



***MODIFICATION REQUEST:
Graythwaite Stage 1 Project Application
North Sydney
(MP 10_0150 MOD 3)***

- Modification to Condition E1

Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act
1979

May 2014

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1. BACKGROUND

This report is an assessment of a modification application (MP10_0150 MOD 3) lodged under section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act), by Robinson Urban Planning Pty Ltd on behalf of Sydney Church of England Grammar School (Shore, the proponent), seeking approval to modify condition *E1 Noise Control – Plant and Machinery* of the Stage 1 project approval.

1.1 The Site

The site is located at Edward Street, Union Street, William Street and Hunter Crescent, North Sydney, in the North Sydney Local Government Area. The site comprises the Graythwaite site and part of the adjoining Sydney Church of England Grammar School (Shore) senior school campus, and is legally described as Lot 2 in DP 539853 and Part of Lot 1 in DP 120268. The approved project also includes related development on the following additional lots:

- Lot 1 in DP 539853
- Lot C and D in DP 975970
- Lot 3 in DP 75717
- Lot 1 in DP 570826
- Lot 1 in DP 57339
- Lot 3 in DP 570829
- Lot 2 and 3 in DP 18725
- Lot 1 in DP 60719

The approved project location is shown in **Figure 1**.

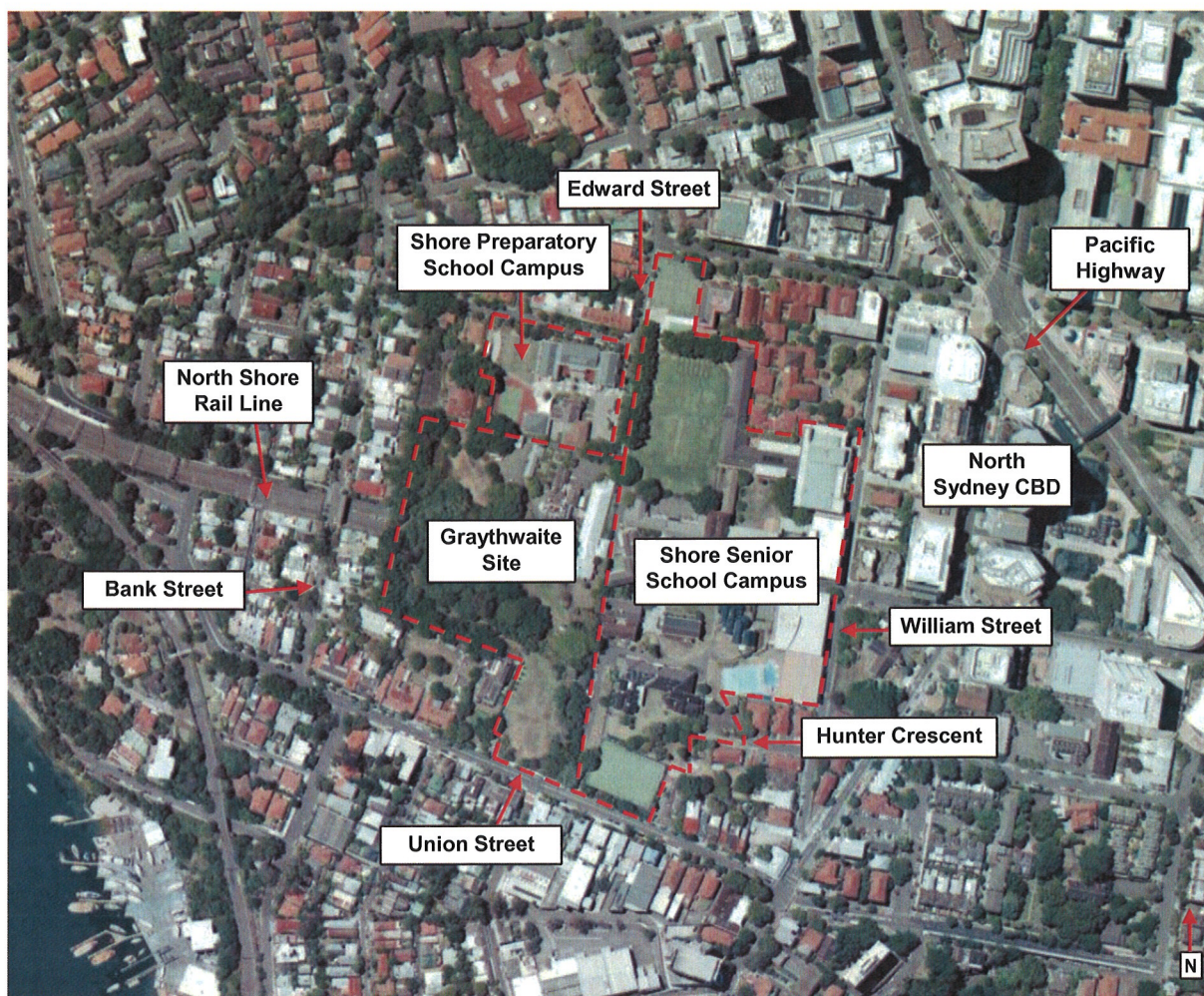


Figure 1: Project Location (Graythwaite site and part of the Shore Senior School Campus)

1.2 Approval History

On 9 November 2012, the Planning Assessment Commission approved a concept plan (MP10_0149) and a concurrent Stage 1 project application (MP10_0150) for the extension of Shore onto the Graythwaite site.

The concept plan incorporated three stages, and includes the following:

- conservation and refurbishment of Graythwaite House Complex, the Coach House, Tom O'Neill Centre and associated garden areas;
- development of three new buildings with a total GFA of 6,080 sqm to accommodate additional students and staff;
- additional car parking spaces and other transport, parking, traffic and access improvements and a new student pick-up facility; and
- miscellaneous works including drainage, landscaping, site fencing and gates.

The concurrent Stage 1 project approval included:

- use of the Graythwaite site and buildings as an educational establishment, being an extension to the adjoining Shore school campus;
- conservation and refurbishment of Graythwaite House, the Coach House, Tom O'Neill Centre and associated garden areas; and
- transport, traffic, parking, access, drainage, stormwater, fencing, lighting and landscaping works.

A concept plan amendment (MP10_0149 MOD 1) was approved on 22 October 2013 to modify the scope of works staging, bringing works forward from Stage 2 to Stage 1.

Two separate project approval modifications (MP10_0150 MOD 1 and MP10_0150 MOD 2) were approved on 13 June 2013 and 22 October 2013, respectively, comprising minor changes to refurbishment works, landscaping, car parking and demolition works, and revising the scope of works proposed for Stage 1.

These previous applications are unrelated to the changes sought in the current modification application.

2. PROPOSED MODIFICATION

The modification application seeks to modify condition *E1 Noise Control – Plant and Machinery* to replace an incorrectly referenced acoustic report document described in part (a) with the correct acoustic report prepared for the original project application. The proponent seeks to amend condition E1 as follows, deleting that which is shown in ~~strike through~~ and new words shown bold:

Noise Control – Plant and Machinery

E1. Prior to the issue of an Occupation Certificate for the building a report is to be prepared by a qualified acoustic engineer and submitted to the Certifying Authority confirming that the installation and performance of the mechanical systems complies with:

- (a) ~~The noise emission assessment (Part 6) of the acoustic report included in the EA (Acoustic Logic, Document Reference: 2010716/0209AR1/GC) (Part 4) of Acoustic Impact Assessment included in the EA (SLR Consulting Australia Pty Ltd, Report Number 10-8964 R1, dated 28 September 2011, Revision 3)~~*
- (b) the Building Code of Australia*
- (c) Australian Standard AS1668 and other relevant codes*
- (d) the project approval and any relevant modifications*
- (e) any dispensation granted by the New South Wales Fire Brigade.*

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 involves changes to the wording of condition E1, the Minister's approval is required.

3.2 Environmental Assessment Requirements

Section 75W(3) of the EP&A Act provides the Secretary with scope to issue Environmental Assessment Requirements 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.

3.3 Delegated Authority

On 14 September 2011, the Minister for Planning delegated their powers and functions under section 75W of the EP&A Act to Directors in the Major Projects Assessment Division where:

- a) the relevant local council has not made an objection, and
- b) a political disclosure statement has not been made, and
- c) there are less than 10 public submissions in the nature of objections.

The modification application complies with the terms of that delegation as North Sydney Council has not made an objection, a political disclosure statement has not been made and no public submissions were received. Therefore the Director, Industry, Key Sites and Social Projects can determine the application.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

In accordance with section 75X(2)(f) of the EP&A Act and clause 8G of the EP&A Regulations, the modification request was made publicly available on the Department of Planning and Environment's (the department) website. The modification request was also referred to North Sydney Council for comment. Due to the minor nature of the proposed modification, the application was not exhibited by any other means. No public submissions were received on the modification request.

4.2 North Sydney Council Submission

Council advised that it raised no objections to the proposed amendments to condition E1.

5. ASSESSMENT

The department's original assessment of operational noise impacts of the Shore Stage 1 project approval gave consideration to the acoustic impact assessment report prepared by SLR Consulting Australia Pty Ltd (Report Number 10-8964 R1, dated 28 September 2011, revision 3). The submitted acoustic impact assessment report established intrusive and amenity criterion outlined in Part 4 of the report for the adjoining Bank Street and Union Street residences, based on noise monitoring undertaken within the Graythwaite site in accordance with the Industrial Noise Policy guideline.

In its original assessment, the department noted the proponent's acoustic impact assessment report detailed that proposed future mechanical plant of future buildings would be designed and appropriately mitigated to ensure that its operation did not adversely impact residential properties. Accordingly, the department imposed a condition (condition E1) on the Stage 1 project approval to ensure that the future mechanical plant selected complied with the intrusive and amenity criterion established for the adjoining streets, with evidence to be submitted to the certifying authority prior to occupation.

The department acknowledges that the acoustic report referred to in part (a) of condition E1, Acoustic Logic, Document Reference: 2010716/0209A/R1/GC, is not related to the Graythwaite Stage 1 project approval and that it was referenced in error. This has resulted in the certifying authority not being able to issue an occupation certificate for the Stage 1 works.

Accordingly, the proponent has sought to modify the Stage 1 project approval to reference the correct acoustic impact assessment report. The department notes that the proposed amendments to the wording of condition E1, as set out in section 2 above, refers to the correct document prepared by SLR Consulting Australia Pty Ltd that was originally submitted with the EA for the project application.

The department notes that the acoustic impact assessment report referred to by the proponent in the proposed amended wording of condition E1 is correct and that the intrusive and amenity criterion the department sought the proponent to comply with is set out within Part 4 of that report.

6. CONCLUSION

The department raises no objections to the proposed modification and notes that modifying the wording of condition E1 will provide the correct reference to criterion that the proponent must demonstrate compliance with prior to occupation. The department also notes that no objections have been raised by council in relation to the proposed modification.

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

7. RECOMMENDATIONS

It is RECOMMENDED that the Acting Director, Industry, Social Projects & Key Sites:

- considering the findings and recommendations of this report;
- approve the modification request, subject to conditions; and
- sign the attached modifying instrument (**Tag A**).

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