

Your reference : MEMO-SKM-000520
Our reference : DOC08/1361
Contact : Brian Wild, 02 6022 0600

Jo Moss
Environment and Sustainability Manager
Hume Highway Southern Alliance (HNSA)
PO Box 164
St Leonards NSW 1590

Dear Ms Moss

AFTER HOURS WORK APPROVAL: HUME HIGHWAY DUPLICATION PROJECT SOUTHERN ALLIANCE – MULLENGANDRA TO TABLE TOP

I refer to the Hume Highway Southern Alliance (HNSA) *Review and Assessment of Requirements for Out of Hours Work (Early Start)*, dated 11 January 2008, requesting approval under Ministerial Condition of Approval (MCoA) dated 23 January 1998 to undertake construction activities commencing at 6 am during weekdays (Monday to Friday).

The Department of Environment and Climate Change (DECC¹) notes that this request to commence construction at 6.00 am follows a recent request to the Department of Planning (DoP) for the hours of work on this section of the Hume Highway Project to be brought in line with the 2007 Section 75J Project Approvals for the remainder of the Hume Highway Duplication Project – providing up to an additional nine hours per week. In regard to the request for an alignment of project approvals the DECC raised no objection in its response to DoP of 11 January 2008. This new proposal relates to a further extension of operating hours (an additional hour per day - Monday to Friday), which would bring the total possible additional operating hours to fourteen hours per week.

Condition 28 of the MCoA states that "... EPA must be satisfied, before it grants any approval for such works, that there is a demonstrated genuine need to undertake the work and all reasonable measures will be taken to minimize noise impacts."

In regard to there being a 'demonstrated genuine need' the HNSA's request refers to the need to maximize the use of available light, more favourable work conditions and project deadlines as the principal reasons for an earlier commencement time. The DECC has taken account of the relevant Conditions of the MCoA and consulted with the DoP in granting an approval subject to the conditions in Attachment A.

¹ The DECC combines the functions of the National Parks and Wildlife Service (NPWS), Environment Protection Authority (EPA), Resource NSW and Royal Botanic Gardens. However certain statutory functions and powers, including those in the *Protection of the Environment Operations Act 1997* (POEO Act), continue to be exercised in the name of the EPA, a statutory body created by the *Protection of the Environment Administration Act 1991*.

The Department of Environment and Conservation NSW is now known as
the Department of Environment and Climate Change NSW

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Table 6-1 of the HHSAs request recommends a range of "control measures and safeguards". The majority of these recommended control measures and safeguards are contained in the Hume Highway Southern Alliance Noise and Vibration Management Plan (HHSAs NVMP) IN90304-000-PL-EW-0005-A (Section 8) dated May 2007. The attached conditions are additional to those specified in the MCoA and the HHSAs NVMP.

As you are aware, since construction commenced some impacted residents have expressed concern or lodged formal complaints to the DECC about a range of environmental impacts, including noise and air quality. An increase in construction hours by up to 14 hours per week may result in amenity impacts to the residents in the Table Top - Mullengandra community.

The DECC will revoke this approval in response to community complaints and/or if the conditions of the attached approval are not fully complied with at all times.

If you have any further queries, please contact Brian Wild on (02) 6022 0600.

Yours sincerely



Brian Wild 25/1/08
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