

Our Ref: PRC:RAR:170230

Your Ref:

17 February 2017



New South Wales Government
Planning and Environment

BY EMAIL: Andrew.hartcher@planning.nsw.gov.au

Dear Mr Hartcher

WALSH BAY ARTS PRECINCT STAGE TWO

We act for the Owners Corporation of Strata Plan 73989. This Strata Plan is located on Shore 2/3 and Pier 2/3 13 Hickson Road, Dawes Point.

The strata plan comprises 22 lots which are either owner occupied or leased by tenants. The occupants comprise primarily offices, a restaurant and an art gallery/private dining room/cafe.

Our client commissioned a peer review of noise and vibration impact assessment from Renzo Tonin and Associates. This report provides a peer review on the following three reports which were attached to the Environment Impact Statement prepared in accordance with the Secretary's Environmental Assessment Requirements dated 1 July 2016:

1. Infrastructure NSW Walsh Bay Arts Precinct Noise Impact Assessment Issue 3 prepared by ARUP dated 14 November 2016;
2. Infrastructure NSW. Walsh Bay Arts Precinct. Operation Event Noise Management Plan R04 prepared by ARUP dated 14 November 2016;
3. Walsh Bay Arts Precinct Environmental Construction and Site Management Plan revision C prepared by Cadence Australia dated 14 November 2016.

We **attach** the Renzo Tonin & Associates report dated 15 February 2017.

We refer you to the executive summary to the report which states as follows:

"therefore the noise impact assessment fails to comply with clauses 7, 9 and 17 of the Secretary's Environment Assessment Requirements in terms of

- (a) providing a "high level of environmental amenity",*
- (b) "outlining measures to minimise and mitigate potential noise and vibration impacts within the precinct and to surrounding occupiers of land" and*
- (c) providing an environmental and construction management plan to include "noise and vibration on and off site".*

Furthermore, because the noise sensitive receivers in SP 73989 are overlooked or ignored in the Noise Impact Report, conditions A12, A13, B3, B16 and B12 in SSD6069 are not complied with.

It is therefore concluded the noise impact assessment is faulty and non compliant with both the Secretary's Environmental Assessment Requirements and the Development Consent SSD6069".

Given the short period of time which was allowed for the lodgement of submissions we request that the Renzo Tonin & Associates report be lodged as a submission by way objection which was envisaged in earlier submissions which were lodged.

In light of the fundamental non compliance identified in the Renzo Tonin & Associates report we require an undertaking that the Development Application not be determined until the assessment errors identified in that report are rectified, the amendments re-exhibited and all parties afforded an opportunity to make further submissions.

Please provide this undertaking within 7 days of the date hereof.

If such undertaking is not received we reserve our client's rights to take whatever legal means it regards as appropriate to protect its position.

This correspondence and the Renzo Tonin & Associates report will be used in any Application which is made by our client.

We await your early reply.

Yours faithfully

CLINCH LONG WOODBRIDGE



Executive Lawyer: Peter Clinch
Email: pclinch@clw.com.au