissions will be considerably higher, therefore concealing the noise emissions arising from the construction works. As such, the site is more than suitable to accommodate the proposed extended construction hours for non-intrusive works.

For the purpose of reducing construction noise over the duration of the extended hours, building activities will be limited to those that produce minimal noise emissions. As such, requiring machinery capable of generating high noise levels will not be utilised or permitted during these hours.

5.6 S.79C(1)(e) The Public Interest

The modifications are considered to result in an improved outcome in that the proposed hours will expedite the construction process and limit the duration of noise emissions. The modification will allow the approved mixed use development to be delivered within a shorter time frame, allowing the benefits associated with this development to be realised by the community sooner.

In summary, the proposed modification:

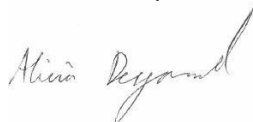
- further minimises disturbances to nearby receivers, due to the shortened construction program;
- no external construction works are to be conducted during the extended construction hours period; and
- is fully compliant with the relevant assessment guidelines.

5.0 CONCLUSION

In accordance with section 96(1A) of the EP&A Act, the modified development will be substantially the same as the originally approved development. The proposed modifications are demonstrated to result in a minimal impact. Further, they will reduce the long term impacts on the surrounding receivers, and, in our view, are unlikely to unduly impact on the surrounding locality.

In light of the above, we recommend that the Department approve the proposed modifications as described above. We trust that this information is sufficient to enable assessment and approval of the proposed modification request. Should you have any queries about this matter, please do not hesitate to contact 9956 6962 or sgouge@jbaurban.com.au or adesgrand@jbaurban.com.au.

Yours faithfully



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