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Mr Peter Hurst
Development Manager, Hume Highway Office
NSW Roads and Traffic Authority
PO Box 484
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Dear Mr Hurst

Hume Highway Upgrade – Woomargama to Mullengandra (06_0249) and Albury-Wodonga National Highway – Out of Hours Request Early Start Works (6am – 7am, Monday to Friday)

I refer to correspondence from the Hume Highway Southern Alliance (the Alliance) requesting the Director-General's approval to continue the Early Start Works (earthworks) for construction between Table Top and Woomargama in accordance with the Minister's approvals for the Woomargama to Mullengandra Hume Highway Duplication project (condition 2.13) and the Albury-Wodonga National Highway project (condition 28A).

The Department maintains its position that the Alliance has yet to satisfactorily justify the need for the proposed out-of-hours works. From the most recent information provided by the Alliance, it would appear that the Director-General's approval of out-of-hours works has been used as a convenience, rather than in response to a specific scheduling need. In particular, the Department highlights that monitoring during the recent two-month trial of the Early Start Works suggests that:

1. in some of the monitored situations, construction activities were inaudible at the most affected receptor, and therefore did not require the Director-General's approval;
2. in some of the monitored situations, construction activities were described as 'virtually audible', suggesting that additional mitigation or more rigorous scheduling could have reduced noise impacts below audibility levels, and therefore negating the need for the Director-General's approval; and
3. in some of the monitored situations, construction activities were not being undertaken or had not commenced, raising question as to whether there was in fact an overriding need to undertake out-of-hours works.

The current request appears to have progressed little from previous attention paid to scheduling of construction activities in an endeavour to minimise the need and intensity of out-of-hours works. Further, the Department highlights that the broad nature of the request (spanning a period of approximately 18 months) is contrary to the underlying intention of the Minister's conditions of approval, to provide flexibility for short-duration, clearly defined exceptional circumstances. Beyond these circumstances, the Department suggests that it would be more appropriate for the Alliance to consider formal modification of the conditions of approval (including necessary justification and environmental impact assessment).

Notwithstanding, the Department considers it appropriate to extend the trial of the Early Start Works until and including Friday 16 May 2008, to enable the Alliance to collect, analyse and present appropriate information for any future out-of-hours request, or formal modification. The Department notes the Alliance's comments that lighting restrictions beyond this time and through Winter would limit opportunities for out-of-hours works.

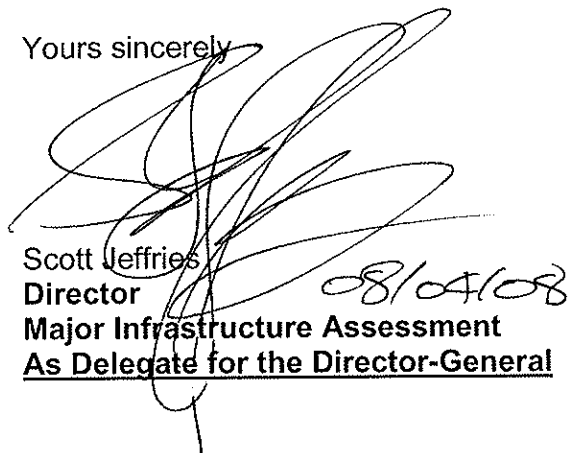
The Director-General's approval for the Early Start Works is therefore granted on this occasion, subject to the following:

1. out-of-hours works shall include only those earthwork activities described within *Hume Highway Duplication Project Southern Alliance – Woomargama to Mullengandra – Review and Assessment of Requirements for Out of Hours Work (Early Start)*, prepared by Hume Highway Southern Alliance and dated 11 January 2008, as supplemented with correspondence titled *Hume Highway Duplication Southern Alliance, Request for Out of Hours Approval*, prepared by Hume Highway Southern Alliance and dated 1 April 2008.
2. this approval applies only for the period commencing on the date of this letter, and concluding at 7:00 am on Friday 16 May 2008.
3. this approval applies only to the period 6:00 am to 7:00 am on Mondays to Fridays, inclusive.
4. this approval does not permit any out-of-hours works to be conducted on the ANZAC Day public holiday, Friday 25 April 2008.
5. only plant and equipment (as relevant) fitted with an alternative beeper, such as a white noise beeper or strobe lights on machines, shall be operated during the out-of-hours period.
6. no piling works are permitted during the out-of-hours period.
7. a log of out-of-hours construction works shall be kept, including reference to time and duration of works, equipment involved and any noise mitigation applied during the works. The log shall be submitted to the Department at the conclusion of the out-of-hours construction period, and the relevant part of the log provided as supporting information for any future out-of-hours request.
8. representative noise monitoring shall be undertaken during out-of-hours construction works to verify/ refine noise predictions and to inform future out-of-hours requests. The noise monitoring shall include measurement of sound power levels for relevant equipment and ambient noise measurements, having regard to time, meteorology and intensity of out-of-hours works.
9. all potentially-affected residential receivers shall be informed of out-of-hours works prior to their commencement.
10. the community consultation procedures and noise mitigation measures detailed in the Construction Noise and Vibration Environmental Management Plan, the Community Involvement Plan and *Hume Highway Duplication Project Southern Alliance – Woomargama to Mullengandra – Review and Assessment of Requirements for Out of Hours Work (Early Start)*, prepared by Hume Highway Southern Alliance and dated 11 January 2008 shall be implemented and maintained at all times.
11. the Department shall be notified in writing of any noise complaint by close-of-business on the first subsequent business day, including details of how the noise issue generating the complaint has been addressed and resolved.
12. this approval may be revoked by the Director-General at any time, having regard to the environmental performance of out-of-hours construction works, compliance with the terms of this approval and/ or any noise complaints made with respect to out-of-hours works.

The Department strongly recommends that the RTA and/ or the Alliance seeks clarification of any aspect of this approval or other matter within this correspondence that may be unclear to ensure that any future out-of-hours request meets the Department's minimum requirements.

Please do not hesitate to contact Ms Caitlin Bennet on (02) 9228 6197 or caitlin.bennett@planning.nsw.gov.au should you wish to discuss these matters.

Yours sincerely



Scott Jeffries
Director
Major Infrastructure Assessment
As Delegate for the Director-General

8/04/08