



# ***Parramatta Public and Arthur Phillip High School***

*State Significant  
Development  
Modification Assessment  
(SSD 7237 MOD 4)*

December 2018

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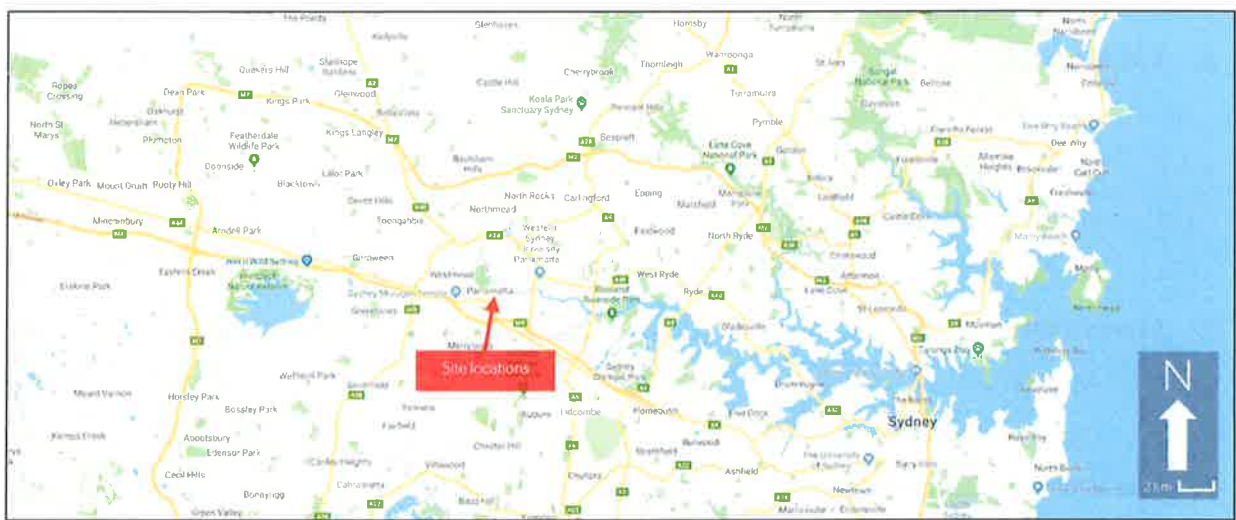


# 1. Introduction

## 1.1 Background

The site is located within the Parramatta local government area (LGA) and is sited on the eastern edge of Parramatta's Central Business District (CBD), approximately 100 metres north-east of the Parramatta Transport Interchange. The site context and location are shown in **Figure 1** below.

The Arthur Phillip High School (APHS) site is located on the northern side of Macquarie Street (80 – 100 Macquarie Street) and has an area of approximately 1.2 hectares (ha). The Parramatta Public School (PPS) site is located on the southern side of Macquarie Street (175 Macquarie Street) and has an area of approximately 1.78 ha.



**Figure 1** | Site Location (Base source: Nearmap 2018).

Construction works have commenced within the APHS site pursuant to SSD 7237. The PPS site is temporarily occupied by both APHS and PPS and contains several school buildings, including heritage significant buildings (one that was recently damaged by fire in May 2018), hard court recreation areas and on-site car parking. The existing school sites are shown in **Figure 2** below.

The locality is defined by a variety of land uses characterised by commercial development and a range of mixed used and residential developments, varying in height from two storeys to 20 storeys. Parramatta's CBD is located approximately 250 metres west of the development site.

In addition to the buildings listed as heritage items, the APHS site also contains the heritage significant Convict Barracks Wall. Both sites are also surrounded by a number of other heritage items, including the Commonwealth listed Lancer Barracks Precinct, the locally listed 1st and 15th Royal NSW Lancer Museum collection, State and locally listed Wanders Cottages and State and locally listed Perth House and Stables as well as a Moreton Bay fig tree.





**Figure 2** | Aerial view of the sites and surrounds (Base source: Nearmap 2018).

The application is seeking a modification to the construction hours to allow for extended internal construction hours in order to ensure that the project is completed within the targeted time.

## 1.2 Approval History

On 15 December 2016, the Executive Director, Priority Projects Assessments approved a SSD application (SSD 7237) for the redevelopment of APHS and PPS campuses, comprising the following:

- remediation, demolition of existing buildings and structures
- retention and revitalisation of existing heritage items
- construction of a new 17 storey 'vertical' school and two storey sports complex for the Arthur Philip High School
- construction of a new four storey U-shaped building for Parramatta Public School.

In approving the application, the Department imposed the following conditions to address construction noise impacts:

- **B32 (Construction Noise and Vibration Management Plan):** preparation of a Construction Noise and Vibration Management Plan (CNVMP)
- **C1 (Hours of Work):** limited hours of construction work. Condition C1 is provided below:

C1. *The hours of construction, including the delivery of materials to and from the subject site, shall be restricted as follows:*

- Between 7.00am and 6.00pm, Mondays to Fridays inclusive;*
- Between 7.30 am and 3.30 pm, Saturdays; and*

- c) No work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- i) The delivery of materials is required outside these hours by the Police or other authorities; or
- ii) It is required in an emergency to avoid loss of life, damage to property and/or to prevent environmental harm; or
- iii) Variation is approved in advance in writing by the Secretary or her nominee.

- **C8 to C13 (Construction Noise Management):** construction works must aim to achieve *Interim Construction Noise Guideline* (ICNG) noise management levels (NMLs), addition to 5 db(A) to management levels for tonal or impulse noise, limitation of significant noise generating activity and prevention of 'offensive noise'.

On 27 March 2017, Modification 1 was approved under delegation permitting amendments to conditions B9 and B10 to facilitate a staged approach to remediation works to enable the archaeology investigation requirements of condition B5 to be satisfied.

On 24 August 2017, Modification 2 application was lodged for the alterations and additions to the approved buildings and modification of **Condition A2** Development in Accordance with Plans and Documents. The application was withdrawn on 30 August 2017 so that the application could be relodged as a Section 96 (1A) application rather than being assessed by a Section 96(2) application.

On 9 November 2017, Modification 3 was approved under delegation for the following:

- increase in the heights of the buildings (APHS by 510mm and PPS by 220mm)
- amendments to building materials of sports complex and revision of canopy design
- minor extension to the sports complex
- relocation of amenity block and add cricket nets
- addition of bike racks and canopies
- minor internal amendments
- raising levels and adding stairs to the Barrack Lane frontage
- alterations to the gradient of the service lane.

A summary of the modifications in in **(Table 1)**.

**Table 1** | Summary of Modifications

| Mod No. | Summary of Modifications  | Approval Authority | Type   | Approval Date   |
|---------|---|--------------------|--------|-----------------|
| MOD 1   | Amendments to conditions B9 and B10 to facilitate a staged approach to remediation works to enable conditions B5 to be satisfied. | Department         | 96(1A) | 27 March 2017   |
| MOD 2   | Amendments to condition A2. This modification application was withdrawn.  | Department         | 96(1A) | N/A             |
| MOD 3   | <ul style="list-style-type: none"> <li>• increase in heights of buildings</li> </ul>  | Department         | 96(1A) | 9 November 2017 |

- amendments to building materials of sports complex and revision of canopy design
- minor extension to the sports complex
- relocation of amenity block and add cricket nets
- addition of bike racks and canopies
- minor internal amendments
- raising levels and adding stairs to the barrack lane frontage
- alterations to the gradient of the service lane.





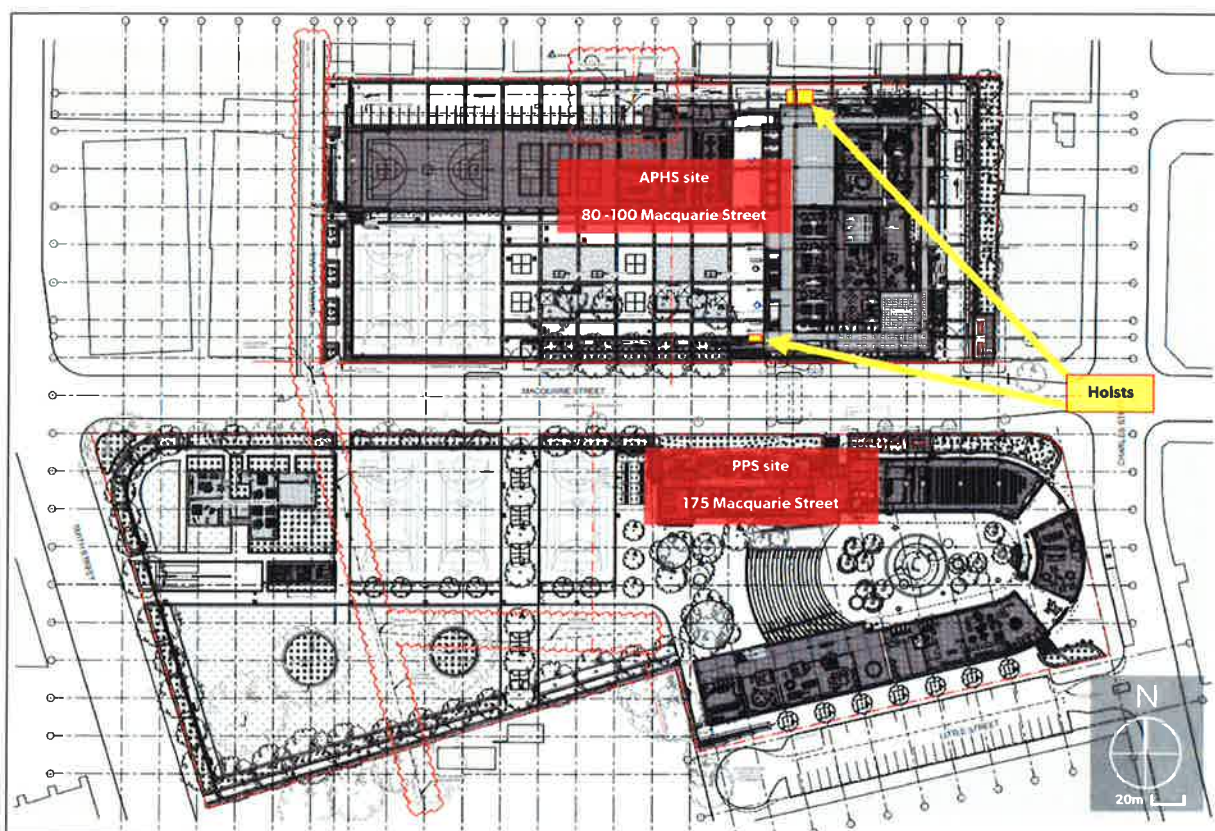
## 2. Proposed Modification

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 and external hoist operation can occur. The proposed changes to construction hours are listed in **Table 2** below:

**Table 2** | Proposed change to construction hours

| Construction hours | Monday-Friday        | Saturday             | Sunday               | Public Holidays      |
|--------------------|----------------------|----------------------|----------------------|----------------------|
| Approved           | 7:00am – 6:00pm      | 7:30am – 3:30pm      | No work              | No work              |
| Proposed hours     | 7:00am – 12 midnight | 7:00am – 12 midnight | 7:00am – 12 midnight | 7:00am – 12 midnight |

The proposed modified construction hours are from 7:00am until 12 midnight, seven days a week. These proposed hours are only for internal works and operation of two external hoists (**Figure 3**).



**Figure 3** | Location of APHS and PPS sites and location of proposed external hoists (in yellow) (Source: Applicant's EIS).

The internal works, fitout and finishes works that are proposed to be undertaken within the extended construction hours are listed below:

- operation of external hoists
- installation of partitions
- fixing, setting and sanding of plasterboard
- painting



- laying of floor finishes
- installation of furniture
- general fit-out, power points, light fittings, installation of taps and shower screens
- cleaning
- testing and commissioning of internal plant.

The primary noise sources from the above works would be from use of the external hoists, power tools e.g. drills for plasterboard fixing and furniture hand tools.

The Applicant has stated that an increase in construction hours is necessary as the extended hours would reduce the overall construction time and reduce the duration of impacts on neighbouring properties and all sensitive receivers and enable a completed school to be operational by Day 1, Term 1 2020.



### 3. Strategic Context

The following EPIs are relevant to the applications:

- State Environmental Planning Policy (State & Regional Development) 2011
- State Environmental Planning Policy (Educational Establishments & Child Care Facilities) 2017
- State Environmental Planning Policy No.55 – Remediation of Land
- Draft State Environmental Planning Policy (Remediation of Land)
- Draft State Environmental Planning Policy (Environment)
- Parramatta Local Environmental Plan 2011.

The Department undertook a comprehensive assessment of the proposed development against the relevant EPIs in its original assessment. The Department has considered the above EPIs and is satisfied that the modification is generally consistent with the EPIs.



## 4. Statutory Context

### 4.1 Scope of Modifications

Section 4.55(1A) of the EP&A Act provides that a consent authority may, on an application being made by the Applicant, modify a development consent granted by it, involving minimal environmental impact. Any application must be made in accordance with Clause 115 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not significantly increase the environmental impacts of the project as approved;
- is substantially the same development as originally approved; and
- would not involve any further disturbance outside the already approved disturbance areas for the project.

The Department's matters for consideration are shown in **Table 3** below.

**Table 3** | Summary of Modifications

| Section 4.55(1A) matters for consideration  | Comment  |
|---|--|
| (a) That the proposed modification is of minimal environmental impact   | <b>Section 6</b> of this report provides an assessment of the impacts associated with the proposal. Subject to conditions limiting the extent of internal construction hours, the Department is satisfied that the environmental impacts of the proposed modifications are of minimal overall impact.  |
| (b) 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). | The proposed modifications would not result in significant external changes to the approved built form or use. The proposed modification relates to extending internal construction hours so that the development as approved, can be delivered on time. Subject to conditions, any impacts from the proposed extension of construction hours can be appropriately managed and mitigated. On this basis, the proposal would result in development that is substantially the same as was originally approved. |
| (c) The application has been notified in accordance with the regulations  | The modification application has been notified in accordance with the regulations. Details of the notification are provided in <b>Section 5</b> of this report. Nearby owners and occupiers were given an  |

opportunity to provide comment on the modification application.

- (d) Any submission made concerning the proposed modification has been considered.

Parramatta City Council (Council) was afforded an opportunity to comment on the proposal within 14 days. No response was received and therefore, it is considered that no objection is raised.

As discussed in **Section 5** of this report, 13 objections were received from members of the public and one submission was received from an agency.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

## **4.2 Consent Authority**

The Minister for Planning is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 11 October 2017, the Executive Director, Priority Projects, may determine the application.





## 5. Engagement

### 5.1 Department's Engagement

Clause 117(3B) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to State significant development.

Accordingly, the application was not advertised. However, it was made publicly available on the Department's website on 8 August 2018 and was referred to Council and surrounding landowners for comment, due to the potential amenity impacts. Sensitive receivers within vicinity of the Application were notified of the development and were given 14 days to provide comment on the application. As a result of this notification, 13 objections were received, and one submission was received from an agency.

### 5.2 Summary of Submissions

During the notification period, the Department received 14 submissions on the proposal. One submission was from an agency and 13 were from the general public. No submission was made from Council. A summary of the submissions is provided in **Table 4**.

**Table 4** | Summary of Council, Agency and Community Submissions

| Submitters                | Number    | Position        |
|---------------------------|-----------|-----------------|
| Agencies                  | 1         |                 |
| • Endeavour Energy        | 1         | Comment         |
| Council                   | 0         |                 |
| • Parramatta City Council | 0         | No comment made |
| Community                 | 13        |                 |
| • < 5 km                  | 13        | Object          |
| <b>TOTAL</b>              | <b>14</b> |                 |

### 5.3 Key Issues – Council and Community

The application was referred to Council and notification sent to surrounding properties that may potentially be impacted by the proposed modification.

#### 5.4.1 Council key issues

The Council did not provide comment on the application and therefore, the Department considers that no objection is made to the proposed modification application.

#### 5.4.2 Agency comments

Endeavour Energy provided comments referring to the original SSD agency submission and for the proposed modification to avoid impacting Endeavour Energy property/infrastructure. As the proposed modification is for the extension of internal construction hours and operation of two hoists, the Department considers that no detrimental impacts would result from the proposed modification.

### 5.4.3 Community Issues

A summary of the concerns raised in community submissions is listed below. All submissions were received from the residential apartments to the east of the site on Charles Street. The resident concerns related to:

- cumulative noise pollution impacts from existing construction occurring on the site and on the site at between Macquarie and Hassell Street to the east (Macquarie Square development)
- impacts on the quality of life
- noise, light and dust pollution on air quality
- detrimental impacts upon quality of life and sleep
- construction that is currently occurring until 5.00am (as part of the rectification works to the fire damaged heritage building) and those extended hours is negatively impacting residents
- disagree with the Applicant's justification for extended hours
- given that the students of the schools are already located in local buildings, there is no urgency in terms of construction of the new school building
- the modification not being in the public interest would.

### 5.4 Response to Submissions

On 10 October 2018, the Applicant provided a response to the public submissions received from the notification of the proposed modification. As a result of the Applicant's response there were no proposed changes to the extended internal construction hours or operation of the two external hoists. The Applicant justified the proposed extension of construction hours and use of external hoists by stating that the submitted Construction Noise Impact Assessment (CNIA) identified that residential receivers would not be detrimentally impacted upon by the proposed modification.



## 6. Assessment

In assessing the merits of the proposal, the Department has considered:

- the modification application and associated documents
- the environmental assessment and conditions of approval for the original project
- all submissions received on the proposal and the applicant's response to submission
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act.

### 6.1 Amenity

The proposal seeks to extend the hours of work for internal construction works for the two school sites. In addition to this, the modification proposes the use of two external hoists on the eastern section of the APHS site.

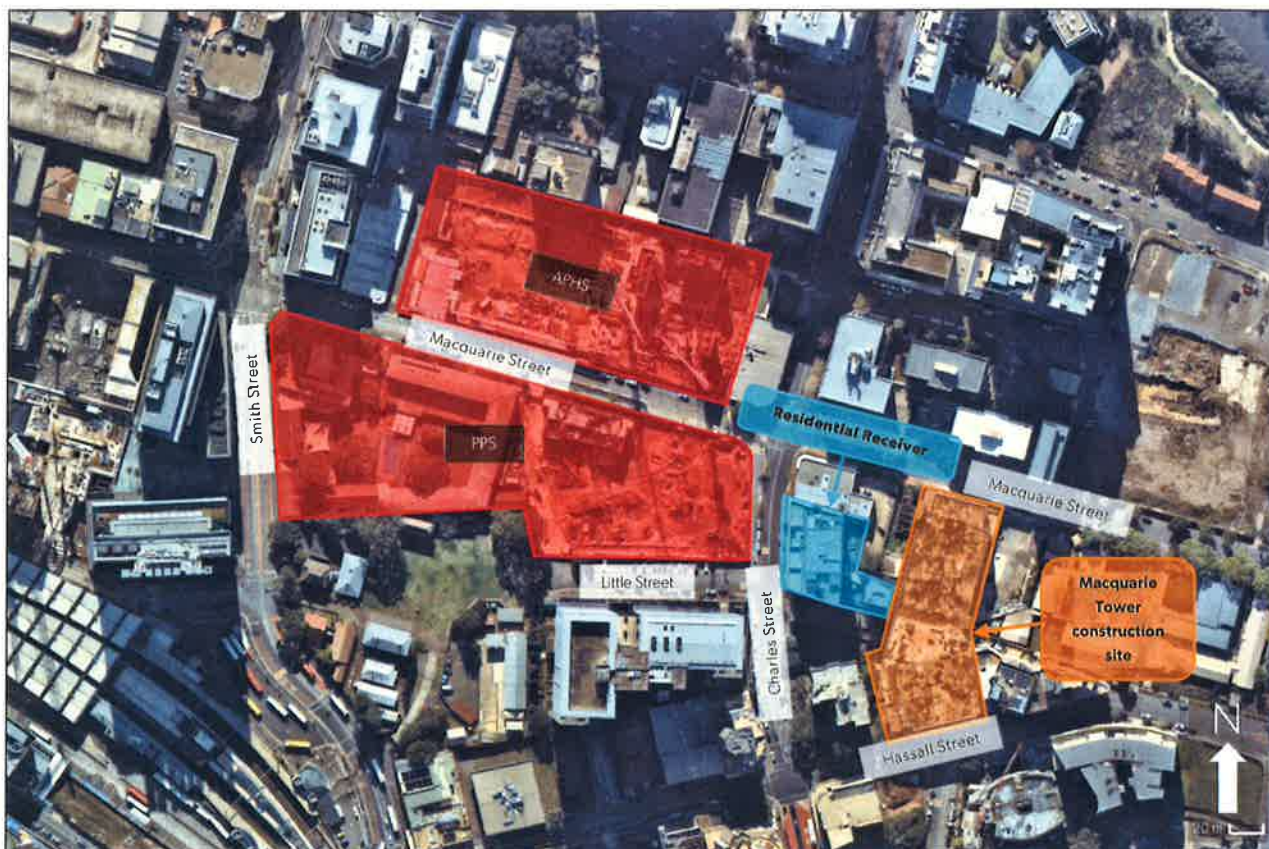
The key issue for consideration relates to potential noise impacts associated with the extended internal construction hours and the impact of operation of the external hoists on nearby sensitive receivers. The modification seeks to amend condition C1 to extend the internal construction hours as shown in **Table 5** below.

**Table 5** | Proposed modification to internal construction hours

|                  | Approved hours of construction | Proposed internal hours of construction | Difference   |
|------------------|--------------------------------|---|--------------|
| Monday to Friday | 7.00am to 6.00pm               | 7.00am to 12 midnight                   | + 6 hours    |
| Saturday         | 7:30am to 3:30pm               | 7.00am to 12 midnight                   | + 8.30 hours |
| Sunday           | No work                        | 7.00am to 12 midnight                   | + 17 hours   |
| Public Holidays  | No work                        | 7.00am to 12 midnight                   | + 17 hours   |

All deliveries and site access would occur within the existing construction hours.

The CNIA identified the nearest sensitive receivers (as shown in **Figure 4** in blue); being the residential apartments approximately 23m to the east of Parramatta Public School across the road on Charles Street and approximately 60m to the southeast of the Arthur Phillip High School site. The Department is satisfied that the CNIA has appropriately identified the key sensitive and nearby receivers potentially impacted by the proposal. Impacts to the affected receivers are considered below.



**Figure 4** | Location of residential receivers and other nearby construction site (Base source: Nearmap 2018).

In the context of the proposed modification application, the relevant guideline governing construction noise impacts is the EPA's Interim Construction Noise Guideline (ICNG). The applicable noise criteria for noise at residences for works outside standard construction hours is background noise level + 5dB(A)  $L_{eq}$ .

The Applicant's CNIA identified that appropriate monitoring was undertaken to determine the applicable background noise levels towards the nearby residential receivers. The CNIA identifies that the established background noise levels as shown in **Table 6** below.

**Table 6** | Background noise levels established by the CNIA

| Location   | Period/Time                 | Background Noise Level dB(A) $L_{90}$ |
|--|-----------------------------|---------------------------------------|
| Corner of Charles Street and Macquarie Street (noise logger location closest to nearest residential receivers. | Day (7.00 am to 6.00 pm)    | 57                                    |
|  | Evening (6.00pm to 10.00pm) | 50                                    |
|  | Night (10.00pm to 7.00am)   | 46                                    |
| Little Street  | Day (7.00 am to 6.00 pm)    | 52                                    |
|  | Evening (6.00pm to 10.00pm) | 48                                    |
|  | Night (10.00pm to 7.00am)   | 46                                    |

In addition to the establishment of the above background noise levels, additional monitoring was undertaken at the worst affected residential receiver during the night time periods which established a background noise level of 47 dB(A)  $L_{90(15\text{ min})}$ .



The CNIA identifies that the loudest internal noise levels during the proposed fitout works are based on the worst case internal noise level from the loudest piece of plant and with works case assumptions of sound pressure levels and minimum acoustic requirements for the completed façade and glazing. This worst case noise level did not include considerations of what the noise levels would be should all noise generating equipment were used concurrently.

The expected noise generating construction activities are detailed in **Table 7** below.

**Table 7** | Noise generating construction activities

| Construction activity | Equipment/process | Noise Level db(A) |
|-----------------------|-------------------|-------------------|
| Fitout                | Hammering         | 110               |
|                       | Drilling          | 94                |
|                       | Impact drill      | 112               |
|                       | Electric saw      | 94                |
|                       | Angle grinders    | 114               |
| Materials Hoist       | Hoist operations  | 105               |

Based on the above assumptions and background noise levels, the predicted noise levels from the proposed modification are identified in **Table 7** below.

**Table 7** | Predicted noise levels from CNIA

| Activity        | Receiver location     | Timer period | Predicted Noise Level dB(A) <small>Leq 15min</small> | Construction Noise Criteria dB(A) <small>L<sub>av</sub> max 15min</small> | Complies |
|-----------------|-----------------------|--------------|--|---|----------|
| Internal fitout | Commercial receivers  | Evening      | 41   | 53  | Yes      |
|                 |                       | Night        | 41   | 51  | Yes      |
|                 | Residential receivers | Evening      | 37   | 53  | Yes      |
|                 |                       | Night        | 37   | 51  | Yes      |
| Materials hoist | Residential receivers | Evening      | 45   | 53  | Yes      |
|                 |                       | Night        | 45   | 51  | Yes      |

In addition to the above measurement data, the CNIA also contains three recommendations to ensure that any noise generated from the extended internal construction works can comply with the noise emission criteria and are listed below:

- the façade is to be entirely closed during extended construction hours works, no external construction works are to be conducted during the extended construction hours period
- deliveries are to be undertaken during normal construction hours.

## Department's Consideration

The Department notes the extended internal construction hours and external hoist operation would result in potential additional impacts upon the amenity of the nearby residential receivers.

It is noted that within the vicinity of the site, the only recent approval issued by the Department for extended construction hours on a school site was for the O'Connell Street Public School (SSD 7372 MOD 1 on 12 July 2017) which is located approximately 800 metres directly to the northwest across the Parramatta River from the proposal site. The hours approved for the O'Connell Street extended hours were from 7.00am to 10.00pm Mondays to Fridays (with no noise generating tools between 8.00pm to 10.00pm), 7.30am to 5.00pm on Saturdays and 8.00am to 5.00pm on Sundays. No approval was given for works on public holidays.

While it is noted that the O'Connell Street site is in the vicinity of the APHS and PPS sites, the context of surrounding development is significantly different as the O'Connell Street site neighbours, Prince Alfred Square, the Riverside Theatres, St Patricks Cathedral and the new Western Sydney Stadium (that is currently under construction). There are no sensitive residential receivers to this site within the same vicinity and distance as those on Charles Street opposite the APHS and PPS school sites.

In support of the application, the Applicant submitted a CNIA to assess the potential noise impacts associated with the extended construction hours on nearby sensitive receivers.

Furthermore, while it is noted that the CNIA demonstrates that there would be no detrimental impacts from direct noise transmission related impacts and that deliveries will occur within standard construction hours, the extended hours would still result in activity occurring in and around the site and on streets by workers, contractors and machinery that are needed for the works. This is considered to have the potential to have detrimental impacts upon the amenity of the residential properties on Charles Street.

Additionally, the Department is aware of the location of these residential properties on Charles Street that are located between two active construction sites and resultant cumulative impacts expressed by these residents. Considering the relative stages of construction of each of these two sites, construction fatigue can also be a potential concern, with detrimental impact upon residential amenity. This is exemplified by the submissions received as to how the cumulative impacts from construction works would result in negative impacts upon residents.

The Department notes that the location of the northern external hoist on the APHS site is unlikely to have detrimental amenity impacts on account of its location away from nearby sensitive receivers and that any potential transmission of noise would be reduced as it would have to pass through the bulk of the building before impact residences on Charles Street. Therefore, it is recommended that the use of the southern external hoist only be subject to limitations preventing its use past 8.00pm (as this has the potential to impact upon the residences on Charles Street) and thereby, would still allow for the movement of workers and materials required as part of the internal construction works through the northern hoist.

While acknowledging the need of the Applicant and balancing this with the Department's and residents' concerns, a partial increase to the existing construction hours is recommended in addition to noise mitigation measures. This would ensure that construction activities are appropriately managed and would not have detrimental impacts on the amenity of nearby residential receivers. The recommended extension to hours are detailed in **Table 8** below.

**Table 8** | Recommended extension of internal construction hours and hoist operation

|                         | Approved hours of construction | Proposed internal hours of construction   | Difference   |
|-------------------------|--------------------------------|---|--------------|
| <b>Monday to Friday</b> | 7.00am to 6.00pm               | 7.00am to 10.00pm (no-noise generating tools used and no southern hoist use between 8.00pm to 10.00pm). | + 4 hours    |
| <b>Saturday</b>         | 7:30am to 3:30pm               | 7.30am to 5.00pm  | + 1.30 hours |
| <b>Sunday</b>           | No work                        | No work   | No change    |
| <b>Public Holidays</b>  | No work                        | No work   | No change    |

In lieu of the above considerations, the Department recommends the requirements of Condition C1 to be further enhanced to protect noise sensitive receivers during the extended construction hours. The Department recommends that the condition be amended to ensure that:

- compliance with CNIA recommendations for extended construction hours internal works be undertaken within a fully enclosed building with all windows and doors to be shut at all times
- construction staff working on the site during the extended construction hours adhere to appropriate noise reduction practices
- development complies with the requirements of the Construction Noise and Vibration Management Plan (CNVMP) required under condition B32
- development is carried out in accordance with all other recommendations of the CNIA
- no deliveries of materials to and from the site are permitted during the extended construction hours (only between existing standard construction hours).

The Department recommends that a new condition (C1B) be prepared in addition to Condition C1 to require the Applicant to restrict construction hours or revert to the standard construction hours where complaints from the community are substantiated and demonstrate the extended construction hours are causing offensive noise or are not being carried out in accordance with the conditions of approval.

Additionally, the Department is willing to update Condition C1 to reflect current standard conditions enabling works that are inaudible at the nearest sensitive receivers to occur outside approved construction hours (subject to the recommendations in condition C1A). The Department's updated condition is stated below:

The consent (SSD 7372) is modified as follows:

- (a) Schedule 2 Part C – Hours of Work, Condition C1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold and struckout**~~ words / numbers as follows:

### **Hours of Work**

- C1. The hours of construction, including the delivery of materials to and from the Subject Site, must be restricted as follows:
- between 7 am and 6 pm, Mondays to Fridays inclusive;
  - between 7.30 am and 3.30 pm, Saturdays; and
  - no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- i) the delivery of materials is required outside these hours by the Police or other authorities; or
- ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; or
- iii) variation is approved in advance in writing by the Secretary or her nominee; **or**
- (iv) where the works are inaudible at the nearest sensitive receivers; or**
- (v) works are carried out during the following hours ('the extended construction hours') subject to the requirements of Condition C1A:**
  - 1. between 6 pm to 10 pm Mondays to Fridays**
  - 2. between 3.30 pm and 5 pm Saturdays.**

(b) Schedule 2 Part C – is amended by the insertion of the following new condition C1A

#### **Extended Construction Hours**

**C1A. During the extended construction hours outlined in condition C1(v), the following requirements must be met:**

- a) No deliveries of materials to the site or collection of materials from the site are to be made;**
- b) Construction works between the hours of 6 pm to 8 pm, Mondays to Fridays shall be limited to low-noise power and battery hand-held tools only and shall exclude the use of the following tools:**
  - i) angle grinders;**
  - ii) hammer drills;**
  - iii) jackhammers;**
  - iv) circular saws; and**
  - v) any tool that generates a noise level equal to, or louder than any of the above listed tools.**
- c) Construction works between the hours of 8 pm and 10 pm, Mondays to Fridays shall be limited to no-noise generating tools or equipment and:**
  - i) be undertaken internally, within the fully completed and weatherproof external façade of the building with all external windows and doors fully installed and closed during works;**
  - ii) be limited to internal fitout works only, such as the installation of ceilings and partition walls, finishes and services; and**
  - iii) not involve the operation or use of the southern external hoist on the Arthur Phillip High School site adjacent to Macquarie Street.**
- d) All workers during the extended hours are to be informed of the following requirements and the builder is to ensure the following practices are adhered to:**
  - i) access to the site during the extended hours is restricted to site personnel only;**
  - ii) workers are not to loiter or take breaks in any external areas of the site during the extended construction hours; and**
  - iii) workers entering or exiting the site or within any external areas are to take care not to speak in raised voices, talk on mobile phones, use any radio including car radio, cause noise disturbance through the transportation of tools or any other activity.**
- e) All construction works shall be carried out in accordance with the requirements of condition B32 and the recommendations of the Extended Hours Construction Noise Impact Assessment prepared by Acoustic Logic and dated 27 February 2018 (as amended by this condition).**

(c) Schedule 2 Part C – is amended by the insertion of the following new condition C1B

**C1B. If investigation of complaint(s), through appropriate noise testing, establishes that offensive noise has occurred or works have been carried out during the extended construction hours outlined in condition C1(v) in breach of conditions of approval, and the complaint is justified,**



**then the Department may require by notice to the applicant, that the construction hours be restricted or revert to the approved hours in the original consent.**

Subject to the above considerations and conditions, the Department considers that a partial increase to the existing construction hours would be acceptable for the following reasons:

- the extended hours would reduce the overall construction time and reduce the duration of impacts on neighbouring properties and all sensitive receivers, and would allow the new school to be operational in by Day 1, Term 1 2020.
- existing conditions of consent that require the preparation of a CNVMP with requirements for monitoring and minimising noise impacts during construction would assist with mitigating and managing noise impacts
- no additional construction hours would be permitted on Saturday mornings, Sundays or public holidays; preventing noise impacts on nearby sensitive residential receivers
- the Applicant is required to adopt the noise mitigation measures recommended in the CNIA
- the CNIA demonstrates proposed internal works would not have an adverse impact on nearby sensitive residential receivers between 3.30pm and 5.00pm on Saturdays.

Therefore, in conclusion the Department considers that the partial extension of construction hours is in the public interest and subject to the recommended conditions, the potential construction noise impacts can be appropriately managed and would not result in detrimental impacts to the amenity of surrounding properties.

## 6.2 Other Issues

The Department's consideration of other issues that potentially result from the proposed modification are detailed in **Table 9** below.

**Table 9** | Summary of other issues raised

| Issue   | Findings  | Recommended Condition  |
|---|---|--|
| <b>Air Quality and Dust Emissions</b>         | <ul style="list-style-type: none"> <li>• The majority of works to be conducted on the site during the extended construction hours would be internal works.</li> <li>• No deliveries would be permitted during the extended construction hours.</li> <li>• Condition B30 of the original approval includes the requirement of a Construction Environmental Management Plan (CEMP) that addresses management of dust, construction noise, and emissions from the site.</li> <li>• The increase in internal construction hours is not expected to lead to a major increase in dust, fumes or emissions from the site.</li> </ul> | No additional conditions or amendments are necessary in this instance. |
| <b>Pedestrian safety, traffic and parking</b> | <ul style="list-style-type: none"> <li>• The extended construction hours would consist of a four hour increase between Monday to Friday and one and a half hours on Saturdays.</li> </ul>   | No additional conditions or amendments are necessary in this instance. |

- No deliveries would be permitted during the extended construction hours therefore limiting any increase in vehicles moving to and from the site.
- Condition B36 from the original approval includes the requirement of a construction traffic and pedestrian management plan to ensure road safety and traffic efficiency is not comprised on the surrounding road network during construction.
- The partial increase in construction hours is not expected to have a major impact on pedestrian safety, parking or traffic in the local area.

#### Light pollution

- The additional working hours on Monday to Friday would result in potential light pollution impacts during the later internal construction hours.

The Department considers that the physical distance between the subject site and the nearest sensitive receivers, the type of lighting that would be required and the highly urban context of the site, would not result in detrimental light pollution impacts to the residences on Charles Street.



## 7. Evaluation

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate on the basis that:

- the recommended extended internal construction hours would ensure that there are no detrimental impacts to the amenity of nearby residences on account of recommended amendments to the conditions that ensures that should non-compliance be substantiated, that the internal construction hours will revert to originally proposed.
- the proposed modification would allow for the accelerated delivery of much needed and critical community infrastructure
- the modification would result in a reduction to the overall length of time the construction impacts would affect the amenity of the surrounding area.

Consequently, it is recommended that the modification as recommended be approved subject to the recommended conditions.



## 8. Recommendation

It is recommended that the Executive Director, Priority Projects Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **Determines** that the application Parramatta Public and Arthur Phillip High School (SSD 7237 MOD 4) falls within the scope of section 4.55(1A) of the EP&A Act;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application;
- **agrees** with the key reasons for approval listed in the draft notice of decision;
- **approve** the modification; and
- **signs** the attached approval of the modification (**Attachment B**).

Recommended by:

**Navdeep Shergill**

Planner

School Infrastructure Assessments

Recommended by:

**Andrew Beattie**

Team leader

School Infrastructure Assessments





## 9. Determination

The recommendation is: **Adopted** / Not adopted by:

**David Gainsford**

14/12/18.

Executive Director

Priority Projects Assessments



# Appendices

## **Appendix A – Notice of Modification**

[http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9464](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9464)

## **Appendix B – Supporting Information**

[http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9464](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9464)

## **Appendix C – Consolidated Report**

[http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9464](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9464)