



West Out-of-Hours Work Protocol

SM-21-00440043

Metro Body of Knowledge

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1. Introduction

1.1. Who is this document for?

This Protocol applies to permanent, temporary and casual staff; staff seconded from another organisation; and contingent workers including labour hire, professional services contractors, consultants, delivery partners and contractors.

1.2. Purpose

This Protocol outlines the process for preparing, considering, assessing, managing and approving work on the Sydney Metro West project that is undertaken outside of approved hours (i.e. Out-of-Hours) and is subject Critical State Significant Infrastructure (CSSI) planning approval SSI_10038.

1.3. Definitions

The definitions in **SSI_10048 approval** apply and should be read in conjunction with this Protocol.

All terminology in this Protocol taken to mean the generally accepted or dictionary definition. Acronyms.

Other terms and jargon are defined within the [SM-17-00000203 Sydney Metro Glossary](#).

Table 1: Terms/acronyms and definitions

	Definitions
AA	Acoustics Advisor
CEMF	Construction Environmental Management Framework
CNVS	Construction Noise and Vibration Standard (West)
CoA	Condition of Approval
Directly affected sensitive receivers	Noise sensitive receivers predicted to be impacted by noise levels exceeding NML's
DNVIS	Detailed Noise and Vibration Impact Statement
EPA	Environment Protection Authority
EPL	Environmental Protection License
ER	Environmental Representative
ICNG	Interim Construction Noise Guideline
Land Use Survey	Identification of the use of surrounding premises to identify sensitive receiver types and locations.
NML	Noise Management Level
NSR	Noise and Vibration Sensitive Receivers
OCCS	Overarching Community Communication Strategy
OOH (OOHW)	Out-of-Hours (Work)
POEO Act	Protection of the Environment Operations Act

1.4. Accountabilities

Director Environment, Sustainability & Planning - Accountable for this Protocol including approving the document, monitoring its effectiveness and performing a formal document review.

Associate Director Environment and **Director Projects Environment, Sustainability & Planning** - Accountable for ensuring the requirements of this document are implemented within their area of responsibility and for ensuring Sydney Metro contractors comply with the Protocol, unless contractors choose to have their own specific Protocol approved and comply with their alternate Protocol.

Acoustics Advisor - CoA A32 requires an AA to be appointed. The AA is to act as an independent point of contact for all noise and vibration matters under the planning approval. Refer to CoA A36 for a comprehensive description of the AA's responsibilities.

[Section 5](#) includes descriptions of the AA's responsibilities with respect to reviewing and identifying risk level for OOHV.

Environmental Representative - The CSSI planning CoAs require an ER to be appointed to the project. The ER is to act as an independent point of contact for all environmental and planning approval compliance matters. Refer to CoA A30 for a comprehensive list of the ER's responsibilities.

[Section 5](#) includes descriptions of the ER's responsibilities with respect to reviewing and approving OOHV.

Place Manager (Community) – Sydney Metro or Contractor Place Managers are allocated to the geographical areas of Project. The allocated Place Manager is responsible for ensuring that all project communication requirements with the surrounding community are being complied with. Place Managers also need to advise on local business requirements and any cumulative impacts from other out-of-hours work being undertaken in the location and surrounding time periods of proposed OOHV including any associated respite commitments.

[Section 6](#) includes input required by the Place Manager.

Contractor Environmental Manager – The Contractor Environment Manager is responsible for ensuring environmental risks of the Project are identified and appropriate mitigation measures implemented. The Environment Manager is also responsible for ensuring environmental compliance with statutory, approval and proponent requirements. It is their duty to obtain and update all environmental licences, approvals and permits as required.

Authorised Construction Representative – Site engineers, works package supervisors, surveillance officers, construction managers or similar role who plan, resource, undertake and supervise or monitor the out-of-hours work.

Sydney Metro Environmental Manager - The Sydney Metro Environment Manager is responsible for ensuring that all environmental management requirements associated with this Project are being complied.

2. Requirements

2.1. Compliance Matrix

This Protocol has been developed to comply with CSSI_10038 CoAs and Revised Environmental Mitigation Measures (REMMs). Table 2 indicates where these requirements have been addressed.

Table 2: Out-of-Hours Work CSSI CoAs and REMMs

Number	Requirement	Where this requirement is addressed
CoA A30 (j)	For the duration of the work or as agreed with the Planning Secretary, the approved ER must: (j) consider any minor amendments to be made to the Site Establishment Management Plan, CEMP, CEMP Sub-plans and construction monitoring programs without increasing impacts to nearby sensitive receivers, and are consistent with the conditions of this approval and the Site Establishment Management Plan, CEMP, CEMP Sub-plans and construction monitoring programs approved by the Planning Secretary and, if satisfied such amendment is necessary, approve the amendment. This does not include any modifications to the conditions of this approval;	Section 2.2
CoA A36 (d)	The approved AA must review all proposed night-time works (with the exception of low risk ¹ activities) to determine if sleep disturbance would occur and recommend measures to avoid sleep disturbance or appropriate additional alternative mitigation measures.	Section 4.1 Section 4.2 Section 4.4 Section 5.4
CoA A36 (e)	The approved AA must review all noise and vibration documents required to be prepared under the conditions of this approval and, should they be consistent with the conditions of this approval, endorse them before submission to the Planning Secretary (if required to be submitted to the Planning Secretary) or before implementation (if not required to be submitted to the Planning Secretary).	Section 5.4
CoA A36 (h) (iii)	The approved AA must in conjunction with the ER (where required)...if requested by the ER, consider relevant minor amendments made to the Site Establishment Management Plan CEMP, relevant sub-plans and noise and vibration monitoring programs that require updating or are of an administrative nature, and are consistent with the conditions of this approval and the management plans and monitoring programs approved by the Planning Secretary, and, if satisfied, such amendment is necessary, endorse the amendment (this does not include any modifications to the terms of this approval).	Section 2.2
CoA D35	Work must only be undertaken during the following hours: (a) 7:00am to 6:00pm Mondays to Fridays, inclusive; (b) 8:00am to 6:00pm Saturdays; and (c) at no time on Sundays or public holidays.	Section 3
CoA D36	Except as permitted by an EPL, highly noise intensive work that results in an exceedance of the applicable NML at the same receiver must only be undertaken: (a) between the hours of 8:00 am to 6:00 pm Monday to Friday; (b) between the hours of 8:00 am to 1:00 pm Saturday; and (c) if continuously, then not exceeding three (3) hours, with a minimum cessation of work of not less than one (1) hour.	Table 4

¹ Assumed to be Low Impact activities under D37 b), the AA does review low risk activities under D38 a).

Number	Requirement	Where this requirement is addressed
	For the purposes of this condition, 'continuously' includes any period during which there is less than one (1) hour between ceasing and recommencing any of the work.	
CoA D37	Notwithstanding Conditions D35 and D36 of this schedule work may be undertaken outside the hours specified in the following circumstances:	Section 4
(a)	<p>(a) Safety and Emergencies, including:</p> <ul style="list-style-type: none"> (i) for the delivery of materials required by the NSW Police Force or other authority for safety reasons; or (ii) where it is required in an emergency to avoid injury or the loss of life, to avoid damage or loss of property or to prevent environmental harm. <p>On becoming aware of the need for emergency work in accordance with (a)(ii) above, the AA, the ER, the Planning Secretary and the EPA must be notified of the reasons for such work. The Proponent must use best endeavours to notify as soon as practicable all noise and/or vibration affected sensitive land user(s) of the likely impact and duration of those work.</p>	Section 4.1
(b)	<p>(b) Low impact, including:</p> <ul style="list-style-type: none"> (i) construction that causes LAeq(15 minute) noise levels: <ul style="list-style-type: none"> · no more than 5 dB(A) above the rating background level at any residence in accordance with the ICNG, and · no more than the 'Noise affected' NMLs specified in Table 3 of the ICNG at other sensitive land user(s); and (ii) construction that causes LAFmax(15 minute) noise levels no more than 15 dB(A) above the rating background level at any residence; or (iii) construction that causes: <ul style="list-style-type: none"> · continuous or impulsive vibration values, measured at the most affected residence are no more than the preferred values for human exposure to vibration, specified in Table 2.2 of Assessing Vibration: a technical guideline (DEC, 2006), or · intermittent vibration values measured at the most affected residence are no more than the preferred values for human exposure to vibration, specified in Table 2.4 of Assessing Vibration: a technical guideline (DEC, 2006). 	Section 4
(c)	<p>(c) By Approval, including:</p> <ul style="list-style-type: none"> (i) where different construction hours are permitted or required under an EPL in force in respect of the CSSI; or (ii) works which are not subject to an EPL that are approved under an Out-of-Hours Work Protocol as required by Condition D38 of this schedule; or (iii) negotiated agreements with directly affected residents and sensitive land user(s). 	<p>Section 4.2</p> <p>This Protocol</p> <p>Section 4.3</p>

Number	Requirement	Where this requirement is addressed
(d)	<p>(d) By Prescribed Activity, including:</p> <ul style="list-style-type: none"> (i) tunnelling (excluding cut and cover tunnelling and surface works) are permitted 24 hours a day, seven days a week; or (ii) concrete batching at the Clyde construction site is permitted 24 hours a day, seven days a week; or (iii) delivery of material that is required to be delivered outside of standard construction hours in Condition D35 of this schedule to directly support tunnelling activities, except between the hours 10:00 pm and 7:00 am to / from the Five Dock and Westmead construction sites and to / from Burwood North construction site using any roads / streets other than directly from Parramatta Road; or (iv) haulage of spoil except between the hours of 10:00 pm and 7:00 am to / from the Five Dock and Westmead construction sites and to / from Burwood North construction site using any roads / streets other than directly from Parramatta Road; or (v) work within an acoustic shed where there is no exceedance of noise levels under Low impact circumstances identified in (b) above, unless otherwise agreed by the Planning Secretary. <p>Note: Tunnelling does not include station box excavation.</p>	Section 4.4
CoA D38	<p>Out-of-Hours Work Protocol – Work not subject to an EPL</p> <p>An Out-of-Hours Work Protocol must be prepared to identify a process for the consideration, management and approval of work which are outside the hours defined in Conditions D35 and D36 of this schedule. The Protocol must be approved by the Planning Secretary before commencement of the out-of-hours work. The Protocol must be prepared in consultation with the ER, AA and EPA. The Protocol must provide:</p>	This Protocol
(a)	<p>identification of low and high-risk activities and an approval process that considers the risk of activities, proposed mitigation, management, and coordination, including where:</p> <ul style="list-style-type: none"> (i) the ER and AA review all proposed out-of-hours activities and confirm their risk levels; (ii) low risk activities can be approved by the ER in consultation with the AA; and (iii) high risk activities that are approved by the Planning Secretary; 	Section 5.4
(b)	a process for the consideration of out-of-hours work against the relevant NML and vibration criteria;	Section 5.2
(c)	a process for selecting and implementing mitigation measures for residual impacts in consultation with the community at each affected location, including respite periods consistent with the requirements of Condition D50 of this schedule. The measures must take into account the predicted noise levels and the likely frequency and duration of the out-of-hours works that sensitive land user(s) would be exposed to, including the number of noise awakening events;	Section 5.3 Section 6
(d)	procedures to facilitate the coordination of out-of-hours work including those approved by an EPL or undertaken by a third party, to ensure appropriate respite is provided; and	Section 6.3
(e)	notification arrangements for affected receivers for all approved out-of-hours works and notification to the Planning Secretary of approved low risk out-of-hours works.	Section 6 Section 7

Number	Requirement	Where this requirement is addressed
	<p>This condition does not apply if the requirements of Condition D37(b) of this schedule are met.</p> <p><i>Note: Out-of-hours work is any work that occurs outside the construction hours identified in Condition D35 and D36 of this schedule.</i></p>	Section 4
CoA D39	<p>All reasonable and feasible mitigation measures must be implemented with the aim of achieving the following construction noise management levels and vibration criteria:</p> <ul style="list-style-type: none"> (a) construction 'Noise affected' noise management levels established using the Interim Construction Noise Guideline (DECC, 2009); (b) vibration criteria established using the Assessing vibration: a technical guideline (DEC, 2006) (for human exposure); (c) Australian Standard AS 2187.2 - 2006 "Explosives - Storage and Use - Use of Explosives" (for human exposure); (d) BS 7385 Part 2-1993 "Evaluation and measurement for vibration in buildings Part 2" as they are "applicable to Australian conditions"; and (e) the vibration limits set out in the German Standard DIN 4150-3: Structural Vibration- effects of vibration on structures (for structural damage for structurally unsound heritage items). <p>Any work identified as exceeding the noise management levels and / or vibration criteria must be managed in accordance with the Noise and Vibration CEMP Sub-plan.</p> <p><i>Note: The ICNG identifies 'particularly annoying' activities that require the addition of 5 dB(A) to the predicted level before comparing to the construction Noise Management Level.</i></p>	Section 5.3
CoA D40	<p>All reasonable and feasible mitigation measures must be applied when the following residential ground-borne noise levels are exceeded:</p> <ul style="list-style-type: none"> (a) evening (6:00 pm to 10:00 pm) — internal LAeq(15 minute): 40 dB(A); and (b) night (10:00 pm to 7:00 am) — internal LAeq(15 minute): 35 dB(A). <p>The mitigation measures must be outlined in the Noise and Vibration CEMP Sub-plan, including in any Out-of-Hours Work Protocol, required by Condition D38 of this schedule.</p>	Table 5
CoA D41	<p>Noise generating work in the vicinity of potentially-affected community, religious, educational institutions and noise and vibration-sensitive businesses and critical working areas (such as theatres, laboratories and operating theatres) resulting in noise levels above the NMLs must not be timetabled within sensitive periods, unless other reasonable arrangements with the affected institutions are made at no cost to the affected institution.</p>	Section 6
CoA D43	<p>Detailed Noise and Vibration Impact Statements (DNVIS) must be prepared for any work that may exceed the NMLs, vibration criteria and / or ground-borne noise levels specified in Conditions D39 and D40 of this schedule at any residence outside construction hours identified in Condition D35 of this schedule, or where receivers will be highly noise affected. The DNVIS must include specific mitigation measures identified through consultation with affected sensitive land user(s) and the mitigation measures must be implemented for the duration of the works. A copy of the DNVIS must be provided to the AA and ER before the commencement of the associated works. The Planning Secretary and the EPA may request a copy (ies) of the DNVIS.</p>	Section 2.4 Section 5.1

Number	Requirement	Where this requirement is addressed
CoA D44	DNVIS must be prepared for each construction site before construction noise and vibration impacts commence and include specific mitigation measures identified through consultation with affected sensitive land users.	Section 2.4
CoA D50	<p>All work undertaken for the delivery of Stage 1 of the CSSI, including those undertaken by third parties (such as utility relocations), must be coordinated to ensure respite periods are provided. The Proponent must:</p> <ul style="list-style-type: none"> (a) reschedule any work to provide respite to impacted noise sensitive receivers so that the respite is achieved in accordance with Condition D51 of this schedule; or (b) consider the provision of alternative respite or mitigation to impacted noise sensitive receivers; and (c) provide documentary evidence to the AA in support of any decision made by the Proponent in relation to respite or mitigation. <p>The consideration of respite must also include all other approved Critical SSI, SSI and SSD projects which may cause cumulative and / or consecutive impacts at receivers affected by the delivery of Stage 1 of the CSSI.</p>	Section 5.3 Section 6
CoA D51	<p>In order to undertake out-of-hours work outside the work hours specified under Condition D35 of this schedule, appropriate respite periods for the out-of-hours work must be identified in consultation with the community at each affected location on a regular basis. This consultation must include (but not be limited to) providing the community with:</p> <ul style="list-style-type: none"> (a) a progressive schedule for periods no less than three (3) months, of likely out-of-hours work; (b) a description of the potential work, location and duration of the out-of-hours work; (c) the noise characteristics and likely noise levels of the work; and (d) likely mitigation and management measures which aim to achieve the relevant NMLs under Condition D39 (including the circumstances of when respite or relocation offers will be available and details about how the affected community can access these offers). <p>The outcomes of the community consultation, the identified respite periods and the scheduling of the likely out-of-hour work must be provided to the AA, EPA and the Planning Secretary.</p> <p>Note: Respite periods can be any combination of days or hours where out-of-hours work would not be more than 5 dB(A) above the RBL at any residence.</p>	Section 6 Section 7
REMM NV04	The use of noise intensive equipment at construction sites with 'moderate' and 'high' out-of-hours noise management level exceedances would be scheduled for standard construction hours, where feasible and reasonable. Where this is not feasible and reasonable, the works would be undertaken as early as possible in each work shift.	Section 5.3.1
REMM NV05	Air brake silencers would be used on heavy vehicles that access construction sites multiple times per night or over multiple nights.	Section 5.3.1

2.2. Protocol Review and Approval

In accordance with CoA D38, the Out-of-Hours Work (OOHW) Protocol must meet the following consultation, review and approval requirements:

- Be prepared in consultation with the NSW Environment Protection Authority (EPA)
- Be prepared in consultation with the Acoustic Advisor (AA) and Environmental Representative (ER)
- Be approved by the Planning Secretary before the commencement of the OOHW.

Details of issues raised by a government agency during consultation will be included as Appendix A, including copies of all correspondence from those agencies, as required under CoA A6.

Both the AA and ER have reviewed and commented on this document. The AA and ER have provided endorsement prior to submission and approval from the Planning Secretary.

The ER may, following consultation with the AA, approve amendments to this Protocol if satisfied any such amendment is minor and in accordance with CoA A30(j) and CoA A36 (e) and (h) (iii).

2.3. Sydney Metro Construction Noise and Vibration Standard

Sydney Metro has developed a Construction Noise and Vibration Standard (CNVS) to:

- Establish a framework for managing construction noise and vibration impacts and adopting appropriate mitigation measures (including minimum requirements);
- Form part of the Project's Environmental Impact Statement(s);
- Form part of the contract requirements that Sydney Metro's Principal Contractors must comply with.

The CNVS establishes a consistent strategy for the assessment, mitigation and monitoring of noise and vibration generated by construction activities. It defines a minimum standard for managing noise and vibration impacts that considers currently best practice guidelines and other regulatory requirements. This Protocol has been prepared in accordance with the CNVS.

2.4. Detailed Noise and Vibration Impact Assessments (DNVIS)

CoA D43 requires a DNVIS for work undertaken outside construction hours where NML's may be exceeded, or where receivers will be highly noise affected.

The CNVS indicates a DNVIS may be typically written to consider works carried out inside and outside of standard construction hours.

The DNVIS:

- assesses and documents the anticipated noise impacts at noise sensitive receivers (NSR) of proposed activities, prior to the commencement of those activities.
- removes assumptions made in the EIS including the Noise and Vibration Technical Paper.
- is written with a focus on specific activities or locations and considers works carried out inside and outside of standard working hours.
- includes mitigation measures identified through consultation with affected sensitive land user(s).

The AA will review and endorse the DNVIS (as per AA role described at CoA A36(e)). A copy of the endorsed DNVIS will be provided to the ER before the commencement of the associated works and published in accordance with CoA B11.

The DNVIS includes a noise and vibration assessment of the proposed works, however it is acknowledged that additional OOHW (for example, based on available Road Occupancy Licenses) or minor changes to proposed methodologies may occur. As such, the DNVIS supports approvals made under this Out-of-Hours Work Protocol.

3. Approved Hours and Out-of-Hours Periods

OOHW are any works that are undertaken outside of the hours defined in the Project CoA D35 as follows:

- 7:00am to 6:00pm Mondays to Fridays, inclusive;
- 8:00am to 6:00pm Saturdays; and
- at no time on Sundays or public holidays.

This Protocol will apply to the three (3) following OOHW periods as per Table 11-5 of the Stage 1 Environmental Impact Statement:

OOHW Period 1 DAY:

- Saturday: 7am to 8am; and
- Sunday and Public Holidays: 8am to 6pm.

OOHW Period 1 EVENING:

- Monday to Saturday: 6pm to 10pm.

OOHW Period 2 NIGHT:

- Monday to Friday: 10pm to 7am;
- Saturday: 10pm to 8am Sunday morning; and
- Sunday: 6pm to 7am Monday morning.
- On Public Holidays: Before 8am or after 6pm.

4. OOHW Pathways

CoA D37 and section 5.1 b. of the Construction Environmental Management Framework (CEMF) recognise there are times where works outside the hours in D35 are unavoidable and may be undertaken under the following circumstances:

- In the case of safety and other emergencies
- Activities that have low impact for which noise and vibration levels are below a set criteria – these activities are not subject to this Protocol, but require notification to the Place Manager 10 days prior to commencing works. This notification needs to include a description of works, proposed dates and hours of work and outline any mitigation measures that will be in place. Notification to Sydney Metro Environmental Manager, the AA and ER, is also required along with an assessment that demonstrates the low impact criteria are achieved.

- By approval – either EPL, under this Protocol or by negotiated agreements
- By prescribed activity

4.1. Safety and Emergencies

Occasionally there may be a need to undertake works outside of standard working hours, including:

- for the delivery of materials required by the NSW Police Force or other authority for safety reasons; or
- where it is required in an emergency to avoid injury or the loss of life, to avoid damage or loss of property or to prevent environmental harm.

An Out-of-hours Work Permit application form needs to be completed for work undertaken out-of-hours for safety reasons. The safety direction (e.g. Road Occupancy Licence) for delivery of materials should be included in Permit application form, along with a noise assessment and statement of risk.

If the noise assessment predicts NML's will be exceeded, a DNVIS endorsed by the AA as meeting the requirements of CoA D43 is also required.

The AA shall assess for the potential of sleep disturbance and confirm risk level. Notification to the EPA and DPIE of these works is according to Section 7 of this Protocol.

For emergencies, the Contractor must notify the Place Manager and Sydney Metro Environmental Manager immediately of the situation, the reason for the emergency and photographs, sketches or similar as justification. Lack of planning does not constitute an emergency. Sydney Metro will then notify the AA, ER, EPA and DPIE. Emergency works do not require a specific Out-of-Hours Work Permit application form or a DNVIS to be submitted.

Place Managers will use best endeavours to notify as soon as practicable all noise and/or vibration affected sensitive land user(s) of the likely impact and duration of the emergency work, with as much details as possible regarding:

- (a) Scope;
- (b) Location;
- (c) Likely impacts;
- (d) Hours/ Duration.

On the workday following completion of any emergency works being undertaken, a summary will be provided to Sydney Metro, the AA and ER, including:

- (a) Date, time, duration and cause of the emergency;
- (b) Description of emergency works undertaken;
- (c) Mitigation measures implemented to address the impacts of the emergency works including efforts to notify impacted sensitive land user(s); and
- (d) Actions/Measures taken or to be taken to prevent or mitigate recurrence of the emergency.

4.2. Environment Protection Licence

An Environment Protection Licence (EPL) is a regulatory approval issued to strategically control the localised, cumulative and acute impacts of pollution. The NSW Environment Protection Authority (EPA) is responsible for issuing EPLs for 'scheduled activities' under the Protection of the Environment Operations (POEO) Act 1997 (NSW).

Some aspects of Sydney Metro construction and operation works will constitute 'scheduled activities' under the POEO Act and therefore need to be subject to an EPL. Contractors are required to obtain and comply with any EPLs as applicable to their scope of works. Also, Sydney Metro and contractors may be required to comply with Sydney Trains' EPL in circumstances where works are within the Sydney Trains corridor.

The process for approving OOHW outside of those already permitted in accordance with an EPL, is governed by the conditions of the EPL. In order for these types of OOHW to be approved, an application to vary the EPL is to be prepared and submitted to the EPA for approval. The application is to be in accordance with the CNVS and EPL requirements.

OOHW that is subject to an EPL do not come under the scope of this Protocol except if working under Sydney Trains EPL in which case an Out-of-Hours Work Permit application needs to be submitted for the purpose of confirming cumulative impacts and any community consultation requirements.

In order for the AA to execute requirements of A36(d), the contractor shall:

- If triggered by the criteria in D43, submit a DNVIS and obtain AA endorsement.
- Submit EPL applications to Sydney Metro (Place Manager, Environment Manager), the AA and ER for information at the same time they are submitted to the EPA;
- Upon receipt of any correspondence or approval from the EPA, provide a copy to Sydney Metro, the AA and ER; and
- Ensure any required community notifications have been issued (by either Sydney Metro or the contractor directly) within the timeframe(s) specified and in accordance with any relevant conditions of the EPL.
- Provide Sydney Metro, the AA and ER copies of individual OOHW applications, monitoring data, or other information as required upon request.

4.3. Approved Protocol

Approval for works outside the hours in CoA D35 under the Out-of-Hours Work Protocol pathway provided by CoA D37(c)(ii) are detailed in Section 5 below.

4.4. Negotiated Agreements

A negotiated agreement for particular OOHW may be formed with directly affected sensitive receivers in accordance CoA D37(c)(iii).

The Land Use Survey, noise and vibration assessment for OOHW (e.g. DNVIS) will identify potentially affected sensitive receivers to be contacted with regards to each/any negotiated agreement offer. Place Manager(s) can advise and lead the consultation mechanism most suited to the demographics of the potentially affected sensitive receivers.

In order to be considered 'accepted', the negotiated agreement needs to be confirmed acceptable by the 'substantial majority' (taken as being a minimum of 65%) of all respondents (i.e. those who have responded). Responses can be either verbal or written from the potentially affected receivers, and within a two-week timeframe of the provided notification of the negotiated agreement offer.

Negotiated agreements would be undertaken and documented by the team undertaking the work and the relevant Place Manager. This document must also outline the mitigation measures to be implemented to reduce impacts.

An Out-of-Hours Work Permit application form, containing the negotiated agreement is to be submitted for assessment. Notification to the EPA and DPIE of these works is according to Section 7 of this Protocol.

4.5. Prescribed Activities

These activities are not required to be approved under this Protocol as they have inherent permission to be undertaken in accordance with CoA D37.

CoA D43 still applies and it is through the requirements of CoA D43 that the AA and ER review (according to CoA A36 (e) and CoA D38 (a)(i)) will be achieved.

Contractors must also advise the Sydney Metro Place Manager of any Prescribed Activity work for inclusion communication tools under the Overarching Community Communication Strategy (OCCS).

5. OOHW Approval under this Protocol

CoA D37 (c)(i) allows works outside the approved hours where they are approved under an Out-of-Hours Protocol complying with CoA D38. This document is one such applicable Out-of-Hours Protocols applicable to Sydney Metro work scopes.

As per CoA D38(a) approval of OOHW is dependent upon the types of activity proposed and the categorisation of risk of the activity. The ER and AA shall review all proposed out-of-hours activities (proposed for approval under this Protocol) and confirm their risk level as follows:

- i. low risk activities – able to be approved by the ER in consultation with the AA; and
- ii. high risk activities – require approved by the Planning Secretary;

To facilitate this process, the Sydney Metro Out-of-Hours Work Permit application form will be utilised for all OOHW proposed for approval under this Protocol (as well as other pathways as indicated in section 4 above).

The OOHW Permit application form (SM-22-00003835) is to be used to ensure due diligence is undertaken by requiring the applicant to:

1. Provide justification for the works to be undertaken outside of approved hours;
2. Adequately assess the noise impacts at nearest receivers;
3. Demonstrate mitigation measures, including consultation, shall be implemented;
4. Provide an agreed classification of the OOHW risk level
5. Be signed by the Contractor Environmental Manager and Authorised Construction Representative; and

6. Obtain AA endorsement and ER approval prior to commencement of the OOHW.

OOHW Permit applications are supported by a DNVIS.

Once prepared, the OOHW Permit application form, and attached appendices, are submitted to the Place Manager, Sydney Metro Environment Manager, AA and ER for review. Any of the reviewers may provide comments on the application, which need to be adequately addressed by the contractor in a resubmitted application to the satisfaction of the comment provider(s).

5.1. OOHW Justification

Work associated with the Project will be undertaken in accordance with the assessment and management approach outlined in the Interim Construction Noise Guidelines (ICNG). The ICNG requires that work proposed outside of approved hours must be appropriately justified. In general, OOHW undertaken during public infrastructure projects, necessary to sustain the operational integrity of roads, is considered justified in the ICNG.

Further justification is required for consideration by Sydney Metro, the AA and, ER, including but not limited to:

- Instances where works must occur on/adjacent to live traffic, such that a Road Occupancy Licence must be obtained, of which is only provided during periods of reduced traffic/pedestrian activity.
- To limit the impact to commercial or other sensitive receivers which may operate during specific periods of time (I.e. medical centres, childcare centres etc.).
- To undertake works on utilities such as gas, or water, of which can only be permitted by utility providers during OOHW periods as working on major utilities during the day when they are most in use could pose a risk to the general public.

Justification on the basis of accelerating a work program, or out of convenience for a work program, is not a valid justification and will generally not be accepted except where related to recovery of works in response to COVID-19 lockdown restrictions. These are considered on the basis that works are not for program acceleration, but rather to keep sites progressing in the face of the unforeseen circumstance.

5.1.1. Works under Third Party Permits

Utility and Local Area works, oversize deliveries and vehicle movements or occupying footpaths will often be required to be completed under Third Party Permits. Third Party Permits can impose conditions that require works to be performed out-of-hours when other activity, such as traffic, pedestrians, other work interfaces, in the area of the works is reduced. In addition, due to the importance of the functionality of the road network Road Opening Permits (ROP) and Road Occupancy Licence (ROL) may preclude or restrict access to the work area before 10 pm. Therefore construction works would have to be carried out during the OOHW Period 2 NIGHT indicated in Section 3.

5.1.2. COVID-19

The Environmental Planning and Assessment (Covid-19 Development – Infrastructure Construction Work Days No.2) Order 2020 issued by the Minister for Planning provide for

OOHW in certain circumstances without any further approval whilst in force up to 31 March 2022 or a later date if extended. The orders provide for OOHW necessary to protect the health, safety and welfare of the members of the public during the Covid – 19 pandemic as it will facilitate social distancing by spreading infrastructure construction work over more days a week in accordance with the above Order.

The Order permits infrastructure construction to carry out building work or work, or the demolition of a building or work, on a Saturday, Sunday or public holidays.

The project must:

- “a) be the subject of a State Significant Infrastructure approval*
- b) comply with all conditions of the approval other than any condition that restricts the hours of work or operation on a Saturday, Sunday or public holiday, and*
- c) for work or operation on a Saturday, Sunday or public holiday –*
 - (i) comply with the conditions of the approval that restrict the hours of work or operation on any other day as if the conditions applied to work or operation on a Saturday, Sunday or public holiday, and*
 - (ii) not involve the carrying out of rock breaking, rock hammering, sheet piling, pile driving or similar activities during the hours of work or operation that would not be permitted but for this Order, and*
 - (iii) take all feasible and reasonable measures to minimise noise.”*

5.2. Impact Assessment

Assessing the noise and vibration impact of a package of work requires a detailed understanding of the affected community and the work methodology.

This understanding requires collaboration with:

- Place Managers and stakeholder management team – To provide details of Noise and Vibration Sensitive Receivers (NSRs) which may be affected by the project.
- The team performing the works – Regarding construction scenario, work methodology, available scheduling options, required equipment, application of mitigation measures. The Contractor Environmental Manager and Authorised Construction Representative must be part of this team.

5.2.1. Assessment Criteria

The guidelines for establishing project-specific noise and vibration criteria to guide the application of mitigation measures include the following:

- Airborne and ground-borne noise - the Interim Construction Noise Guideline (DECC, 2009). The Interim Construction Noise Guideline identifies ‘particularly annoying’ activities that require the addition of 5 dB(A) to the predicted level before comparing to the construction Noise Management Level (NML).
- Vibration (human comfort) - Assessing vibration: a technical guideline (DEC, 2006)
- Building damage - BS 7385 Part 2-1993 “Evaluation and measurement for vibration in buildings Part 2” as they are “applicable to Australian conditions”
- Heritage items - German Standard DIN 4150-3: Structural Vibration- effects of vibration on structures (for structural damage) (applicable when a heritage-listed structure is identified in poor condition)
- Sleep disturbance - NSW Noise Policy for Industry, Environment Protection Authority 2017.

- Environmental Criteria for Road Traffic Noise.
- Road Noise Policy (DECCW, 2011).

Following identification of NSRs which may be effected by the proposed activity, the above guidelines will be utilised to identify noise and vibration criteria based upon the NSR types, and the location and timing of the proposed activity.

The criteria for building damage may require an assessment of the building structure to confirm if it is either:

- a) Reinforced or framed, or
- b) Unreinforced or light framed structure
- c) A Heritage structure which is structurally sound or not.

5.2.2. Assessment Method

Assessment of proposed OOHW will incorporate quantitative prediction of the extent of noise and vibration impacts that activities will have on potentially affected NSR's.

Work execution scenarios, methodologies, available scheduling options, required equipment and confirmation of ability to apply mitigation measures will be confirmed with the team performing the work.

This information is used to undertake an assessment of the proposed OOHW utilising an appropriate noise prediction tool. The output from this tool will form the basis of the noise impact assessment in a DNVIS required under CoA D43 when predictions are above NML's for OOHW. The noise impact assessment in the DNVIS must also determine if sleep disturbance events are likely and, if so, the number of awakening events, according to the Noise Policy for Industry (EPA, 2017) and the Road Noise Policy (DECCW, 2011).

Similarly, works execution information is used to assess vibration impacts based on standard safe working distances. The output from this assessment will identify if the human comfort, cosmetic damage or heritage criteria identified from section 5.2.1 above may be exceeded and will form the basis of the vibration impact assessment in a DNVIS required under CoA D43. A suitably qualified acoustic consultant may be used to complete the noise and vibration impact assessments and recommend appropriate mitigation measures in consultation with the team performing the work.

5.3. Mitigation Measures

Works outside approved hours are typically undertaken at a time most people are more sensitive to noise and vibration and background levels of noise are quieter. This increases the level of risk for adverse impacts on the community.

The mitigation measures implemented would take into account the predicted noise levels and the likely frequency and duration of the out-of-hours works that sensitive land user(s) would be exposed to, including the number of noise awakening events.

5.3.1. Standard Mitigation Measures

All reasonable and feasible measures for noise mitigation and management are required to be implemented as standard under CoAs D39 and D40 and the CNVS regardless of predicted noise levels.

To address information requirements in D38, relevant Standard Mitigation Measures from Section 4 in the CNVS are compiled in Table 3 below.

Table 3: Standard Mitigation Measures

Action required	Applies to	Details
Management Measures		
Implementation of any project specific mitigation measures required	Airborne noise Ground-borne noise and vibration	In addition to the measures set out in this table, any <i>project specific</i> mitigation measures identified in the environmental assessment documentation (e.g. EA, REF, submissions or representations report) or approval or licence conditions must be implemented.
Implement community consultation measures	Airborne noise Ground-borne noise and vibration	Tools for consulting with the community are outlined in the OCCS and include Newsletters Notification Letters Website Project information and construction response telephone line Place Managers
Surveillance	Airborne noise Ground-borne noise and vibration	Authorised Construction Representatives must observe work behaviours to manage monitor situations such as: <ul style="list-style-type: none"> • Approved equipment/ plant in use. • Number of equipment/ plant in use. • Time of works in accordance with approval. • Operating equipment dominating noise levels, and any potential requirements for maintenance/ repairs • Unnecessary noise being generated from work behaviours.
Register of Noise Sensitive Receivers	Airborne noise Ground-borne noise and vibration	A register of all noise and vibration sensitive receivers (NSRs) would be kept. The register would include the following details for each NSR where known: <ul style="list-style-type: none"> • Address of receiver • Category of receiver (e.g. Residential, Commercial etc.) • Contact name and phone number

Action required	Applies to	Details
Site inductions	Airborne noise Ground-borne noise and vibration	All employees, contractors and subcontractors are to receive an environmental induction. The induction must at least include: <ul style="list-style-type: none"> • All relevant project specific and standard noise and vibration mitigation measures • Relevant licence and approval conditions • Permissible hours of work • Any limitations on high noise generating activities • Location of nearest sensitive receivers • Construction employee parking areas • Designated loading/unloading areas and procedures • Site opening/closing times (including deliveries) • Environmental incident procedures
Behavioural practices	Airborne noise	No swearing or unnecessary shouting or loud stereos/radios on site. No dropping of materials from height; throwing of metal items; and slamming of doors. Avoid impulsive noise such as metal and metal contact Turning off idling equipment when not in use. No excessive revving of plant and vehicle engines Controlled release of compressed air.
Source Controls		
Construction hours and scheduling	Airborne noise Ground-borne noise and vibration	Program to avoid noisy activities after midnight as far as practicable (such as hammering, sawing etc).
Equipment selection and operation	Airborne noise Ground-borne noise and vibration	Equipment to be maintained and mobilisation/ pre-start checks confirming proper and efficient operation. Use quieter and less vibration emitting construction methods where feasible and reasonable such as smaller, lower powered, newer, or better maintained. Examining alternative technologies and methods to complete activities more quietly, including recommend measures to avoid sleep disturbance. Equipment operator to be appropriately qualified and competent.
Plan worksites and activities to minimise noise and vibration	Airborne noise Ground-borne vibration	Plan traffic flow, parking and loading/unloading areas to minimise reversing movements within the site.
Non-tonal reversing alarms	Airborne noise	Non-tonal reversing beepers (or an equivalent mechanism) must be fitted and used on all construction vehicles and mobile plant for any out-of-hours work.
Minimise disturbance arising from delivery of goods to construction sites	Airborne noise	Loading and unloading of materials/deliveries is to occur as far as possible from NSRs Select site access points and roads as far as possible away from NSRs Dedicated loading/unloading areas to be shielded if close to NSRs Delivery vehicles to be fitted with straps rather than chains for unloading, wherever feasible and reasonable

Action required	Applies to	Details
Path Controls		
Shield stationary noise sources such as pumps, compressors, fans etc	Airborne noise	Enclosures or shields on or around stationary noise sources.
Shield sensitive receivers from noisy activities	Airborne noise	Use structures and/ or screens to shield NSRs.

5.3.2. Additional Mitigation Measures

In addition to the above standard mitigation measures, Additional Mitigation Measures described in the CNVS are required to be implemented based on the predicted noise levels above NML's, or maximum predicted levels, as reasonable and feasible. Such Additional Mitigation Measures and matrices for noise, ground-borne noise and vibration exceedances are shown in Table 15, 16, 17 and 18 of the CNVS respectively. To address information requirements in D38, this information is reflected in Tables 4, 5, 6 and 7 below for the OOHW periods.

There may be personal circumstances among the NSRs where the approach to specific Additional Mitigation Measures is not best suited. The Place Manager(s) have the authority to amend the below approach taking into account personal circumstances that may apply.

Table 4: Additional Mitigation Measures

Measure	Description	Abbreviation
Letter box drops	Letter box drops collectively consist of the following Standard Mitigation Measures a) Newsletters of work activities and progress b) Notification letters prior to especially noisy activities and out-of-hours works. These are distributed to local communities, stakeholders and businesses via letterbox drop and/or email to subscribers and where relevant email addresses are known, as well as made available on the Sydney Metro website. Refer to Section 6.1 and 6.2 below.	LB a) b)
Monitoring	Where it has been identified that specific construction activities are likely to exceed the relevant noise or vibration goals, noise or vibration monitoring may be conducted at the affected receiver(s) or a nominated representative location (typically the nearest receiver where more than one receiver have been identified). Whilst subjective monitoring by the work group, particularly supervisors is a Standard Mitigation Measure (refer to Table 3 above) Monitoring as an Additional Mitigation Measure can be in the form of either unattended logging or operator attended surveys but will typically be through measurements using a Sound Level Meter. The purpose of monitoring is to inform the relevant personnel when the noise or vibration goal has been exceeded so that additional management measures may be implemented.	M

Measure	Description	Abbreviation
Individual briefings	Individual briefings are used to inform stakeholders about the impacts of high noise activities and mitigation measures that will be implemented. Place Managers would deliver specific notification, visit in person and/or email / call contact by phone identified stakeholders at least 48 hours ahead of potentially disturbing construction activities. Individual briefings provide affected stakeholders with personalised contact and tailored advice, with the opportunity to comment on the project and specific needs etc. Individual briefings may be undertaken when specific contact details of impacted stakeholders are available, or where access to deliver specific notifications or visit is achievable.	IB
Project specific respite offer	The purpose of a project specific respite offer is to provide residents subjected to lengthy periods of noise or vibration respite from an ongoing impact. Respite offers may include noise cancelling headphones, vouchers, periods of low noise / vibration activity.	RO
Alternative accommodation	Alternative accommodation options may be provided for residents living in close proximity to construction works that are likely to incur unreasonably high impacts over an extended period of time. Alternative accommodation will be determined on a case-by-case basis.	AA

Table 5: Additional Mitigation Measures – Airborne Construction Noise

Time Period		Mitigation Measures				Max. Predicted LAeq (15minute) noise level > 75 dBa
		Predicted LAeq (15minute) noise level Above NML				
		0 to 10 dB	> 10 to 20 dB	> 20 to 30 dB	> 30 dB	
OOHW Period 1 DAY	Saturday (7.00 am – 8.00 am)	LB a)	LB a), M	LB a) and b), M	LB a) and b), M, IB, RO	Not permitted, except under EPL
	Sunday and Public Holidays (8.00 am - 6.00 pm)					
OOHW Period 1 EVENING	Mon-Sat (6.00 pm - 10.00 pm)	LB a)	LB a), M	LB a) and b), M, RO	LB a) and b), M, IB, RO	Not permitted, except under EPL
OOHW Period 2 NIGHT	Mon-Fri (10.00 pm - 7.00 am)	LB a)	LB a) and b), M, RO	LB a) and b), M, IB, RO, AA	LB a) and b), M, IB, RO, AA	Not permitted, except under EPL
	Sat (10.00 pm - 8.00 am Sunday morning)					
	Sunday (6.00 pm - 7.00 am Monday morning)					
	Public Holidays (Before 8.00 am or after 6.00 pm)					

Table 6: Additional Mitigation Measures – Ground Borne Construction Noise

Time Period		Mitigation Measures				
		Predicted LAeq (15minute) noise level Above NML			Internal Residential Max LAeq(15minute)	
		0 to 10 dB	>10 to 20 dB	> 20 dB	> 40 dB	> 35 dB
OOHW Period 1 DAY	Saturday (7.00 am – 8.00 am)	LB a)	LB a) and b), M	LB a) and b), M, IB, RO	Nothing additional	
	Sunday and Public Holidays (8.00 am - 6.00 pm)					
OOHW Period 1 EVENING	Mon-Sat (6.00 pm - 10.00 pm)	LB a)	LB a) and b), M	LB a) and b), M, IB, RO	LB a) and b), M, IB, RO	LB a)
OOHW Period 2 NIGHT	Mon-Fri (10.00 pm - 7.00 am)	LB a) and b), M,	LB a) and b), M, IB, RO, AA	LB a) and b), M, IB, RO, AA	LB a) and b), M, IB, RO, AA	
	Sat (10.00 pm - 8.00 am)					
	Sunday (6.00 pm - 7.00 am Monday morning)					
	Public Holidays (Before 8.00 am or after 6.00 pm)					

Table 7: Additional Mitigation Measures – Ground-borne Vibration

Time Period		Mitigation Measures	
		Predicted Vibration Levels Exceed human comfort levels	Predicted Vibration Levels Exceed cosmetic damage levels
OOHW Period 1 DAY	Saturday (7.00 am – 8.00 am)	LB a) and b), M, IB, RO	Alternative construction methodologies to be investigated.
	Sunday and Public Holidays (8.00 am - 6.00 pm)		
OOHW Period 1 EVENING	Mon-Sat (6.00 pm - 10.00 pm)	LB and b), M, IB, RO	
OOHW Period 2 NIGHT	Mon-Fri (10.00 pm - 7.00 am)	LB a) and b), M, IB, RO, AA	
	Sat (10.00 pm - 8.00 am)		
	Sunday (6.00 pm - 7.00 am Monday morning)		
	Public Holidays (Before 8.00 am or after 6.00 pm)		

Human comfort and cosmetic damage levels are sourced from the vibration assessment from section 5.2.2 above.

5.4. Classification of OOHW Risk Level

The proposed OOHW will be classified as either low or high risk, which will then be subject to the relevant approval pathway:

1. Low risk activities can be approved by the ER in consultation with the AA, and

2. High risk activities are approved by the Planning Secretary.

The following definition of high and low risk activities has been prepared to minimise the frequency and duration of works with unacceptable noise and/or vibration impacts, as shown in Table 8: 8.

Table 8: Classification of Low and High risk OOHW

Low Risk	High Risk
<p>Works that do not trigger the three 'high risk' criteria for residential receivers</p> <p>Works that are not considered high risk following consultation with the AA and the Place Manager</p>	<p>As a default risk level, OOHW will be categorised as 'high risk' if all three (3) of the following criteria apply:</p> <ol style="list-style-type: none"> 1. The affected noise sensitive receivers are High Impact: e.g. Residential home for the elderly/high density unit blocks/persistent complainers/residents deemed to have "construction noise fatigue"; and 2. The predicted noise level of the OOHW has a likelihood for potential sleep disturbance (i.e. Rating Background Level + 15 dB or more); and 3. The type of and intensity of noise emitted from the OOHW is categorised as High Impact (e.g. prolonged high noise and/or vibration intensive activities). <p>For non-residential receivers, OOHW may be considered as 'high risk' if undertaken during trading hours and in close proximity to their place of business (for example, during Saturday evening trading hours). Since each non-residential receiver has different business needs, it is imperative that the Place Manager provide advice for inclusion in each OOHW application for the AA to better understand how the proposed OOHW would impact any businesses.</p>

As part of their review, using the default risk level as a 'starting point', the AA and ER will consider all other relevant factors to confirm or adjust the nominated risk level from either 'high risk' to 'low risk' (or vice-versa). These relevant factors include:

- Those listed in Table 9 of this document;
- Third Party permits; and
- Any other factors the AA and ER consider relevant in their professional opinion.

Table 9: Risk Level Considerations

Type	Risk Level Considerations
Predicted Noise Exceedance	The degree of predicted noise level exceedance above the RBL or NML as appropriate
Duration and timing	Length of time the peak predicted noise levels are anticipated, and timing during the shift peak predicted noise levels are likely to occur.
Certainty	Whether RBLs, NMLs or predicted noise impacts are not well understood
Past Experience	Nature of works are new, in a new location or have not been undertaken by the contractor on the project already
Frequency	The number of consecutive evenings/ nights of work, the number of non-consecutive evenings/ nights in a week, the overall number of evenings/ nights
Negotiated Agreement with Sensitive Receivers	Whether negotiated agreements have been obtained in accordance with CoA D38
Potential Sleep Disturbance	Whether the activity is likely to exceed the Project's sleep disturbance criteria

Type	Risk Level Considerations
Number of awakening events	How often (the potential number) and when in the shift are awakening events likely to occur, and how do the noise levels of the awakening events compare to ambient noise levels
Non-Residential Receivers	Whether the impacted non-residential receivers operate within the same time period as scheduled OOHW.
Special Events	The timing and location of special events in the area of the proposed OOHW may be schedules at the same time or immediately before or after the special event (e.g. festivals, public gatherings etc.)

Following their consideration, the AA and ER will confirm the final Classification level on the OOHW Permit application form (including any risk identification commentary) and they will and sign and date the Permit application form as per the roles described in Table 10.

Table 10: Role according to OOHW Classification

Classification	AA	ER	DPIE
Low risk	Consultation	Approval	N/A
High risk	Review	Endorse	Approval

Following approval, the OOHW Permit application form will be returned to the team performing the work and the OOHW register updated.

6. Consultation

Consultation on sensitive periods and respite with noise and vibration sensitive business and the community is required to satisfy CoA D41 and D51 respectively. Sydney Metro intend to address the requirements of CoA D51 by implementing the commitments outlined in this section and section 7.

Further, CoA D41 requires other reasonable arrangements with the affected institutions to made at no cost to the affected institution if work resulting in noise levels above the NMLs cannot be timetabled outside sensitive periods. Sensitive periods and potential alternative arrangements will be determined by the consultation process described on the Overarching Community Consultation Strategy. General consultation avenues for OOHW are summarised below.

6.1. Newsletters

Communities are more likely to understand and accept the impacts from noise and vibration if they are provided with honest detailed information and commitments on mitigation measures to be implemented that are adhered to by the project prior to the works commencing.

Therefore such newsletters are produced and distributed as follows:

- Undertaken by letterbox drop or email.
- Are made available on the Sydney Metro website.
- Broadly describe the locations, type of work, and provide a progressive schedule for periods no less than three (3) months for OOHW.
- Detail the expected noise impacts, characteristics and levels, of the works.

- Detail mitigation and management measures and proposed respite periods.
- Clearly state how additional information can be obtained through details on how to contact Sydney Metro included the number of the 24-hour telephone complaints line, site contact (where available) and the Project website address.

6.2. Notifications

Specific community notifications are used as a, additional mitigation measure for receivers of noise and vibration impacts from OOHW events. OOHW notifications will be issued to potentially affected sensitive receivers at least seven days prior to the OOHW commencing. Such notifications will:

- Be undertaken by letterbox drop or email, and be made available on the Sydney Metro website.
- Clearly outline the reason that the work is required to be undertaken outside standard construction hours specified.
- Include a diagram that clearly identifies the location of the proposed works in relation to nearby cross streets and local landmarks.
- Include details of relevant time restrictions that apply to the proposed works.
- Clearly outline the location, nature, type of work, scope and days and dates and hours of the proposed works.
- Detail the expected noise impacts, characteristics and levels, of the works.
- Detail mitigation and management measures and proposed respite periods.
- Clearly state how additional information can be obtained, how to contact Sydney Metro for consulting on respite periods and how to access mitigation offers.
- Include the number of the 24-hour telephone complaints line, site contact (where available) and the Project website address.

6.3. Place Manager Consultation

As well as community consultation, the Sydney Metro Out-of-Hours Work Protocol requires consultation with the Place Manager to:

- Provide advice on any local business impacts, and
- Identify other out-of-hours work occurring in the location of the proposed OOHW, including those approved by an EPL or undertaken by a third party, such as a nearby construction site or utility provider.

Any such preferences and cumulative impacts are to be described in the Out-of-Hours Work Permit application form.

7. AA/ EPA/ DPIE Notification

The AA receives information on OOHW and respite through approval of the OOHW Permits. The avenue for providing this information to EPA and DPIE shall be through the addition of nominated EPA and DPIE representatives to the distribution lists for Newsletters (three (3)

month programme) and Notifications (seven (7) day program). These consultation tools are also posted on the Sydney Metro website.

Outcomes of community consultation shall be provided as a report generated from Consultation Manager on a quarterly basis.

This is Sydney Metro's approach to addressing the requirements of CoA D51 regarding provision of identified respite periods and the scheduling of the likely out-of-hour work, and the outcomes of the community consultation, to the AA, EPA and the Planning Secretary.

8. Related documents and references

Related documents and references

- [SM-17-00000203 Sydney Metro Glossary](#)
- [SM-22-00003835 Form – Out-of-Hours Permit Application \(West\)](#)

9. Superseded documents

Superseded documents

There are no documents superseded as a result of this document.

10. Document history

Version	Date of approval	Notes
0.0	03-Dec-2021	Draft issued for review.
0.1	11-Jan-2022	Draft issued for review following ER/AA consultation workshop.
0.2	24-Jan-2022	Draft issued for review following ER/AA consultation workshop 2.
0.3	03-Feb-2022	Draft issued for review following ER/AA consultation workshop 3 and update to address JCG comments.
1.0	09-Feb-2022	Final issued for EPA consultation following final ER/AA
1.1	22-Feb-2022	Updated to reflect outcomes of consultation with the EPA.
1.2	08-Mar-2022	Updates to reflect comments from DPE.

Appendix A: Records of Consultation with Government Agencies

Pamela Tummers

From: Mark Jansons <Mark.Jansons@epa.nsw.gov.au>
Sent: Tuesday, 22 February 2022 2:27 PM
To: Pamela Tummers
Cc: Jacqueline Ingham; Matthew Marrinan
Subject: FW: Sydney Metro West - SSI_10038 - Out-of-Hours Works Protocol - feedback please by 21 February 2022
Attachments: Out-of-Hours Work Protocol - 1.1.pdf; Out-of-Hours Work Protocol - 1.1 tracked changes.docx

CAUTION: This email is sent from an external source. Do not click any links or open attachments unless you recognise the sender and know the content is safe.

Hi Pam,

Thanks for the updated document. We note that this document is for your contactors. Provided the purpose is clear for the contractors, the EPA has no further comment.

Regards,
Mark

From: Pamela Tummers <Pamela.Tummers@transport.nsw.gov.au>
Sent: Tuesday, 22 February 2022 10:46 AM
To: Mark Jansons <Mark.Jansons@epa.nsw.gov.au>
Cc: Matthew Marrinan <Matthew.Marrinan@transport.nsw.gov.au>; Jacqueline Ingham <Jacqueline.Ingham@epa.nsw.gov.au>
Subject: RE: Sydney Metro West - SSI_10038 - Out-of-Hours Works Protocol - feedback please by 21 February 2022

Thanks Mark

Much appreciate your response and feedback.

I've updated accordingly in Table 2 and Section 4.3 – refer attached tracked changes and clean versions of revision 1.1.

Please confirm the updates have suitably addressed the recommendation.

Regards
Pam

From: Mark Jansons <Mark.Jansons@epa.nsw.gov.au>
Sent: Tuesday, 22 February 2022 10:17 AM
To: Pamela Tummers <Pamela.Tummers@transport.nsw.gov.au>
Cc: Matthew Marrinan <Matthew.Marrinan@transport.nsw.gov.au>; Jacqueline Ingham <Jacqueline.Ingham@epa.nsw.gov.au>
Subject: RE: Sydney Metro West - SSI_10038 - Out-of-Hours Works Protocol - feedback please by 21 February 2022

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Hi Pam,

The EPA's general position on post approval management plans, including OOHW Protocols, is to encourage the development of such plans to ensure that proponents have determined how they will meet their statutory obligations and designated environmental objectives.

However, we do not approve or endorse these documents as our role is to set environmental objectives for environmental management and not to be directly involved in the development of strategies to achieve those objectives.

The EPA would recommend one change to the OOHW Protocol to better reflect the Conditions of Approval for the project. The heading in the CoA D38 states that the OOHW Protocol are for 'works not subject to an EPL'. This is not reflected in the OOHW Protocol and may lead to confusion by contractors. The OOHW Protocol should not be used where an EPL is in force. The EPA recommends that this made clearer in the OOHW Protocol.

Please let me know if you need any further information.

Regards,
Mark

Mark Jansons
Senior Operations Officer
NSW Environment Protection Authority
Ph: 02 9995 6829



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The EPA acknowledges the traditional custodians of the land and waters where we work. As part of the world's oldest surviving culture, we pay our respect to Aboriginal elders past, present and emerging.

Report pollution and environmental incidents 131 555 or +61 2 9995 5555

From: Pamela Tummers <Pamela.Tummers@transport.nsw.gov.au>
Sent: Monday, 21 February 2022 11:18 AM
To: Mark Jansons <Mark.Jansons@epa.nsw.gov.au>; Jacqueline Ingham <Jacqueline.Ingham@epa.nsw.gov.au>
Cc: Matthew Marrinan <Matthew.Marrinan@transport.nsw.gov.au>
Subject: RE: Sydney Metro West - SSI_10038 - Out-of-Hours Works Protocol - feedback please by 21 February 2022

Dear Jacqueline and Mark

Just following up consultation on the Out-of-Hours Works Protocol for Sydney Metro West issued last week. Where there any questions or comments?
My mobile number is 0422 001 925 if you would like to call to discuss.
Otherwise, if you are all happy are you able to please issue confirmation of consultation for attaching to the document for submission to DPE.

Cheers
Pam

From: Pamela Tummers
Sent: Monday, 14 February 2022 2:29 PM

To: mark.jansons@epa.nsw.gov.au; jacqueline.ingham@epa.nsw.gov.au

Cc: Matthew Marrinan <Matthew.Marrinan@transport.nsw.gov.au>

Subject: Sydney Metro West - SSI_10038 - Out-of-Hours Works Protocol - feedback please by 21 February 2022

Dear Mark and Jacqueline

We understand you have been consulted for Out-of-Hours Works (OOHW) Protocols submitted by various contractors working on the Sydney Metro West project.

This OOHW Protocol has a boarder scope designed to be used by investigations teams, future contractors and potentially WTP.

As per condition D38 OOHW Protocols are to be prepared in consultation with EPA. As such please find attached:

- Pdf copy of the OOHW Protocol
- Word doc copy of the OOHW Protocol
- Consultation letter signed by Stu Hodgson as pdf

To achieve timely approvals, we would welcome your feedback on the attached plans by **21 February 2022**.

Kind regards

Pam

Pam Tummers

Environmental & Sustainability Manager TSE Implementation Group
Sydney Metro

M (personal) 0422 001 925 E pamela.tummers@transport.nsw.gov.au

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**ACOUSTICS ADVISOR ENDORSEMENT
SYDNEY METRO WEST (SSI 10038)**

Review of	Sydney Metro: West Out of Hours Work Protocol	Reviewed document reference:	SM-21-00440043
Prepared by:	Dave Anderson, Acoustics Advisor		Revision: 1.1
Date of issue:	1 November 2021		Dated: 22 February 2022

As approved Acoustics Advisor for the Sydney Metro West project, I have reviewed and provided comment on draft versions of Sydney Metro's Out of Hours Work (OOHW) Protocol for Metro West.

Version 1.0 of the OOHW Protocol was revised to address my comments and version 1.1 was further revised to address comments from EPA. I am satisfied that it is appropriate for submission to the Secretary for review and approval.

I endorse Version 1.1 of the OOHW Protocol for submission to the Secretary.



Dave Anderson, Metro West Acoustics Advisor

Stuart Hodgson
Director Sustainability, Environment & Planning
Sydney Metro - Metro West
Transport for NSW
PO Box K659
HAYMARKET NSW 1240

24 February 2022

REF: SM OOHW PROTOCOL REV_1.1

Dear Stuart

RE: Sydney Metro West: Out of Hours Works Protocol

I refer to Sydney Metro's (SM) submission of the following document required by Condition D38 of the Sydney Metro West Infrastructure Approval (SSI 10038) which was approved by the Department of Planning, Industry and Environment (DPIE) on 23 February 2022:

- West Out-of-Hours Work Protocol R1.1 (OOHW Protocol)

It is noted that:

- This Protocol outlines the process for preparing, considering, assessing, managing and approving work on the Sydney Metro West project that is undertaken outside of approved hours (i.e. Out-of-Hours) and is subject Critical State Significant Infrastructure (CSSI) Planning Approval SSI_10038.
- Under Condition D38, the OOHW Protocol is required to be developed in consultation with the EPA, the AA and the ER.
 - The OOHW Protocol has been provided to the EPA for comment and the EPA has responded. The EPA comment has been addressed and the submission issued again to the EPA which had no further comment. Correspondence is included in the OOHW Protocol submission.
 - Previous versions of the document have been reviewed and updated following comment from the ER.
 - The Acoustic Advisor for the project has reviewed previous versions of the document and has endorsed this version of the document as being suitable for issue to DPIE for approval. Endorsement issued 24/02/22.

As the approved Environmental Representative for the Sydney Metro West; I confirm that the ER has been consulted on the OOHW Protocol as required of Condition D38.

Yours sincerely



Jo Robertson
Environmental Representative – Sydney Metro West
CC: Matthew Marrinan, Sarah Lepre, Ben Armstrong, Pam Tummers, Michael Woolley, Greg Byrnes, Jeff Parnell, Dave Anderson, Larry Clark