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SSD 7665

11/9/18

Mr Karl Fetterplace  
Department of Planning and Environment  
GPO BOX 39  
SYDNEY NSW 2001

Dear Mr Fetterplace

**SSD 7665 MOD 1 – JOAN SUTHERLAND THEATRE**

I am writing to you in reply to your invitation to the Environment Protection Authority (EPA) to comment on an application to modify the consent in respect of the above project.

The EPA requests that the following submission be considered in conjunction with previous detailed advice and recommendations in its letters dated 31 October 2016 (EIS submission) and 24 February 2017 (reply to RtS report).

The EPA is concerned that the Statement of Environmental Effects (SEE) does not appear to fully address potential environmental impacts, especially noise impacts, runoff from excavation and construction works adjacent to Sydney Harbour, and dust control and management.

Accordingly, the EPA confirms its previous advice and recommendations concerning the project and submits the following modification specific comments and recommendations.

Noise impact assessment

The EPA understands that the application relates to excavation into rock of a 9 metre by 6 metre by 3 metre deep trench to enable cutting of existing tie beams and installation of a stabilising thrust block. The EPA further understands that the trench is to be excavated in the Opera House forecourt and would require rock hammering to excavate the trench and saw cutting of existing re-inforced concrete tie beams.

For instance, Table 3 to SEE Appendix 06 'Noise Impact Assessment' refers to proposed construction activities that do not appear to include high noise impact works identified in SEE section 5.1, being –

- (a) rock hammering to excavate the 9 metre by 6 metre by 3 metre deep thrust block trench, or
- (b) concrete sawing of the re-inforced concrete north-south tie beams (the cutting of which necessitates the installation of the thrust block).

### Hours of work

The EPA emphasises that the Sydney Opera House Trust is a 'public authority' within the meaning of the *Protection of the Environment Administration Act 1991*. Further, that the EPA has general responsibility under that Act for, amongst other things, ensuring that the best practicable measures are taken for environment protection in accordance with the environment protection legislation and other legislation, and 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 (in the absence of strong justification for alternative hours in the particular case).

SEE Appendix 06 recommends "limiting external works at night to only those that are required because of delivery of items that cannot be accommodated at other times". However, SEE section 10.3 proposes "the scheduling of external demolition works during night time period be minimised to whenever it can be considered 'feasible and reasonable'."

The EPA considers the reference in SEE section 10.3 to 'feasible and reasonable' to be inconsistent with the application of those terms in section 1.4 to the EPA's Interim Construction Noise Guideline. Accordingly, the EPA confirms its previous advice that external works should only be undertaken during the standard hours recommended in the Table 1 to the EPA's Interim Construction Noise Guideline.

### Intra-day respite periods

The EPA notes the work the subject of the modification includes high noise impact works, including rock hammering and concrete cutting, that are likely to be considered by surrounding residents to be particularly annoying. The EPA anticipates that demolition, earthworks, construction and construction-related activities generating noise with particularly annoying or intrusive characteristics (such as those identified as particularly annoying in section 4.5 of the Interim Construction Noise Guideline) would be subject to a regime of intra-day respite periods where –

- (a) they are only undertaken after 8.00 am,
- (b) they are only undertaken over continuous periods not exceeding 3 hours with at least a 1 hour respite every three hours, and
- (c) 'continuous' means any period during which there is less than an uninterrupted 60 minute respite between temporarily halting and recommencing any of the intrusive and annoying work referred to in Interim Construction Noise Guideline section 4.5.

The EPA emphasises that intra-day respite periods are not proposed to apply to those demolition, site preparation, bulk earthworks, construction and construction-related activities that do not generate noise with particularly annoying or intrusive characteristics.

### **Recommendation:**

The proponent be required to schedule intra-day 'respite periods' for construction activities identified in section 4.5 of the Interim Construction Noise Guideline as being particularly annoying to noise sensitive receivers, including surrounding residents.

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

Yours sincerely



**SARAH THOMSON**  
**Unit Head Operations, Metropolitan Infrastructure**  
**Environment Protection Authority**