

CPo/SM/SG
17232
27 October 2017

Carolyn McNally
Secretary
Department of Planning and Environment
320 Pitt Street
SYDNEY NSW 2000

Dear Ms McNally,

SECTION 96 (1A) MODIFICATION TO SSD 6376 BLOCK 11, CENTRAL PARK (SSD 6376)

This application has been prepared by Ethos Urban on behalf of Multiplex, seeking amendment to State Significant Development (SSD) 6376 pursuant to section 96(1A) of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) to allow for an extension of the approved construction hours for internal fitout works only, for the approved mixed use development known as Block 11, Central Park.

This modification application seeks to amend Condition D2 (Hours of Work) to permit internal fitout works 24 hours, Monday to Sunday (seven days).

This report identifies the consent, 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 and is accompanied by an Acoustic Report by Acoustic Logic (**Attachment A**) and updated Construction Management Plan by Multiplex (**Attachment B**).

1.0 Background

1.1 Central Park Concept Plan (MP 06_0171)

MP 06_0171, is a Concept Plan approval applying to the Central Park site which permits the construction of a mixed-use precinct comprising:

- 11 development blocks;
- A maximum Gross Floor Area (GFA) of 255,500m² with minimum non-residential and maximum residential floor space mix;
- Combined basement car parks, providing car parking for Blocks 1, 4 and 8;
- 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.

To date, a total of 12 modifications to the Concept Plan have been approved between 2007 and 24 June 2016. The modifications have primarily related to amendments of building envelopes and reallocation of floor space in response to the delivery of each block.

1.2 Block 11 Approval (SSD 6376)

Development consent for Block 11 was granted by the Planning Assessment Commission (PAC) on 2 March 2016. The approved development consisted of:

- Construction of a 10 to 13 storey building (maximum height RL64.17) over two basement levels;
- Total GFA of 25,220m² comprising:
 - 292 residential apartments;
 - 758m² retail GFA;
 - 655m² child care facility (90 child max);
- Retention, refurbishment and alteration of the Castle Connell Hotel (external only);
- 174 on site car parking spaces (including 10 car share spaces) and two service vehicle spaces;
- Six regular and three short term on-street car parking spaces;
- 448 bicycle parking spaces;
- 3,300m² of open space;
- Public domain and landscaping;
- Subdivision and strata subdivision; and
- Signage zones.

SSD 6376 has been modified twice:

- MOD 1: Deletion of wind conditions: B7, B8 and B9; and installation of vertical screens to the ground floor retail units on 4 November 2016.
- MOD 2: Minor internal and external modifications to the approved development.

A separate application (MOD 3) has been lodged concurrently with this Section 96 Modification Application seeking extension for general construction hours at Block 11.

2.0 Site Analysis

Central Park is located on the southern edge of the Sydney Central Business District (CBD). Central Park is in close proximity to Central Station, Broadway Shopping Centre, the University of Technology, Sydney and the University of Notre Dame Australia. A location plan is provided at **Figure 1**.

Block 11 is located at the south eastern corner of the Central Park site and is bounded by O'Connor Street to the north, Kensington Street to the east, Wellington Street to the south and Balfour Street Pocket Park to the west. The site is in close proximity to the heritage Brewery Yard Building. An aerial photograph providing the location of Block 11 within the Central Park site is shown at **Figure 2**.

The Block 11 site occupies an area of approximately 7,820m². The site is currently vacant, with the exception of the existing Castle Connell Hotel, located on the south eastern corner of the site. The site has a legal description of Lot 5 in Deposited Plan 1142053 and is owned by Frasers Broadway Pty Ltd.

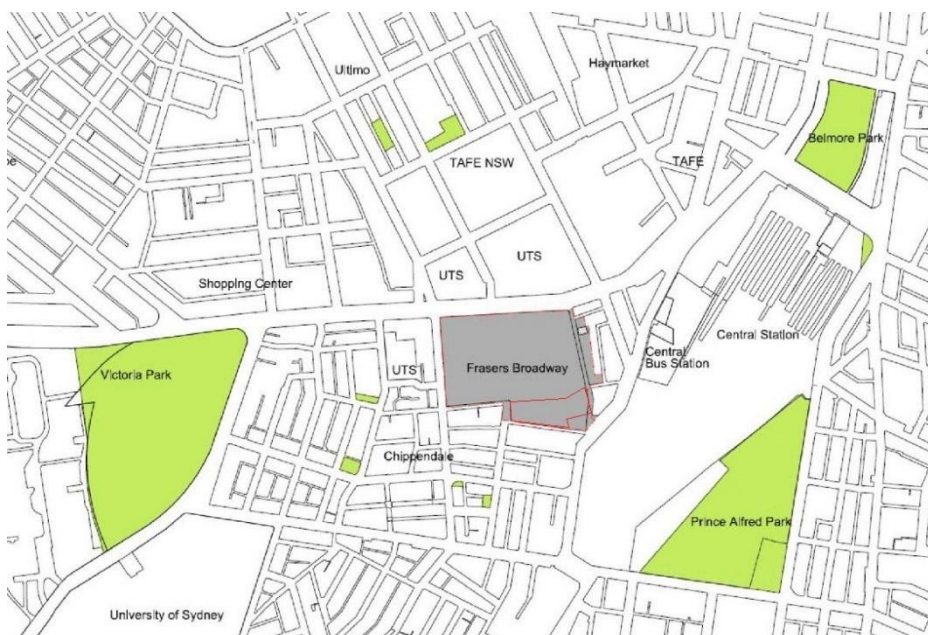


Figure 1- Location Plan

Source: Foster + Partners



Figure 2- Aerial photograph and site plan

Source: Six Maps

3.0 Proposed Modification to Consent

3.1 Description of Proposal

This modification seeks approval for the extended internal construction hours, per day 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 of deliveries or vehicle movements on the site which will occur during typical construction hours.

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

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

- No work outside of, and including, the building façade; and
- No floodlighting or additional lighting over and above current lighting levels required for safety access, i.e. 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.

- The façade is to be entirely closed during extended construction hours works.
- A night shift is proposed to complete relatively silent fitout works these would include plaster work, setting, services fitout and painting.
- Any noisy works are proposed to be completed within the current approved working hours.
- Contractors undertaking internal fitout works including installation of new ceilings, partition walls, floor installation and joinery. These teams will be using power and hand tools including drills to affix plasterboard.
- All equipment and materials will be stored internally before works being on site in the evening.

3.3 Site Access

Access to the site will be monitored 24hours by security guards, including static guarding, compliance management, access control and workplace health and safety.

Strictly no parking will be provided on site, all car parking will be on the street with the use of public transport and car pooling being encouraged.

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***.

D2. Hours of Work

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

- All work, including building/demolition and excavation 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 of tools etc.) in connection with the proposed development must only be carried out between the hours of 7:30am and 5:30pm on Mondays to Fridays, inclusive, and 7:30am and 3:30pm Saturdays, with safety inspections being*

permitted at 7:00am on work days, 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.

Notwithstanding the above, internal fitout works within the enclosed façade 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 façade only, such as the installation of ceilings and partition walls, services, finishes and services. All work is to be internal, within the completed façade 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 façade; 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 outlines above must comply with the Construction Noise Criteria of 44 Db(A) $L_{av,max}$ to surrounding residential receivers in accordance with the Extended Hours Construction Noise Assessment prepared by Acoustic Logic dated 31 August 2017. Works within the extended hours must comply with the Construction Management Plan prepared by Multiplex Revision dated 3 May 2017.

Reason for modification:

The extension of construction hours is sought to expedite the delivery of the mixed use Block 11 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.

4.0 Substantially the same Development

Section 96(1A) of the EP&A Act states that a consent authority may modify a development consent if “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)”.

The proposed modification to the 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 6376.

Moreover, the proposed amendments to hours of works will be limited to non-intrusive works/activities and accordingly ensure that there are no more than minimal environmental impacts to surrounding developments or land uses. Further discussion in regard to the potential environmental impacts are provided in **Section 5.0**.

5.0 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”. Under Section 96(4) the consent Authority must also take into consideration the relevant matters to the application referred to in Section 79C (1) of the EP&A Act. 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.

The EIS submitted with the original SSDA 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 to the above matters. The following matters however warrant further assessment.

5.1 Environmental Planning Instruments

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

5.2 Acoustic Impact

An Acoustic Report has been prepared by Acoustic Logic and is included at **Attachment A**. The report considers the potential noise impacts on the residential and commercial receivers within close proximity to the site (refer to **Figure 3**). 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 against the relevant acoustic controls and makes recommendations as to the management of noise emissions.

Noise Monitoring

Acoustic Logic used previously conducted noise monitoring to establish the background noise from the site and for the internal fitout works from 420 George Street, Sydney for the assessment.

To determine this, the Acoustic Logic:

- Used previously conducted noise modelling on internal fitout works for the basis of the assessment.
 - The noise monitoring was conducted over a two week period for the internal demolition and fitout works at 420 George Street, Sydney.
 - The worst case 15 minute measurement period from the two weeks of demolition and fitout works indicated a sound pressure level of 97 dB(A) L_{10} within the enclosed reverberant space.
 - The internal works were conducted in a similar space to that associated with a bare shell apartment.
- Used previously conducted unattended noise monitoring logger programmed to store 15-minute statistical noise levels to measure background noise level monitoring that was at the rear of Block 11 behind the solid construction hoarding.

The previously conducted monitoring included:

- Weather affected noise data was used to determine potentially affected weather data.
- The background noise was established from the unattended noise monitoring as provided in **Table 1** below.

Table 1- Measured Background Noise Level

Time of Day	Unattended Noise Monitoring (2016) Background Noise Level dB(A) L ₉₀
Night (Category 4)	44

Relevant Acoustic Controls

Acoustic Logic referred to the City of Sydney's City "Construction Hours/Noise Within the Central Business District" Code of Practice (1992) and Australian Standard 2436-1981 "Guide to Noise Control 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 2**.

Table 2- Categories of Working Hours and Noise Criteria

Day	Time Zone	Category	Noise Criteria
Monday to 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)
	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)
Sundays 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)

Impact Assessment

The construction noise emissions associated with the internal activities have been predicted using noise modelling (refer to **Table 3**).

Table 3- Predicted Construction Noise Levels (Category 4)

Activity	Receiver Location	Predicted Noise dB(A) L _{av max} 15min	Construction Noise Criteria dB(A) L _{av max} 15min	Complies
Internal Fitout	1	40	44	Yes
	2	39	44	Yes
	3	41	44	Yes

In addition to noise modelling discussed above, the report provides sample calculations related to the worst case noise level sources associated with the fitout works at the worst affected residences, being the residences to the west of the site. The worst case predicted resultant noise level is 41dB(A) and compliant with the threshold of 44 dB(A).

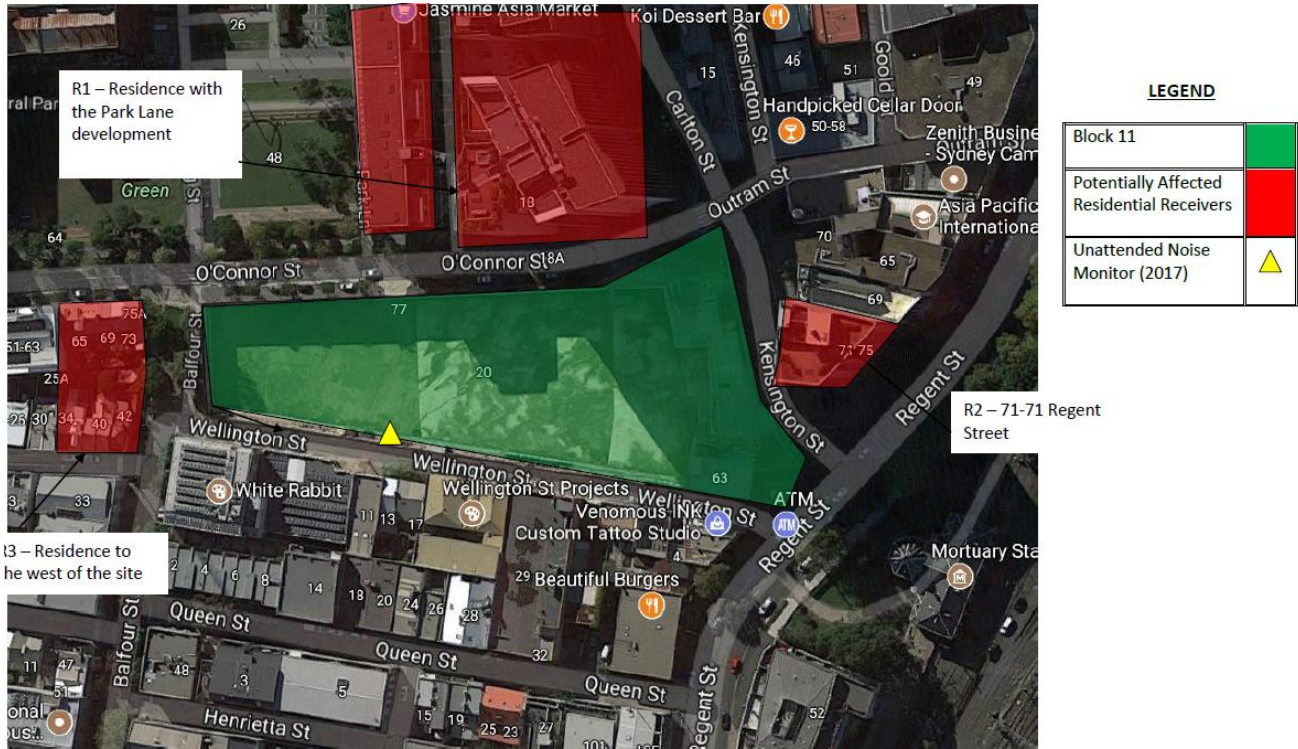


Figure 3 – Site Survey and Sensitive Receivers

Source: Acoustic Logic

Recommended Management Controls

A number of management controls are included in the construction management plan to monitor safety and access. Access to the site will be monitored by security guards who will ensure that no unauthorised person gains access and that all people who are permitted on site are registered and records kept of site attendance. The 24 hours security services on the site will include static guarding at entry and exit points, compliance management, controlling access and workplace health and safety.

In addition, the following recommendations are contained within the Acoustic Report (refer to **Appendix A**) 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.
- 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;
 - Being careful not to drop tools into flat beds or the like when transporting tools from work vehicles after shift change.
- No radios (cars or otherwise) are to be played external to the building envelope.

5.3 Transport and Accessibility

Strictly no parking for construction works is permitted on the site, all parking is to be on the street in accordance with council parking rules and signs. As the site is well serviced by 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 Positive Traffic (2014) indicates that the site is well serviced by a wide range of public transport and bicycle routes. The site is 500m 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.

5.4 Construction Management Plan

The Construction Management Plan has been revised to reflect the amended hours of construction. The fitout works will typically commence with services rough-ins and wall partitions. Following this, more detailed areas including bathrooms and kitchens will be completed before finishing trades including floor finishes and painters. A night shift is proposed to complete the silent fitout works which include plaster work, setting, services fitout and painting. Any noisy works will be undertaken between 7:30am to 5:30pm Monday to Friday and 7:00am to 3:30pm on Saturdays, whilst general construction works are occurring on site.

5.5 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. 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 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.

6.0 Conclusion

In accordance with section 96(1A) of the EP&A Act, the Department of Planning and Environment may modify the consent as:

- the proposed modification is of minimal environmental impact; and
- substantially the same development as development for which the consent was granted.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request.

In light of the above, we recommend that the Department approve the proposed modifications as described above. We trust 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 cpon@ethosurban.com or smiller@ethosurban.com.

Yours faithfully,



Candice Pon
Urban Planner



Samantha Miller
Senior Planner