

02 July 2026

C/o Anthony Kunz
Department of Planning, Housing and Infrastructure
anthony.kunz@dphi.nsw.gov.au

Dear Sir,

Subject	Council Staff Submission
Application Number	SSD-77608714 – Mod 4
Consent	Demolition, early works, excavation, site remediation and construction of a 17-storey mixed-use development with in-fill affordable housing
Modification	Extend the approved hours of construction
Location	136-148 New South Head Road, Edgecliff (also known as 1 Darling Point Road, Edgecliff)

Thank you for your email dated 18 June 2026, advising of the public exhibition of the above-mentioned State Significant Development (SSD) modification application.

It is understood that the modification application comprises of:

- The amendment of condition D3 (Hours of Construction) to:
 - extend the approved construction hours from 7am - 6pm to 6am - 6pm on weekdays; and
 - extend the approved construction hours from 8am - 1pm to 7am - 6pm on Saturdays
- The amendment of condition D7 (Hours of Construction) to allow rock breaking, rock hammering, sheet piling, pile driving and similar activities between 2pm - 5pm on Saturdays.

Council staff have reviewed the modification report and supporting documents and advise that the proposed extension to the approved hours of work is not considered necessary or reasonable as there are no exceptional circumstances that necessitate the additional hours. Furthermore, the proposed additional hours would unreasonably impact the neighbouring properties. It is recommended that any extension to the approved hours of work should accord with Council's standard hours of work condition.

1) Proposed construction hours

In the council staff submission, dated 28 February 2025, staff requested the imposition of Council's standard hours of work condition, which states:

Hours of Work –Amenity of the Neighbourhood

While site work is being carried out:

- a) *No work must take place on any Sunday or public holiday.*
- b) *No work must take place before 7am or after 5pm any weekday.*
- c) *No work must take place before 7am or after 1pm any Saturday.*
- d) *The following work must not take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday:*
 - *piling,*
 - *piering,*
 - *rock or concrete cutting, boring or drilling,*
 - *rock breaking,*
 - *rock sawing,*
 - *jack hammering, or*
 - *machine excavation.*
- e) *No loading or unloading of material or equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday.*
- f) *No operation of any equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday.*
- g) *No rock excavation being cutting, boring, drilling, breaking, sawing, jack hammering or bulk excavation of rock, must occur without a 15 minute interval break within every hour.*

Condition Reason: *To mitigate the impact of work upon the amenity of the neighbourhood.*

The standard condition aims to balance the need for building and infrastructure work with the need to protect residents, businesses and the broader community from unreasonable impacts.

The standard construction hours prohibit works during the nighttime period (10pm to 7am) due to:

- Potential for sleep disturbance and the associated negative health impacts.
- Higher community expectations for quiet during the nighttime period.
- Background potentially dropping during the nighttime period making noise more noticeable.
- Safety risks from night work.

The standard construction hours require reduced work hours on Saturday and prohibit work on Sunday and public holidays because:

- People are more likely to be at home over the weekend so construction noise can have a greater impact.
- It provides for some weekend work but limits the hours so the community still gets a substantial quiet period.

The approved hours of construction (conditions D3-D7) varied from the hours recommended above as follows:

- Construction on weekdays was permitted to extend until 6pm rather than 5pm.
- Construction on Saturdays was permitted to commence at 8am rather than 7am.

- Rock breaking, rock hammering, sheet piling, pile driving and similar activities on weekdays was permitted between 9am to 12pm and 2pm to 5pm rather than between 9am and 4pm.
- Rock breaking, rock hammering, sheet piling, pile driving and similar activities on Saturday was permitted between 9am to 12pm rather than between 9am and 1pm.

The following comments are made in relation to the proposed hours:

- The construction hours on weekdays already extend 1 hour later than permitted under council's conditions. Permitting the construction works to commence one hour earlier, during the nighttime period (from 6am-7am) is not supported due to the unreasonable impacts to neighbouring properties.
- The proposed 7am to 6pm construction hours on Saturday are not supported due to the unreasonable impact to neighbouring properties. However, permitting the construction works to commence one hour earlier (7am) than approved (8am) would be supported as this is consistent with council's standard hours of construction.
- The proposed extension of hours to allow rock breaking, rock hammering, sheet piling, pile driving and similar activities on Saturday between 2pm and 5pm is not supported due to the unreasonable impacts to neighbouring properties. However, permitting these works to conclude one hour later (9am to 1pm) would be supported as this is consistent with council's standard hours of construction.
- Council's standard hours of work condition has been drafted to include mitigation measures (such as a requirement for a 15-minute interval break every hour for works comprising of rock excavation being cutting, boring, drilling, breaking, sawing, jack hammering or bulk excavation of rock), if the approved hours of work are amended in accordance with Council's standard hours of work condition, it is requested that the council condition is imposed in full.
- Compliance with these hours of work does not remove the applicant's obligations to ensure the development does not result in offensive noise as defined by the Protection of the Environment Operations Act 1997, and the Protection of the Environment Operations (Noise Control) Regulation 2017.

2) Review of the Construction Noise and Vibration Management Plan

Council's Senior Environmental Health Officer has reviewed the proposed modification application. The full comments are attached as **Annexure A**.

The comments are summarised as follows:

- The site is surrounded by sensitive receivers which includes the residential flat buildings to the north and west of the site, and Ascham School which offers boarding for students. The proposed modification to condition D7 would have a negative impact on these properties.
- Environmental Health does not agree that works which occur outside of the approved hours, as proposed as part of the modification, can exceed the noise management level by 5 dB(A).
- No Predicted Noise Generation has been considered for Ascham School, noting the school comprises of both classroom use and boarding use.
- The Report has not considered cumulative increases in construction noise from concurrent works at the Project Site.
- In the previous Acoustic Logic Noise & Vibration Impact Assessment Report (Document Reference 20240985.1/0312A/R3/SW – 3 December 2024), other construction activities were identified, which have been excluded from the current

Acoustic Report, such as Excavator with Hydraulic Hammer and Concrete Pump (Table 15).

- Section 14.8 *Acoustic Barrier* of the previous Acoustic Logic Noise & Vibration Impact Assessment Report (Document Reference 20240985.1/0312A/R3/SW – 3 December 2024), states that, 'Given the position of adjacent development, it is unlikely that noise screens will provide significant acoustic benefit, but will provide noticeable improvement for those on the ground floor'. This statement is contrary to the section 8.1 Acoustic Barrier of the current Acoustic Report, which states, "Given the position of adjacent development, the installation of noise screens around the perimeter of the site boundary will provide a significant acoustic benefit towards the surrounding receivers".
- Environmental Health cannot support the application to extend the period of construction hours, due to the potential for adverse noise impacts upon sensitive receivers.

3) Traffic

The modification report states that:

- By enabling the duration of works to be spread across a longer daily period, the concentration of truck movements would be decreased which will alleviate traffic particularly during busy peak periods and around busy intersections. This will also minimise truck queuing, idling or circulating on local streets.
- By allowing additional delivery hours for trucks accessing the site and reducing peak-hour truck activity, the safety of the site's surroundings will be improved for pedestrians, cyclists, school traffic and bus operators.

Council's Traffic and Transport Engineer has reviewed the proposal and advised that:

- The applicant currently has an approved works zone installed at the frontage on New South Head Road with the following time restrictions:
 - 9:30am-2:30pm Mon-Fri / 8am-1pm Sat
- The applicant also has an approved Works Zone that has yet to be installed on Darling Point Road that is subject to the following restrictions:
 - Approve the Works Zone in Darling Point Road, within the existing 'No Stopping' zone along the property frontage for a distance of 28 metres operating 7am-6pm Monday to Friday and 8am-1pm Saturday for all construction stages.
 - Approve the following changes for structural works stage, only:
 - i. Install a second Works Zone within the existing bus zone in Darling Point Road, for a distance of 20 metres operating 7am-6pm Monday to Friday and 8am-1pm Saturday.
- Any changes to the DA approved working hours would not result in changes to the approved Works Zones.
- Councils Traffic Engineers would not support extension of hours. As any extension of hours would likely have adverse impacts on the local road network.

4) Insufficient justification

The community has a reasonable expectation that construction impacts will be contained to certain times. Council's standard construction hours prevent construction works during the nighttime period and minimise construction works on a Saturday.

Given the potential for work outside of the standard hours to result in unreasonable impacts, out of hours work should only be supported with strong justification, for example to undertake emergency repairs or works that cannot be reasonably done during standard hours.

The only justification for the extension of the construction hours is to reduce the period of construction. It is stated that increasing the number of daily hours, will expedite the overall construction timeframe which avoids prolonging construction impacts for surrounding properties. The overall construction timeframe is expected to be reduced by one to three months.

The proposed timesaving is not considered to outweigh the adverse impacts which would result from permitting construction works during the nighttime period, and for an extended period on a Saturday.

Supporting out of hours works without a strong justification would undermine the purpose of the standard hours of work condition.

5) Recommendation

For the reasons set out above, the proposed modification to the construction hours should not be supported. It is recommended that any extension to the approved hours of work should be no greater than those permitted under Council's standard hours of work condition, as set out under section 1.

Given that Council's standard hours of work condition has been drafted to include mitigation measures (such as a requirement for a 15-minute interval break every hour for works comprising of rock excavation being cutting, boring, drilling, breaking, sawing, jack hammering or bulk excavation of rock), if the approved hours of work are amended in accordance with Council's standard hours of work condition, it is requested that the council condition is imposed in full.

If you require clarification on any issue raised, please do not hesitate to contact Executive Planner - Eleanor Smith on (02) 9391 7090 or via email at eleanor.smith@woollahra.nsw.gov.au.

Yours sincerely,



Max Moratelli
Acting Manager Development Assessment

Annexure A: Environmental Health Referral Response

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1. ISSUES

- Construction Noise & Vibration Management Plan – Extended Hours Application
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2. DOCUMENTATION

- Acoustic Report: prepared by Acoustic Logic – Document Reference 20240985.6/2605A/R2/AW – Construction Noise & Vibration Management Plan – Revision 2 – 26 May 2026.

3. RESEARCH

- A desktop assessment was undertaken.

4. SUMMARY OF PROPOSAL

An assessment of potential noise and vibration impact from extended construction hours (from 6am weekdays and Saturday afternoons to 6pm), associated with construction activities at 136-148 Darling Point Road, Darling Point.

Works during the extended hours period would be limited to the following activities:

- Use of loading zones along New South Head Road and Darling Point Road.
- During weekdays – prestart meetings, site safety inspections and general low noise generating construction works (between 6-7am)
- During Saturday afternoons (7am – 8am and 1pm – 5pm)– general construction activities.

For the morning extended hours periods (6am – 7am weekdays, 7am – 8am Saturdays), the primary activities undertaken will be associated with the loading zone and pre-start safety inspections. High noise generating works such as demolition, rock hammering, piling etc. is not proposed. The primary noise generating activities will therefore be related to:

- Truck movements to/from the loading zones.
- Use of crane for lifting materials.
- Use of personnel hoist for access to site.
- Other low noise generating activities, i.e. those which can be maintained within the noise management levels identified in the NSW EPA Interim Construction Noise Guideline.

5. ASSESSMENT

a) Acoustics

Environmental Health - Comments

Review of Acoustic Report: prepared by Acoustic Logic – Document Reference 20240985.6/2605A/R2/AW – Construction Noise & Vibration Management Plan – Revision 2 – 26 May 2026.

The Report states, “It is proposed to modify condition D3 & D7 to allow the following hours of work:

D3. Construction, including the delivery of materials or machinery to and from the site, may only be carried out between the following hours:

- a). between 7am and 6pm, Monday to Friday; and
- b). between 8am and 1pm, Saturdays.

D7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:

- a). 9am to 12pm, Monday to Friday;
- b). **2pm to 5pm Monday to Friday; and 9am to 12pm, Saturday**”.

However, Environmental Health notes that contrary to the proposed modification of Condition D.7, Table 1 - Proposed Construction Hours shows that rock breaking, rock hammering, sheet piling, pile driving and similar activities are to occur on Saturday mornings from 9am-12pm and proposed to be extended on Saturdays from 2pm-5pm.

Table 1 – Proposed Construction Hours

Day of Week	Activity	Current Hours	Proposed Extended Hours
Monday to Friday	Loading Zones	7am – 6pm	6am – 7am
	General Construction Works	7am – 6pm	No Change
Saturday	Loading Zones	8am – 1pm	7am – 8am 1pm – 6pm
	General Construction Works	8am – 1pm	
	Rock breaking, rock hammering, sheet piling, pile driving and similar activities.	9am – 12pm	2pm – 5pm

Construction noise management levels are derived according to the *NSW Environment Protection Authority Interim Construction Noise Guidelines*. This document describes both the Noise Affected Level (NAL), a construction noise level that exceeds the background noise by 10 dB, and a Highly Noise Affected Level (HNAL) which is set relative to the background noise but is an absolute construction noise level of 75 dBA.

The EPA states that these noise levels represent the point at which community reaction to the noise is expected, where “**some**” community reaction is expected to the NAL and “**strong**” community reaction is expected to the HNAL. A key principle underpinning the application of the *ICNG* is the adoption of best practice noise management measures to minimise, in so far as practically possible, construction noise that could exceed the relevant noise management levels. Responses to noise exceedances can include community engagement, selection of appropriately sized plant and equipment, scheduling of works outside of identified sensitive periods, noise mitigation at the site, or any combination.

Noise Sensitive Receivers

The nearest/potentially most impacted sensitive receivers surrounding the site representative of noise catchments have been identified at:

- Receiver **R1** – Residential flat buildings situated on the north at 3 Darling Point Road.
- Receiver **R2** – Residential flat buildings situated along the eastern common boundary of the project site.
- Receiver **H1** – Heritage building on the southwestern boundary of the project site.
- Receiver **S1** – Ascham School on the East along New South Head Road.
- Receiver **C1**: Commercial development along Darling Point Road on the west.
- Receiver **C2** and **C3** – Commercial development across New South Head Road.



The Project Site is surrounded by sensitive receivers, in particular the residential flat buildings and Ascham School. If it is correct to modify condition **D7 to include rock breaking, rock hammering, sheet piling, pile driving and similar activities** to be carried out between the hours of **9am to 12pm, Monday to Friday & 2pm to 5pm Monday to Friday; and 9am to 12pm, Saturday**, this would have a negative impact on residents of the two residential flat buildings and the Ascham School, noting that the School also offers boarding for students.

The noise management levels for residential receivers and schools are set in accordance with Tables 2 & 3 of the *ICNG*. The Report has correctly applied a Noise Affected RBL + 5 dB for construction works outside recommended standard hours at residences, and internal noise level of 45 dB(A) for school classrooms. For residences, the *ICNG* states:

- A strong justification would typically be required for work outside the recommended standard hours.
- The proponent should apply all feasible and reasonable work practices to meet the noise-affected level.
- Where all feasible and reasonable practices have been applied and noise is more than 5 dB(A) above the noise-affected level, the proponent should negotiate with the community.

For the other sensitive land use, being Ascham School, consideration must be given to noise from construction to be disruptive when the school is being used during school times, and in this case, including boarders at the school.

Predicted Noise Levels

The potential for noise impact from the proposed construction can be assessed by comparing the predicted noise at the assessment locations with the levels given in Tables 2 & 3 of the *ICNG*. The construction works are considered to have the potential to cause a noise impact if the predicted noise exceeds the levels in Tables 2 and 3.

Environmental Health has referenced previous *Acoustic Logic Noise & Vibration Impact Assessment Report (Document Reference 20240985.1/0312A/R3/SW – 3 December 2024)*. The measured unattended noise monitoring levels are presented in Table 3. It should be noted that noise monitoring along the northern boundary of the Project Site was conducted between

17/9/24 – 26/9/24. Noise monitoring adjacent to the carpark entry on New South Head Road was conducted between 24/2/21 and 2/3/21.

Table 3 – Measured Unattended Noise Monitoring Levels

Monitor Location	Time of Day	Rating Background Noise Level (RBL) dB(A) _{L90(period)}	Traffic Noise Levels dB(A) _{L_{eq}(period)}
Noise Monitor M1 (facing R1)	Day (7:00am-6:00pm)	48	Daytime – 55dB(A) _{L_{eq}(15 hour)} 57 dB(A) _{L_{eq}(1 hour)} Nighttime – 51dB(A) _{L_{eq}(9 hour)} 56 dB(A) _{L_{eq}(1 hour)}
	Evening (6:00pm-10:00pm)	46	
	Night (10:00pm-7:00am)	38	
Noise Monitor M2 (facing New South Head Road)	Day (7:00am-6:00pm)	59	Daytime – 72dB(A) _{L_{eq}(15 hour)} 73 dB(A) _{L_{eq}(1 hour)} Nighttime – 67dB(A) _{L_{eq}(9 hour)} 73 dB(A) _{L_{eq}(1 hour)}
	Evening (6:00pm-10:00pm)	57	
	Night (10:00pm-7:00am)	41	

The Acoustic Report states, “For standard construction hours, as detailed in Condition D3 of the consent, the noise management level allows a 10 dB(A) exceedance of the rating background noise level. For works which occur **outside of standard hours**, as proposed as part of the modification, an exceedance of 5 dB(A) is allowable”. Environmental Health disagrees with his comment, in that exceedances are **NOT** allowable, but are to be managed by the adoption of best practice noise management measures to minimise, in so far as practically possible, construction noise that could exceed the relevant noise management levels.

To quantify the potential noise impacts from the extended construction hours, the realistic worst-case or conservative noise levels from the source should be predicted for assessment locations representing the most noise-exposed residences and Ascham School, taking into account the parameters in the ICNG, and compared with the noise levels in Tables 2 & 3 of the ICNG. The table below details the results of long-term noise measurements for these receivers, and the resulting noise management levels for construction works:

Table 2– Summarised Noise Management Levels

Receivers	Noise Management Level – dB(A) _{L_{eq}(15min)} RBL + 5	Highly Noise Affected level dB(A) _{L_{eq}(15min)}
R1 Residents North of Site 3 Darling Point Road, Darling Point	53	75
R2 Residents East of Site 154 – 180 Old South Head Road	64	75
Classrooms at schools and other educational institutions	45 (internal)	-
Commercial	70	-

Predicted noise levels for the residential apartments are presented below. Predictions have taken into account the noise reduction because of distance, duration of use and screening where applicable:

NAL – Noise Affected Level

HNAL - Highly Noise Affected Level

Table 6 – Predicted Noise Generation to R1

Activity	Predicted Level – dB(A) Leq(15min) (External Areas)	Comment
Use of Loading Zones / Hoist for Site Access		
Delivery Trucks	51-59	Delivery zones close to New South Head Road comply at all times. Vehicles within the tertiary loading/works zone proposed during Stage 2 of the project may marginally exceed NML's.
Luffing Crane (M390D)	66	Luffing crane expected to exceed NML's when used at maximum capacity. Silencing options may be investigated where feasible and within working limits.
Personnel Hoist	54-56	Marginal exceedance expected during persistent use.
Bulk Excavation		
Rock Hammering	72-80	Generally exceeds the noise management levels for the site. Respite periods would be recommended where rock hammering occurs. Generally meet NML's for the site, with minor significant exceedance only anticipated when working close to northern boundary.
Excavator (Bucket)	54-58	
Large Trucks (on site)	51-55	
Construction		
Powered Hand Tools	46-52	Expected to meet NML's

Table 7 – Predicted Noise Generation to R2

Activity	Predicted Level – dB(A) Leq(15min) (External Areas)	Comment
Use of Loading Zones / Hoist for Site Access		
Delivery Trucks	52-62	Achieves NML's
Luffing Crane (M390D)	66	Luffing crane expected to exceed NML's when used at maximum capacity. Silencing options may be investigated where feasible and within working limits.
Personnel Hoist	63	Achieves NML's
Bulk Excavation		
Rock Hammering	73-90	Generally exceeds the noise management levels for the site. Respite periods would be recommended where rock hammering occurs.
Excavator (Bucket)	70-81	Most significant exceedances occur when operated on the eastern portion of site. Recommend for truck loading to occur closer to western portion near loading zones to minimise noise impacts.
Large Trucks	52-62	Achieves NML's
Construction		
Large Trucks	52-62	Achieves NML's
Powered Hand Tools	50-62	Expected to meet NML's

Environmental Health notes that **no Predicted Noise Generation** has been considered for Ascham School, noting both classroom use and boarding use. In addition, the Report has **NOT** considered for **cumulative increases** in construction noise from **concurrent works** at the Project Site.

Tables 6 & 7 above shows:

- R1 **NAL** = LAeq 15 min 53 dB (48 + 5)
- R2 **NAL** = LAeq 15 min 64 dB (59 + 5)
- HNAL = LAeq 15 min 75 dB

For R1 Residential Apartment only Powered Hand Tools are expected to meet the NAL. Exceedances of up to 27 dB are expected for bulk excavation works and over the HNAL. For R2 Residential Apartment, only Delivery Trucks, Personnel Hoist, Large Trucks and Hand Powered Tools meet the NAL. Exceedances of up to 26 dB are expected for bulk excavation works and over the HNAL. Again, it is emphasised that the Report has **NOT** considered for **cumulative increases** in construction noise from **concurrent works**, nor considered the potential noise impact at Ascham School, which has the potential to elevate the Predicted Noise Generation.

The Report only provides for 'general' noise control methods, in the event of complaints, *there are a number of noise mitigation strategies are available, which can be considered*. Environmental Health is of the opinion that a detailed examination of all feasible and reasonable work practices that would be implemented to minimise noise impacts, as well as consideration for **cumulative increases** in construction noise from **concurrent works**.

It is also interesting to note that in the previous *Acoustic Logic Noise & Vibration Impact Assessment Report (Document Reference 20240985.1/0312A/R3/SW – 3 December 2024)*, that other construction activities were identified, which have been excluded from this Acoustic Report, such as Excavator with Hydraulic Hammer and Concrete Pump (Table 15).

It is also interesting to note that section 14.8 Acoustic Barrier of the previous *Acoustic Logic Noise & Vibration Impact Assessment Report (Document Reference 20240985.1/0312A/R3/SW – 3 December 2024)*, states that, '*Given the position of adjacent development, it is unlikely that noise screens will provide significant acoustic benefit, but will provide noticeable improvement for those on the ground floor*'. This statement is contrary to the section 8.1 Acoustic Barrier of the current Report, which states, "*Given the position of adjacent development, the installation of noise screens around the perimeter of the site boundary will provide a significant acoustic benefit towards the surrounding receivers*".

Environmental Health – Conclusion

For the reasons stated above, Environmental Health cannot support the Application to extend the period of construction hours, as the potential for adverse noise impacts upon sensitive receivers has not been carefully considered.

6. RECOMMENDATION

Council's Environmental Health Officer has determined that the proposal is unsatisfactory for reasons stated above in section 5 of the Referral Response.