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Department of Planning and Infrastructure
GPO Box 39 Sydney NSW 2001

Your reference: MP09_0049 MOD 1
Our reference: DOC12/37144
Contact: Stephen McClure 9995 6814

Dear Mr Beattie

I refer to the Environmental Assessment (EA) for the proposed Modification Request for the M2 Motorway Upgrade – Lane Cove Road On-Ramp (MP09_0049 MOD 1) provided to the Environment Protection Authority (EPA) for review on 4 September 2012.

The EPA has reviewed the EA and has identified issues in relation to noise and vibration management, air quality management and water quality management. Specific comments on these issues are outlined as an attachment to this letter (Attachment 1).

The EPA recommends these issues be addressed by the proponent in the Statement of Commitments or, where they are not, that the Department of Planning and Infrastructure (DP&I) include them as Conditions of Approval, should approval be granted for the project.

The EPA advises that if the current EPL holder for the M2 Motorway Upgrade, Leighton Contractors, retains management and control of the area designated for the construction of the on-ramp then the project will be subject to the existing M2 Upgrade EPL.

If construction of the on-ramp is undertaken by another contractor, no separate EPL will be issued for the project and the EPA will regulate the project under section 6(2)(c) of the *Protection of the Environment Operations Act 1997*.

The project will involve a substantial amount of work outside of standard construction hours and therefore has the potential to significantly impact on nearby sensitive receivers. To safeguard residential amenity in the absence of an environment protection licence, the EPA has recommended that specific conditions in regards to works undertaken outside of standard construction hours be included in the Conditions of Approval (Attachment 1). The recommended conditions reflect the EPA's standard approach to works outside of standard construction hours and require the proponent to seek approval from the EPA for any works that do not fall within these conditions.

The EPA considers co-regulation of M2 Upgrade modification project through the conditions of approval to be appropriate given the potential for the project to impact on the same sensitive receivers that are currently affected by the M2 Upgrade project. The EPA considers this is a unique situation and is not supportive of applying this approach more broadly across infrastructure projects.

The EPA would appreciate the opportunity to comment on the draft conditions of the approval for the M2 Upgrade modification project.

If you require any further information or clarification on the above points please contact Stephen McClure on 9995 6814.

Yours sincerely



14-9-12

FRANK GAROFALOW
Manager Metropolitan Infrastructure
Environment Protection Authority

ATTACHMENT 1: EPA comments on the M2 Upgrade Lane Cove Road On Ramp (MP09 0049 MOD 1) Environmental Assessment

Noise and Vibration Management

The Noise and Vibration Impact Assessment indicates that predicted construction noise levels will exceed the *Interim Construction Noise Guideline* (ICNG) noise management levels for residential receivers (located at NCA1), particularly in the evening and night time.

Construction Noise and Vibration Management Plan

The EPA supports the preparation and implementation of a specific Construction Noise and Vibration and Management Plan (CNVMP). It should include all feasible and reasonable noise mitigation measures outlined in EA noise assessment recommendations (Appendix E), the ICNG and include but not be limited to:

- Identification of all potentially affected sensitive receivers;
- Notification procedures for potentially affected residents of the nature, times and duration of the works;
- Identification of the specific activities that will be carried out and associated noise sources at the premises and access routes;
- Assessment of potential noise and vibration from the proposed construction methods (including noise from construction traffic) against the noise limit objectives identified in the Environmental Assessment;
- A description of management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during construction, including the early erection of operational noise control barriers; and
- Measures to monitor noise performance and respond to complaints.

Noise Monitoring

Construction noise monitoring must be undertaken to confirm compliance with the construction noise levels predicted in the EA. Should the results of monitoring show that the predicted construction noise levels are exceeded then additional mitigation measures must be implemented.

Standard Construction hours

Standard construction hours are:

- a) restricted to between the hours of 7:00am and 6:00pm Monday to Friday;
- b) restricted to between the hours of 8:00am and 1:00pm Saturday; and
- c) not to be undertaken on Sundays or Public Holidays.

High Noise Impact works

Any construction work generating high noise impact or works with tonal, intermittent or otherwise annoying characteristics must only be undertaken:

- (a) between the hours of 8:00am and 6:00pm Monday to Friday;
- (b) between the hours of 8:00am and 1:00pm Saturdays;
- (c) in continuous blocks of no more than 3 hours, with at least a 1 hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers; or
- (d) with specific approval of the EPA.

It is the preference of the EPA that all works are undertaken during standard construction hours. However, where it is necessary to undertake construction works outside of standard construction

hours (for reasons such as construction personnel or public safety or road network reliability) every effort should be made to schedule works in the order of:

1. Saturday and Sunday daytime (before 6 pm)
2. Weekday evenings (before 10pm)
3. Weekend evenings (before 10pm)
4. Weekday nights; and
5. Weekend nights.

Additionally, the following points should be adhered to:

- No works between 8pm Sunday – 7am Monday;
- High impact noise activities should be scheduled where possible during construction hours and otherwise no later than 10 pm at night;
- Out of hours construction works that are likely to exceed the noise management levels in the ICNG should not occur for more than two nights during any single week in a location that affects the same receivers.

Additional works permitted outside of standard construction hours

Three categories of activities that may be undertaken outside the standard construction hours are:

a) the delivery of oversized plant or structures that police or other authorised authorities determine require special arrangements to transport along public roads;

b) emergency construction works to avoid the loss of life or property, or to prevent environmental harm;

c) activities that do not exceed:

1. 5dBA (L_{Aeq} , 15 min) above the relevant rating background level, at all times, and
2. 15dBA (L_{A1} , 1min) above the relevant rating background level at night time.

Coordination of out of hours works

Construction works should be coordinated with other construction or maintenance works being undertaken in the same locality so that noise sensitive receivers are not impacted for more than two nights during any single week, except where those works are low noise works.

Notification of works and complaint handling

The principal contractor must notify potentially affected noise sensitive receivers of activities proposed outside of standard construction hours not less than 5 days and not more than 14 days before those works are to be undertaken.

The notification must be:

- i) by letterbox drop; and
- ii) be detailed on the project website (if applicable)

The notification must:

- i) clearly outline the reason that the work is required to be undertaken outside the standard construction hours;
- ii) include a diagram that clearly identifies the location of the proposed works in relation to nearby cross streets and local landmarks;
- iii) include details of relevant time restrictions that apply to the proposed works;
- iv) clearly outline, in plain English, the location, nature, scope and duration of the proposed works;
- v) detail the expected noise impact of the works on noise sensitive receivers;
- vi) clearly state how complaints may be made and additional information obtained; and
- vii) include the number of the telephone complaints line, an after hours contact phone number specific to the works undertaken outside the standard construction hours, and the project website address where applicable.

EPA approval

Any construction works that must be undertaken outside the times or criteria stipulated above should only be undertaken with approval of the EPA.

In seeking approval from the EPA the proponent/principal contractor should provide a report to the EPA which includes:

- a) A full description of the works to be undertaken;
- b) The estimated dates, times and duration of activities;
- c) A complete list of the equipment and plant to be used for the works with corresponding sound power levels;
- d) Justification for the works explaining the necessity to undertake works outside standard construction hours;
- e) A noise assessment showing the impacts of the works on nearby receivers;
- f) Details of all reasonable and feasible noise mitigation measures to be employed; and
- g) Details of the community notification consultation and complaint handling procedures.

Air Quality Management

The EA adequately identifies the impact of the proposed construction activities on air quality and dust in section 8-2-2 and outlines the proposed mitigation measures in Table 8-2.

The EPA recommends the creation of a specific Air Quality and Dust Assessment and Management Plan which includes the following:

- Identification of sources (including stockpiles and open worked areas) and qualification of airborne pollutants (including dust and exhaust emissions);
- Identification of nearest sensitive receivers; and
- Mitigation measures to minimise impacts (as per EA Table 8-2).

Water Quality Management

The EA indicates that erosion and sediment will be managed through the provisions of Landcom's "Managing Urban Stormwater-Soil and Construction", March 2004 (the Blue Book).

The EPA recommends that an Erosion and Sediment Control Plan (ESCP) is prepared in accordance with Landcom's "Managing Urban Stormwater-Soil and Construction", March 2004 (the Blue Book) and the DECC *Managing Urban Stormwater, Soils and Construction, Volume 2D Main Road Construction 2008*. The EPA recommends that the ESCP for the work area should be developed during the detailed design phase and prior to the commencement of construction.

