

Modification of Infrastructure Approval

Section 5.25 of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces under the Instrument of Delegation dated 11 October 2017, I approve the modification of the State significant infrastructure approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Alexander Scott
Acting Director
Transport Assessments

Sydney

20 September 2019

SCHEDULE 1

Infrastructure Approval:

SSI 5931 granted by the Executive Director, Development Assessment Systems and Approval as delegate for the Minister for Planning on 15 January 2014

For the following:

Rapid Transit Rail Facility, including the construction and operation of:

- Train stabling and maintenance facilities;
- A section of track for testing;
- Administration, staff and training facilities, including an Operations Control Centre;
- Access and maintenance roads; and
- Ancillary infrastructure, services and utilities.

Modification:

Modification to permit out of hours works where undertaken in accordance with an approved Out of Hours Works Protocol

SCHEDULE 2

1. Delete condition B1 and replace with the following:

- B1. The Proponent shall carry out the SSI generally in accordance with the:
- (a) SSI Application SSI-5931;
 - (b) *Tallawong Road, Rouse Hill Rapid Transit Rail Facility: Environmental Impact Statement*, dated 29 July 2013;
 - (c) *Tallawong Road, Rouse Hill Rapid Transit Rail Facility: Response to Submissions Report*, dated 21 October, 2013;
 - (d) *Admin Modification request to DPIE High Noi_SSI-5931-Mod-1* dated 9 September 2019; and
 - (e) conditions of this approval.

2. Delete condition B2 and replace with the following:

- B2. In the event of an inconsistency between:
- (a) the conditions of this approval and any document listed from condition B1(a) to B1(d) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
 - (b) any document listed from condition B1(a) to B1(d) inclusive, and any other document listed from condition B1(a) to B1(d) inclusive, the most recent document shall prevail to the extent of the inconsistency.

3. Delete condition E6 and replace with the following:

- E6. Construction works outside of the standard construction hours identified in condition E5 may be undertaken in the following circumstances:
- (a) construction works that generate airborne noise that is:
 - (i) no more than 5 dB(A) above rating background level at any residence in accordance with the *Interim Construction Noise Guideline* (DECC, 2009);
 - (ii) no more than the noise management levels specified in Table 3 of the *Interim Construction Noise Guideline* (DECC, 2009) at other sensitive receivers;
 - (b) where a negotiated agreement has been reached with affected receivers, where the prescribed noise and vibration levels cannot be achieved;
 - (c) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons;
 - (d) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm;
 - (e) construction works approved in accordance with the Out of Hours Work (OOHW) Protocol included as part of a Construction Noise & Vibration Management Plan as required by Condition E29(b) of this approval; and
 - (f) works approved through an EPL.

4. Delete condition E7 and replace with the following:

E7. Except as expressly permitted by an EPL or for works approved through the OOH/W Protocol referred to in Condition E6, activities resulting in impulsive or tonal noise emission (such as rock breaking, rock hammering, pile driving) shall only be undertaken:

- (a) between the hours of 8:00 am to 5:00 pm Monday to Friday;
- (b) between the hours of 8:00 am to 1:00 pm Saturday; and
- (c) in continuous blocks not exceeding three hours each with a minimum respite from those activities and works of not less than one hour between each block.

For the purposes of this condition 'continuous' includes any period during which there is less than a one hour respite between ceasing and recommencing any of the work the subject of this condition.