

18 June 2015

REF
SF2012/015388

Director Infrastructure Projects
Ms Karen Jones
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Glenn Snow

Dear Ms Jones,

Re: Princes Highway Upgrade - Foxground and Berry Bypass

Roads and Maritime Service requests the Secretary, Department of Planning and Environment, to modify the Foxground and Berry Bypass Ministers Conditions of Approval C4(e) and C6 relating to Out of Hours works.

Specifically, the request is for:

1. the modification of Condition C4(e)
2. the removal of Condition C6

The project condition of approval C4(e) requires:

Works outside of the standard construction hours identified in condition C3 may be undertaken in the following circumstances:

(e) with the approval of the Director General in accordance with C6.

Condition of approval C6 requires:

Construction activities (Out of Hours work) may be allowed to occur outside the construction hours specified in condition C3 with the prior written approval of the Director General. Requests for Out of Hours approval will be considered for construction activities which cannot be undertaken during the construction hours specified in condition C3 for technical or other justifiable reasons and will be considered on a case by case or activity-specific basis. Request for Out of Hours work must be accompanied by:

- (a) details of the nature and need for activities to be conducted during the varied construction hours;*
- (b) written evidence to the EPA and the Director General that activities undertaken during the varied construction hours are justified, appropriate consultation with potentially affected receivers and notification of the relevant Council has been undertaken, issues raised have been addressed, and all feasible and reasonable mitigation measures have been put in place; and*

Roads & Maritime Services

(c) evidence of consultation with the EPA on the proposed variation in standard construction hours.

Despite the above, Out of Hours work may also occur in accordance with an approved Construction Environment Management Plan or Construction Noise and Vibration Management Sub-plan for this project, where that plan provides a process for considering the above on a case by case or activity specific basis by the Proponent, including factors (a) to (c) above.

The project conditions of approval for more recent Roads and Maritime projects, for example NorthConnex Condition D13(e), allows out-of-hours work to be carried out if it is approved through an Environmental Protection Licence. Roads and Maritime consider that the condition D13(e) of the NorthConnex project would allow streamlining of the out-of-hours works process without reducing the level of consideration required for out-of-hours work.

As such, Roads and Maritime request the Secretary to consider modifying the Foxground and Berry Bypass condition C4(e) to be in line with NorthConnex Condition D13(e), which states *“construction works approved through an Environment Protection Licence (including any Out-Of-Hours Work Protocol).”*

Further, Condition C6, which currently details the Out of Hours work request process, would no longer be required if the above modification to C4(e) were accepted, and the request would extend to the removal of Condition C6.

Please find attached supporting documents as follows:

- email support from EPA
- email support from Kiama Municipal Council
- email support from Shoalhaven City Council
- revised Out of Hours Works procedure

Please contact Mr Graham Roche, Environmental Manager, Southern Region on 0447443957 if you have any enquires or require any additional information.

Yours faithfully



for
Ron Zahorodny
Principal Manager, Princes Highway and South