



DOC18/365429-02  
SSD 8310

Ms Iona Cameron  
Department of Planning and Environment  
GPO BOX 39  
SYDNEY NSW 2001

9 July 2018

Dear Ms Cameron

**SSD 8310 – CURL CURL NORTH PUBLIC SCHOOL RE-DEVELOPMENT– RESPONSE TO SUBMISSIONS (RtS) REPORT**

I am writing to you in reply to your invitation to the NSW Environment Protection Authority (EPA) to comment on the RtS report (the Report) concerning the above project.

**Construction hours**

The EPA emphasises that the proponent is a 'public authority' within the meaning of the *Protection of the Environment Administration Act 1991*. Under that Act, the EPA has general responsibility for, amongst other things:

- (a) ensuring that the best practicable measures are taken for environment protection in accordance with the environment protection legislation and other legislation, and
- (b) coordinating the activities of all public authorities in respect of those measures.

Table 1 to the EPA's Interim Construction Noise Guideline clearly identifies the best practicable measures in respect of the recommended standard hours of construction (without strong justification for alternative hours in the particular case).

However, Report item 34 (Table 6) proposes Saturday construction hours inconsistent with these on the basis of reducing "... construction timeframes ..." and fitting in "... with school holidays". The EPA does not accept the premise that productivity represents adequate justification for a departure from the standard hours for this project.

The EPA notes that although DPE conditions typically exempt Police directed delivery of construction 'materials' from standard construction hours, the EPA is unaware of any such deliveries ever having been so directed. Instead, the EPA understands that RMS requires certain movements of oversize

plant, equipment and structural elements across the metropolitan road network to be restricted to low traffic flow periods that are inevitably outside standard construction hours.

Finally, the EPA also acknowledges that certain 'out of hours' activities involved in road construction and making connections to utility networks are justified for reasons of safety and maintaining network integrity but the EPA does not anticipate the proposed development would involve any such activities.

Accordingly, the EPA –

- (a) reaffirms its EIS submission advice and recommendations concerning standard hours of construction,
- (b) re-affirms its recommendation that activities likely to be audible (i.e. > RBL + 5 dB) "... at any noise sensitive receivers such as surrounding residences are only undertaken during the standard construction hours, ...",

The EPA notes that its EIS submission recommendation referred to in paragraph (b) above countenances exemption of construction activities that are not audible (i.e. not greater than RBL + 5 dB) at noise sensitive receivers. And, acknowledges that it may be useful in conjunction with any consent to explicitly clarify that the following construction phase activities are exempt from the standard construction hours:

- "(1) *activities and work that cause noise emissions that are not audible* (i.e. not greater than RBL + 5 dB) *at any noise sensitive receiver;*
- (2) *emergency work to avoid loss of life, damage to property or environmental harm;*
- (3) *the delivery onto the development site of oversize plant, equipment and structural elements outside standard construction hours, subject to –*
  - (i) *deliveries not being undertaken on a Sunday or public holiday,*
  - (ii) *oversize plant, equipment and structural elements not being unloaded, set up or installed other than during the standard construction hours, and*
  - (iii) *the proponent notifying noise sensitive receivers, especially residences, likely to be affected by noise from any delivery permitted by this condition of that delivery not less than 3 days and not more than 7 days before the delivery is undertaken; and*
- (4) *transport from the development site of oversize plant, equipment and structural elements outside the standard construction hours, subject to –*
  - (i) *transport from the development site not being undertaken on a Sunday or public holiday,*
  - (ii) *oversize plant, equipment and structural elements not being loaded or otherwise readied for transport other than during the standard construction hours, and*
  - (iii) *the proponent notifying noise sensitive receivers, especially residences, likely to be affected by noise from any transport activity permitted by this condition of that proposed activity not less than 3 days and not more than 7 days before that activity is undertaken.*

**‘oversize’** *for the purposes of this condition, means exceeding dimensions prescribed for vehicles such that the vehicle transporting the oversize plant, equipment or structural element would require conditional registration by the Roads and Maritime Services and would be subject to restrictions imposed by the Roads and Maritime Services that require the vehicle to operate on a public road outside the standard construction hours.*

**‘structural element’** *for the purposes of this condition, means a pre-fabricated structural component that is not comprised of smaller components and which is unable to be divided, broken down or otherwise disassembled to enable transport during the standard construction hours.”*

### **Operational noise (waste collection services)**

The EPA recommended in its EIS submission that waste collection services be restricted to the hours of 7.30 am to 6.00 pm Monday to Friday.

In September 2013, the EPA negotiated these recommended hours with the Department of Education in response to noise complaints about ‘offensive noise’ emissions (i.e. by the level, nature, character, quality of the noise, or time at which it occurs) arising from waste collection activities at Departmental schools in metropolitan Sydney.

At the same time, the EPA acknowledged that the Department “... *may be able to achieve more flexibility where you are able to negotiate an earlier or later collection time with the local community (but not earlier than 6.00am and not later than 8.00 pm) ...*” whilst emphasising that departures from the ‘preferred hours’ are subject to review on a case by case basis (i.e. in light of any subsequent complaints).

The Report proposes at item 44 Table 6 that the hours recommended by the EPA for the activities of waste collection services should not apply in the case of Curl Curl North Public School and instead, that the approved hours be 6.00 am to 7.00 pm.

The EPA would not object to a revised condition that prescribes waste collection activity operating times being restricted to between the hours of 6.00 am and 7.00 pm Monday to Friday, subject to:

- (a) the actual waste collection time being negotiated with the local community, and
- (b) in the event of a subsequent noise complaint from any resident likely to be affected by noise emitted during the carrying on of waste collection activities at the school, the operating hours reverting to the period between the hours of 7.30 am to 6.00 pm Monday to Friday.

### **Operational noise (grounds maintenance using powered equipment)**

The EPA recommended in its EIS submission that grounds maintenance activities involving the use of powered equipment such as leaf blowers be restricted to the hours of 7.30 am to 6.00 pm Monday to Friday.

The EPA has determined that noise emissions from carrying out grounds maintenance activities using powered equipment at a school interferes unreasonably with or is likely to interfere unreasonably with the comfort or repose of persons outside the school (especially surrounding residents) except when carried out between the hours of 7.30 am and 6.00 pm Monday to Friday.

Since 2012, the EPA has in response to noise complaints from residents required the Department to ensure that grounds maintenance using powered equipment is restricted to operating times between the hours of 7.30 am and 6.00 pm Monday to Friday.

Item 45 to Table 6 of the Report proposes the hours recommended by the EPA in respect of grounds maintenance activities involving the use of powered equipment should not apply in the case of Curl Curl North Public School and instead, that the approved operating hours be extended to allow those activities to also occur between the hours of 8.00 am and 6.00 pm on Saturdays.

The EPA notes that its requirements do not restrict the carrying on of grounds maintenance using traditional methods that do not involve the use of powered equipment.

Accordingly, the EPA confirms its recommendation concerning restricted operating hours for grounds maintenance activities involving the use of powered equipment.

Should you require clarification of any of the above please contact John Goodwin on 9995 - 6838.

Yours sincerely



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**NSW Environment Protection Authority**