

From:
To: <lisa.chan@planning.nsw.gov.au>
CC: <jenny_l_greenwood@hotmail.com>
Date: 9/03/2012 2:13 pm
Subject: Banora Point Upgrade Extension of hours

Hi Lisa

I am currently on the sunshine coast with my daughter who is competing in the queensland surf titles. I am also a resident of Bione Avenue, Banora Point and my property backs on to the new highway. I had no idea that the alliance had applied for extension of works again. I have always been very vocal and object to any extension of hours for many reasons. I have more than one job and work long hours. My son is currently studying for his year 12 HSC (and is still at home currently - even though I am away up north). Whilst I am not home during the day, my son is home at times in the day and tells me that the shaking and noise is quite intolerable. But whenever residents bring up the vibration and noise issues etc with the alliance, we are told that the "levels are within acceptable limits". Sorry, but if our homes shake at all - this is unacceptable regardless of what their so called specialist equipment reads. We have been constantly exposed to noise and vibration for more than 12 months now and we need a guarantee that we will not be exposed to extended hours at all. How many times do we need to fill out forms, write letters of complaint or email objections. Bione Avenue residents are the most affected by these works and any planned extension. Why were we not notified of this application by the alliance to your office?

I would appreciate a reply to this e mail acknowledging receipt.

Please feel free to contact me on . if you would like any further details

regards

Lisa Chan

From: jenny greenwood <jenny_l_greenwood@hotmail.com>
To: <lisa.chan@planning.nsw.gov.au>
Date: 8/03/2012 9:25 PM
CC: Mathew Greenwood <matgreenwood@hotmail.com>

Dear Lisa,

As per our telephone conversation of today, I wish to raise concerns regarding the extension of working hours applied for by the Banora Point Upgrade Alliance. My home adjoins the construction site on the upper level of the southern side of the Sexton Hill cutting. In fact my home is closer then any other home to the construction site.

We are so close that on two previous occasions the BPUA have had to offer us alternative accommodation when they have carried out work next to our house.

Whenever the BPUA have applied for an extension of working hours we and many of the residents of this area have complained. We have signed a petition whereby we all rejected any extension of working hours. When we have been notified that there is a proposal to extend hours we have voiced our disapproval.

Whenever an extension is granted we are most affected. Our days become intolerable. We have work starting at 7.00am and continuing to 6.00pm. Then the work starts up again at 7.00pm through to 6.am. That means our homes are subjected to noise disturbances for twenty two of every twenty four hours each weekday, 8 am-1pm Saturday's, unless extended, and then from 6pm on Sunday nights through to morning.

My husband, son and daughter-in-law work each week day. They leave when the work is in full swing and arrive home after a day at the job, only to be confronted by noise. It becomes almost impossible to rest without being disturbed.

My son owns a house only five metres to the side of my house. He and his wife have complained to the BPUA when their ability to get some rest at the end of their busy days was intruded upon when the last extension of working hours occurred. Even though we were relocated they were not. The impact of these extension of working hours has a negative impact on their ability to complete their daily work tasks. Julie is a vet and needs to be rested enough to perform surgery and make critical decisions. Each weekend they were so exhausted by the weeks activities which interrupted their sleep.

Conveniently, the BPUA does not extend to us the courtesy of indicating when they will be extending the work hours. It is obvious that they know we will object, but they obviously believe our objections will amount to nothing.

Perhaps they think they are doing us a favour by asking us to vacate our homes when they do carry out work that they know will cause us to complain. What they fail to recognise is that we are not happy to leave our homes. Our homes house all the conveniences we have developed to make living here as we would like. We have pets that have to be relocated but the BPUA makes no compensation for this.

Leona Kelly (BPUA) said she would inform me of any application to extend working hours and the wed site so I could voice my objections and she neglected to do as she said she would. Leona has not only my phone number, my email address and my home address so there is no excuse not to inform me as she said she would.

Just recently on 3 occasions the BPUA has worked outside the 7am-6pm hours and I was told that I should not have been able to hear the work and was I sure it was the BPUA workers. Even tonight at 7.18pm we were disturbed by reversing squawkers, banging and crashing and a truck traveling south on the new road. When I rang up Rebecca said that they were working but it was inaudible. Well if it was inaudible why did we hear the noises and have to ring up?

Yours Sincerely,

Jenny Greenwood on behalf of the 6 residents of 41 Bione Avenue, Banora Point.2486.

Lisa Chan - Comments on Banora Point MOD 5 (MP07_0059 MOD 5)

From: Dunk Craig <Craig.Dunk@epa.nsw.gov.au>
To: "lisa.chan@planning.nsw.gov.au" <lisa.chan@planning.nsw.gov.au>
Date: 7/03/2012 5:46 PM
Subject: Comments on Banora Point MOD 5 (MP07_0059 MOD 5)
CC: Garwood Simone <Simone.GARWOOD@epa.nsw.gov.au>
Attachments: 20120307 EPA Comments_BanoraPoint_Mod Request extension of standard construction hours.doc; 20110727 Table of Comments OEHL.doc; Part.005

Hi Lisa,

As discussed by telephone yesterday please find attached EPA comments in relation to the current modification request regarding the proposal to extend standard construction hours at the Banora Point Pacific Highway Upgrade.

I have also attached a copy of the previous comments provided by EPA in relation to this matter. The attached table of comments also includes the responses provided by BPUA when they responded in July 2011.

If you have any queries or would like me to clarify any points please give me a call.

Regards

Craig Dunk
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NSW ENVIRONMENT PROTECTION AUTHORITY

Document: Banora Point Upgrade Alliance – Modification Request – Extension to standard construction hours (Rev. 3, 25 Jan 2012)

Submitted to Department of Planning and Infrastructure: 7 March 2012

Reviewing Officer: Craig Dunk

Thank you for the opportunity to comment on the Banora Point Upgrade Alliance – Modification Request – Extension to standard construction hours (Rev. 3, 25 Jan 2012). The EPA has reviewed the request document and has outlined comments in the table below.

Report Reference	EPA Comments	Response
General Comment	The document does not indicate if the residents of Banora Point were advised that this document was being submitted to the Department of Planning and Infrastructure (DoPI) for assessment and approval or of the opportunity to make submissions to DoPI in relation to the request.	
Executive Summary	The EPA notes that there is no mention of condition O3.1 of the Environmental Protection Licence (No. 13226) which currently approves standard construction hours which are consistent with MCoA 2.8 and the Interim Construction Noise Guidelines. There is also no discussion with regard to seeking a variation to the EPL if MCoA 2.8 is modified.	
Executive Summary	The document identifies critical path activities but does not clearly define what activities would be considered to meet the criteria, and does not provide any indication as to how many Saturdays would need to be worked to meet the construction program for the remainder of the works.	
Executive Summary	States that BPUA believes that the proposal is consistent with category 4 (public infrastructure works that shorten the length of the project and are supported by the affected community) of section 2.3 of the ICNG for works that may be conducted outside of recommended standard hours. This section of the ICGN also states that this need is typically based on a requirement to sustain the operational integrity of public infrastructure.	
Executive Summary	States that "In addition to the consultation...the NSW Office of Environment and Heritage have provided support for the extension of	

Report Reference	EPA Comments	Response
	<p>hours modification proposal". This statement indicates unreserved support by EPA for the proposal which is not true. The stakeholder comments attached to appendix A of the document state that support is conditional and EPA believes that consultation with complainants is critical and that community concerns should be balanced with the projects ability to meet its various milestones, budget and time constraints. EPA notes that comments responded to by the BPUA in July 2011 are not mentioned anywhere in this document. A copy of these is included for reference.</p>	
<p>Section 1.2 Purpose of this submission</p>	<p>States that BPUA will endeavour to minimise or avoid work on Saturdays and then work on Saturdays will be limited to necessary construction activities required to reach project milestones that, if not completed, could significantly lengthen the overall duration of the project. Again the document does not define or limit what activities meet the requirement of "necessary construction activities". The EPA has concerns that approval of the extended hours will result in further impacts to resident who are already significantly impacted by the current activities and hours of operation.</p>	
<p>Section 1.3 Content of this submission</p>	<p>Dot point 5 states that "The submission addresses the following aspects:...identification of noise impact management measures to ensure that any impacts from noise associated with construction are maintained at a practical minimum". The document does not define what "a practical minimum" means.</p>	
<p>Section 2.1 Reasons for requesting the modification</p>	<p>The document states that the Banora Point Upgrade is due to be completed and open to traffic in December 2012.</p> <p>EPA understands that the south bound lanes are due to be open to traffic around the 19 March 2012 and the north bound lanes are due to be opened to traffic around the 23 March 2012. EPA believes that there are few benefits in allowing extended hours at this point in the projects life as the benefits touted in other parts of the document including completion of the low noise wearing surface, installation of noise barriers and better pavement grade will be achieved within the next week or two regardless of the outcome of this request for approval of extended hours.</p>	
<p>Section 2.3</p>	<p>The document states that there are considerable benefits to the</p>	

Report Reference	EPA Comments	Response
Improved user and community benefits	project, RMS and the community from early completion of the project and that early completion will allow restoration of amenity, however it does not acknowledge that if approved the longer hours it will further reduce the amenity for the remaining period of the project. Table 5.2 discusses predicted impacts and 3 of the 5 items discuss predicted impacts on Bione Avenue which has been the source of numerous complaints. The EPA has previously encouraged projects to work in noise catchments for additional hours were residents are agreeable and to only work during standard hours were residents have raised objections.	
Section 2.3 Improved user and community benefits	The document states that during the planning stages of the project an additional 320 vehicles may be generated by the project. The document does not provide further details with regards to what number of staff currently onsite are early starters or late finishers and what difference the extended hours would make.	
Section 2.3 Improved user and community benefits	<p>Dot point 2 states that based on a December 2012 scheduled finish date, by increasing the allowable construction hours the project could potentially finish two months early.</p> <p>As discussed above, EPA understands that the south bound lanes are due to be open to traffic around the 19 March 2012 and the north bound lanes are due to be opened to traffic around the 23 March 2012. EPA believes that there are few benefits in allowing extended hours at this point in the projects life as the benefits touted in other parts of the document including completion of the low noise wearing surface, installation of noise barriers and better pavement grade will be achieved within the next week or two regardless of the outcome of this request for approval of extended hours.</p>	
Section 2.3 Improved user and community benefits	The document states that the reliance for construction on Saturdays will be lessened since greater efficiencies can be achieved from a longer working weekday. It also states that Saturday works will be limited to times where critical path activities must be undertaken to reach project milestones that, if not completed on program could exponentially lengthen the overall project. The document then also provides the example, in times following adverse weather Saturday works may be required to catch up on lost time. The EPA therefore believes that "critical path activities" actually means any work and that	

Report Reference	EPA Comments	Response
	work is not intended to be limited as is initially indicated in the dot points included in the executive summary.	
Section 2.3 Improved user and community benefits	The document provides a dot point which makes reference to lessening lengthy delays due to road works on weekends. There is no further support for this statement which demonstrates that this is currently a problem. The EPA has not received any comments or complaints relating to lengthy delays on weekends.	
Section 2.3 Improved user and community benefits	The document provides a dot point which makes reference to early noise reduction benefits. As discussed above it is understood that those benefits will be achieved within the next week or two regardless of the approval of extended hours.	
Section 2.3 Improved user and community benefits Figures 2.1 to 2.4	<p>The document makes reference to staff travelling outside of the morning peak period of 7 – 9am if extended hours are approved. As construction hours currently start at 7am it is assumed that staff have already travelled to the site prior to this identified peak period and therefore extended hours are not required to avoid this peak.</p> <p>Likewise staff who currently finish at 6pm are already finishing when there is a sharp decrease in traffic volume which occurs between 6pm and 7pm.</p>	
Section 2.4 Increased project efficiency	States that it is estimated that the extension in construction hours would lead to a saving of two months construction. EPA queries if this estimate is still accurate.	
Section 2.6 Compliance with Interim Construction Noise Guidelines (DECCW 2009)	As noted above EPA support for the extension of hours was conditional.	
Section 3.1 Overview	EPA notes that this section includes activities not identified in the executive summary and not previously discussed including construction.	
Section 3.4 Table 3.1 Audible Activities to be	Many of the activities identified may exceed the trigger for high noise and may not comply with EPL condition O3.6 which provides hours 8 – 6am Monday to Friday and 8am to 1pm Saturday. The EPA reiterates	

Report Reference	EPA Comments	Response
undertaken during the 6:30am – 7:00am and 6:00pm – 6:30pm periods (weekdays).	the need for the licensee to comply with the conditions of the EPL.	
Section 3.7 Saturday Work Activities	The document states that it includes but is not limited to bridge works, finishing works...The EPA notes that what is being included in Saturday works is not consistent throughout the document and appears not to be limited in any way.	
Section 3.8 Predicted noise levels	<p>The document states that the scope of activities requested to be conducted between 6:30am – 7:00am and 6:00pm – 6:30pm weekdays is very limited, however the list of activities included in table 3.1 includes most construction activities.</p> <p>EPA raises concerns that acceptance of this document and proposal will allow any work to be conducted and to be deemed to be within predicted levels while exceeding noise goals.</p> <p>EPA also notes that the document states that minimal impacts are anticipated...at these times with at least 2000 vehicles/hr on the highway. Reference to figures 2.1 through to 2.4 reveals that there may be less than 1000 vehicles/hr during these times.</p>	
Section 4.1 Community Consultation	EPA has raised the issue of community consultation as a key issue on a number of occasions. It is important that both the perceived and real impacts are identified and addressed.	
Section 4.2 Community Engagement Activities	<p>The EPA raises concerns that the discussion regarding community consultation does not accurately reflect the level of community concern regarding the proposal for extended hours.</p> <p>The community consultation does not identify how many of the residents are directly affected by the proposed works or what level of impact they are likely to receive i.e. what noise catchment are they in and how close they are to the works.</p> <p>This section appears to count the 37 signatures (residents) as one response and does not clearly identify how many residents are represented by the Banora Point District Residents Association. It is</p>	

Report Reference	EPA Comments	Response
	<p>noted that these groups unanimously opposed the extension of hours.</p> <p>The document states that the large majority of the community (greater than 80% of respondents) either supports or has not expressed any concern about the proposal to extend construction hours. If all the residents in the Bione Avenue Residents Alliance and the Banora Point Residents Association are counted as individual stakeholders this figure changes and is less than 50% of respondents who are supportive of the extended hours.</p>	
<p>Section 4.9 Overall Consultation Summary</p>	<p>The document again claims that this is consistent with category 4 of the ICNG for works that may be taken outside of recommended standard hours. Please refer to EPA earlier comment noting that this is typically based on a requirement to sustain the integrity of public infrastructure which is not relevant in this situation.</p>	
<p>Section 5.2 Noise Management</p>	<p>EPA notes that a comment in Table 5.1 states that "it is a safety requirement to have alarms fitted" this is not true, the Workplace Health and Safety Legislation allows for other options.</p> <p>Table 5.2 states that actual impacts were less than predicted maximum impacts but does not indicate how this related to complaints or community satisfaction. Although noise levels may be within predicted levels that does not mean that the noise has not been intrusive and has not resulted in complaints.</p>	
<p>Section 6 Conclusion</p>	<p>The EPA notes that a number of the statements in this section have been addressed in earlier comments.</p>	

Table of Comments – BPUA Modification Request - Extension to standard construction hours

Name of Agency	Agency Comment	BPUA Response
OEH	<p>The DECCW notes that the proposed extended working hours are not consistent with the recommended standard hours identified in the Interim Construction Noise Guideline printed in July 2009.</p> <p>The proposal does not demonstrate that it meets the requirements to be consistent with any of the five categories of works that may be undertaken outside of the recommended standard hours that are identified in section 2.3 of the departments Interim Construction Noise Guideline (ICNG). Most relevant are the last two categories which are described as follows: (1) public infrastructure works that shorten the length of the project and are supported by the affected community and (2) works where a proponent demonstrates and justifies a need to operate outside of the recommended standard hours. The other three categories are able to be done in accordance with the Environmental Protection Licence (EPL).</p> <p>The modification request identifies that there are a number of residents (including two organised groups – Bione Ave Residents Alliance, 12 members and Banora Point Residents Association, unknown number of members) and business owners against the extended hours. The proposal does not therefore demonstrate support by the affected community.</p> <p>The DECCW does not believe that the modification request demonstrates and justifies a need to operate outside of the recommended standard hours. The ICNG states that in the last two categories, the proponent should provide the relevant authority with clear justification for reasons other than convenience, such as to sustain operational integrity of road, rail and utility networks. Robust justification has not been provided for the proposal.</p>	<p>Noted. BPUA are seeking to modify the standard construction hours for this project given the significant opportunities and benefits this would provide, particularly to the community with the potential two month earlier project completion, less Saturday work, earlier installation of operational noise treatments and reduction in traffic impacts.</p> <ul style="list-style-type: none"> • The project is identified as a critical infrastructure project by the NSW Government. Both the Federal and NSW governments' identify the project as a priority. • Based on a December 2012 scheduled finish date, by extending the standard construction hours the project could potentially finish two months early. In addition the amount of work required to be conducted on Saturdays would be reduced to critical path activities. • The large majority of the community is supportive of the proposal to complete the project as fast as possible. • Approximately 4372 residents and stakeholders have been consulted on BPUA's proposed extension of construction hours. Only 33 stakeholders (this includes the two additional objections from the Bione Ave Residents Alliance and the Banora Points Residents Association) expressed their dissatisfaction with the proposed extension of working hours compared to the 139 positive responses. The remaining stakeholders who were consulted didn't provide any particular response or objection to the proposal. Whilst the BPUA acknowledge that there are some residents or who not support the proposal, the large majority of the community (greater than 80% of respondents) either supports or has not expressed any concern about the proposal to extend construction hours. • BPUA have provided clear and robust justification in Section 2 of the modification submission for the extension of hours proposal. The key reasons for requesting the modification to the approved hours of construction are: <ul style="list-style-type: none"> ○ Ensure key State and Federal milestones are met; ○ Provide improved community and road user benefits; ○ Allow increased Project efficiency; and ○ Provide improved workforce conditions.

Name of Agency	Agency Comment	BPUA Response
	<p>There are already opportunities for additional works to be undertaken out side of approved construction hours. These works can include inaudible works and those which have agreement from noise sensitive receivers as per conditions in the EPL.</p> <p>There have been a number of occasions when work has occurred beyond the existing approved hours. The department has concerns that extending the approved hours may result in finishing works and overruns occurring even later into the evening creating further disturbances to residents.</p> <p>The DECCW notes that when this issue was raised in the Environmental Review Group meeting in May 2010 the department was not supportive of extended working hours.</p> <p>If the proposal is approved by the Department of Planning (DoP), DECCW would seek to have</p>	<p>Noted.</p> <p>All works undertaken on the Banora Point Upgrade are managed in accordance with the approved CEMP, and Noise & vibration management plan. BPUA acknowledge that there have been nine occasions during the period February 2010 to February 2011 where construction works exceeded the standard construction hours. On five of these occasions the works were inaudible and are permitted under the conditions of the Environmental Protection Licence L13226 for the project (and as referred to by OEH above).</p> <p>The remaining four occasions were predicted to have exceeded the inaudibility criteria by less than 8 dB(A) and hence were not likely to greatly impact on the nearby residents. The community was notified on those occasions where it was thought the works would cause a noise impact to the residents. It should be noted that no complaints were received from these works.</p> <p>In all of these instances where the construction hours were exceeded, the completion of the process was critical to satisfy the technical quality criteria of the product and only essential resources were operating to finish the task. It is noted that this is not one of the five categories listed in Section 2.3 of the ICNG referred to by OEH. There are a number of construction activities that have strict quality requirements that have the potential to impact on the ability to be undertaken within standard construction hours. These include paving, and concrete pours that are heavily reliant on contributing factors such as delays in receiving the materials; the quality of the materials received was not acceptable; adverse weather impacts and equipment breakdowns. The potential re-works of these tasks would have had greater impacts on the community as the partially complete works would have to be completely removed / excavated. This would result in additional noise impacts, excess waste production, and poor value for money outcome as perfectly good works would be being redone in order to comply with the standard construction hours.</p> <p>The ERG members, including OEH were notified of each occasion when work extended over the standard construction hours.</p> <p>BPUA will continue to plan all works to be completed within the approved construction hours in order to minimise the risk of works exceeding the approved hours. BPUA will also allow for contingency for the program, resources and the supply of materials to reduce this risk.</p> <p>BPUA has been working on the extension of hours proposal since May 2010, particularly to complete extensive community consultation and obtain community feedback on the proposal.</p> <p>Noted. The RTA / BPUA would like to review any draft conditions prior to being issued.</p>

Name of Agency	Agency Comment	BPUA Response
	<p>conditions included that minimise the potential for impacts on the community.</p> <p>The proposal does not sufficiently demonstrate that alternative options have been considered and why this is the BPUA's only option to address their needs.</p>	<p>The project has been identified as a critical infrastructure project by the NSW Government and will provide an important link connecting Barneys Point Bridge at Chinderah to the southern end of the Tweed Heads Bypass.</p> <p>There is a tight timeframe for the Project, which has been identified as a project of significance for NSW. The BPUA is investigating all opportunities for ensuring delivery of the benefits of the highway upgrade within that timeframe and even earlier given the Federal and NSW governments' priority for the Project.</p> <p>Making use of available light at any time of the year, and particularly during the summer months when the daylight hours are considerably longer, represents a real opportunity to ensure timely delivery of this highway upgrade within the designated timeframe, or earlier. The proposal would also provide a range of opportunities and benefits for the community including but not limited to:</p> <ul style="list-style-type: none"> ○ Early completion of construction works will allow restoration of amenity and, in many respects, an increase in the quality of this amenity for the community. ○ Reduction in the volume of traffic on the roads during peak hours due to Alliance staff and some construction vehicles travelling to and from work outside peak traffic periods. ○ Based on a December 2012 scheduled finish date, by increasing the allowable construction hours the project could potentially finish two months early. ○ Less Saturday work and hence less noise and traffic impacts. ○ Early noise reduction benefits to the community by having the project open early and the operational noise treatments implemented (eg. better pavement grade, low noise wearing surface and noise barriers complete).

