

9 June 2023

Annie Leung  
Team Leader, Key Sites Assessments  
Planning and Assessments  
Department of Planning and Environment

By email:

Dear Annie

**Response to Notice of Exhibition – Pitt Street North Over Station Development:  
Mod-4 (SSD-10375-Mod-4)**

**Your ref: SSD-10375-Mod-4**

**Our ref: CLB/NSW045-00002**

- 1 We act for the New South Wales Masonic Club, which is the owner of the Castlereagh Boutique Hotel, located at 169-173 Castlereagh Street, Sydney.
- 2 We refer to your letter of 30 May 2023, inviting our client's submissions in response to a proposal by North Pty Limited to modify development consent SSD-10375 (as consolidated pursuant to the grant of consent to SSD 10375 MOD 3) (**Consolidated Consent**) to further extend the construction hours under conditions D3-D7 for construction works authorised at 252 Pitt Street, Sydney.

**Approved hours of construction**

- 3 Condition D3 of the Consolidated Consent in its current form, describes the hours of construction as follows:  
*D3. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:*
  - (i) *between 7am and 6pm, Mondays to Fridays inclusive; and*
  - (ii) *between 7am and 5pm, Saturdays.*
- 4 Condition D4 of the Consent prohibits construction works on Sundays and public holidays.
- 5 Condition D5 provides, that certain activities may be undertaken outside of the approved construction hours if required to be carried out by the Police or in an emergency, with prior notification of those activities to be given to affected residents before undertaking the activities or as soon as is practical afterwards (Condition D6).
- 6 Condition D7 permits activities such as rock hammering, sheet piling, pile driving to be carried out between the hours of:
  - (i) *9am to 12pm, Monday to Friday;*
  - (ii) *2pm to 5pm Monday to Friday; and*
  - (iii) *9am to 12pm, Saturday.*

**Sydney**

Level 29, 25 Martin Place, Sydney NSW 2000

PO Box Q1164, QVB Post Office, Sydney NSW 1230

t: +61 2 9373 3555 | f: +61 2 9373 3599 | [www.sparke.com.au](http://www.sparke.com.au)

adelaide | brisbane | canberra | darwin | melbourne | newcastle | perth | sydney | upper hunter

CLB\CLB\89738264\1

## The proposed amendments

- 7 According to your letter of 30 May 2023 the modifications to the Consolidated Consent proposed under SSD-10375-Mod-4 (**Modification Application**) appear to comprise the following:
- (a) Extension of the construction hours under conditions D3-D7 to:
- Monday to Friday 7.00 am to 6.00 pm and Saturday 7.00 am to 5.00 pm for general construction, including delivery of materials.
  - Monday to Friday 6.00 pm to 9.00 pm for specified works such as jump-form installation, screen dismantling, concrete finishing work and internal fit-out works and installation of services after the installation of the building facade.
  - Saturday and Sunday 5.30am to 6.30pm to dismantle tower cranes, on two weekends only.
- 8 The Modification Application also seeks to amend condition B47 to include a reference to City of Sydney Construction Noise Code and increase the height of a small portion of the Level 35 roof by 100 mm (from RL166.05 to RL166.15) to accommodate an access hatch.
- 9 In the Report by Urbis dated April 2023, in support of the Modification Application, the modification of Condition D3, specifically includes the following extended hours on weekends and “restricted days”:
- between 5:30 am to 6:30pm, Saturday and Sunday on restricted days\* for*  
 ▪ *the dismantling of tower cranes*
- \*restricted days are defined as days after the completion of the installation of services and materials to the floors, prior to façade installation, and no closer than 4 weeks apart.*
- 10 We have assumed that “restricted days” specifically includes weekend days.
- 11 Further, our client is concerned that the reference to the dismantling of tower cranes “on two non-consecutive weekends during the construction phase of the project” is not specific enough; upon which 2 weekends is that activity proposed to occur?
- 12 On pages 13 and 14 of the Urbis Report, there appears to be an explanation of the nature and extent of the weekend works and the reasons why certain works need to be carried out on those days, which appear to relate to Road Occupancy Licenses and wide load restrictions. However, the 2 (non-consecutive) weekends upon which those works are proposed to be carried out are not specified. Importantly, page 14 contains this statement about the weekend works, “...there will be no construction activities taking place between 5:30am and 7am. Work will include delivery of crane/trucks and set-up traffic and pedestrian controls around the site”.
- 13 Further, page 31 of the Urbis Report states that the following provision applies to respite periods, “The 7am-8am period on Saturday morning should be used for site set up and work in internal areas. Concreting work and external work using powered tools should not be conducted **prior to 8am on a Saturday** unless agreed with the residents at R4 and R5.” This is inconsistent with the hours of work proposed for the dismantling of tower cranes, which provides that, “use of powered hand tools is not to start **before 7am.**”

## Current Breaches of the Consolidated Consent

- 14 We are instructed, that despite the provisions of Condition D3 of the Consolidated Consent, works is currently being carried out as early as 6.30am on Saturdays. Our client instructs that

several guests of the Hotel have complained about noise from construction works occurring as early as 6.30am on weekends and weekdays.

- 15 Accordingly, as the construction works are not currently being carried out to comply with the Consolidated Consent, our client has no confidence that the extended hours of work proposed under the Modification Application will be adhered to (if approved).
- 16 Ideally, our client would prefer that constructions works not commence until **after 9am on Saturdays and after 10am on Sundays**. On any night, construction should cease at 8pm, with respite periods factored in during the day.
- 17 We are instructed that concrete pumping appears to be one of the most impacting activities at present; that activity does not seem to be subject to any respite periods but our client submits that it should be.
- 18 For the reasons set out above, our client strongly objects to the extended work hours proposed in the Modification Application, which our client considers to be wholly unreasonable by reason of not only the sensitive nature of the Hotel use but also because the construction hours in the Consolidated Consent do not appear to have been complied with to date.
- 19 The current disruption caused by the construction activities to the operation of our client's 83 room Hotel is detrimentally affecting our client's business operation, to an unacceptable degree. Accordingly, our client objects to the Modification Application in the strongest terms.

Yours faithfully

*Catherine Morton*

Partner responsible:  
Catherine Morton  
e: Catherine.Morton@sparke.com.au