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Multiplex Constructions Pty Ltd

Attn: Sean Cain

Wynyard Place - Extended Construction Hours Application - Response to Letter from Council - 15th July 2019

This letter provides our response to the Council letter written following a review of the extended hours application including the ALC acoustic assessment accompanying the application.

The issues and our response is outlined below.

NSW Interim Construction Noise Guideline (ICNG)

The NSW Interim Construction Noise Guideline is just that, it provides general guidelines for the management of construction noise throughout NSW. It is a document that needs to address construction noise impacts in a wide range of ambient conditions, and therefore must provide generalised guidelines.

In respect of the City of Sydney, Council in 1992 developed the "Construction Hours/Noise within the Central Business District – Code of Practice". This Code has for some time been used to successfully manage construction noise impacts within the CBD. The Code provides for varying noise emission limits and management depending on the time of day, with out of hours operations requiring a stringent assessment and management regime.

The stated objectives of the Code are (amongst other things):

- "to prevent the creation and emission of Offensive Noise on Construction Sites consistent with safe working practices, and to avoid the imposition of restraints which would hinder development unnecessarily.
- "The Code is a statement of Council's policy, and a guide to the Council's decision-making in administering the Noise Control Act 1975, and in imposing conditions on development consents, building approvals and Civic Works approvals."

Therefore, in considering the application for extended construction hours Council's stated objective for the Sydney CBD, that is to permit out of hours construction provided noise is appropriately managed, should be recognised. Therefore, while the interim Construction Noise Guideline does not generally permit out of

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hours construction, it is our opinion that weight should be given to the Council Policy, given it was expressly developed to balance the needs of residents, visitors and developers, etc.

City's Construction Code of Practice

The Councils' comments are summarised below.

- **The Report Incorrectly Interprets the Council Code.**

The letter indicates that the Code should be applied to not only residential receivers but also commercial receivers, hotel and visitor accommodation.

Figure 1 of the report identifies the nearest (most affected) receivers around the site. These are commercial receivers. There are hotel receivers and residential further to the north, and in other directions they are more distant still. Table 6 in our assessment assesses noise impacts to the nearest commercial premises and uses the same criteria as would be adopted for residential or hotel receivers. Thus, the assessment shows that noise emissions will be compliant with the Code requirement for Category 4 hours at all receiver locations.

It is noted that this methodology is highly conservative on the basis that:

- Commercial tenancies are likely to be unoccupied or largely unoccupied during category 4 hours.
- For a commercial tenancy there is typically no difference between night time and daytime impact since the sensitivity to noise of the use is the same throughout the day, and the internal background noise level is typically set by the air conditioning system serving the space and does not reduce at night. Therefore, a background + 0 dB(A) criteria for Category 4 hours is very conservative when assessing commercial uses.

- **The Report Has Not Correctly Identified All the Noise Sensitive Receivers**

As indicated above, the most impacted receivers have been identified. More distant receivers (whether they be commercial, residential or hotel uses) will be less impacted.

- **There is no Indication of Timeframes**

Notwithstanding the timeframes can be provided, there risk of "cumulative impacts" is very unlikely for the following reasons:

- Particularly for commercial receivers, the night time criteria applied in the assessment (background plus zero dB(A)) are very stringent. The nearest impacted buildings are commercial buildings which will not be adversely impacted even at much higher noise levels. Noise levels at more distant residential and hotel building will be even lower and inaudible.
- The nearest buildings are very close to the subject site and those facades are unlikely to be simultaneously impacted by another site, let alone at the same level of noise as the subject site.

- **Council has Not Previously Supported 24hr/7 Day Per Week Construction**

To our knowledge Council has approved 24/7 construction on a number of occasions recently including 55 Market Street, 52 Martin Place and Centrepont. It is noted that all these are located closer to hotels/residential than the subject site. Approval has also been obtained from Council for similar after-hours work related to the NAB tenancy within the subject building (Consent D/2018/318).

It is further noted that this response contradicts Council's stated Policy of permitting night time construction where it is shown that it can be managed in accordance with their Code.

We trust this information is satisfactory. Please contact us should you have any further queries.

Yours faithfully,



Acoustic Logic Consultancy Pty Ltd
Victor Fattoretto