

9 December 2021

16009

Kiersten Fishburn
Planning Secretary
Department of Planning, Industry and Environment
4 Parramatta Square
12 Darcy Street, Parramatta NSW 2150

Attention: Renah Givney

Dear Renah,

RESPONSE TO SUBMISSIONS AND FURTHER INFORMATION REQUEST - STATE SIGNIFICANT DEVELOPMENT 7484: SANDSTONE PRECINCT MODIFICATION 16, 23-33 & 35-59 BRIDGE STREET, SYDNEY

This Response to Submissions (RTS) and Response to Further Information (RFI) application is submitted to the Department of Planning, Industry and Environment (DPIE) relating to the Modification 16 application, pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify State Significant Development 7484 (SSD 7484) relating to the adaptive reuse of the Sandstone Precinct (Education and Lands Buildings) for tourist and visitor accommodation. The RTS and RFI request was received on 3 December 2021.

The proposed modification includes changes to the hours of construction activities internal to the Education Building.

1.0 Introduction

The Stage 2 detailed development application (SSD 7484), the subject of this modification application, was approved on 24 April 2018 by DPE and granted consent for the adaptive reuse of the Sandstone Precinct for tourist and visitor accommodation.

The SSD 7484 consent has been modified multiple times to date.

The proposed modifications to the development consent comprise changes to the permitted hours of construction to allow for internal fit out works to occur 24 hours, 7 days a week, within the Education Building only. The Lands Building is not subject to this request.

Through an extension of hours, the applicant seeks to achieve faster completion of their ambitious heritage restoration and adaptive reuse of the site to deliver a tourist hotel, noting delays in the construction program due to COVID restrictions.

The proposed works that would be conducted during the extended hours would be limited to those internally and only on levels where the façade is intact, creating an enclosed space. The existing loading/works zones will not be used during the extended hours.

It was originally proposed to include a new Condition D2A as proposed below to address the request for 24 hour, 7 day internal fit-out works:

Condition D2A

Notwithstanding Conditions D1 and D2 above, internal fit out works for the Education Building may continue or commence past these hours allowing for 24 hour internal works in accordance with the submitted acoustic report “Extended Hours Construction Noise Impact Assessment” prepared by Acoustic Logic dated 9/10/2021 (Reference 20180362.10/1901A/R1/TA) and provided that:

- a) the façade is entirely enclosed during the extended construction hours works and is constructed as per the project acoustic requirements**
- b) no external construction works are to be conducted during the extended construction hours.**
- c) deliveries for the internal works are undertaken during the approved construction hours in D1**
- d) a 24-hour complaints phone number must be established and advertised on the project website**
- e) compliance with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.**

Should noise complaints be received and the complaint(s) be substantiated by the Department’s Compliance Team, the construction work occurring during the extended construction hours must cease until attenuation works are carried out. Extended construction hours must not commence until compliance with the relevant noise conditions has been established. The Planning Secretary may suspend the works within the extended hours outside those in D1 and D2 above if substantiated complaints are received.

A Noise and Vibration Assessment supported the modification as originally lodged.

2.0 Analysis of submissions

The modification was exhibited from 16 November 2021 until 29 November 2021 on the Planning Portal.

A total of four submissions were received:

- Three public submissions objecting to the modification;
- One public submission providing comments on the modification; and
- One agency submission from the City of Sydney.

The four public submissions are from nearby residents on Bridge Street and Young Street, located within approximately 100m from the Sandstone Precinct site.

2.1 Key issues raised

The key issues raised by the three public objections include:

- Additional noise impacting on nearby residents who have endured noise associated with nearby construction projects for a long time period;
- Additional heavy vehicle traffic and contractor activity associated with nearby construction projects for a long time period;
- Developers need to offset the difficulties faced by nearby residents who are still working from home due to the COVID-19 pandemic;
- Light pollution from nearby construction works being undertaken;
- Complaints not being managed appropriately relating to existing construction activities; and
- The noise impact assessment identifies that expected noise levels are within limits, however this is still considered to be potential noise.

There were two main queries coming from one objection which are responded to below:

- What is the proposed timeframe for the 24 hour 7 day construction work?; and
- Will a condition of consent be imposed that every window must be blacked out?

2.2 City of Sydney

The City of Sydney did not raise any objection to the proposed modification, indicating the information provided with the application is satisfactory, and recommended changes to the proposed Condition D2A per the following (City of Sydney recommended changes shown in red):

Condition D2A

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- a) the façade is entirely enclosed during the extended construction hours works and is constructed as per the project acoustic requirements**
- b) no external construction works are to be conducted during the extended construction hours.**
- c) deliveries for the internal works are undertaken during the approved construction hours in D1**
- d) a 24-hour complaints phone number must be established and advertised on the project website**
- e) compliance with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.**

Should noise complaints be received and the complaint(s) be substantiated by the Department’s Compliance Team, the construction work occurring during the extended construction hours must cease until attenuation works are carried out. Extended construction hours must not commence until compliance with the relevant noise conditions has been established. The Planning Secretary may suspend the works within the extended hours outside those in D1 and D2 above if substantiated complaints are received.

Resumption of category 2, 3 and 4 hours shall not be permitted until the applicant can demonstrate to Council that appropriate ameliorative measures recommended by their acoustic consultant have been fully implemented and that the complaints are satisfactorily resolved.

The proponent confirms no concerns with the proposed addition as recommended by the City of Sydney.

3.0 Actions taken since exhibition

Detailed review of the submissions made has been undertaken with responses prepared to each. In particular, the submission made by the City of Sydney and the recommendation for additional text within the proposed Condition D2A has been considered and is now proposed to be included in the modification.

4.0 Response to submissions

As the general nature of the objections relate to management of construction activities and the impacts of noise, a consolidated response is provided below.

Built, as the contractor for the development of the Education Building for the Sandstones Precinct, have a number of management measures in place.

- A 24 hour complaints line is monitored and is directed to the Built site manager. Should an answer not be received, a message can be left for follow up purposes (as part of the Built Community Liaison Plan).
 - For the proposed extended hours periods, the night foreman/out of hours point of contact and telephone number will be added to the project information board on the hoarding (and website as per the condition requirement)
- The Built Foreman and supervisors carry out tool box talks before each shift.
 - For night works, this will include the parameters around noise and the permissible works under the proposed extended works.
- Built foreman and supervisors will carry out task monitoring to ensure compliance
- The Community Liaison Committee meets regularly providing construction updates as required by our DA and includes the Building Manager of the Bridgepoint building.

Built have also confirmed that while current construction works may be considered noisy by the residents, the works are being completed within the currently approved DA hours and permissible activities.

In the 3 years since construction has commenced on-site, including the excavation of a three-level basement in rock, demolishing structure and construction of new structure, Built have received a total of three complaints. This is an indication of Built's site management within the guidelines for acoustics and vibration concerns.

The new façade includes secondary glazing to the existing windows. This will enhance the noise mitigation from any fit out of the hotel rooms.

The proposed extended hours works are limited to interior fit out works and there is no need for reversing trucks with safety beepers, noting that all main structural works have been completed.

Task monitoring by the Built foreman will ensure compliance with the noise requirements.

The comment made relating to light pollution has been reviewed by Built who advise that should there be a need for flood lighting during the extended hours work, the windows in that particular area will be blacked out – management by supervision and task management as indicated above.

Regarding the timeframe for the proposed extended hours work, the current programme indicates a practical completion date of 31st October 2022.

5.0 Conclusion

The proposed modifications to the hours of construction within the Education Building is sought to enable faster delivery of construction timelines noting delays due to COVID restrictions to convert the site into the desired hotel and tourist accommodation use in accordance with the Stage 1 consent.

The modified development remains consistent with the approved Stage 1 SSD consent and relevant statutory and strategic plans and policies that apply to the site.

In accordance with section 4.55(1A) of the EP&A Act, the DPE may modify the consent as:

- the proposed modification is of minimal environmental impact; and
- substantially the same development as development for which the consent was granted.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request.

Yours sincerely,

A handwritten signature in black ink that reads "Curtis". The signature is written in a cursive, flowing style.

Christopher Curtis
Principal
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