

08510
9 November 2011

Mr Sam Haddad
Director-General
Department of Planning and Infrastructure
22 – 33 Bridge Street
Sydney NSW 2000

Attention: Ben Lusher

Dear Ben

**APPROVED HOURS OF CONSTRUCTION
1 DENISON STREET & 88 WALKER STREET, NORTH SYDNEY**

We write to you on behalf of the proponent Eastmark Holdings Pty Limited, seeking an amendment to Project Approval MP08_0238 pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act) which will allow construction works to be undertaken for a longer period of time on Saturdays.

Specifically the following construction hours are sought:

- Monday to Saturday: 7.00am to 5.00pm
- Sunday & Public Holidays: No works

This application identifies the instrument of approval, describes the proposed modifications and provides a planning assessment of the relevant matters for consideration contained in Section 75W of the EP&A Act. It should be read in conjunction with the Environmental Assessment Report (EAR) dated May 2009, the Preferred Project Report (PPR) dated October 2009 and the Section 75W modification applications dated August 2010 and April 2011. The application is accompanied by:

- Section 75W application form and fee;
- A copy of the Notice of Determination for MP08_0238, as amended (**Attachment A**);
- Noise Impact Assessment prepared by Acoustic Logic (**Attachment B**); and
- Construction Environmental Management Plan prepared by Brookfield Multiplex Pty Ltd (**Attachment C**).

1.0 CONSENT TO BE MODIFIED

Project Approval MP08_0238 was granted by the Department of Planning (DoP) on 25 February 2010 for the demolition of existing buildings and erection of a mixed use development comprising a retail/commercial building and a hotel building at 77 – 81 Berry Street and 88 Walker Street respectively.

The consent was modified in April 2011 to alter the building envelope and introduce a service tunnel under Little Spring Street, amongst other things. A copy of the Notice of Determination, as amended, is included at **Attachment A**.

The Department of Planning and Infrastructure (DPI) is currently assessing a second modification application (Mod 2) which seeks amendments to the wording of various conditions of consent so as to allow for the staged construction of the two buildings.

2.0 PROPOSED MODIFICATIONS TO CONSENT

2.1 Proposed amendments to condition

It is proposed to amend condition D1 in the following manner. Additions are shown in ***bold italics*** and deletions are shown in ~~**bold strikethrough**~~.

D1 Construction Hours

Building construction shall be restricted to within the hours of 7.00 am to 5.00 pm Monday to ~~Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive~~ Saturday, with no work on Sundays and Public Holidays.

Demolition and excavation works shall be restricted to within the hours of 8.00 am to 5.00 pm Monday to ~~Friday~~ ***Saturday*** only. For the purposes of this condition:

- i. "Building construction" means any physical activity on the site involved in the erection of a structure, cladding, external finish, formwork, fixture, fitting of service installation and the unloading of plant, machinery, materials or the like.
- ii. "Demolition works" means any physical activity to tear down or break up a structure (or part thereof) or surface, or the like, and includes the loading of demolition waste and the unloading of plant or machinery.
- iii. "Excavation work" means the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders, or the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site and includes the unloading of plant or machinery associated with excavation work.

The builder and excavator shall display, on-site, their twenty-four (24) hour contact telephone number, which is to be clearly visible and legible from any public place adjoining the site.

2.2 Need for additional construction hours

The extension of construction hours on Saturday will allow for concrete pours to occur on Saturdays. The current Saturday hours (8am – 1pm) do not allow for substantial concrete pouring works to be carried out. Often Saturdays are the ideal time for concrete pouring in CBD areas due to the increased number of construction vehicles and the decrease in public vehicles.

It is noted that in most instances, the concrete 'pumping' works are completed within 4 – 5 hours (i.e. between the approved hours of 8am and 1pm), however the concrete 'finishing' works, which generally generate little or no noise, can take several hours after the 'pumping'. Extended construction hours will be used to complete these 'finishing' works.

The quantification of actual time savings in moving from a 5 1/2 day working week to 6 day week is difficult and generally restricted to the structural trades that has previously been advised to Council as proceeding over up to twenty (20) months in our construction environmental management plan.

The potential saving is an assessment of the likelihood of the number of times that a concrete pour might be ready on a Saturday and if hours were not restricted to the nominated 8.00am – 1.00pm, pouring of concrete was possible rather than a deferral to a Monday, gaining a day on the construction programme. As there are approximately thirty (30) floors consisting of three (3) pours per floor, there is potentially ninety opportunities for a pour to coincide with a Saturday. Based on a 6 day pour cycle it may be possible to reduce the overall duration for the construction of the floors by up to one month. This is reflected in our programme that now shows an overall duration of 35 months gross (allowing for inclement weather delays), down from 36 months.

Demolition and excavation works generally give rise to the most adverse comment from members of the public and neighbours due to the creation and generation of noise and dust. The builder will implement measures to keep noise and dust within clearly defined parameters as determined by North Sydney Council.

By allowing these works to occur over extended hours on Saturdays, the previously stated durations for demolition and excavation works may be reduced from 4 and 6 months respectively by 2-3 weeks. Thus by allowing greater durations of these activities on days available during the course of the works, it is possible to reduce the construction time. This will cause less overall inconvenience to adjoining neighbours and the general public through a shorter period of works when the level of perceived discomfort is greatest.

3.0 ENVIRONMENTAL ASSESSMENT

3.1 Acoustic Impact Assessment

Acoustic Logic Consultancy Pty Ltd has prepared an Acoustic Impact Assessment which reviews the relevant noise criteria, establishes the nearest residential receivers, undertakes an impact assessment of the proposed extended hours of construction and makes recommendations as to the management of noise emissions. The report is included at **Attachment C**.

Relevant Controls

North Sydney Council does not have any policies which regulate construction noise. In lieu of such controls Acoustic Logic has referred to the City of Sydney's controls, Australian Standard 2436-1981 'Guide to Noise Control on Construction Maintenance and Demolition Sites' and also the NSW DECCW 'Interim Construction Noise Guideline'.

Using the above controls and guidelines, Acoustic Logic proposes the following construction noise objectives for the proposed extended hours on Saturdays (**Table 1**).

Table 1 – Extended Hours (Saturdays) Construction Noise Objectives

Time Period	Receiver	Management Level	External Sound Level Maximum Objective Leq 15 min dB(A)	Where applied
8am to 5pm Saturdays	Residential	Background + 10 dB(A)	75dB(A)	Externally

Nearest Receivers

Acoustic Logic has identified the following potential receivers within the surrounding area of the development:

- The residential receivers located at 79-81 Berry Street North Sydney (Beau Monde) which is a multistorey development.
- The multistorey residential development located on the corner of Walker and Berry Streets.
- All other surrounding receivers are either commercial or retail receivers.

Noise Monitoring

Acoustic Logic undertook attended and unattended noise monitoring at the Site in June 2011 which established that existing background noise level at the nearest residential receiver is 54 _{L90} dB(A).

Impact Assessment and Management

Table 2 presents a summary of the calculated worst-case maximum noise levels that will occur at the potentially worst affected residential receivers – Beau Monde.

Table 2 – Beau Monde Residential Receiver Assessment

Time Period	Activity	Calculated level of noise at affected occupancy _{L_{avmax}} dB(A)	Background _{L₉₀} measured at the site	Level of activity relative to b'ground	Code permissible exceedence above b'ground	Complies
8.00 to 13.00	1 and 2*	68	54	+ 14	+ 10	Management Required
8.00 to 13.00	1 and 2	68	54	+ 14	+ 10	Management Required

* Activity 1 = Demolition Activities

* Activity 2 = Excavation/detailed excavation

The above assessment concludes that acoustic management of high noise emitting equipment such as hydraulic hammering rock/concrete sawing and the like is required. Management control may include the following:

1. Acoustic barriers
2. Silencing devices
3. Material handling
4. Treatment of specific equipment
5. Establishment of site practices
6. Strategic positioning of processes on site
7. Management training
8. Movement of equipment around the site during the working period
9. Periods when equipment are not in use, which will include scheduled breaks such as lunch and other breaks through out the day
10. A combination of the above

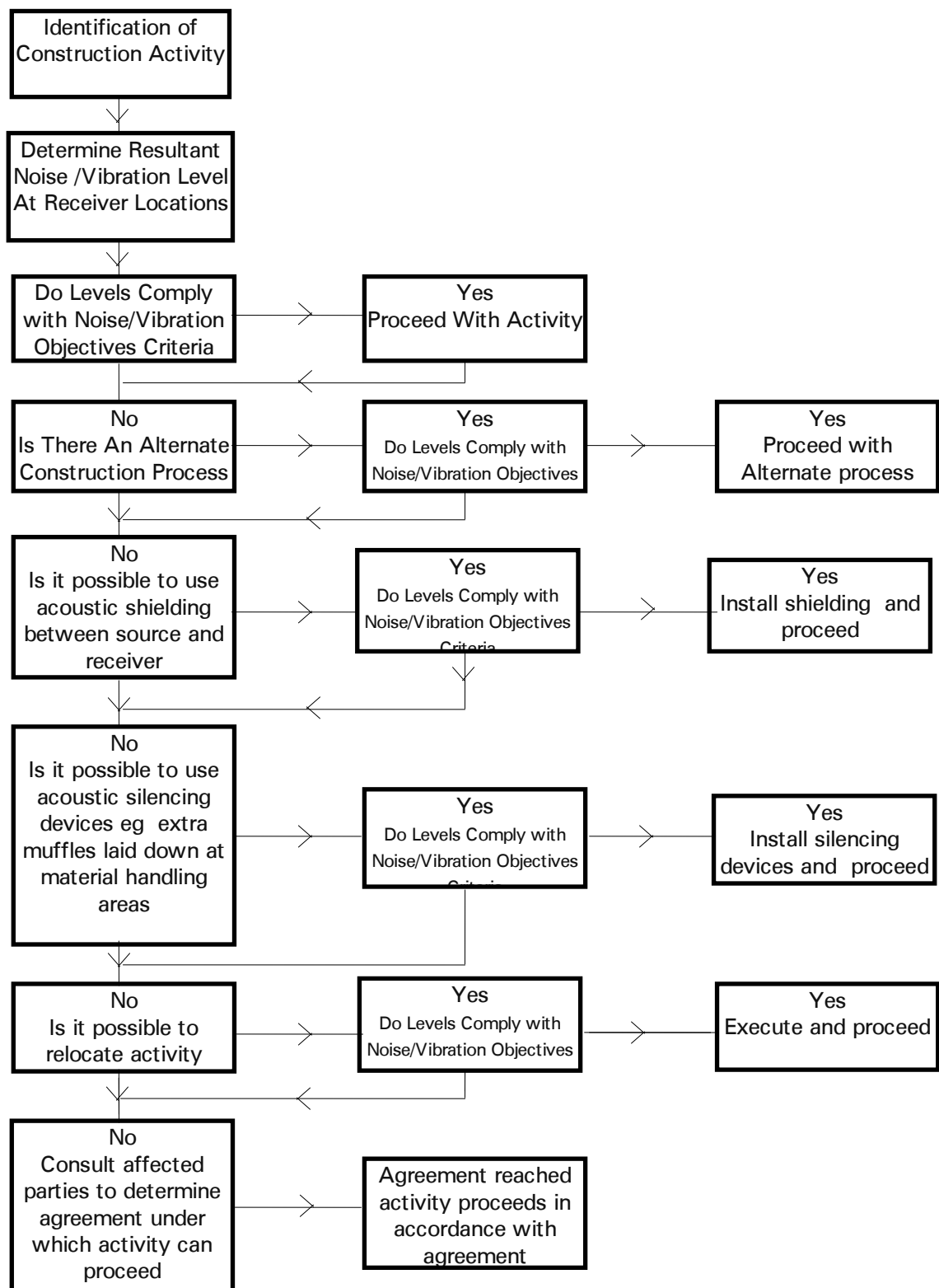
Acoustic Logic has formulated the following flow chart to manage noise on the site. The flow chart illustrates the process followed to assess excavation activities prior to the start of work on site and well as the ongoing investigation into noise during the construction period.

On-going compliance monitoring will ensure that the criteria set out in this report are met. This monitoring programme will be similar to the successful monitoring programme implemented for the extended hours of work on the Sydney Central Plaza Site (Grace Brothers on the corner of Market and George Sts), 400 George Street, Sydney, the GPO and 126 Phillip Street, Sydney project.

In addition, an afterhours contact number of the Site Manager will be advertised outside the building site, so that residents and other interested parties may contact him, should they believe a noise breach is occurring.

In summary Acoustic Logic are confident that the noise levels from the proposed extended hours of construction as identified above will comply with the criteria presented in this report for Saturdays which are being applied for.

Control of Noise and Vibration Management Flow Chart



3.2 Benefit of Modified Hours

The modification to the approved construction hours is proposed so as to reduce the timescale of the construction impact on residential amenity. Multiplex estimate that the proposed construction hours will enable the reduction in the construction programme by approximately 4-7 weeks allowing for inclement weather delays.

Demolition and excavation works generally give rise to the most adverse comment from members of the public and neighbours due to the creation and generation of noise and dust. Brookfield Multiplex will implement measures to keep noise and dust within clearly defined parameters as determined by North Sydney Council.

By allowing these works to occur over extended hours on Saturdays, the previously stated durations for demolition and excavation works may be reduced from 4 and 6 months respectively by 2-3 weeks. Thus by allowing greater durations of these activities on days available during the course of the works, it is possible to reduce the construction time. This will cause less overall inconvenience to adjoining neighbours and the general public through a shorter period of works when the level of perceived discomfort is greatest.

3.3 Precedent of Extended Construction Hours

We note that there are precedents in North Sydney where Council and the Department of Planning and Infrastructure have granted approval for extended construction hours. One such example is provided below.

MP10_0092: 3-11 Ward Street and 70-74 Berry Street, North Sydney, known as North Sydney Zone Substation

On 27 May 2011 the Director-General of the Department of Planning and Infrastructure granted project approval for the construction of the new zone substation with the following condition of consent relating to construction hours:

C4 With the exception of construction works associated with cable installation and the cable vault along Ward and Berry Streets as specified in condition C5, the proponent shall only undertake construction activities associated with the project that would generate an audible noise at any sensitive receptor during the following hours:

Non-High Noise Generating Works

- a) 7.00am to 6.00pm Mondays to Fridays*
- b) 8.00am to 5.00pm Saturdays*
- c) At no time on Sundays or public holidays*

High Noise Generating Works (as identified in the CEMP)

- a) 7am to 12.30pm and 2.30pm to 6pm Monday to Fridays*
- b) 8.00am to 12pm and 1.00pm to 5.00pm Saturdays; and*
- c) At no time on Sundays or public holidays*

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons or emergency work to avoid loss of lives, property and/or to prevent environmental harm.

C5 The Proponent shall only undertake construction activities associated with the cable installation and the cable vault along Ward and Berry Streets that would generate an audible noise at any sensitive receptor during the following hours:

Non-High Noise Generating Works

- a) 7.00am to 6.00pm Mondays to Fridays*
- b) 8.00am to 5.30pm Saturdays*

c) *At no time on Sundays or public holidays*

High Noise Generating Works (as identified in the CEMP)

- a) *7am to 12.30pm and 2.30pm to 6pm Monday to Fridays*
- b) *8.00am to 12pm and 1.00pm to 5.30pm Saturdays; and*
- c) *At no time on Sundays or public holidays*

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons or emergency work to avoid loss of lives, property and/or to prevent environmental harm.

Both of the above examples demonstrate that the extension of construction hours for development within the CBD situation such as the subject site has the benefit of reducing the length of a construction programme and therefore the impact on residents and commercial tenants within the nearby vicinity of the relevant construction site.

4.0 CONCLUSION

This environmental assessment has demonstrated that extended construction hours on a Saturday can substantially reduce the overall construction programme and therefore the impact the development will have on the amenity of the dwellings within Beau Monde. It has also demonstrated that there is a precedent of extended construction hours being approved within the North Sydney CBD.

The Acoustic Impact Assessment prepared by Acoustic Logic Consultancy has concluded that noise impacts associated with the extended construction hours can be suitably managed.

We trust the above provides sufficient information to undertake an assessment of the application. Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or jbuchanan@jbaplanning.com.au.

Yours faithfully



Jennie Buchanan
Principal Planner