



***MODIFICATION REQUEST:
Sydney University Abercrombie
Precinct Redevelopment
Cnr Codrington Street and Abercrombie
Street
(MP07_0158 MOD 4)***

- Modification to condition D11 Hours of Work

Secretary's Environmental Assessment Report
Section 75W of the *Environmental Planning and
Assessment Act 1979*

August 2014

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EXECUTIVE SUMMARY

This report is an assessment of a modification application (MP07_0158 MOD 4) lodged by John Holland Group Pty Ltd, on behalf of The University of Sydney (the proponent). The application seeks approval to amend condition D11 to allow for internal, non-structural building work to be carried out on the approved business school building between 6:00 pm to 12:00 am, Mondays to Fridays and 3:00 pm to 10:00 pm, Saturdays.

The site is located at the corner of Abercrombie Street and Codrington Street, Darlington, at the University of Sydney's Darlington Campus, within the City of Sydney Local Government Area (LGA). The site has a primary frontage towards Abercrombie Street.

In accordance with section 75X(2)(f) of the EP&A Act, the modification application was publically exhibited from Wednesday 30 April 2014 to Friday 30 May 2014. The modification application was also made available on the department's website and was notified to council, surrounding residents and previous submitters in writing.

The department received a submission from the City of Sydney Council (council) and 33 submissions from the general public and a community group. The key issues raised in submissions relate to amenity and construction impacts from noise and light pollution and on-street car parking.

The proponent submitted a Response to Submissions (RtS) report providing a response to the key issues and concerns raised by council and the public. No amendments to the application were proposed in the RtS.

The department has assessed the merits of the proposed modification and considers the key issues associated with the proposal to be amenity impacts associated with the extended construction hours, particularly regarding noise and car parking.

These issues have been assessed in detail and the department is satisfied that any potential impacts can be adequately mitigated and managed to achieve the relevant noise management levels applicable to the site, subject to conditions that the extended hours of work are restricted to 10:00 pm and that the basement car park be completed prior to the commencement of construction activities during the extended hours of work for use by all construction workers during these extended hours. The department therefore considers the proposed modification application should be approved, subject to conditions.

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1. BACKGROUND

1.1 Site Context

The Abercrombie Precinct Redevelopment site is located at the southern end of the University's Darlington Campus and is bounded by Darlington Lane to the north, Codrington Street to the east, Abercrombie Street to the south and Darlington Public School to the west.

The site is located within the City of Sydney Local Government Area (LGA) and is surrounded by a number of land uses, including two storey residential terraces on Darlington Road (predominantly owned by the University and used for student accommodation), University buildings adjacent to the north-east and east (e.g. Sydney University Sports and Aquatic Centre and Campus Infrastructure and Services Building), Darlington Public School adjacent to the west, and existing two to three storey terraces and three storey Royal Hotel located opposite the site on Abercrombie Street. The location of the site is detailed in **Figure 1**.

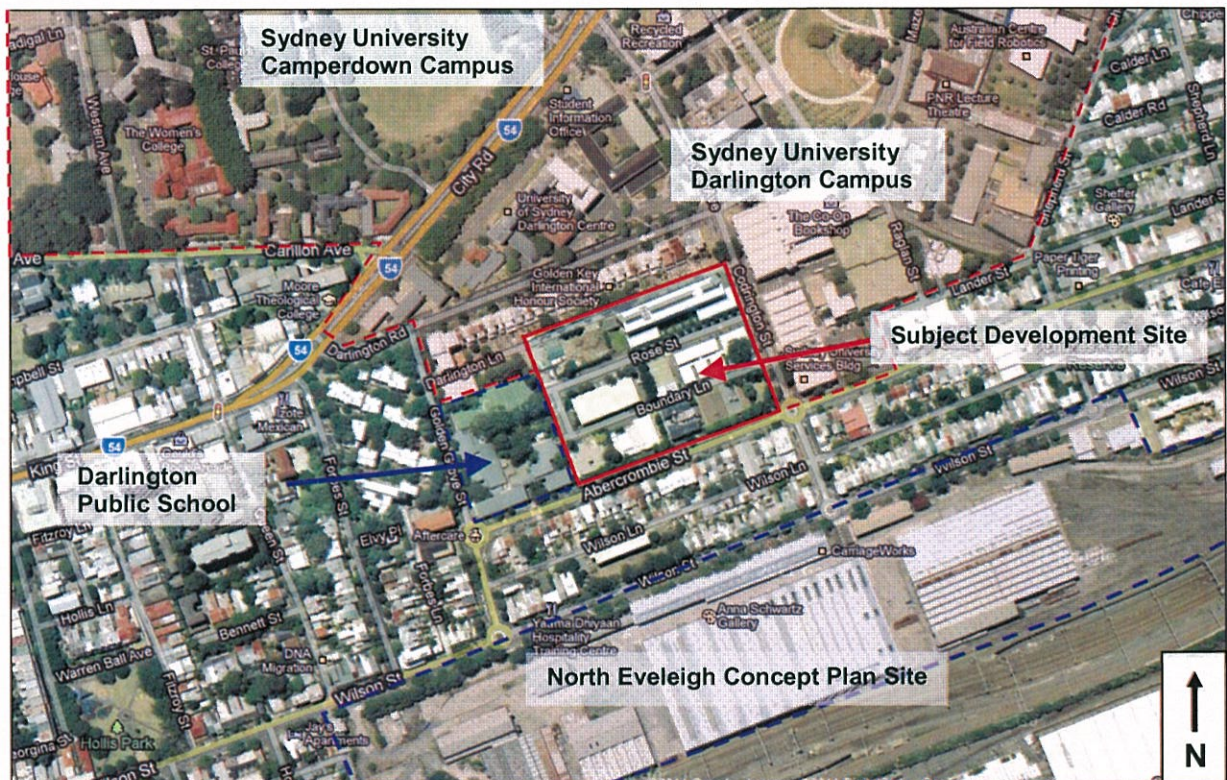


Figure 1: Existing Site Layout

1.2 Application History

On 16 November 2012, the NSW Planning Assessment Commission (PAC) approved Major Project MP07_0158, subject to conditions. The project approval consists of the following:

- bulk earthworks;
- remediation;
- lot consolidation and subdivision;
- development of a new business school, ranging in height from four to six storeys and comprising 28,180 sqm of GFA;
- development of a three to five storey student accommodation building with 188 student beds and comprising 5,900 sqm of GFA;
- two level basement car park; and
- ancillary works.

On 21 June 2013, the then Director, Metropolitan and Regional Projects North approved a modification application (MP07_0158 MOD 1), lodged by the University of Sydney, which

sought a two month extension to the submission deadline of the Pedestrian and Bicycle Access Strategy required by condition A7 of the project approval.

On 14 February 2014, the PAC approved a modification application (MP07_0158 MOD 2), lodged by the University of Sydney, for design amendments to the approved business school building.

On 31 March 2014, the PAC approved a modification application (MP07_0158 MOD 3), lodged by the University of Sydney, for design amendments to the approved student accommodation building.

Construction works on site have been substantially commenced.

2. PROPOSED MODIFICATION

The proponent seeks approval to modify condition D11 Hours of Work as follows (proposed amendments shown bold):

D11. The hours of construction, including the delivery of materials to and from the subject site, shall be restricted as follows:

- (a) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive
- (b) **between 6:00 pm and 12:00 am, Mondays to Fridays – internal building works only**
- (c) between 8:00 am and 3:00 pm, Saturdays
- (d) **between 3:00 pm and 10:00 pm, Saturdays – internal building works only**
- (e) no work on Sundays and public holidays
- (f) works may be undertaken outside these hours where:
 - (i) the delivery of 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) variation is approved in advance in writing by the Director General or his nominee.

The modifications to the approved hours of work are sought by the proponent to minimise construction delays associated with the business school building to assist in meeting the 31 January 2015 project deadline.

The proponent states that during the proposed extended hours of work, all works will be limited to non-structural works, undertaken within the business school building envelope, and are not to commence until the glass façade has been installed to the floor under consideration. Activities and trades likely to be undertaken are indicated as follows:

- floor lining and carpet laying;
- plastering;
- tiling;
- joinery installation;
- service fit out, including electrical and communications wiring; and
- painting.

3. STATUTORY CONTEXT

3.1 Modification of the Minister's Approval

In accordance with clause 3 of Schedule 6A of the EP&A Act, section 75W of the Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

Section 75W(2) of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) provides that a proponent may request the Minister to modify the Minister's approval of a project. The Minister's approval of a modification is not required if the approval of the project as modified would be consistent with the original approval. As the proposal seeks approval to amend the approved hours of work beyond that which are currently allowed by conditions of approval, the modification will require the Minister's approval.

3.2 Environmental Assessment Requirements

Section 75W(3) of the EP&A Act provides the Secretary with scope to issue Environmental Assessment Requirements (SEARs) that must be substantially complied with before the matter will be considered by the Minister. Environmental Assessment Requirements were not issued for this application as the proponent has addressed the key issues in the modification.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

Under Section 75X(2)(f) of the EP&A Act, the Secretary is required to make the modification application publicly available. The department publicly exhibited the modification application from 30 April 2014 until 30 May 2014 on the department's website. The modification application was also notified to council, surrounding residents and previous submitters in writing. The department received a total of 34 submissions, including one from council and a local community group, and 32 submissions from the general public. A summary of the issues raised is provided below.

4.2 City of Sydney Submission

Council raised no objections to the proposed modified hours of work, acknowledging that the proposed modifications have the potential to reduce the overall period of construction and disruption to the locality. Notwithstanding, it provided detailed comments and recommendations for the department's and proponent's consideration, a summary of which is provided as follows:

- the calculated noise levels are significantly above the construction management levels at the assessed noise affected receivers;
- clarification is sought on why residential properties on the opposite side of Abercrombie Street were not included/assessed as noise affected receivers;
- restricting extended hours to 10:00 pm would provide greater certainty to the management of noise levels generated;
- it is recommended that all windows and doors be closed during extended hours and that the underground car park be completed prior to the commencement of works for use by staff and workers during the extended hours; and
- no assessment of light sources and potential light spill to surrounding properties has been undertaken and appropriate mitigation measures should be included.

4.3 Public Submissions

The department received 33 public submissions from surrounding residents and a community group (26 of which were based on a pro-forma template submission), objecting to the application proposing to extend the construction hours. A summary of their comments is provided in **Table 1**.

Table 1: Public Submission Comments

Issue	%
1. It is unfair and unreasonable for the proponent to propose to generate such an increase in noise, light spill and traffic impacts on the local neighbourhood during the proposed extended hours. The extended hours will remove the only time of day residents experience any relief from these construction impacts.	97 %
2. Activities associated with workers coming into the area to work during the extended hours (talking, vehicle doors opening/closing and traffic) will greatly increase noise impacts on local residents during the night.	91 %
3. The submitted acoustic report does not acknowledge Abercrombie Street residents as "noise affected receivers" and they have therefore been excluded from the assessment.	88 %
4. The health of the community will be impacted upon by the extended hours affecting the sleep of residents.	88 %
5. The student accommodation building (stage 2) was belatedly included in the current construction program, vastly increasing the scope of works and extending the construction hours to meet an unrealistic deadline which will impact on the amenity of local residents.	85 %
6. There is a lot of other construction being undertaken in and around Darlington which causes disruption to local residents. It is unreasonable for the proponent to propose to generate additional noise and traffic, especially during the extended hours.	85 %
7. The proponent has little regard for surrounding local residents, continuing to schedule deliveries of large equipment out of hours just before works commence on site and previous commitments made have been readily disregarded.	79 %
8. Workers regularly park out the surrounding residential streets, including time restricted parking, leaving their vehicles all day and exhausting all on street parking for local residents.	0.5 %
9. The developer's 1800 community hotline is not manned at all times, which is useless should a complaint need to be made during the extended hours with no one available to be able to address the issue.	0.5 %
10. The developer would have been aware of the approved construction hours and therefore there is no need to change these for the financial benefit of the developer and proponent.	0.5 %
11. Workers and Carriage Works patrons generate a significant amount of rubbish in Wilson Street.	0.3 %

4.4 Response to Submissions

In response to the concerns raised during the exhibition period, the proponent submitted a Response to Submissions (RtS) report, which provided additional information and responded to the concerns raised. No amendments were proposed within the RtS. The department has considered the key issues identified in further detail in section 5 of this assessment report.

5. ASSESSMENT

Approximately 63 per cent of the public submissions received were from residents in Abercrombie Street, directly opposite the Abercrombie Precinct Development site. Many of the remaining public submissions were received from residents in nearby Wilson Street and Wilson Lane (see **Figure 1**).

As outlined in **Table 1**, it is evident that a number of adjacent residents view the proponent's modification request to be unreasonable and that any approval to extend construction activities late into the evening would result in the continued exposure of local residents to associated noise, parking and amenity impacts, potentially impacting on the only period of the day a level of respite is enjoyed.

In this respect, the department considers the key issues for the modification application to be:

- environmental and residential amenity;
- car parking; and
- other matters.

5.1 Environmental and Residential Amenity

The modification application seeks to extend the approved construction hours from 6:00 pm to 12:00 am, Monday to Friday, and from 3:00 pm to 10:00 pm, Saturday for internal business school building works only.

The proponent advises that the business school building development has experienced delays as a result of inclement weather conditions and inconsistent ground conditions. The proposed amendments would allow the development to be completed closer to the project deadline and assist in reducing the local communities' prolonged exposure to construction activities.

Concerns were raised by local residents regarding the extended hours of work and potential associated noise impacts, and that the proposed modification of the approved hours of work was generated by an increase in the scope of works being carried out on the subject site. Abercrombie Street residents also raised concerns regarding their omission as sensitive receivers in the acoustic report and council also questioned why these properties were not included/assessed as noise affected receivers.

Council also expressed concern regarding the extended hours of work, and recommended that works be restricted to 10:00 pm to provide greater certainty and respect for sleeping hours for nearby residents. It also recommended that all windows and doors be closed during works and that the basement car park be completed prior to any construction activities taking place during the proposed extended hours of work for use by all contractors and workers.

The modification application acoustic report (July 2014) identifies the Darlington Road residential terraces (Receiver A) and the existing residential student college, Mandelbaum House (Receiver E) (see **Figure 2**) as the closest sensitive receivers.



Figure 2: Location of Sensitive Receivers

The department is satisfied that the background noise level established for sensitive Receiver E is also satisfactory for the Abercrombie Street residences, noting that Mandelbaum House is located immediately adjacent to the development site. Darlington Public School was not identified as a sensitive receiver as students and staff would typically not be present on the adjacent school site between 6:00 pm and 12:00 am.

Noise levels during 'evening' period (6 pm to 10 pm)

Construction noise criteria for this development have been derived based on the requirements of the Interim Construction Noise Guideline (ICNG) and background noise levels identified in the proponent's acoustic report. In this regard, the ICNG recommends a noise management level of background noise level plus 5 dB (in this instance, 43 dB(A) + 5 dB).

Details of the estimated noise levels (factoring the building façade construction and its improved sound insulation qualities) from the proposed activities during extended construction hours can be seen in **Table 2** below, using the following assumptions:

- worst case scenario where construction activities are undertaken simultaneously on up to four levels of the building once the façade has been made watertight; and
- the finished building glazing and façade providing a sound insulation rating of R_w42 - i.e. noise attenuation of 42 dB(A).

Table 2: Proposed Construction Activity Noise Levels

Receiver	Management level dB L_{Aeq}	Assessment scenario	Plastering	Services Fitout	Tiling	Ceiling fixing	Joinery instalment	Painting
A	48	Worst case	37	37	25	36	36	38
		Average	33	33	21	33	33	34
E	48	Worst case	45	45	31	45	45	45
		Average	36	37	24	36	36	37

All works proposed to be undertaken during the extended hours would take place within the building envelope and not commence until the glass façade has been installed on the floor under construction. **Table 2** demonstrates that the noise levels generated from these works would be within the proposed noise management level of 48 dB L_{Aeq} 15mins, largely due to the predicted sound insulation properties of the building's glass façade. In addition to the existing construction noise and vibration management plan for the project, additional mitigation measures are also proposed, including but not limited to:

- community consultation in accordance with recommendations made in the construction noise and vibration management plan for the project, including:
 - potentially impacted receivers to be informed prior to the commencement of works, the nature of those works and the expected noise levels and duration;
 - establishment of effective communication channels and details for registering complaints made available to the community; and
 - appointment of a site representative and display of an information board with relevant contact details.
- commencement of out of hours construction on each level of the building once the facade has been made watertight;
- noisier construction activities to take place away from receivers during the later hours of the evening as far as practicable;
- tiling activities restricted to the installation of tiles, with no tile cutting during the extended construction hours;
- deliveries to the site will not occur outside of standard construction hours;

- scaffolding erection associated with painting activities will not take place outside of standard construction hours;
- workers within the building will be encouraged to keep voice levels to a minimum;
- all sub-contractors will be encouraged to car pool or use public transport;
- parking will be made available for all staff in the underground car park (once completed) to minimise impact on the surrounding streets and limit noise when staff leave the site at night; and
- in addition to implementing the complaint-handling procedure detailed in the construction noise management plan, if any tools/equipment related to out of hours construction work are found to give rise to complaints from affected receivers, then these activities will be rescheduled to only occur during the standard construction hours.

Noise levels during 'night' period (10 pm to 7 am)

Notwithstanding the above, the July 2014 acoustic report states that the established background noise levels rely on the noise impact assessment report prepared for the original project application (MP07_0158). In this regard, a 43 dB L₉₀ background noise level applies to the evening period, being between 6:00 pm to 10:00 pm. However, a lower background noise level of 39 dB L₉₀ applies for the night period, from 10:00 pm to 7:00 am the following day.

The acoustic report submitted in support of the modification application relies only on the 43 dB L₉₀ evening period background noise level to establish the proposed noise management level for the entire proposed extend hours of work (i.e. 6:00 pm to 12:00 am).

Applying the night period background noise level, the noise management level for the proposed extended hours of work during the weekday night period (i.e. between 10:00 pm and 12:00 am) would be 44 dBL_{Aeq 15mins}. The department also notes that council's code of practice policy for construction hours/noise identifies that for periods between 11:00 pm and 12:00 am, noise levels must not exceed the measured background noise level - i.e. 39 dB(A).

Table 3 provides comparison of the proposed extended hours of work against the ICNG and council's noise management level guidelines, and the construction noise levels predicted at the dwelling façade of the sensitive receiver. In this respect, the noise generated from activities proposed to be undertaken during the worst case scenario would exceed the noise management level for the night period at sensitive Receiver E, with the exception of tiling.

Table 3: Night time noise criteria comparison with proposed construction activity noise levels

Receiver (Background Noise Level dB L ₉₀)	ICNG Noise Management Level dB L _{Aeq}	Council Noise Management Level dB L _{Aeq}	Assessment scenario	Plastering /Services Fitout	Tiling	Ceiling fixing/Joinery instalment	Painting
A Night (39)	44*	39 [#]	Worst case	37	25	36	38
			Average	33	21	33	34
E Night (39)	44*	39 [#]	Worst case	45	31	45	45
			Average	36/37	24	36	37

*ICNG – Night Period (Background + 5 dBA): 10 pm – 7 am

[#]Council (weekday) – Night Period (Background + 0 dBA): 11 pm – 7 am

While the proposed average scenario noise levels would generally comply with the night period noise management levels, the department considers that greater weight must be given to the predicted worst case scenario noise levels, particularly those adjacent to sensitive Receiver E, Mandelbaum House (and by association, Abercrombie Street residents).

To date, all construction activities on site have been closely monitored by the local community, and although only a minor noise level exceedance is predicted, the department considers any

potential exceedence to be detrimental to the amenity of the residential neighbourhood adjacent to the university campus. As a consequence, it is considered appropriate that the weekday extended hours of work be restricted to 10:00 pm. In addition to being consistent with the proposed 10:00 pm finishing time on Saturday, which the department considers satisfactory (based on the same rationale as the weekday 'evening' noise impact assessment), the restriction of the extended hours of work to the evening period only would reasonably mitigate potential noise impacts associated with construction activities.

In addition, restricting the proposed extended hours of work to 10:00 pm will also eliminate instances of potential noise impacts associated with construction workers leaving the site after midnight, including those instances where they fail to park within the basement.

In view of the above, the department recommends that the extended hours of work be restricted to 10:00 pm, Monday to Saturday. In addition, the building's proposed glass façade, mitigation measures and recommended conditions will satisfactorily reduce potential noise impacts associated with works undertaken during the proposed extended hours of work. The department considers this provides a suitable balance between enabling the proponent to complete the construction program by February 2015 (allowing for the project life to be shortened to the public's benefit) and also ensuring that appropriate measures are implemented to reduce potential amenity impacts.

The proponent has agreed to the department's recommended 10:00 pm cut off time via a modified condition of approval.

5.2 Car Parking

A number of concerns were raised in submissions regarding the impact the Abercrombie Precinct Redevelopment is having on the availability of existing on street car parking due to demand generated by contractors and workers associated with the project. Further, there was concern that allowing construction activities to continue into the night would exacerbate this problem, making it difficult for local residents to find parking in the evening.

Currently, the proponent's traffic management plan encourages all workers to park within the University of Sydney's Shepherd Street car park (open 24 hours a day) or use public transport, noting that the area is well serviced by both trains (Redfern Station) and buses (along City Road).

To further reduce the pressure on the availability of on street parking, the department also supports council's suggestion that the approved basement car park be completed prior to the commencement of construction activities in the evening period, for use by all contractors and workers during the extended hours of work, and that no parking on-street in the vicinity of the development site be permitted. The proponent is also in agreement with this requirement.

The basement car parking approved as part of the business school building, has a maximum parking capacity of 82 vehicles, but is capable of accommodating more workers should car sharing be encouraged by the proponent. Importantly, restricting on-street parking and directing all workers who choose to travel to the site by private vehicle to park within the basement car park will ensure that potential noise and amenity impacts from workers leaving the site late in the evening are minimised. This will also reduce potential on-street parking conflicts with existing residents.

5.3 Other Matters

Previous modifications to the approved Abercrombie Precinct Redevelopment included the introduction of new or amended conditions, and in some instances requiring compliance prior to the commencement of works. However, the timing of these approvals and new conditions imposed has generated conflicts with the precinct's construction program, which has already

substantially commenced. Whilst the timing issues have mostly been resolved through discussions between representatives of the University and officers of the department, an unresolved conflict in the instrument of approval remains.

In this regard, modification application MP07_0158 MOD 2, approved on 1 August 2013, imposed new condition *B28 Alignment Levels*, requiring that the proponent seek approval from council for footpath alignment levels prior to the commencement of works. However, as the precinct's redevelopment had already commenced at that time, the department recommends that condition B28(a) be amended to require the condition to be satisfied prior to the certification of public domain works.

6. CONCLUSION

The modification application seeks approval to amend condition D11 to extend the approved hours of work on the business school building component of the approved development from 6:00 pm to 12:00 midnight, Monday to Friday and from 3:00 pm to 10:00 pm, Saturdays, to minimise the impacts of previous construction program delays and enable the business school building to be delivered by 31 January 2015.

The department has reviewed the proponent's modification request and response to submissions report and considers the key issues to be environmental and residential amenity and car parking.

The department considers that the restriction of works to 10:00 pm on weekdays, as well as Saturdays, and the requirement that the basement car park be completed prior to the commencement of the extended hours of work and utilised by all construction workers, will ensure that any potential adverse amenity impacts will be satisfactorily minimised.

The department also considers that due to the progressed nature of the redevelopment, amending condition B28(a) to enable the construction program to continue while the proponent obtains the necessary approvals from council prior to the certification of public domain works, will assist in minimising delays to the construction activities on site.

In view of the above, the department considers that the proposed amendments to be acceptable, subject to recommended changes.

7. RECOMMENDATIONS

It is recommended that the Minister for Planning:

- a) **consider** the findings and recommendations of this report;
- b) **approve** the modifications, subject to conditions, under section 75W of the *Environmental Planning and Assessment Act, 1979*, and;
- c) **sign** the attached instrument of modification approval (Appendix C).



Daniel Keary
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Chris Wilson
Executive Director
Development Assessment Systems and Approvals

20.10.14

APPENDIX A MODIFICATION REQUEST

See the department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6477

APPENDIX B SUBMISSIONS

See the department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6477

APPENDIX C PROPONENT'S RESPONSE TO SUBMISSIONS

See the department's website at:

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APPENDIX D RECOMMENDED MODIFYING INSTRUMENT