

ASSESSMENT REPORT

Block 11 - Central Park, Chippendale SSD 6376 MOD 4

1. INTRODUCTION

This report is an assessment of an application seeking to modify the State significant development (SSD) approval (SSD 6376) for a mixed-use development known as Block 11 at Central Park in the Sydney local government area.

The application has been lodged by Frasers Broadway Pty Ltd (the Applicant) pursuant to section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval to extend construction hours for internal works.

2. SITE LOCATION

2.1. Central Park

The Central Park Precinct is located to the south-west of Sydney Central Business District (CBD). The site has a total area of approximately 5.8 hectares and is bound by Abercrombie Street to the west, Regent Street to the east, Broadway to the north and Wellington Street to the south. The Central Park site is a major urban renewal site and comprises several, high density mixed use and residential buildings (**Figures 1 and 2**).

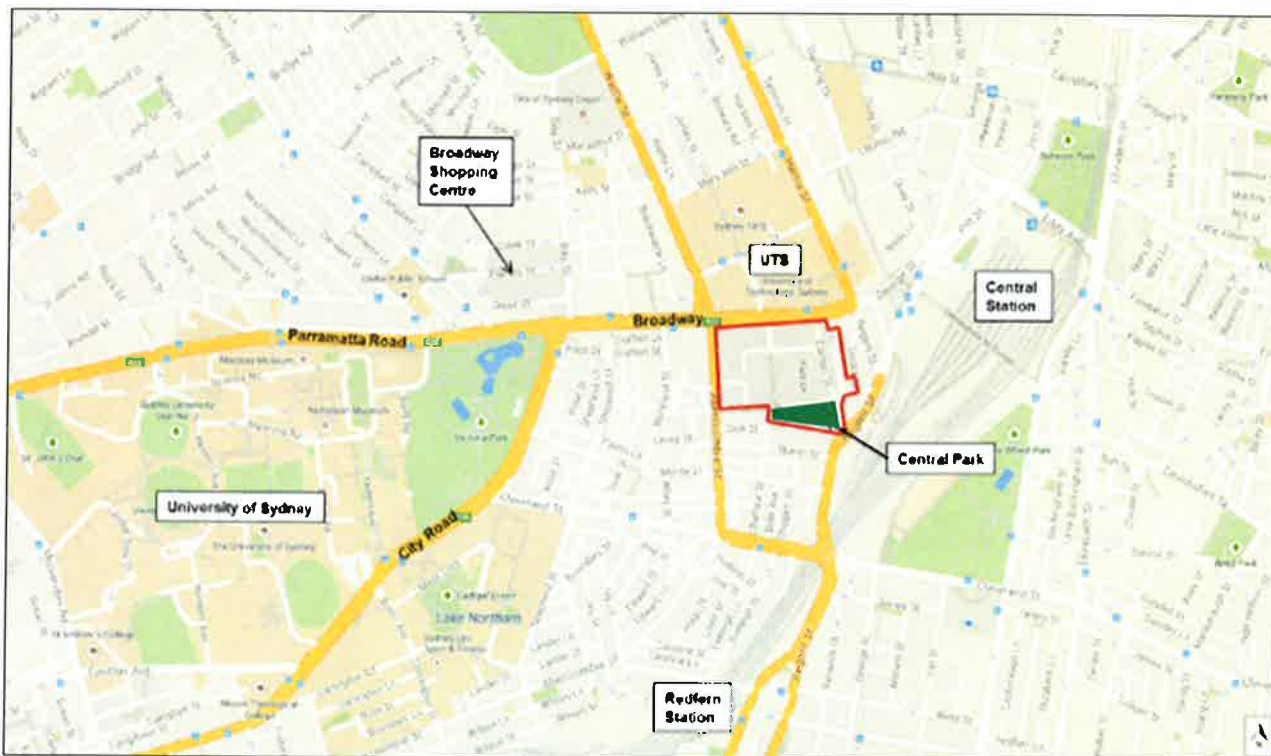


Figure 1: Central Park Precinct (outlined red) and Block 11 (highlighted green) (Base source: Nearmap)

2.2. Subject Site

Block 11 is located at the south-eastern corner of the Central Park Precinct (refer to **Figure 2**) and is bound by O'Connor Street to the north, Kensington and Regent Streets to the east, Wellington Street to the south and Balfour Park and Balfour Street to the west.

The site is being redeveloped for a mixed-use development and includes the refurbishment of the Castle Connell Hotel (refer to **Section 3**). Residential and commercial buildings are located to the south, east and west of the site on the opposite side of Wellington, Kensington and Balfour Streets. To the north of the site, within the Central Park precinct, the neighbouring blocks comprise high density, mixed use residential developments at Block 5a (9 storeys) and Block 5c (27 storeys) and public open space. Construction works have commenced on the site.

The closest sensitive receivers to the site are all residential properties located opposite the site and highlighted in blue at **Figure 2**:

- two towers at Blocks 5a and 5c on the northern side of O'Connor Street
- an apartment building fronting Regent Street and on the eastern side of Kensington Street
- 11 terrace houses fronting O'Connor and Dick Streets and on the western side of Balfour Street
- three 2-storey terrace houses on the southern side of Wellington Street.



Figure 2: Concept Approval site boundary (outlined in red) and the location of Block 11 (highlighted green) within the site, closest sensitive receivers (highlighted blue) (Base source: Nearmap)

3. APPROVAL HISTORY

3.1. Concept Approval

On 9 February 2007, the then Minister for Planning approved a concept plan (MP 06_0171) for redevelopment of the site for a mix of residential, commercial, retail uses and public open space development (Concept Approval). Key aspects of the Concept Approval (as modified) include:

- maximum 255,550 m² GFA (including a maximum 195,985m² of residential and minimum 59,515 m² of non-residential)
- a new park (6,000 m²) and open space areas
- a contribution of \$32 million for the provision of affordable housing within the locality
- retention of 33 heritage items associated with the former brewery and its adaptive reuse of existing buildings.

The Concept Approval established the framework for the assessment of subsequent detailed applications within the Central Park Precinct. Block 11 was the final development block within Central Park.

3.2. SSD Approval

On 2 March 2016, the Planning Assessment Commission (Commission) granted SSD Consent for the development Block 11 for a mixed-use building SSD 6276 (SSD Approval) including:

- construction of a 10 to 13 storey building (maximum height RL 64.17) over two basement levels
- total GFA of 25,220m² comprising, 292 residential apartments, 758m² GFA retail, and 655m² childcare facility (90 child capacity)
- 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 and 448 bicycle parking spaces
- 3,300m² of open spaces, public domain works and landscaping
- subdivision and strata subdivision
- signage zones.

The SSD Approval has been previously modified on two occasions, as summarised in **Table 1**.

Table 1: Summary of the modification to the SSD Approval

MOD no.	Summary of Modifications	Approval Date
MOD 1	Deletion of wind conditions B7, B8 and B9 relating to wind assessment and mitigation measures.	4 November 2016
MOD 2	Increase of apartments, GFA, internal and external reconfigurations and amendments and use of 30 car parking spaces in Block 8.	13 October 2017

In approving the SSD Approval the Commission imposed Condition D2, which stipulates hours of construction for the development. Condition D2 is quoted below:

Hours of Work

D2. The hours of construction and work on the development must be as follows:

- a) 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 (eg. 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 on 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.*

The Department is concurrently assessing a separate modification application for the site (SSD 7376 MOD 3), which proposes to extend the hours of construction for general construction works.

4. PROPOSED MODIFICATION

On 25 October 2017, the Applicant lodged an application (SSD 6376 MOD 4) seeking approval to amend Condition D2 and extend the hours of construction for internal construction works. The extended hours of construction are summarised below:

- 24 hours a day, seven days a week (Monday to Sunday)
- works limited to fit-out and finishes works undertaken behind the fully enclosed façade of the building
- no material delivery or construction vehicle movements, use of cranes or additional lighting during the extended hours.

The modification is requested on the basis that the extended hours of construction would:

- reduce the construction time of the development by up to two months and minimise the impact on surrounding properties
- enable construction works to be undertaken in the most efficient and practical manner.

5. STATUTORY CONSIDERATION

5.1. Modification of approval

Section 96(1A) of the EP&A Act requires the consent authority to be satisfied that the following matters are addressed in respect of all applications that seek modification approvals:

Table 2: Section 96(1A) matters for consideration

Section 96(1A) matters for consideration	Comment
That the proposed modification is of minimal environmental impact	Section 7 of this report provides an assessment of the impacts associated with the proposal. The Department is satisfied the environmental impacts of the proposed extension of hours of construction for internal works can be appropriately managed and mitigated so they are of minimal overall impact.
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 seeks approval to extend the approved construction hours for internal works and no physical changes to the development are proposed. The Department is satisfied the impacts of the extended hours of construction are negligible and can be appropriately managed subject to conditions. On this basis, the proposal would result in development that is substantially the same as the originally approved development.
The application has been notified in accordance with the regulations	The modification application has been notified in accordance with the regulations. Details of the notification are provided in Section 6 of this report.
Any submission made concerning the proposed modification has been considered.	The Department received three submissions on the proposal. The issues raised in submissions have been considered in Section 7 of this report.

5.2. Environmental Planning Instruments

The following EPIs are relevant to the application:

- *State Environmental Planning Policy (State & Regional Development) 2011*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy No. 55 - Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development & accompanying Apartment Design Guide*
- *Sydney Local Environment Plan (SLEP 2005)*
- *Sydney Development Control Plan (SDCP 2012).*

The Department undertook a comprehensive assessment of the redevelopment against the above-mentioned EPIs in its original assessment. The Department has considered the above EPIs and is satisfied that the modification is generally consistent with the EPIs.

5.3. Approval Authority

The Minister for Planning is the approval authority for the application. However, the Executive Director, Key Sites and Industry Assessment may determine the application under delegation as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- there are no more than 25 public submissions in the nature of objections.

6. CONSULTATION

6.1. Consultation

The application was notified in accordance with the *Environmental Planning & Assessment Regulation 2000*. The modification request was made publicly available on the Department's website and referred to City of Sydney (Council). Letters were also sent to adjoining owners/occupiers.

Council: did not object to the modification and provided the following comments:

- noise from internal construction works should be controlled to prevent noise complaints
- delivery times and waste collection should be restricted
- shift times should be considered.

There were two public submissions received on the proposal. Key issues raised in public submissions included:

- existing construction noise is intrusive
- the Block 11 building is not sealed and therefore noise will not be contained
- existing construction works operate outside the approved hours.

6.2. Response to Submissions (RtS)

Following the notification of the modification application the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions.

On 6 December 2017, the Applicant provided a RtS, which was further updated on 15 February 2018 by a revised Noise Impact Assessment (**Appendix A**). The RtS contains a response to the noise concerns raised in public submissions and further information and response to Council's comments. The RtS does not include any amendments to the proposal.

The Department made the RtS publicly available on its website and referred the RtS to relevant government authorities.

No additional submissions were received from Council or the public.

7. ASSESSMENT

The modification seeks approval to extend the construction hours for internal construction works to 24 hours a day, seven days a week (Monday to Sunday). No amendments to the standard hours of construction are proposed.

During the extended construction hours, the following restrictions would apply:

- works limited to fit-out and finishes works (refer to **Table 3**), which are to be undertaken behind the fully enclosed façade of the building
- no material delivery or construction vehicle movements, use of cranes or additional lighting
- fit-out works not to exceed the maximum construction noise criteria of 44 dB(A)_{lav max}
- personnel to be appraised of good site practices to reduce noise and no radios to be played outside of the building envelope.

Table 3: Fit-out and finishes and predicted noise sources

Activity Description	Predicted Noise Sources
Interior fit-out including new ceilings, partition walls, surface finishes and services.	<ul style="list-style-type: none">• Power tools: drills, impact drills, electrical saws and angle grinders• Handheld tools: hammering and the like

The Applicant submitted a Noise Impact Assessment (NIA) to assess the potential noise impacts associated with the extended hours of construction for internal works on nearby sensitive receivers.

The NIA identifies the nearest sensitive receivers (**Figure 2**) as:

- Block 5a and Block 5c (the Park Lane development) Central Park, on the opposite side of O'Connor Street to the site
- 71-77 Regent Street, on the opposite side of Kensington Street to the site.
- 65-75 O'Connor Street and 36-42 Dick Street on the opposite side of Balfour Street to the site
- 13, 15 and 17 Wellington Street, on the opposite side of Wellington Street to the site

The Department is satisfied the NIA has appropriately identified the key sensitive receivers potentially impacted by the proposal. Impacts on the affected receivers are considered below.

Condition D2(b) confirms the relevant guideline governing construction noise in this location is the *City of Sydney Construction Hours/Noise within the Central Business District Code of Practice 1992* (The Code of Practice). The EPA's *Interim Construction Noise Guideline 2009* (ICNG) also applies. However, the ICNG construction noise criteria is less strict than Council's Code of Practice, therefore it has been used to assess the potential noise impacts associated with the proposal.

The Code of Practice establishes the noise criteria shown in **Table 4**.

Table 4: Council's Code of Practice working hours and noise criteria

Day	Working Hours	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) (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)
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)

The NIA confirms monitoring was undertaken to determine the existing background noise levels applicable to nearby sensitive receivers. The most restrictive background noise level was established to be 44 dB(A) L₉₀ during Category 4, night time.

The NIA predicted noise levels at the nearest sensitive receivers using a worst-case scenario to determine whether the proposal would comply with the applicable Code of Practice noise criteria of 44 dB(A) L_{av max}. The results are presented at **Table 5**.

Table 5: Predicted construction noise levels

Receiver location	Construction Noise Criteria Level dB(A) L _{av max} 15 min	Predicted Noise Level dB(A) L _{av max} 15 min	Compliance
Block 5a and Block 5c	44	40	Yes
71-77 Regent Street	44	39	Yes
65-75 O'Connor and 36-42 Dick Streets	44	41	Yes
13, 15 & 17 Wellington Street	44	41	Yes

As indicated above, the NIA predicts noise emissions from the extended hours of construction for internal works would be below the recommended construction noise level, provided the works are

carried out behind a closed facade.

The Department has carefully considered the findings of the NIA as well as the public and Council's submissions, and is satisfied the extended hours of construction for internal works is acceptable in this instance for the following reasons:

- the NIA has demonstrated the proposal would comply with Council's Code of Practice (and the ICNG)
- the construction works would be undertaken behind the closed facade of the building, which will prevent noise outbreak
- the extended hours of construction would reduce the overall construction timeframe and therefore impact on the surrounding sensitive receivers by up to two months
- the Commission and the Department have previously approved extended hours of construction for internal works at Central Park, including Block 8 (SSD 6092) and Blocks 3 and 10 (MP11_0090).

While the proposal would meet the relevant construction noise criteria, the Department recommends the following conditions to ensure the amenity of the surrounding residential properties is further protected:

- all works to be carried out within a fully enclosed building
- no works to be undertaken outside of the building, including its facade
- all deliveries, waste collection and use of cranes to occur during the standard construction hours
- no floodlighting or additional lighting beyond what is currently required for safety and access requirements.
- site access be restricted to existing site accesses at Kensington Street and the eastern end of O'Connor Street
- construction staff working on the site during the extended hours of construction adhere to appropriate noise reduction practices
- limiting works on Saturday and Sunday to 7:00 am and 10:30 pm to be consistent with previous approvals for extended internal construction hours at Blocks 3, 8 and 10 within the Central Park Precinct.

The Department also notes existing conditions D13 to D14 set requirements to prevent offensive noise being emitted during construction and compliance with the Code of Practice and ICNG.

Subject to the recommended and existing conditions, the Department's assessment concludes the extended hours of construction for internal works are acceptable in this instance. Consequently, it is recommended that the modification be approved.

8. CONCLUSION

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes the proposed modification is appropriate on the basis that:

- it would reduce the overall construction period by up to two months and therefore reduce the overall length of time construction and noise impacts would be experienced by surrounding sensitive receivers
- noise impacts to sensitive receivers are below the Council's Code of Practice and ICNG construction noise level as the works are internal only and carried out behind a closed facade
- the new and existing conditions would ensure noise impacts are appropriately mitigated and managed.

Consequently, it is recommended the modification be approved subject to the recommended conditions.

9. RECOMMENDATION

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

- **consider** the findings and recommendations of this report
- **determine** that the application falls within the scope of section 96(1A) of the EP&A Act
- **approve** the Block 11 modification application (SSD 6376 MOD 4), subject to conditions
- sign the attached notice of modification (**Attachment A**).

Recommended by:

Anthony Witherdin
Director
Modification Assessments

DECISION

Approved by:

Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

as delegate of the Minister for Planning.

APPENDIX A: NOTICE OF MODIFICATION

A copy of the notice of modification can be found on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8846

APPENDIX B: SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Modification request

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8846

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8846

3. Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8846