



Strategic Sites and Urban Renewals, Strategic Assessment

Planning Assessment Report

Application to Modify the Minister's Approval the Australian Museum Revitalisation Project (Stage 1) to permit an extension of construction hours

Major Project 06_0044 MOD 1

1 BACKGROUND

The Minister for Planning approved the Australian Museum Project Application (MP No.06_0044) on 29 June 2006 subject to conditions. The approval provides for the construction of a new Collections and Research building and redevelopment of the existing loading dock on William Street.

The site is located in the City of Sydney LGA in the Sydney CBD and is bounded by William Street to the north, College Street to the west, Yurong Street to the east and Sydney Grammar School to the south (see Figure 1 below).

Figure 1: Location of Australian Museum



Source: UBD 2006

2 THE PROPOSED MODIFICATION

On 14 June 2007, Reed Constructions on behalf of the Australian Museum (the Proponent) submitted to the Director-General a request to modify the Australian Museum Project Approval to extend construction hours on Saturdays.

Condition A2 of the current Minister's approval for the project states:

"The development shall be in accordance with the following plans and documentation... Except for otherwise provided by the Department's conditions of approval as set out in Schedule 2 Part B and the proponent's statement of commitments."

Commitment 11.2.2 states:

"The hours of construction will be 7am through 6pm Monday to Friday and 8am through 1pm on Saturdays...Notwithstanding the above restrictions, the Building Contractor may apply to the Director General to extend the working hours in certain circumstances if required."

Therefore the current approval includes the Proponent's commitment to restrict construction work on site to between 8am and 1pm on Saturdays. The Department interprets the permissibility for variation to working hours with permission of the Director General as applying to minor, case-specific variations.

The Proponent has requested that construction work hours be extended for the duration of works to 8am-5pm on Saturdays. The request is due to delays in construction excavation and unexpected ground conditions, which are likely to disrupt timely completion of the project. The Proponent claims that the ability to work longer on Saturdays will assist in gaining lost time by maintaining a consistent work flow.

As such hours are a significant, long-term extension of the construction hours on which the Minister's approval is based, the Department is of the opinion that, to permit such hours of construction, a condition needs to be added to the Minister's approval.

3 ASSESSMENT PROCESS

The approval for Major Project 06_0044 was granted in accordance with Part 3A of the *Environmental Planning and Assessment Act 1979* (the Act) Section 75J Clause (2). Section 75W(2) of the Act provides that a proponent may request the Minister modify his approval of a project. The Minister's approval is not required if a change to the project is proposed that would be consistent with the original approval.

The proposed variation to construction hours as described above seeks to change the terms of the Minister's determination through an amendment to the Proponent's commitments, adopted through the Minister's approval. Accordingly, the proposed change is considered by the Department to be inconsistent with the original approval and therefore require a modification of the Minister's approval.

Section 75W(3) of the Act provides the Director-General with scope to issue environmental assessment requirements (DGRs) for a proposed modification that must be addressed before consideration by the Minister. DGRs have not been issued in this case due to the limited scope and minor nature of the proposed modification.

Section 75W(4) of the Act gives the Minister the authority to modify the approval (with or without conditions) or not approve the modification. Following consideration of the proposed modification (see below), the Department recommends the modification be approved through a mechanism of adding a condition to the Minister's approval as attached to this Report.

4 CONSULTATION AND EXHIBITION

Modifications are not required to be publicly exhibited, although pursuant to Section 75X(2)(f) of the Act the Director-General is required to make publicly available requests for modifications of approvals given by the Minister. In accordance with Clause 8G of the *Environmental Planning and Assessment Regulation 2000*, the request for the modification was placed on the Department's website.

The modification application was referred to the City of Sydney Council's Compliance officer and Planning section. Council's compliance officer confirmed that no complaints regarding construction noise had been received to date. Council has received a few complaints about noise from erection of hoardings, but has advised that construction activity generally has not resulted in any noise complaints.

The modification application was also referred to the adjacent Sydney Grammar School. The Grammar Schools has no objections to construction working hours being extended on Saturday.

5 CONSIDERATION

Amendment to the previously committed and approved work construction hours is sought due to delays on site in excavation and unexpected ground conditions, which may delay the timely completion of the project. The ability to work longer hours on Saturdays (an additional 4 hours from 1pm to 5pm) will assist in gaining lost time by maintaining a consistent work flow in the construction sequence and will specifically allow for finishing and curing after concrete pours. The proponent has advised that any work that could be classified as noisy, including jackhammering, would be scheduled to occur before 1pm on Saturdays and that the most likely noise after 1pm would be concrete pumping. The nearest residents are approximately 100-150 metres from the site, with William and Yurong Streets providing buffers between the site and the nearest residential buildings. The proponent has advised that a total of 15 working days will be reduced from the work program which will allow for completion of the project by the end of June 2008. The request will result in about 135 additional work hours.

Under these conditions and given the positive response received from Sydney Grammar School, the Department is satisfied that the extended hours are unlikely to result in any significant noise impact on sensitive receivers. The Department considers that the proposed modification is justified given that it will allow for a reduction in the work program by 15 days and will not significantly change the external appearance of the building, or impact on the amenity of existing residents and adjacent Grammar School, specifically in regards to noise impacts.

It is recommended that conditional approval of the proposed extension to Saturday construction hours is granted, subject to the Proponent:

- adhering to the existing noise and vibration limits as set by the approval; and
- halting work should the extended hours generate substantial objection from other adjacent properties or nearby sensitive noise receivers, and reporting these complaints and the outcome to the Department as soon as possible.

In the event of the latter occurring, the Department would review the adequacy of the noise and vibration standards, the approved extended hours of work and whether (additional) noise and vibration logging equipment is required.

6 CONCLUSION

The proposed modification, although an ongoing variation on approved standard construction hours, does not constitute an amendment to the overall approval. The proposed modification will provide for a consistent work flow in the construction sequence and reduce the work program by 15 days (or up to an additional 135 work hours up to completion of the project)

allowing for a timely completion of the project by the end of June 2008. The Department is satisfied that it would result in minimal, if any, further noise impacts to sensitive receivers.

It is considered that the proposal, as modified, still achieves the same objectives as the originally approved Major Project 06_0044 and does not alter the overall nature, need or justification of the approved project.

It is therefore recommended that the proposed modifications be approved, subject to conditions (Attachment 1).

7 RECOMMENDATION

It is recommended that the Director General (as delegate of the Minister) approve the modification as detailed in this Report under Section 75W (Modification of Minister's Approval) of Part 3A of the Act.

Endorsed:

Approved:

Michael File

Director

Strategic Assessments

Sam Haddad

Director General

(as delegate of the Minister)

ATTACHMENT 1

Proposed Modification: Add the following condition to the Minister's Approval for Major Project 06_0044 (Australian Museum Revitalisation Project Stage 1)

Condition B10

Hours of Construction

The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:

- (1) Between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
- (2) Between 8:00 am and 5:00 pm, Saturdays; and
- (3) No work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- (1) The delivery of materials is required outside these hours by the Police or other authorities; or
- (2) It is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; or
- (3) The work is approved by the Department.