

# Arthur Phillip High School and Parramatta Public School

Environmental Impact Statement for Section 4.55(1A) modification for amended construction hours

On behalf of  
Department of Education  
June 2018



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\* This document is for discussion purposes only unless signed and dated by the persons identified. This document has been reviewed by the Project Director.

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# 1 Introduction

This Environmental Impact Statement (EIS) report has been prepared on behalf of the Department of Education for the State Significant Development (SSD) project at Arthur Phillip High School (APHS) and Parramatta Public School (PPS) at 80-100 Macquarie Street and 175 Macquarie Street, Parramatta (respectively). The EIS supports a Section 4.55(1A) modification to the Department of Planning and Environment (DP&E) for amendments to the construction hours which are detailed in Condition C1. The modification has been sort under subclause (iii) of Condition C1 which allows a variation approved in advance in writing by the Secretary or her nominee.

The original development was classified as a SSD pursuant to Schedule 1 of the *State Environmental Planning Policy (State and Regional Development) 2011 (SEPP SRD)* given the Capital Investment Value (CIV) exceeded \$100 million (excluding GST). The original consent (SSD 15\_7237) was approved by the DP&E on 15 December 2016 which included the construction of a new 17 storey 'vertical' school and two storey sports complex for APHS and a new four storey u-shaped buidlng for PPS.

There have been a subsequent 3 modifacaitons which are outlined below:

- **Modification 1:** This modifacaiton amended Conditions B9 and B10 relating to site contamination and was approved by the DP&E on 27 March 2017.
- **Modification 2:** This modification was lodged as a Section 4.55(2) however it was withdrawn and lodged as a Section 4.55(1A) as DP&E said it would be a (1A) not (2); and
- **Modification 3:** This modification included alterations and additions to the approved school buidlings as a result of design development for the tender, resolution and co-ordination of various consultants, and ongoing consultation with the Design Excellence Jury. The modification was approved by the DP&E on 9 November 2017.

The proposed modification relates to the approved construction hours for the development. The proposed modification seeks to increase the hours for which internal construction works can occur. The currently approved hours of construction are:

- Monday to Friday: 7am-6pm
- Saturday: 7:30am-3:30pm
- Sunday and Public Holidays: No work

A proposed notation for internal construction works is as follows:

- 7am until midnight, 7 days a week for internal works and operation of external hoists only.

The EIS includes an assessment of the proposed works in terms of the matters for consideration as listed under Section 4.15 of the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)* and should be read in conjunction with information annexed to this report as outlined in the Table of Contents.

Specifically, the EIS includes the following information:

- Outline of the planning background of the site;
- Description of the site in its local context;
- Identification of the proposed works;
- Assessment of the project against Council's controls and policies;

- Assessment of all environmental impacts of the project; and
- Identification of measures for minimising or managing the potential environmental impacts.

The EIS is accompanied by the following reports:

- **Appendix 1**– Extended Hours Construction Noise Impact Assessment

## 2 The Site

### 2.1 Site Location and Description

The northern site includes APHS which is located at 80-100 Macquarie Street and the southern site includes PPS which is located at 175 Macquarie Street, refer to the figure below which illustrates the location of the site. The site is located within the Parramatta City Centre in the Parramatta Local Government Area (LGA). The site is positioned approximately 100m northeast of Parramatta Station and approximately 300m south of Parramatta River.



**Figure 1** Site Location

Source: SIX Maps modified by Mecone

The table below provides a brief summary of the site and the figures below show the site.

Table 1 – Site Description		
Item	80-100 Macquarie Street (APHS site)	175 Macquarie Street (PPS site)
Legal Description	Lots 62, 63, 63A, 64, 65 DP758829 Lot 413 DP820541	Lot 27A DP449406 Lots 23, 24, 25, 26 DP7809 Lot 414 DP820542 Lots 1, 2, 3 DP115296
Area	1.2 hectares	1.78 hectares
Frontage	170m to Macquarie Street	244m to Macquarie Street

Table 1 – Site Description		
	72m to Barrack Lane	55m to Charles Street 107m to Little Street
Topography	Relatively flat	Relatively flat
Current use	Arthur Phillip High School, including playing fields, a gymnasium and several demountable buildings.	This site is shared by Parramatta Public School and Arthur Phillip High School.



**Figure 2** Southern elevation of APHS along Macquarie Street  
Source: Mecone





**Figure 3** Barrack Lane and the western elevation of the APHS site  
*Source: Mecone*



**Figure 4** PPS site along Macquarie Street  
*Source: Mecone*



**Figure 5** PPS site as from Charles Street  
Source: Mecone



**Figure 6** Little Street and southern elevation of the PPS site  
Source: Mecone

### 3 Proposed modifications

The proposed modification relates to the approved construction hours for the development. The proposed modification seeks to increase the hours for which internal construction works can occur, in order to decrease the construction period and speed up the delivery of the school. The currently approved hours of construction are:

- Monday to Friday: 7am-6pm
- Saturday: 7:30am-3:30pm
- Sunday and Public Holidays: No work

A proposed notation for internal construction works is as follows:

- 7am until midnight, 7 days a week for internal works only.

The extension of construction hours for internal works will assist in ensuring the school will be completed for occupation in time for the next school year. The extension of construction hours also include the operation of external hoists.

#### 3.1 Amendments to conditions

The amended conditions of consent are detailed in the table below, where there is a ~~strike through~~ the wording is to be removed and where there are **bold italics** the wording is to be inserted. Furthermore, under each amended condition there is a reason stipulated for revising the condition. The condition to be amended includes Condition C1.

Table 2 – Amendments to conditions	
Amended conditions (Delete <del>strike through</del> and insert <b>bold italics</b> )	Reason for amendment
<p>Hours of Work</p> <p>C1 The hours of construction, including the delivery of materials to and from the subject site, shall be restricted as follows:</p> <ul style="list-style-type: none"> <li>a) between 7 am and 6 pm, Mondays to Fridays inclusive;</li> <li>b) between 7.30 am and 3.30 pm, Saturdays; <del>and</del></li> <li>c) no work on Sundays and public holidays; <del>and</del></li> <li><b>d) 7am until midnight, 7 days a week for internal works only.</b></li> </ul> <p>Works may be undertaken outside these hours where:</p> <ul style="list-style-type: none"> <li>i) the delivery of materials is required outside these hours by the Police or other authorities; or</li> <li>ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent</li> </ul>	<p>The amendments to Condition C1 reflect the proposed extended construction hours for internal works. The modification has been sort under subclause (iii) of the Condition C1 which allows a variation approved in advance in writing by the Secretary or her nominee.</p>

**Table 2 – Amendments to conditions**

environmental harm; or iii) variation is approved in advance in writing by the Secretary or her nominee.	
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## 4 Planning and Environmental Assessment

Mecone has undertaken an assessment of the proposal against the relevant planning and environmental legislation and guidelines to identify potential environmental impacts and mitigation measures. The potential environmental impacts and their mitigation measures are discussed below.

### 4.1 Environmental Planning and Assessment Act 1979

The EP&A Act 1979 is the key environmental planning legislation in New South Wales. In brief, the EP&A Act 1979 establishes the regime in which proponents and consent authorities address environmental issues for proposed developments. This includes the ability to modify development approvals through Section 4.55(1A) of the EP&A Act 1979.

Section 4.55(1A) of the EP&A Act relates to modifications involving minimal environmental impact and states the following:

*(1A) Modifications involving minimal environmental impact*

*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the 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.*

#### 4.1.1 Substantially the Same Development

The proposed modification is considered to be substantially the same development as the approved SSD 097-00154 for the following reasons:

- The intended use of the development as a school will remain as originally approved;
- The building envelopes and total GFA of the approved development (with following approved modifications) will remain as currently approved;
- There are no changes to the design details or architectural features, open space, landscaping, or parking currently approved; and
- The modification only proposes amendments to the internal construction hours.

## 4.2 Environmental Planning Instruments

The SEE includes an assessment of the proposed works in terms of the matters for consideration as listed under Section 4.15 of the EP&A Act 1979 and should be read in conjunction with information annexed to this report.

### 4.2.1 Local Environmental Plans (LEPs)

#### Parramatta Local Environmental Plans 2011

The Parramatta LEP 2011 is the primary local planning instrument applying to the site. The proposed amended construction hours do not related to any controls under the PLEP 2011 and therefore creates no non-compliance issues.

### 4.2.2 Development Control Plans

#### Parramatta Development Control Plans 2011

Under Clause 11 of State Environmental Planning Policy (State and Regional Development) 2011 Development Control Plans do not apply for SSDs and therefore the Parramatta Development Control Plan 2011 has not been considered in this regard. It is noted that the PDCP 2011 does not list any specific restrictions to construction hours.

## 4.3 Environmental Assessment

Mecone has undertaken an assessment of the proposal against potential environmental impacts, site suitability and the public interest in accordance with Section 4.15 of the EP&A Act. The potential environmental impacts and their mitigation measures are discussed below.

### 4.3.1 Acoustic impacts

The Noise Impact Assessment (**Appendix 1**) prepared by Acoustic Logic Consultancy has assessed the noise impacts associated with the extended construction hours and the operation of external hoists. The Assessment has concluded that the predicted noise levels will comply with the EPA's Interim Construction Noise Guideline and will therefore be acoustically acceptable.

The extended construction hours only relate to the internal fitout works of the educational establishment and no additional external construction hours are proposed. By increasing the internal construction hours, it will ensure that the overall construction timeframe is reduced which will minimise the disruption to the surrounding area.

As seen below, the site is adjoined to the north, south and east by commercial development. The nearest residential receivers are east of the site on Charles Street.



Figure 2-1 Site Plan showing region of works

- Arthur Phillip High School
- Parramatta Public School site
- Residential Receivers (Charles Street)
- Commercial Receivers
- Locations of unattended noise monitoring conducted by ARUP
- Location of Heritage Buildings

Figure 7 Surrounding uses and receivers  
Source: Acoustic Logic

The report notes the proposed location of hoists are located to the external sides of the building which faces away from residential receivers in relation to the site.

The background noise measurements were undertaken by ARUP at project approval stage and are presented in the table below:

Location	Period / Time	Background Noise Level dB(A) <sub>L90</sub>
Corner of Charles Street and Macquarie Street*	Day (7am to 6 pm)	57
	Evening (6pm to 10pm)	50
	Night (10pm to 7am)	46
Little Street	Day (7am to 6pm)	52

Location	Period / Time	Background Noise Level dB(A) <sub>L90</sub>
	Evening (6pm to 10pm)	48
	Night (10pm to 7am)	46

A construction noise assessment has been carried out for the proposed extended construction hours against the requirements of the local council, the EPA and the relevant Australian Standards (refer to **Appendix 1**). The noise assessment report found that the anticipated internal works (fitout) will create the following noise impacts:

Construction Activity	Equipment / Process	Noise Level – dB(A)
Fitout	Hammering	110 SWL
	Drilling	94 SWL
	Impact drill	112 SWL
	Electric Saw	94 SWL
	Angle Grinders	114 SWL
Materials Hoist	Hoist Operations	105 SWL

In conclusion, the report found that the proposed construction activities and associated construction noise emissions during the proposed hour until midnight can comply with the requirements of the EPA and the Australian Standard AS2436.

The noise assessment report provided the following management controls to ensure that noise emanating from the site during construction works, include of the operation of external hoists, comply with the noise emission criteria:

- The façade is to be entirely closed during extended construction hours works;
- No external construction works are to be conducted during the extended construction horus period; and
- Deliveries are to be undertaken during normal construction hours.

It is noted that these recommendations are acheivable with the proposed extended construction hours and will be able to comply with conditions of consent.

#### 4.3.2 Site suitability

The site is suitable for the proposed development in the following respects:

- The modifications are consistent with the objectives in the B3 Commercial Core zone in the Parramatta LEP 2011;
- There are no environmental constraints on or around the site of such significance as to preclude the proposed development; and
- Extended construction hours will ensure a more efficient and timely construction of the development, minimising the length of local disruption from construction.



### 4.3.3 Public Interest

The proposed development is considered to be within the public interest for the following reasons:

- The modification will minimise the impact and disruption caused by on-site construction works by shortening the length of time that construction is being undertaken; and
- The lengthened construction hours will not impact on the quality of the development or the bulk, design, or use.

## 5 Section 4.15 Compliance Table

The table below provides an assessment of the matters referred to in S.4.15 of the EP&A Act 1979.

Table 3 – Section 4.15 Assessment Summary		
Clause No.	Clause	Assessment
(1)	Matters for consideration—general  In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:	
(a)(i)	The provision of:  Any environmental planning instrument, and	There are no relevant provisions in the PLEP 2011 that relate to the Section 4.55(1A) and therefore the modification creates no non-compliance issues.
(ii)	Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	There are no relevant proposed planning instruments that have been subject of public consultation under the Act or have been notified to the consent authority.
(iii)	Any development control plan, and	Under Clause 11 of State Environmental Planning Policy (State and Regional Development) 2011 Development Control Plans do not apply to SSDs.
(iiia)	Any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4, and	There is no planning agreement that has been entered into.
(iv)	The regulations (to the extent that they prescribe matters for the purposes of this paragraph), and	There are no prescribed matters in the <i>Environmental Planning and Assessment Regulation 2000</i> that apply to this modification.
(v)	Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,	Not applicable. The proposal is not located within a coastal zone.
(b)	The likely impacts of that	The proposed modifications will not generate any

**Table 3 – Section 4.15 Assessment Summary**

Clause No.	Clause	Assessment
	development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	adverse environment impacts, refer to Section 4.3 above for further discussion.
(c)	The suitability of the site for the development,	The proposed development is considered to be suitable for the site, refer to Section 4.4 above for further discussion.
(d)	Any submissions made in accordance with this Act or the regulations,	No submissions made at this stage. Given the proposal will have minimal environmental impact and is considered to be a (1A) it is not required to be exhibited.
(e)	The public interest.	The proposed development is considered to be within the public interest, refer to Section 4.5 above for further discussion.

## 6 Conclusion

This EIS has been prepared on behalf of the Department of Education to support a Section 4.55(1A) modification to DP&E which seeks extended construction hours (internal works and external hoists only) to the approved school buildings for APHS and PPS and the amendment of Condition C1.

This statement describes the proposed works in the context of relevant planning controls and policies applicable to the form of the modification. In addition, the statement provides an assessment of those relevant heads of consideration pursuant to Section 4.15 of the EP & A Act 1979.

The original SSD (SSD 15\_7237) was approved by the DP&E on 15 December 2016 which included the construction of a new 17 storey 'vertical' school and two storey sports complex for APHS and a new four storey u-shaped building for PPS.

The proposed modification does not related to any controls within the PLEP 2011 or DCP 2011. The modification will not create unreasonable acoustic or construction and noise vibrations as assessed by the accompanying Noise Impact Assessment in **Appendix 1** and concludes that the predicted noise levels will comply with the EPA's Interim Construction Noise Guideline.

Under Clause 11 of State Environmental Planning Policy (State and Regional Development) 2011 Development Control Plans do not apply for SSDs and therefore the Parramatta DCP 2012 has not been considered in this regard.

Given the suitability of the site and public benefits for the proposal, and the absence of any unreasonable environmental impacts, it is recommended that this application be approved.



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