



Your reference : MP 10_0235
Our reference : FIL07/7057-05; DOC12/42772
Contact : Mr Matthew Corradin; (02) 6332 7603



The Director
Infrastructure Projects
Department of Planning & Infrastructure
GPO Box 39
SYDNEY, NSW, 2001

Attention: Ms Belinda Scott

15 October 2012

Dear Mr Keary

**PART 3A: ORANGE DROUGHT RELIEF PIPELINE
REVIEW OF ENVIRONMENTAL ASSESSMENT (MP 10_0235)**

I refer to a letter from Ms Lisa Mitchell of the Department of Planning & Infrastructure (DoP&I) dated 17 August 2012 requesting the Environment Protection Authority (EPA) to make a written submission to DoP&I regarding the Exhibition of the Environmental Assessment provided for the above mentioned project by the proponent, Orange City Council and its consultants.

The EPA has undertaken a review of the Environmental Assessment and Draft Statement of Commitments and has determined that it is able to support the project subject to DoP&I incorporating those comments and recommended conditions of approval at Attachment 1.

In summary, the key issues of concern to the EPA are as follows:

1. Noise impacts, particularly construction noise (hours of operation and high intensity construction noise); and
2. Pollution of waters associated with waterway crossings as well as discharges from the infrastructure associated with the project (i.e. scour water).

The EPA has previously indicated that the project will not require an environment protection licence issued under the *Protection of the Environment Operations Act 1997* (the POEO Act). However the EPA will be the Appropriate Regulatory Authority (ARA) under the POEO Act for environmental pollution matters.

Should you have any further enquiries in relation to this matter please contact Mr Matthew Corradin at the Bathurst office of the EPA by telephoning (02) 6332 7603.

Yours sincerely

DARRYL CLIFT
Head Regional Operations Unit Bathurst
Environment Protection Authority

ATTACHMENT 1

EPA COMMENTS ON EXHIBITED ENVIRONMENTAL ASSESSMENT AND RECOMMENDED CONDITIONS OF APPROVAL

(October 2012)

NOISE AND VIBRATION

Construction Noise – Hours of Operation

The Environmental Assessment (EA) and Noise Impact Assessment (NIA) indicate that the construction hours of operation associated with the project will be in accordance with those construction hours of operation outlined by the Interim Construction Noise Guideline (DECC, 2009), being as follows:

7:00 am to 6:00 pm Monday to Friday;
8:00 am to 1:00 pm on Saturday; and
At no time on Sunday's or Public Holidays.

The EA itself (not including the NIA) indicates that some "out of hours" construction activities may be required but does not provide the circumstances or a justification as to why this may be the case.

Recommended Condition of Approval 1:

The EPA recommends that the construction hours of operation (not including blasting activities) be restricted to:

*7:00 am to 6:00 pm Monday to Friday;
8:00 am to 1:00 pm on Saturday; and
At no time on Sunday's or Public Holidays.*

Note 1: This does not apply to emergency work to avoid the loss of life or damage to property, or to prevent environmental harm.

Note 2: This does not apply to the delivery of oversized plant or structures that police or other authorities determine require special arrangements to transport along public roads.

Note 3: This does not apply to construction activities that shorten the length of the project so long as such works are supported by all affected noise sensitive receivers.

Note 4: This does not apply to construction activities where the proponent demonstrates and justifies a need to operate outside these hours, with the prior written approval of the determining authority and/or the EPA.

The EPA notes that these construction hours of operation only apply to "normal construction" activities and that the Interim Construction Noise Guideline applies differing criteria to blasting activities as follows:

9:00 am to 5:00 pm Monday to Friday;
9:00 am to 1:00 pm on Saturday; and
At no time on Sunday's or Public Holidays.

Neither the EA nor the NIA make any reference to the times in which blasting activities will take place.

Recommended Condition of Approval 2:

The EPA recommends that the construction hours of operation (for blasting activities) be restricted to:

*9:00 am to 5:00 pm Monday to Friday;
9:00 am to 1:00 pm on Saturday; and
At no time on Sunday's or Public Holidays.*

Construction Noise – Noise Impacts

The EA and NIA indicate that the construction noise associated with the project will result in exceedances of the relevant criteria at many of the identified noise sensitive receivers.

The before mentioned recommended Conditions of Approval seek to ensure that such exceedances do not occur during evening and night time periods where such exceedances generally have a greater impact on noise sensitive receivers e.g. during times of rest/relaxation and sleep.

Recommended Condition of Approval 3:

The EPA recommends that the proponent (including any contractors and sub-contractors engaged by the proponent) must implement all feasible and reasonable noise mitigation measures during construction activities in accordance with Australian Standard 2436-2010 and other relevant guidelines including the Interim Construction Noise Guideline.

Recommended Condition of Approval 4:

The EPA recommends that the proponent must consider periods of respite for any noise sensitive receiver, and in consultation with such noise sensitive receivers, where the predicted or measured noise level from construction activities exceeds 75 dB (A) $L_{Aeq}(15\text{ min})$.

The EPA understands that the linear and transient/moving nature of the construction activities associated with the project will provide for noise mitigation in itself.

The EPA wishes to advise that the proponent (including any contractors and sub-contractors engaged by the proponent) has statutory obligations under Sections 139 and 140 of the POEO Act in regards to noise associated with the operation of plant and when dealing with materials.

Operational Noise – Hours of Operation

The EPA understands that the infrastructure associated with the project may operate at any time if the project specific operating rules are met and that there is likely to be minimal to no impact.

The EPA therefore has no recommended Condition of Approval in relation to this topic.

Operational Noise – Noise Impacts

The EPA understands that the infrastructure associated with the project may operate at any time if the project specific operating rules are met and that there is likely to be minimal to no impact.

The EPA therefore has no recommended Condition of Approval in relation to this topic.

The EPA again wishes to reiterate that the proponent (including any contractors and sub-contractors engaged by the proponent) has statutory obligations under Sections 139 and 140 of the POEO Act in regards to noise associated with the operation of plant and when dealing with materials.

Vibration

Recommended Condition of Approval 5:

The EPA recommends that the proponent be required to comply with Table 3.12 of the NIA.

Note 1: Where Table 3.12 of the NIA cannot be complied with, the proponent (including any contractors and sub-contractors engaged by the proponent) must consider alternative construction methods.

Blasting

Recommended Condition of Approval 6:

The EPA recommends that the limits associated with blasting activities be:

- a) Airblast overpressure limit of 120 dB (Lin peak) (max); and*
- b) Ground vibration limit of 5mm/s (ppv).*

AIR QUALITY AND ODOUR

The EPA has no recommended Condition of Approval in relation to this topic.

The EPA wishes to advise that the proponent (including any contractors and sub-contractors engaged by the proponent) has statutory obligations under Sections 124 and 126 of the POEO Act in regards to air and odour pollution associated with the operation of plant and when dealing with materials.

LAND CONTAMINATION

The EPA has no recommended Condition of Approval in relation to this topic.

The EPA wishes to advise that the proponent (including any contractors and sub-contractors engaged by the proponent) has statutory obligations under Section 142A of the POEO Act in regards to the pollution of land.

Consideration should also be given to the requirement for an Asbestos Management Plan to be prepared.

WATER CONTAMINATION

The EPA notes that the EA has identified all adequate/relevant guidance material in regards to erosion and sediment controls and expects that such controls will be appropriately installed and maintained during construction activities.

The EPA also notes that the EA has identified a number of appropriate waterway crossing techniques that can and may be implemented to prevent pollution and expects that such techniques will be further refined and then implemented.

Of importance is the rehabilitation of affected areas. Progressive rehabilitation should be implemented where practicable and at all other times as soon as practicable once construction activities have ceased at a particular area. The EPA would expect that the Rehabilitation Plan identified in the EA/Draft Statement of Commitments would address this.

The EPA wishes to advise that the proponent (including any contractors and sub-contractors engaged by the proponent) has statutory obligations under Section 120 of the POEO Act in regards to the pollution of water, including scour water as well as Section 167 of the POEO Act in regards to control equipment.

WASTE

Recommended Condition of Approval 7

The EPA recommends that all waste generated by the project be classified in accordance with the Waste Classification Guidelines – Part 1: Classifying Waste (DECCW, 2009).

This will allow for the wastes appropriate reuse, recycling or disposal.

The EPA wishes to advise that the proponent (including any contractors and sub-contractors engaged by the proponent) has statutory obligations under Section 143 and 144 of the POEO Act in regards to waste.

HAZARDOUS CHEMICALS AND FUELS

The EPA has no recommended Condition of Approval in relation to this topic.

INCIDENT MANAGEMENT PROCEDURES

The proponent needs to be aware of the relevant incident management procedures that apply to the project, especially those identified by Part 5.7 of the POEO Act.

GENERAL MATTERS

Recommended Condition of Approval 8

The EPA recommends that proponent be required to have in place and operate a complaint register that:

- a) records complaints (including date, time, place and nature of the complaint;*
- b) the action that was taken to resolve the complaint; and*
- c) the feedback that was provided to the complainant.*