



12 June 2020

Attn: Glenn Snow
Director, Transport Assessments
4 Parramatta Square
12 Darcy Street
PARRAMATTA NSW 2150

Dear Glenn

Sydney Metro City & Southwest – Chatswood to Sydenham (SSI 15-7400): Request to modify Condition E46

Sydney Metro request a modification to Condition E46 of the Chatswood to Sydenham project approval (SSI 15_7400) in accordance with the requirements of section 5.25 of the *Environmental Planning and Assessment Act 1979*.

The attached table (Table 1) outlines the proposed modification to the condition as well as justification for the proposed modification. Recommended new text is provided in red.

Please let me know if you require any further input to support the request for modification. I can be contacted on 0403 886 560 or via email at yvette.buchli2@transport.nsw.gov.au.

Yours sincerely

Yvette Buchli
Associate Director Planning Approvals
Sydney Metro

Table 1: Request for modification to Condition E46

Condition of approval	Requested modification	Justification
Condition E46: Variation to standard construction hours	<p>Notwithstanding Conditions E44 and E48, rock breaking and other particularly annoying activities for station shaft or cut and cover stations is not permitted outside of standard construction hours, except at Central (excluding Central Walk works at 20-28 Chalmers Street, Surry Hills); or</p> <p>(a) 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; or</p> <p>(b) where different construction hours are permitted or required under an EPL in force in respect of the construction or approved through an Out of Hours Work Protocol developed in accordance with Condition E47; or</p> <p>(c) construction that causes $L_{Aeq(15 \text{ min})}$ noise levels:</p> <ul style="list-style-type: none"> i. no more than 5 dB(A) above the rating background level at any residence in accordance with the <i>Interim Construction Noise Guideline</i> (DECC, 2009); and ii. no more than the noise management levels specified in Table 3 of the <i>Interim Construction Noise Guideline</i> (DECC, 2009) at other sensitive land uses; and iii. continuous or impulsive vibration values, measures at the most affected residence are no more than those for human exposure to vibration, specified in Table 2.2 of <i>Assessing Vibration: a technical guideline</i> (DEC, 2006); and iv. intermittent vibration values measured at the most affected residence are no more than those for human exposure to vibration, specified in Table 2.4 of <i>Assessing Vibration: a technical guideline</i> (DEC, 2006). 	<p>Condition E46(b) currently allows rock breaking and other particularly annoying activities for station shaft or cut and cover stations to occur out of standard hours under an Environment Protection Licence (EPL). However, with the change to the <i>Protection of the Environment Operations Act 1997</i> (POEO Act) and associated schedule activities identified in Schedule 1 that occurred last year, most of the station excavation work that previously required an EPL now cannot be licenced. This change to scheduled activities was not anticipated at the time this Condition was originally drafted.</p> <p>Therefore, Sydney Metro recommend that undertaking this type of work out of standard construction hours should be subject to approval of an Out of Hours Work Protocol. This is aligned with other conditions of approval and provides a rigorous review and approval process, which includes a review of compliance with conditions and an assessment of risk by the Acoustic Advisor.</p> <p>It is noted that this type of work would also still need to comply with other conditions, such as E34, E35, E38, E41 and E42.</p>