



**Planning &  
Infrastructure**



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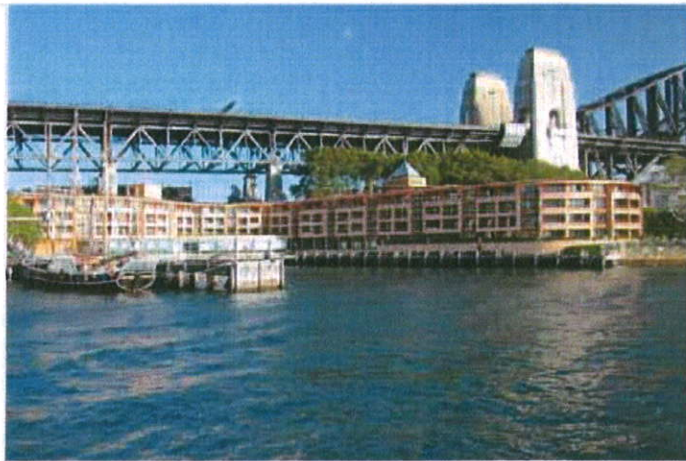
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## Planning & Infrastructure

***Change to construction hours  
Park Hyatt, The Rocks  
Proposed by: Daisho Developments  
Sydney***



***Modification MP 09\_0044 MOD 1***

Modification of Minister's Approval under section  
75W of the *Environmental Planning and  
Assessment Act 1979*

June 2011

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## 1. EXECUTIVE SUMMARY

On 29 March 2011, Daisho Developments Sydney (the Proponent) lodged an application to modify their Part 3A project approval (MP 09\_0044), pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (the Act). The application seeks to modify condition D1 – Hours of Construction, to allow “quiet” works” to occur outside of standard construction hours. “Quiet” works are works associated with internal refurbishment, including internal strip out works, new partitioning, joinery, fixtures, fittings and finishes.

The modification was placed on the Department’s website and Sydney City Council (Council) was notified. Council did not object but recommended specific matters be addressed in the conditions. Council’s recommendations have been adopted.

Landowner’s consent was provided on 24 May 2011. No political donations have been made in the last two years or at the time of lodging MP 09\_0044.

The proposed modification is supported, as the noise and vibration from the “quiet” works can be contained and compliance achieved with Council’s Construction Hours Code of Practice and the Australian Standard for noise control on construction sites. Moreover, the modified hours will reduce the construction program by 6 weeks.

## 2. THE SITE

The Park Hyatt Hotel is located at 7 Hickson Road, The Rocks (Lot 2 of DP 804776) within the City of Sydney LGA. It is an irregular shaped allotment with a frontage to Hickson Road of 174 metres. The site and its surrounds are shown in Figure 1.

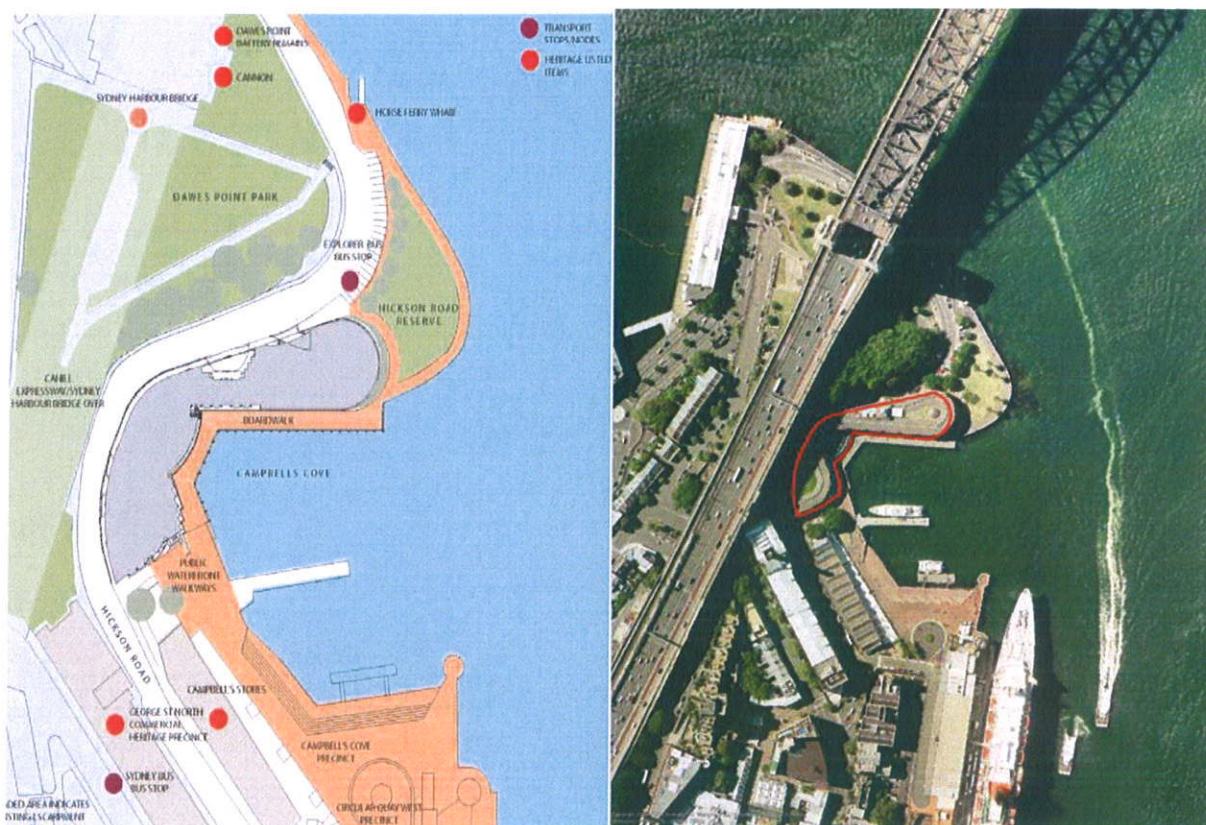


Figure 1. Location maps

The site is owned by the Sydney Harbour Foreshore Authority (SHFA) with the proponent having a 99 year lease.



### 3. MAJOR PROJECT APPROVAL

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#### Original Major Project Approval MP 09\_0044

On 3 March 2011, the then Minister for Planning granted project approval for the refurbishment of the Hyatt Hotel, including:

- New roof top level, including executive suites;
- Reconfiguration of roof top pool terrace area;
- New stair access to promenade;
- Internal and external works including reconfiguration of internal layout and porte cochere and room refurbishment; and
- Signage.

#### The Proposed Modification (MOD1)

This application seeks to modify condition D1 (Hours of Construction) to permit "quiet" works outside of standard construction hours. Condition D1 as imposed on the project approval is:

#### Existing Condition

##### *D1 – Hours of Construction*

1. *The hours of construction and work on the proposed development shall be as follows:*
  - a. *all work, including demolition and building work in connection with the proposed development is to be carried out between the hours of:*
    - 7.00am and 7.00pm on Mondays to Fridays, inclusive;
    - 8.00am and 3.00pm on Saturdays; and
    - no work must be carried out on Sundays or public holidays.

*Work may be undertaken outside these hours only where:*

- *the delivery of materials is required outside these hours by the Police or other authorities; or*
- *works are required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; or*
- *written approval is obtained from Sydney Harbour Foreshore Authority's Planning Assessment Manager prior to carrying out the work and tenants likely to be affected are notified of the timing, nature and duration of the work at least 24 hours prior to commencement.*

Below is the condition as sought by the Proponent, with the modifications to the existing condition highlighted in **bold**.

#### Condition as proposed by the Proponent

##### *D1 – Hours of Construction*

2. *The hours of construction and work on the proposed development shall be as follows:*
  - a. *all work, including demolition and building work in connection with the proposed development is to be carried out between the hours of:*
    - 7.00am and 7.00pm on Mondays to Fridays, inclusive;
    - 8.00am and 3.00pm on Saturdays; and
    - no work must be carried out on Sundays or public holidays.

*Work may be undertaken outside these hours only where:*

- **the works are limited to "quiet" works as defined below;**
- *the delivery of materials is required outside these hours by the Police or other authorities; or*
- *works are required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; or*
- *written approval is obtained from Sydney Harbour Foreshore Authority's Planning Assessment Manager prior to carrying out the work and tenants likely to be affected are notified of the timing, nature and duration of the work at least 24 hours prior to commencement.*

**Quiet works are those associated with internal refurbishment, including:**

- *the construction of new internal partitions, joinery, fixtures, fittings and finishes within the envelope of the existing building entailing the services trades of carpentry, plasterboard setting, painting and tiling;*
- *strip out works involving dismantling, stacking, relocation of items such as doors, panels, carpet removal;*
- *Preloading for floors from basement to the work faces on each level via the internal lifts; and*
- *No external works and no loading out of materials is included in quiet works.*

The Construction Management Plan submitted with the original project application estimated that on-site construction works would take 20 weeks.

A detailed assessment of this proposed modification is provided in Section 6 of this report.

## **4. STATUTORY CONTEXT**

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### **Modification of Minister's Approval**

The modification application has been lodged with the Director-General pursuant to section 75W of the Act. Section 75W provides for the modification of a Minister's approval including *"revoking or varying a condition of the approval or imposing an additional condition of the approval"*.

The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval. The undertaking of "quiet works" outside of standard hours differs to what was permitted by the project approval and a modification approval is required.

### **Environmental Assessment Requirements (DGR's)**

It was not necessary to notify the Proponent of any environmental assessment requirements pursuant to s. 75W(3) of the EP&A Act as sufficient information has been provided to consider the application and its issues.

## **5. CONSULTATION AND EXHIBITION**

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Under section 75W of the Act, a request for a modification of an approval does not require public exhibition. However, under section 75X (2) (f) of the Act, the Director-General is 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 application was placed on the Department's website.

Council was notified of the proposed modification and raised no objection, but recommended specific matters be addressed in the conditions to address the potential impact of the "quiet" works. This report adopts Council's recommendations.

No public submissions were received.

## **6. CONSIDERATION OF PROPOSED MODIFICATIONS**

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The Department has assessed the application on its merits and considers that the key issues are noise and vibration impacts.

### **Noise and Vibration**

The Construction Noise and Vibration assessment prepared by Acoustic Studio measures the predicted noise levels at the nearest residential receiver locations for each item of equipment proposed to be used during 'quiet' works outside approved hours.

Predicted noise levels at each receiver comply with noise criteria including The City of Sydney "Construction Hours / Noise within the Central Business District – Code of Practice" 1992 and the Standards Association of Australia "As 2436-2010: Guide to Noise Control on Construction, Maintenance & Demolition Sites", 2010.

Only works which are defined as 'quiet' works will be undertaken outside of the standard daytime construction hours. This will ensure that any impacts on the amenity of surrounding residential receivers is minimised. The modification will result in a 6 week reduction in the proponent's estimated construction program so that construction does not occur during the Christmas holiday period.

The proposed works to be undertaken during the extended construction hours exclude construction / demolition works such as grinding, cutting or drilling. In this regard, it is considered that there are no significant potential sources of vibration that may occur during the extended construction hours.

The 'quiet' works will only be able to be undertaken within the enclosed building envelope. In this regard, the Department has recommended a specific condition to be added to the Approval which defines the 'quiet works' and also enables the Department to cease works should a legitimate noise complaint be received by either the Department or Council.

In addition, in order to minimise the potential impacts from the "quiet" works and ensure they are undertaken in accordance with the submitted Construction Noise & Vibration Assessment, the following condition is proposed:

**Proposed Condition D1a – Scope of Quiet works**

*D1a – Scope of Quiet Works*

*Any "quiet works" (as defined in condition D1) must:*

- a. be carried out in accordance with the management, noise control measures and work methodology outlined in the Construction Noise & Vibration Assessment dated 23 March 2011 reference DAI1728.0007 prepared by Acoustic Studio;*
- b. not involve the use of Highly Intrusive Appliances (Category A appliances) as defined in the City of Sydney Code of Practice for Construction Hour/Noise 1992*
- c. not involve the use of jackhammers; and*
- d. be carried out within enclosed parts of the building;*

*Should a noise complaint be received by Council or the Department and that complaint is substantiated, the "quiet works" shall cease until attenuation works/measures are carried out and/or consideration is given to reverting to the originally approved hours of construction.*

## **8. CONCLUSION**

The Department has assessed the application on its merits and the proposed modification is considered to be reasonable and will not result in any significant changes to the development as approved.

The proposed amendment to construction hours remains consistent with the terms of MP 09\_0044 as modified and is considered to be acceptable. It is therefore recommended that the modification be approved subject to the amended conditions.

## 9. RECOMMENDATION

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It is recommended that the Director-General in accordance with the Instrument of Delegation issued by the former Minister for Planning on 25 January 2010, which was confirmed by The Minister for Planning and Infrastructure on 28 May 2011 (subject to the local council not objecting to the proposal) pursuant to Section 75W of the *Environmental and Assessment Act 1979*:

- (a) **Consider** the findings and recommendations of this report; and
- (b) **Approve** the modification, subject to conditions, under Section 75W of the *Environmental Planning and Assessment Act, 1979*; and
- (c) **Sign** the attached Instrument of Modification (Tag 'A').

Endorsed by:

  
Chris Wilson  
Executive Director  
Major Projects Assessment

21.6.11

Contact officer: Michael Woodland  
Director: Metropolitan & Regional South  
Phone: 9228 - 6150

  
24/6/11

Richard Pearson  
Deputy Director-General  
Development Assessment  
& System Performance

MW  
21/6/11

  
Sam Haddad  
Director-General

27/6/2011