

16 August 2017

File No: D/2015/41/E
Our Ref: 2017/404289

NSW Department of Planning and Environment
Key Site Assessments

Email: emma.butcher@planning.nsw.gov.au

Dear Emma,

SSD 7388 MOD 4 –IMAX Redevelopment Option No. 2
Section 96 (2) Modification Application to modify the consent

I refer to your email dated 4 August 2017, inviting the City to comment on the proposed modification to the above development, relating to construction hours (Modification 4). It is understood that the proposed modification seeks to amend condition D2 regarding construction hours, based on noise criteria for Category 2 and Category 4 periods as defined by the *City of Sydney Construction Hours/Noise within the Central Business District code of practice 1992*. These are defined as follows:

- Category 2 hours noise criteria is defined as follows Background + 3dB from 19.00-23.00 Monday to Friday and Background + 3dB from 17.00-23.00 on Saturday.
- Category 4 hours noise criteria is defined as follows Background + 0dB from 23.00 – 07.00 the following day Monday to Saturday.

The proposed modification to condition D2 contained in the covering letter accompanying the application prepared by JBA reads as follows:

D2 ~~Internal works~~ **may be undertaken outside of the approved hours of work outlined in Condition D1, only in accordance with the relevant categories of work outlines in the “The Ribbon Hotel Extended Hours Construction Noise Assessment” prepared by Acoustic Logic, dated 28 June 2017 after the completion of the external shell and the sealing of the entire floor, Specifically the following categories of work are permitted behind a closed facade during the following hours:**

- ~~(a) between 7:00pm and 7:00am, Mondays to Fridays inclusive; and~~
- ~~(b) between 5:00pm and 7:00am, Saturdays, subject to:~~
 - (a) between 6:00am and 7:00m Monday to Saturday – Category 4 works**
 - (b) between 7:00pm and 11:00pm, Monday to Friday – Category 2 works;**
 - (c) between 5:00pm and 11:00pm, Saturdays – Category 2 works;**

- (d) between 11:00pm and 12:00pm Monday to Saturday – Category 4 works;**
- ~~(e)~~ **(e) no further works are to be undertaken externally without the prior consent from the Secretary;**
- ~~(d)~~ **(f) construction activities conducted during Category 2 and 4 periods are to exclude hydraulic /pneumatic hammering, rock/concrete sawing or angle grinding;**
- ~~(e)~~ **(g) no material delivery or removal of waste must take place during the extended hours;**
- (h) No radios (cars or otherwise) are to be played external to the building envelope;**
- (i) No work is to be undertaken on Sundays or public holidays**
- ~~(j)~~ **approval is not given for the use of any high noise intrusive plant and equipment other than hand operated power tools.**

It is noted that the proposed amended condition incorrectly refers to categories of work as opposed to categories of construction periods, and that neither the acoustic assessment referenced in the condition nor the code of practice on which the assessment is based make any reference to categories of work. Any reference made to categories in an amended condition of consent should correctly refer to Category 2 or Category 4 periods, as defined by the *City of Sydney Construction Hours/Noise within the Central Business District code of practice 1992*. Following from this, the insertion of the word *further* in proposed part (e) of the condition is erroneously based on the misunderstanding of categories as described above and could be misleading, and is therefore not supported. A typographical error in proposed amended part (a) of the condition should also be corrected to refer to 6:00am and 7:00am Monday to Saturday.

It is further noted that the acoustic assessment referenced is based on unattended noise monitoring conducted in May 2012 and additional supplementary attended noise measurements which are not provided in the report. It is recommended that the Department seeks clarification regarding when the additional attended noise monitoring was conducted and obtains the raw data in order to verify that the background levels are comparable to those from May 2012. If the noise levels are not comparable then the noise criteria should be determined on the most up to date noise readings available for that area.

The acoustic assessment submitted has determined that the proposed construction activities can be undertaken within the nominated hours, on the basis of the following:

- The proposed works are to be conducted behind a closed facade.
- Construction activities conducted during Category 4 periods are to exclude any hydraulic / pneumatic hammering, rock / concrete sawing or angle grinding.
- Construction activities conducted during Category 2 periods are to exclude any hydraulic / pneumatic hammering, rock / concrete sawing or angle grinding.
- Deliveries are to be undertaken during normal construction hours in compliance with the existing site construction management plan.
- No radios (car or otherwise) are to be played external to the building envelope.

No information has been provided in the acoustic assessment to confirm how *closed facade* has been defined. It is recommended that written confirmation be provided by the acoustic consultant regarding what assumptions have been made with regard

to this term. It should be noted that in the absence of this clarification the City objects to the deletion of the following wording from Condition D2:

“...after the completion of the external shell and the sealing of the entire floor...”

Subject to the above clarifications and corrections, the City does not object in principle to the proposed modification to condition D2 to allow extended construction hours for Category 2 and Category 4 periods on Mondays to Saturdays.

If you wish to discuss this matter further or require further clarification, please contact Rebecca Thompson, Senior Planner, on 9288 5926 or rthompson@cityofsydney.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'MS' or similar initials, written in a cursive style.

MICHAEL SOO
Area Planning Manager