

Andy Nixel
Team Leader, Affordable Housing Assessments
Department of Planning, Housing and Infrastructure
4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150

10 March 2026

Dear Andy,

Modification 4 Five Ways - Extension to Construction Hours - SSD-66826207-Mod-4

Thank you for your recent correspondence dated 5 March 2026. This letter responds to the matters raised in North Sydney Council's letter dated 3 March 2026 in relation to the above modification application.

The proposed modification's impacts are demonstrably minor, temporary and acceptable for the following reasons:

Critical timing

The construction program is operating within a highly constrained timeframe and has already experienced multiple delays outside of Deicorp's control. The proposed additional construction hours would reduce the overall construction program by four months and importantly would reduce the duration over which construction impacts are experienced. Approval of this modification is therefore essential to prevent further delay and to ensure the timely delivery of the development, including the provision of housing within the Housing Accord period.

Limited surrounding receivers and reduced noise impacts

Council's concerns appear to be predicated on an assumption that neighbouring residents are likely to raise complaints. However, the site has a very limited residential interface. Only two residential receivers are in proximity to the site, located on Alexander Street (Receiver 1) and the Pacific Highway (Receiver 2). The surrounding context is predominantly characterised by commercial receivers.

Since lodgement of the modification application, Deicorp has proactively engaged with the Department and agreed to further limit construction activities outside the currently approved Saturday hours. Any works undertaken during the extended Saturday period will be restricted to activities generating noise levels no greater than 68dB(A) at the nearest residential receivers at 9 Alexander Street and 258 Pacific Highway. This level corresponds to the established noise affected level and represents a reduction from the originally proposed application.

This approach will ensure that the impacts are within an acceptable threshold and will not result in any significant adverse noise impacts. A list of the limited construction activities which can be undertaken during the proposed extended hours are:

Use of excavator with bucket loading truck

- Use of truck during excavation
- Use of electric powered hand tools



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- Use of Skid Steer/Bobcat
- Use of piling rig – (bored)
- Use of Roller – Vibratory
- Use of Heavy Trailers (idling)
- Work Zone activities (Forklifts, Trucks, etc.)
- Use of generator – diesel

It is noted that construction activities relating to drilling, hammering and sawing at the site will not be permitted during the extended Saturday construction hours.

In relation to construction hours on Sundays, activities are limited to internal fit out and finishing works. As such, construction noise levels at the nearest residential receivers are expected to remain below the applicable noise management levels. Given the nature of the works and the minimal potential for noise disturbance, the proposal is unlikely to adversely impact the community's ability to peacefully enjoy their homes and neighbourhood. As such, the limited scope of internal works would not create the type of noise impacts typically associated with external construction activities, nor would it set an undesirable precedent.

Existing management and complaint mechanisms

Robust and established complaints handling procedures are already in place and will continue to be in place throughout the construction period. Deicorp remains committed to working collaboratively with local residents to minimise disruption, maintain positive community relationships, and ensure transparency.

Concluding Comments

For these reasons, the proposed modification would not give rise to any additional or materially different environmental impacts and can therefore be appropriately assessed as a modification under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

The impacts associated with the proposed extended construction hours would be minor and temporary in nature. Importantly, the additional construction hours would enable a reduction in the overall construction program by approximately four months, thereby reducing the total duration over which construction-related impacts are experienced by the surrounding community.

Accordingly, the modification application is considered to be justified and warrants approval by the Department.

If you have any further queries, please do not hesitate to contact me on 0403 745 552.

Yours sincerely

Poonam Chauhan
Senior Development Manager