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RFD, LLM
SOLICITOR & NOTARY

My Ref: ASB
Your Ref: D/2024/446

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19 July 2024

The General Manager,
Council of the City of Sydney,
VIA PLANNING PORTAL WEBSITE.

Dear Sir / Madam,

**Re: *Sydney Masonic Holdings Limited, Masonic Investments Limited & Sydney
Masonic Centre Pty. Limited – Submission to Council on D/2024/446 - Hotel at
372-382A Pitt Street, Sydney***

I act for Sydney Masonic Holdings Limited and Masonic Investments Limited, between them own the property located at 279 Castlereagh Street, Sydney (also known as 66 Goulburn Street, Haymarket) (“the Building”). This property backs on to the proposed development site. I also act for Sydney Masonic Centre Pty. Limited (“SMC”) located at 66 Goulburn Street, Haymarket.

The Building backs directly onto the proposed building site, separated only by a 3m driveway. The Building has two subterranean garage levels, five above ground levels making up the podium building. The Civic Tower is then positioned on top of the podium. The Building is a solid concrete building, with foundation piers embedded into the common rock body underneath both the Building and the site of the proposed hotel.

I am instructed that SMC operates an Events and Conference Centre which rents out commercial event space on a per event basis, generally between one to four events per day period. SMC operates 17 hours per day 7 days per week between 0700 and 2400 most days. Government, corporate and association meetings generally take place from early morning onwards throughout the day, with dining, meetings, cultural or live music events in the evenings/nights. The event spaces are also booked for use as examination rooms and similar.

Whilst my clients support the principle of the project, they are very concerned about the demolition and heavy construction period in relation to the viability of SMC's business, especially with respect to issues of noise, vibration and dust.

Noise and Vibration

SMC would be adversely affected by any noise or vibration sounds caused by drilling, hammering, banging or any type of intrusive construction, with the noise transferring throughout the entire building. Consequently, when heavy works are performed on the building, or nearby, such as installation of FFE, drilling, lift maintenance, etc., the works must be scheduled to take place outside of contracted booking times. Events cannot be held whilst noisy works take place due to the sound and vibration transfer via the common rock body throughout the entire building, rendering the spaces not fit for use during the demolition and excavation periods.

During the online stakeholder consultation briefing held by my clients' representative with the developer's community engagement consultants on 23 January 2024, the stakeholders were advised that "to inform the assessment, background noise levels were established. Predictions indicate typical site activities will exceed limits". It was advised that especially during the heavy construction period, noise and vibration levels are predicted to exceed limits. Stakeholders were further informed that it is the responsibility of the selected contractor to manage noise and vibration through:

- Preparation of construction noise and vibration management plan;
- Managing site activities within agreed times and respite periods;
- Briefing all workers on managing disruption;
- Developing work practices and use of equipment that reduces noise and vibration to adjacent areas; and
- Promptly responding to and rectifying issues.

Further, the minutes reflect that Community consultation is key to minimising, not removing all, noise impacts:

- There will likely be consultation required to prepare construction management plans; and
- Ongoing coordination of construction activities with community to reduce disruption.

Monitoring and reporting:

- Contractor to install noise and vibration monitors;
- Maintain records of all monitor data for verification conformance of site activities with agreed times; and
- Provide vibration monitors incorporating an alert system to notify where there may be potential building damage (refer to structural engineer).

My clients' concern is that if a contracted event is taking place and the noise or vibration from construction works is such that it causes a SMC event to stop, which is highly likely, then this would be a totally unacceptable situation. SMC have contracts in place

with our clients to supply the event spaces in a presentable condition, including within acceptable noise limits. It will be unacceptable to 'manage' the noise and vibration disruptions through 'monitoring' and 'scheduling' because once an event starts it cannot be stopped, and the business is booked many months in advance. This could expose SMC to litigation alleging breach of contract.

The stakeholder consultation indicated that the noise and vibration levels are predicted to exceed limits, therefore potentially creating a situation where SMC is unable to trade during the heavy construction period, potentially for weeks or months.

My clients are open to the prospect of compensation for the inability to trade for a certain period. However, this would need to be negotiated and implemented at the earliest possible opportunity as event bookings are taken well in advance, i.e. months and sometimes years ahead. My clients strongly believe this needs to be a firm non-negotiable condition of consent.

Dust

My clients have an air-cooled HVAC system installed on the podium roof top of level 5. The roof top is directly adjacent to the construction site, with no walls, corners, screens or filters of any type in between the HVAC units and the proposed building.

It is expected that the demolition of existing buildings and excavation of the ground, and then to a lesser extent the skyward construction, will generate substantially more dust pollution than is normally experienced. My clients have concerns that the additional dust caught up in the air-cooled HVAC system will cause damage to the units, clog the filters and thereby greatly reduce the efficiency of the system.

My clients are seeking a solution and conditions that the contractor will implement to alleviate any damage to the HVAC units during the heavy and general construction periods.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'A. Brown', with a long horizontal flourish extending to the right.

Andrew Brown