

SUBMISSION: OBJECTION TO MODIFICATION APPLICATION

Application Number: SSD-67175465-Mod-5

Project: East Walker Street, North Sydney (Construction Hours Modification)

Submitted by: Resident directly adjoining the site (submitter details provided via Planning Portal submission)

Date: 16 July 2026

To the Department of Planning, Housing and Infrastructure,

I am writing to object in the strongest terms to Modification 5 of SSD-67175465, which seeks to extend construction hours to 9pm to accommodate concrete pouring. I urge the Department to refuse this application, for the following reasons.

1. The applicant is already conducting works beyond current hours, for the very activity this modification seeks to extend.

On Tuesday 14 July 2026, at approximately 6:22pm, during the exhibition period of this modification, I personally observed and recorded machinery conducting concrete finishing works (mechanical smoothing/trowelling) at the site, beyond the currently approved construction hours. I hold time-stamped video and photographic evidence, recorded from my residence directly overlooking the site, which I will provide to the Department on request. The recording also captures my infant son's distress at the noise, audible throughout. This demonstrates that the applicant is already scheduling concrete works it cannot complete within its approved hours, and simply running past the cutoff. That is precisely the conduct this modification now asks the Department to legitimise. Whether characterised as pouring or as finishing, the works were generating significant noise outside approved hours, metres from residential bedrooms. An applicant already operating beyond its conditions during the exhibition of an application to extend those same conditions cannot reasonably be trusted to observe any limit placed on an extension. A formal compliance complaint regarding this matter is being lodged separately.

2. My household's direct exposure is severe.

My bedroom and my infant son's nursery windows face directly onto this construction site. The drilling into sandstone has been genuinely unbearable; the only day of the week our home is liveable is Sunday. My wife and infant son have endured this at close range, day after day. We cannot open our windows on the construction-facing side of our unit due to dust, and cannot open them on the opposite side due to the concurrent Warringah Freeway and Western Harbour Tunnel works. The construction dust has now coated our bedroom window so heavily that it is almost impossible to see out of, and because of the works there is no safe landing position for abseil window cleaners to access it, so it cannot even be cleaned. I have already undertaken every mitigation available to me at my own expense: air purifiers and dehumidifiers to maintain safe air quality, and noise-blocking curtains installed across both the main bedroom and nursery windows and walls. Even with these measures in place, the noise remains unbearable and my family is unable to sleep through it. Nor can we resort to earplugs or similar personal measures, as parents of an infant must be able to hear and wake for our child. My household is living with no natural light through the primary bedroom window, no ability to ventilate the home from either side, and near-constant construction noise six days a week that

defeats every reasonable mitigation available to us. These are basic conditions of habitable housing, and this project has progressively stripped all of them from my household. Extending works to 9pm, into the hours when households with infants are settling children for the night, would materially worsen an already unacceptable situation. I note, as a medical practitioner, that the adverse health effects of chronic sleep disruption and sustained environmental noise exposure, including on mental health and on infant and child development, are well established in the medical literature and underpin WHO environmental noise guidance. The conditions my household is living under are not a matter of mere annoyance; they are recognised risk factors for genuine harm, and extending noisy works into the evening settling and sleep period would directly intensify that exposure.

3. I hold further evidence of non-compliance with dust suppression obligations.

I hold video documentation of the construction team failing to apply water suppression during works in circumstances that plainly warranted it. Drilling into sandstone at this site has, in my direct experience living metres from it, produced noise and vibration inconsistent with the levels this consent was assessed against. This evidence is likewise available to the Department on request.

4. The cumulative construction-phase impacts of concurrent projects were never assessed, despite the roadworks predating this approval.

The Warringah Freeway Upgrade and Western Harbour Tunnel works were approved in January 2021 and under construction from March 2021, more than three years before this project's EIS was exhibited in July 2024. The Department's own assessment requirements mandate consideration of cumulative impacts from concurrent projects. Yet while cumulative traffic impacts were addressed, at no point was the cumulative construction-phase impact (simultaneous noise, dust, and loss of ventilation from two directions at once) assessed for residents positioned, as my household is, between both projects. My family is living through precisely the compounding impact that omission failed to anticipate. Granting extended hours would deepen an impact the assessment process never properly weighed in the first place.

5. This development proceeded over the objection of North Sydney Council.

This project was rejected by North Sydney Council and proceeded only through state-level approval. The community has already been overridden once on this project. To now erode the standard-hours protection that formed part of the basis on which approval was granted would compound that imposition on residents who were given no effective say.

6. No case of necessity has been made.

The application offers no substantive justification for why standard hours are insufficient, nor evidence that staging, scheduling, or additional resourcing within approved hours was genuinely considered. The onus for an hours extension rests on the applicant to demonstrate exceptional necessity. None has been demonstrated, and the applicant's conduct on 14 July suggests the operative approach is to schedule concrete works without regard to the approved cutoff and seek permission afterwards.

For these reasons, I request the Department refuse Modification 5 in its entirety. There is no version of this application that should be approved. An applicant that breaches its existing hours condition during the exhibition of an application to extend those same hours has forfeited any basis on which the Department could be satisfied of future compliance. The

appropriate response to demonstrated non-compliance is enforcement, not reward.

I intend to pursue every formal avenue available regarding the conduct of this project, including compliance complaints, requests for independent audit, and referral to oversight bodies as the evidence warrants, and I ask that this submission be read in that light.

Yours faithfully,

[Submitter details provided via Planning Portal submission]