

The Owners Strata Plan 72797
The Bond Apartments
38 Hickson Road Millers Point NSW
Australia

11 December 2022

Submission to the Planning Portal relating to the following Projects under exhibition

- R4A and R4B Residential Buildings SSD-6964 and SSD-6965 and relating to extension of construction hours for these buildings.

On behalf of the Owners of Strata Plan 72797, I write as Chairman of the Strata Committee relating to the application for extension of working hours.

We STRONGLY OBJECT to the extension of construction hours for both buildings.

Reasons for objections:

1. We represent the closest residential building to the subject buildings and "The Bond apartments" is a small boutique building directly across Hickson Road from the subject Buildings, therefore by far the most likely to be impacted by the extension of working hours if granted.
2. The Bond is a building of just under 50 lots, therefore home to around 50 apartments.
3. We have made (on behalf of the Owners of SP 72797) several submissions to Lendlease regarding the unacceptable levels of noise emanating from the buildings the subject of this application. We still await satisfactory answers to our submissions and we have received no satisfaction leading up to these applications. We have also asked that Lendlease note in their applications our strong objections to the noise emanating from buildings R4A and R4B. We cannot see where Lendlease have respected our requests.
4. Our most recent submission to Lendlease states (in an e-mail) to [REDACTED] of Lendlease) on November 23 2022 remains unanswered:

I note that you've mailed us today on after hours works at Barangaroo South. It is of note that you have not answered our earnest and sincere requests for information and certainly have not eased our concerns regarding noise.

There are still questions outstanding since my last email on October 3rd that require answers from Lend Lease.

In the spirit of your own comment that "all communications must be both professional and respectful", again may I request that you answer the questions raised on October 3rd on the matter of noise:

As a follow on question, you have stated that "The One Sydney Harbour project adheres to the NSW EPA Interim Construction Noise Guidelines." Can you please expand upon this and in particular confirm how you comply, especially given you have questioned the method of recording noise levels we used and therefore will not comment on our stated noise complaints. Could you please confirm the noise equipment you have used, its calibration frequency or position (location and height) relative to the property boundary of the construction site. In addition please provide the recorded levels and times of recording. Upon receipt of this information we are prepared to match these methods and provide information back to you and relevant authorities if necessary.

We remain concerned that the levels of Noise affecting the residents of 38 Hickson Road are at levels which potentially cause "Material Harm" (as defined by the EP&A Act) to the people residing there.

Many thanks in anticipation.

5. Earlier on September 21st 2022 we wrote to [REDACTED] of Lend Lease as follows:

as an addendum to my e-mail to you this morning, I have measured the NOISE LEVEL emanating from the One Sydney Harbour site this morning at 08.30.

The reading using a noise level meter is 79.8db. This is without any concrete pouring activity.

You state that you "adhere to the NSW .. guidelines" and I note that in Table 3 on page 17 of the draft guidelines it refers to the "highly noise affected management level of 75.0db" and states as follows:

Where noise is above the highly noise affected management level, all feasible and reasonable mitigation shall be applied as well as engagement with the consent authority or regulator to identify other measures to manage noise impacts. Where appropriate, engagement with the community is encouraged to determine the preferred mitigation approach, such as:

- negotiated agreements and/or respite periods to restrict work activity*
- identification of times when the community is less sensitive to noise, including options for longer periods of construction in exchange for restrictions on construction times.*

In addition answering questions in to my earlier e-mail, may I ask (numbering follows earlier e-mail):

What "engagement with the consent authority" have you made referring to these "highly noise affected" levels?

What "engagement with the community to determine .. mitigation approach" have you completed? Certainly in regard to this unacceptable general "highly noise affected" level (outside the totally unacceptable concrete pouring noise levels), these has been ZERO attempt by you to "negotiate an agreement".

Could you please ensure that these comments and all ours in correspondence have been faithfully represented to the consent authorities in regard to your extended work hours submission.


6. The Planning application R4A MOD 6 S4.55 Report from Ethos Urban dated November 4th 2022 refers to an appendix "D" please refer to the following link <https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-6964-MOD-6%2120221111T044637.357%20GMT> Of note. We have asked Lendlease several times for evidence that the "The One Sydney Harbour project adheres to the NSW EPA Interim Construction Noise Guidelines." With no response.
7. Regarding the appendix D "Acoustics Report" we point out that we regard this Report as erroneous due to the following factors:
- The Measured Background Noise Levels (dBA) used to "estimate" the Noise levels were taken in 2010 prior to site excavation. In 2010 the conditions of the site bore no resemblance to the conditions today in 2022.

- b. The "Construction Noise Predictions" are therefore flawed. As presented to Lendlease in our submissions direct to them, we have measured REAL Noise levels at 79.8db in September 2022.
- c. The "Mitigation measures" lists "Proactive engagement with the building management/concierge teams .. nearest buildings". You can see from our correspondence with Lendlease that to date the "Proactive engagement" has been unsatisfactory in regard to The Bond residents and important questions remain unanswered by Lendlease to this date.

In conclusion we submit that:

The application for extended hours of construction for buildings R4A and R4B be rejected on community interest grounds and upon the grounds that the levels of Noise affecting the residents of 38 Hickson Road are at levels which potentially cause "Material Harm" (as defined by the EP&A Act) to the people residing there.

Regards



John Houston

Chairman of the Owners Corporation Strata Committee 72797