

April 2020

## FAQ for Ministerial Orders: COVID-19 Development – Construction Workdays

### What construction activities can now occur on weekends and public holidays?

Construction work that was approved to occur during standard workdays (typically Monday to Friday, and for some projects part of Saturday) is now approved to also occur on Saturday, Sunday and public holidays. Exception to this include activities such as rock breaking, rock hammering, sheet piling, pile driving or similar noisy activities unless an existing consent or approval already allows these works to occur on any of the extended days. Any non-standard additional out of hours work will need to be approved as normal. Proponents and applicants should use a cautionary approach when considering what may constitute a similar noisy activity.

Compliance with the Orders will be monitored.

### What development types do these extended hours apply to?

They apply to all development falling under:

- Part 4 of the Environmental Planning and Assessment Act 1979 including State Significant Development and complying development
- already approved State Significant Infrastructure projects (including Critical State Significant Infrastructure)
- other public authority activities already assessed under Part 5 of the Environmental Planning and Assessment Act 1979
- drought relief projects authorised under the Water Supply (Critical Needs) Act 2019

The Orders apply to demolition, building and construction activities for projects.

### For SSI/SSD - Do I need to update my post approval documentation to reflect these changes?

No, post approval documentation will not need to be updated. However, proponents are required to prepare a 'Response to COVID-19'. This should identify all the necessary changes required in response to the current circumstances and what measures they are putting in place to make sure they achieve the same objectives as set out in conditions of approval/consent and relevant post approval documentation. A project's Response to COVID-19 should be submitted to the Department for information prior to any alternative measures being undertaken. It should also be communicated on each project website, so communities are kept informed.

### What background noise levels will be used for work on Saturday, Sunday and Public Holidays?

Background noise levels for Saturdays, Sundays and Public Holidays will be taken from those modelled during the preparation of the Statement of Environmental Effects or the Environmental Impact Statement or in the development of any post approval documentation.

### What should proponents and applicants be aware of during this period?

Proponents and applicants must be mindful that background noise levels are likely to be reduced. With residents working from home, children off school and a heightened sense of anxiety in the community, they need to consider what additional measures they can take to reduce noise levels, including regular communication with their surrounding communities on their activities.

Any direction provided by NSW Health takes priority. It is also important that proponents and applicants can demonstrate that the intent of the conditions and the commitments made in the Environmental Impact Statement and post-approval documents are continuing to be achieved.

### My project requires a changes of work hours to respond to COVID19. Do I still need to seek Out of Hours works approval?

Existing conditions of the approval / consent, including hours of work during the day, still apply.

If demolition, building or construction works are required outside of the extended workdays, proponents need to seek Out of Hours approval through the relevant approval pathway.

### What do the Orders mean for Environmental Protection Licence requirements?

The Orders override Environmental Protection Licence requirements as they relate to extended workdays only (clause 6 of the Orders). All other conditions of an Environmental Protection Licence continue to apply.

### Are there any changes to other conditions of approval or consent?

No. Other conditions of the approval or consent have not been changed. Projects must comply with any existing conditions, except for those that restrict weekend and public holiday works.

### Are there any changes to the limits of materials allowed to be brought on-site?

The limit of materials allowed to be brought onsite are the same as would apply on a standard workday. Proponents and applicants should seek to minimise any large deliveries requiring temporary road closures on the extended days, where possible.

### Can I continue with construction works on external roads as approved under conditions of approval / consent?

If works are only permitted on external roads on weekdays and public holidays, it is recommended proponents and applicants consult with Transport for NSW (TfNSW) to determine if the restriction would still apply on a weekend or Public holiday.

### Do the Orders allow for support business and industries that supply construction sites, to work on Saturdays, Sundays and public holidays?

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## Frequently Asked Questions

At this stage, the Orders relate to extending on site workplaces only. They do not apply to support industries such as concrete batching plants or waste facilities. These businesses continue to operate under the terms of their existing consents and approvals.

### How long with these extended hours be in place for?

This Orders will be in place for six months from 25 March 2020 and may be extended if needed.

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