S4.55(2) MODIFICATION PROPOSAL

Rail siding refurbishment works package

St Marys Intermodal | SSD-7308-MOD-1

MOD 1 - Response to Submissions

St Marys Freight Hub

Forrester Road, St Marys

November 2020

Prepared for

pacificnational

Client:	Pacific National (NSW) Pty Ltd
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If this document is not signed it is a draft.

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LIST OF ABBREVIATIONS

Abbreviation	Full Name
AEP	Annual Exceedance Probability
Applicant	Pacific National Pty Ltd
BDAR	Biodiversity Development Assessment Report
CEMP	Construction Environmental Management Plan
CIV	Capital Investment Value
CBMSP	Construction Biodiversity Management Sub Plan
CSWMSP	Construction Soil & Water Management Sub Plan
CTPMSP	Construction Traffic and Pedestrian Management Sub Plan
PCC or **Council**	Penrith City Council
DCP	Development Control Plan
DPIE	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	*Environmental Planning and Assessment Regulation 2000*
EPI	Environmental Planning Instrument
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
MOD	S4.55 Modification Proposal
NPfI	Noise Policy for Industry
NRAR	Natural Resources Access Regulator
NVIA	Noise & Vibration Impact Assessment
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
PCT	Plant Community Type
RING	Rail Infrastructure Noise Guideline
RTS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SWMP	Stormwater Management Plan
TEU	Twenty-foot equivalent units shipping containers
VMP	Vegetation Management Plan
WMP	Waste Management Plan

EXECUTIVE SUMMARY

Approval to modify the consent for SSD-7308 in accordance with Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* is sought.

Modification Proposal

The proposed modifications include:

1. Rail refurbishment works for existing tracks
2. Revised development footprint of the intermodal facility to include rail works area
3. Construction management facilities (construction access roads, compounds, etc)

The rail refurbishment works includes:

- Re-laying the existing rail sidings (x 2) within the existing corridor including:
  - Removing the existing track and ballast
  - Excavating below the track up to a depth of around 550mm
  - Backfilling the excavated area
  - Re-lay the ballast and track
- Upgrade an existing level crossing
- Construct a 3.5m wide one-way access track from the terminal level crossing adjacent to Siding 2 to transport locomotive drivers and undertake maintenance inspections.
- Construct stormwater management facilities and discharge outlet that satisfies the water quality requirements that apply to this development.

Exhibition

This Modification Proposal was exhibited for 14 days from Thursday 22 October 2020 until Wednesday 04 November 2020.

Submissions

In total 11 submissions were received, including:

- 8 public authority submissions
- 1 local government submission
- 1 corporate submission
- 1 public/individual submission

The position stated in in each of the submissions is summarised as:

- 6 submissions of support with comments
- 4 submissions of support & no comments
- 1 submission of objection with comments

Submission Issues

The summary of types of issues raised is in **Table 1**.

Table 1: Submission Issues Summary Matrix

Issue Type	Penrith City Council	TfNSW	DPIE Biodiversity & Conservation	EPA	Endeavour Energy	Public (individual)	Total
Permissibility & Zoning	1						1
Environmental Management	1					1	2
Flooding	1		1				2
Stormwater Management	1					1	2
Biodiversity	1		1				2
Owners Consent		1					1
Rail Safety		1					1
Rail Operations		1					1
Noise & Vibration				1		1	2
Contamination				1			1
Infrastructure & Easements					1		1

Actions Taken During and After Exhibition

The has been no further engagement or new environmental assessments since exhibition. However, further clarification on noise assessment and flood impacts has been sought from specialist consultants in response to submission comments. The specialist advice on noise from Aecom recommends that the construction noise mitigation measures presented in the NVIA for the EIS should be adopted for rail works package. In addition, Aecom advises that the rail operational noise is projected to comply with the Industrial Noise Policy for Industry (NPfI).

There have been no changes to the Modification Proposal as submitted.

Response to Submissions

The substantive issues in the submissions relate to zoning, vegetation management, flooding and noise emissions.

Penrith City Council notes that Lot 2031 will need to be rezoned for future industrial uses as it is predominately zoned RE1 Public Recreation, and Pacific National agrees with this position. However, it is not considered that the proposed works in this proposal require Lot 2031 to be rezoned as they are either permissible or are within the allowances for State Significant Development under the *Environmental Planning and Assessment Act 1979*.

Penrith City Council requested to expand the Vegetation Management Plan (VMP) to include the riparian areas and other land in Lot 2031. It is not considered reasonable to extend the VMP as there is practically no clearing and minimal works within this landholding, and detailed site investigations on biodiversity, riparian areas and soil and water should be undertaken as part of the considerations for progressing a future rezoning

and development of Lot 2031. In addition, the Construction Biodiversity Management Sub Plan will provide protection and management of vegetation during construction of the rail refurbishment works.

Additional clarification has been provided by BG&E Consulting on flooding and stormwater management and by Aecom on operational and construction noise impacts. The additional information confirms flood impacts are appropriately managed and noise impacts will not have a significant impact of surround receivers.

Conclusion

There are no proposed changes to the initial Modification Proposal in response to the submissions on MOD 1. The rail refurbishment works addresses safety concerns with the existing rail sidings following inspection of the tracks and the refurbishment works will also implement design changes to the siding to reduce noise emissions from wheel squeal by widening the gauge within the curves.

In evaluating the acceptability of the proposal, key considerations in assessing the merits of the proposal include:

- The modification proposal meets the statutory criteria under Section 4.55(2) for the proposal to be substantially the same development as the development that has been approved.
- The rail refurbishment works relates to existing rail sidings that are intrinsic to the St Marys Intermodal, and therefore, the modification is substantially the same development.
- The rail refurbishment works generate an additional 15-20 jobs during the construction phase.
- The rail refurbishment works will reduce noise emission from wheel squeal and deliver improved safety and ongoing maintenance requirements.
- The operational requirements for the St Marys Freight Hub have not changed including operation hours and traffic generation.
- The rail refurbishment works reduce flood affectation within the Little Creek catchment.
- The proposal aligns with the NSW Government's strategies for Port Botany and movement of freight in Metropolitan Sydney.
- The proposed modification is consistent with the requirements and allowances of relevant Environmental Planning Instruments and planning policies to the proposal.

As part of the existing Conditions of Consent under SSD-7308, including Condition A30 under 'Revision of Strategies, Plans and Programs', the CEMP and relevant Sub Plans will incorporate the rail refurbishment works package to ensure construction is managed to prevent harm to the environment.

1 INTRODUCTION

The purpose of this document is to provide the proponent Response to Submissions to support St Marys Intermodal MOD 1 (SSD-7308-Mod-1) to Development Consent for the St Marys Intermodal SSD-7308 as approved under Section 4.38 of the *Environmental Planning and Assessment Act 1979.*

In response to the Department of Planning Industry & Environment's letter dated 29 September 2020 'Request for Additional Information - Response to Submissions' and email dated 1 October 2020, on behalf of Pacific National the proponent response to the agency submissions is enclosed. There are no changes to the MOD 3 Modification Proposal as a consequence of the agency submissions. Responses to the agency comments in each of the submissions are provided in this report.

2 OVERVIEW OF EXHIBITED MODIFICATION PROPOSAL

It is proposed to refurbish the existing rail tracks that service the St Marys Freight Hub.

The rail refurbishment works area is approximately 3.8 hectares and the proposed works include:

- Re-lay the existing rail sidings (x 2) with the existing corridor including:
    - Removing the existing track and ballast
    - Excavating below the track up to a depth of around 550mm
    - Backfilling the excavated area
    - Re-lay the ballast and track
- Upgrade an existing level crossing.
- Construct a 3.5m wide one-way access track from the terminal level crossing adjacent to Siding 2 to transport locomotive drivers and undertake maintenance inspections.
- Construct stormwater management facilities and a discharge outlet that satisfies the water quality requirements that apply to this development.

Rail refurbishment construction area is shown in **Figure 1** and the combined construction of the complete St Marys Intermodal is in **Figure 2**.

Recent inspection of the existing rail tracks uncovered potential safety issues and concerns about the suitability of the tracks to support the rail shuttle for the St Marys Intermodal. Consequently, it has been determined that all tracks should be refurbished to address potential safety concerns. It will also ensure that future maintenance requirements for the tracks is significantly reduced over the lifecycle of the St Marys Freight Hub, which will result in fewer interruptions to the ongoing operations of the facility.

The projected construction timeframe for the rail refurbishment works is 16 weeks from commencement of onsite works. The equipment to complete the works is lighter than the equipment used to construct the main terminal area.

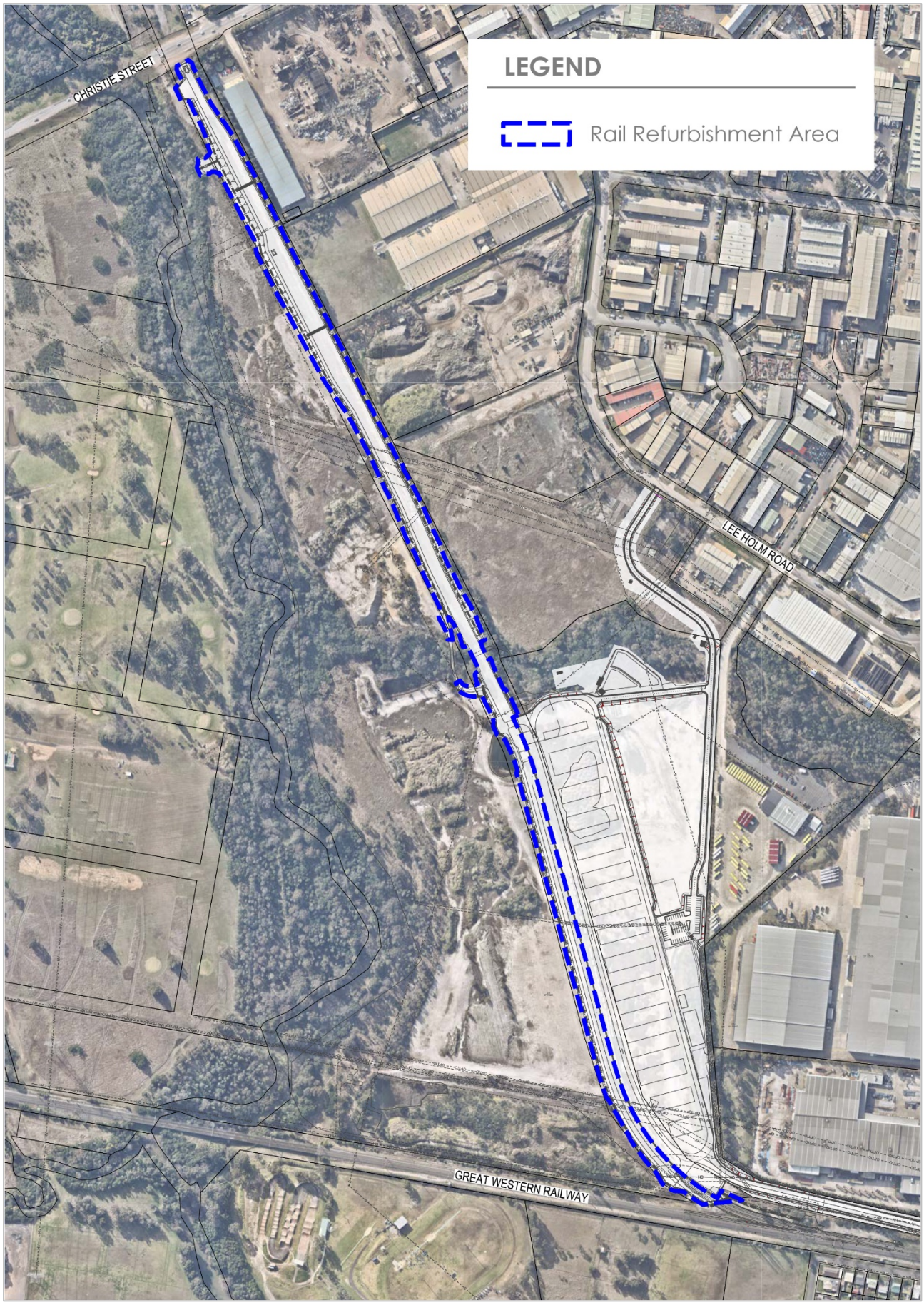


Figure 1 – Rail Refurbishment Works Design Area

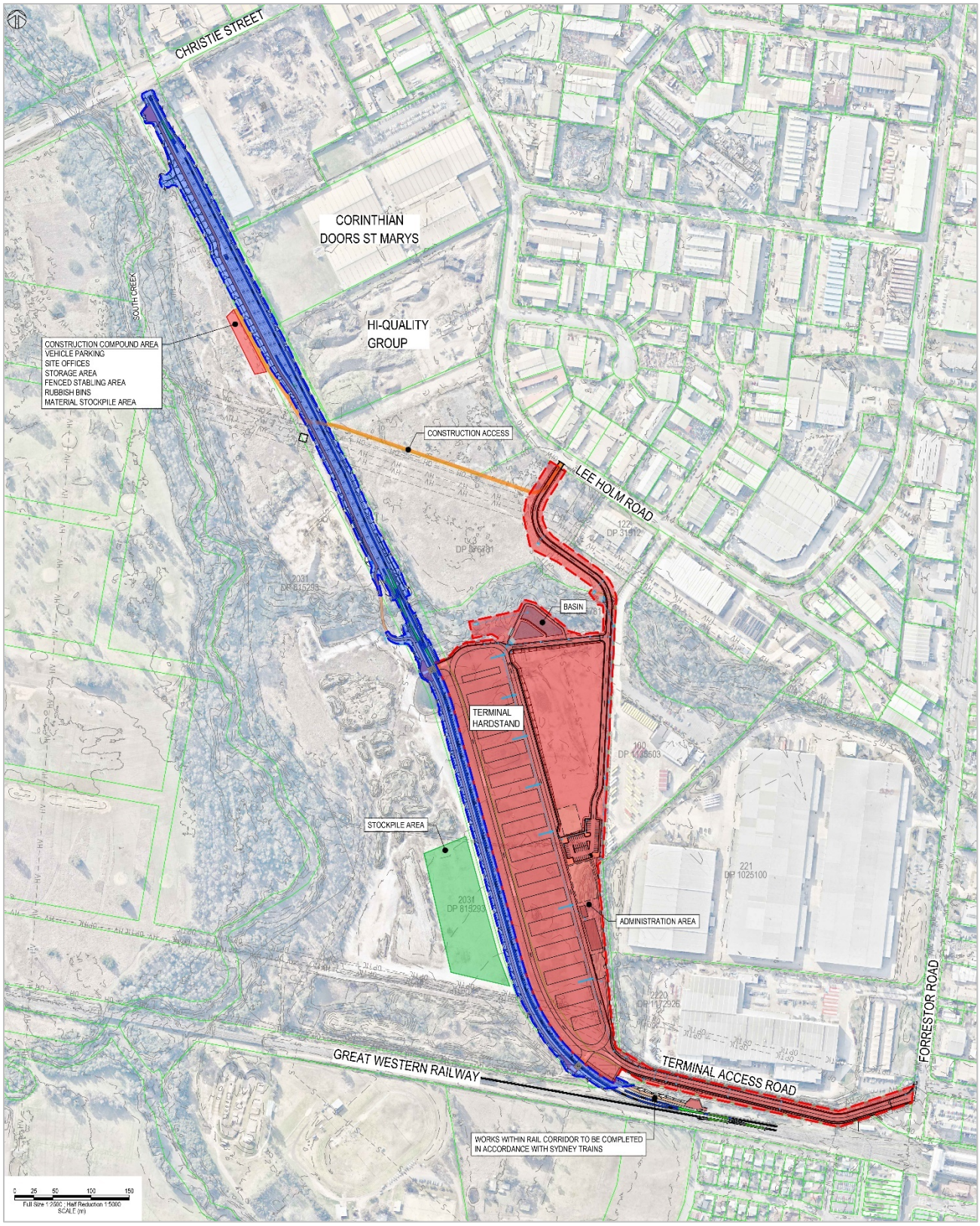


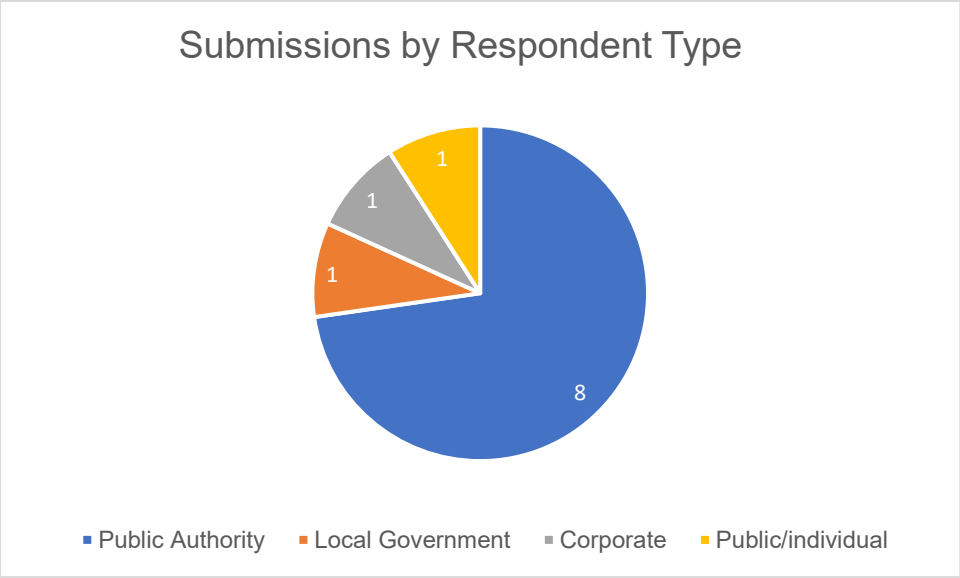
Figure 2 – Proposed Modified Development Layout

3 ANALYSIS OF SUBMISSIONS

3.1 Statistical Data

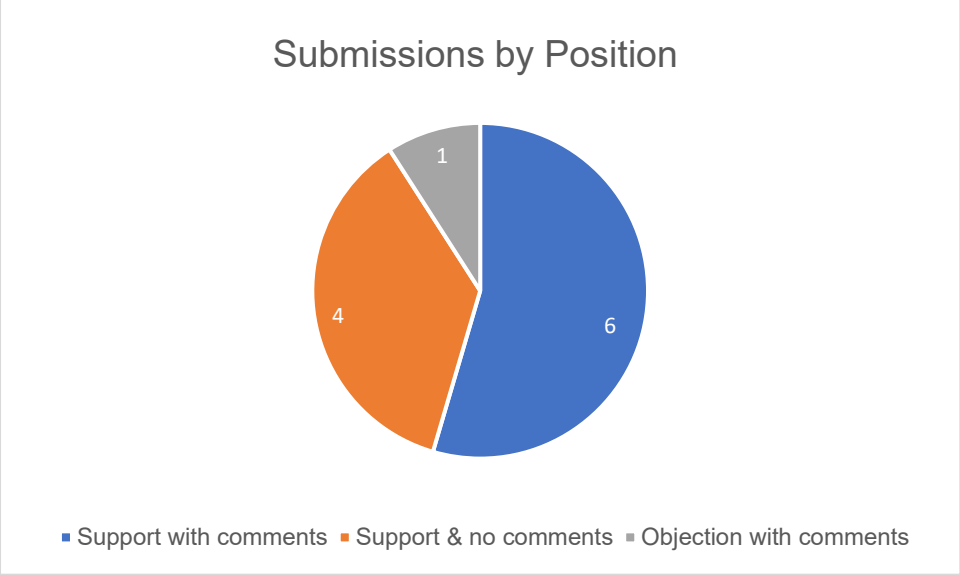
In total 11 submissions were received, including:

- 8 public authority submissions
- 1 local government submission
- 1 corporate submission
- 1 public/individual submission



The position stated in in each of the submissions is summarised as:

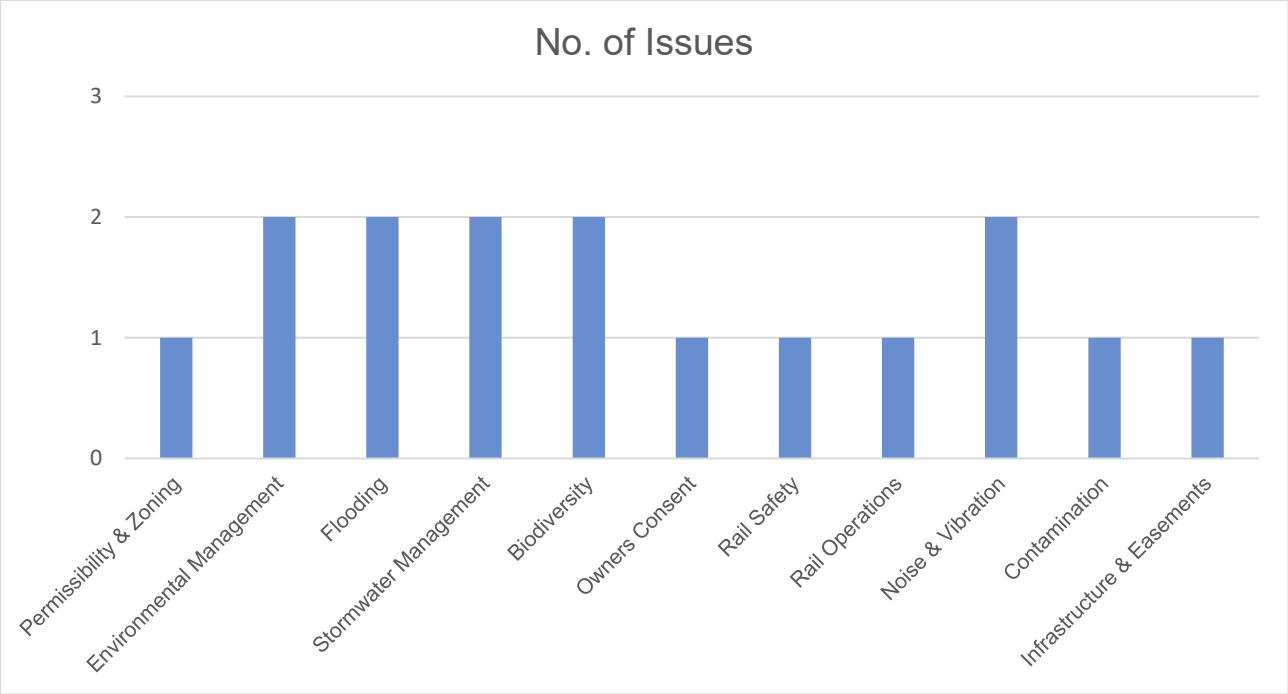
- Support with comments
- Support & no comments
- Objection with comments



3.2 Categorisation of Issues

There are 11 primary issues raised in the submissions including:

- Permissibility & Zoning
- Environmental Management
- Flooding
- Stormwater Management
- Biodiversity
- Owners Consent
- Rail Safety
- Rail Operations
- Noise & Vibration
- Contamination
- Infrastructure & Easements



A summary of the submitters and types of issue raised in their respective submission is outlined in **Table 1**.

Table 1: Submission Issues Summary Matrix

Issue Type	Penrith City Council	TfNSW	DPIE Biodiversity & Conservation	EPA	Endeavour Energy	Public (individual)	Total
Permissibility & Zoning	1						1
Environmental Management	1					1	2
Flooding	1		1				2
Stormwater Management	1					1	2
Biodiversity	1		1				2
Owners Consent		1					1
Rail Safety		1					1
Rail Operations		1					1
Noise & Vibration				1		1	2
Contamination				1			1
Infrastructure & Easements					1		1

4 ACTIONS TAKEN DURING AND AFTER EXHIBITION

4.1 Consultation and Engagement

There has been no further consultation or engagement with government agencies and authorities, business, or members of the public in relation to the rail refurbishment works package. It is considered that no further consultation or engagement is necessary.

4.2 Further Environmental Assessment

There have been no further environmental assessments for the rail refurbishment works package. However, additional specialist advice on noise impacts during construction and operation by Aecom is included. BG&E Consulting has also provided further clarification on flooding in response to comments from Council.

4.3 Changes to Modification Proposal

There are no changes to the design, construction and/or operation detailed in the Modification Proposal for the rail refurbishment works package. As a result, there are no changes to the impacts of the proposal to the proposal submitted under MOD 1. In addition, there are no changes to the proposed mitigation and management measures.

Requirements to update the CEMP and relevant Sub Plans in accordance with Condition A30 under SSD-7308 will incorporate the rail refurbishment works package to ensure construction is managed to prevent harm to the environment.

5 RESPONSE TO SUBMISSIONS

The proponent response to each of the submissions supporting with comments or objecting with comments is in **Tables 1-7** respectively. The submissions raising no comments are noted and are not listed in the Tables.

Table 2: Response to Penrith City Council letter dated 2 November 2020

PCC Comment	Proponent Response
Permissibility and Zoning – Further Works within RE1 Zoned Land *The proposed works compound is situated on land zoned RE1 and not IN1 and given it is specifically associated with the construction of the freight facility, it is not considered to be permissible in the zone.* *It is however understood that the facility is temporary (being for 6 months). It is also understood that Section 4.38(3) of the EP&A Act 1979 may allow for the Department / Minister to approve a part of the development on land that is prohibited development. This capability would not preclude the need to ensure that the objectives of the zone are not undermined, that the impacts of the works are negligible, and that ground and vegetation conditions can be rectified at the conclusion of the temporary works period.* *If the vegetation management plan is expanded to include this lot (noting MOD 3 also seeks inclusion of a temporary stockpile in the RE1 zoned land), then reliance on the above provisions to override the zoning prohibitions may be acceptable as a short term consideration. Inclusion of this land into the VMP is considered critical as the applicant seeks the lot inclusion in the SSD determination by way of MOD 3, meaning that the impacts of the works to the broader vegetation community on this land warrants consideration as well as measures to reinstate natural vegetation conditions at the conclusion of the stockpile period. It is important to note that natural vegetation conditions is not the same as pre-existing ground conditions given the disturbance that is evident from aerial photography.* *It is also apparent from the scope of works in MOD1 and MOD3 that land zoned IN1 that forms the land subject of the original SSD consent, is not sufficient in size to cater for the intensity and scale of development, including construction management, without impact on a new lot not zoned for Industrial purposes. This increasing dependency on the adjacent land zoned RE1 reinforces the need or the applicant to pursue a planning proposal to reconsider the appropriateness of the RE1 zoned land, especially as they have insisted that there is no intention for this land to be developed for public recreation purposes.* *With respect to the proposed permanent drainage works on RE1 zoned land, it is appreciated that the SEPP (Infrastructure) 2007 permits drainage works within any zone pursued to Division 20, Clause 111A however this aspect still requires development consent and that assessment requires consideration of the appropriateness of permanent works in land not zoned for this land use activity. It is considered that the combination of the temporary stockpile in MOD3, the proposed temporary construction compound in this MOD1 and the permanent drainage works now*	The works compound traverses the boundary of Lot 2031 and the land containing the rail sidings to the east. The works compound is a temporary facility to enable the construction and delivery of the rail refurbishment works package. The location of the compound has been intentionally sited within an existing cleared area that can be accessed by existing internal roads to the north and south, as shown in the image below.  Site assessment of the compound area for biodiversity was also completed as part of the Environmental Assessment submitted with the proposal. There were no biodiversity issues resulting from the site assessment. Environmental management measures are to be implemented for all works in Lot 2031 to mitigate potential impacts on local vegetation and waterways. Importantly, the area that can be cleared in SSD-7308 is absolutely defined in the BDAR, works boundary and Development Consent, all of which have informed the retiring of biodiversity credits. The area where clearing is allowed is being carefully managed by the contractors by physically demarcating the works boundary and on-board GPS sensors on plant and equipment. With all these measures in place, there is minimal risk for impacts on vegetation in Lot 2031. There are also minimal works proposed within Lot 2031. Accordingly, an expanded Vegetation Management Plan (VMP) is not considered critical or deemed necessary for this proposal. However, the Construction Biodiversity Management Sub Plan (CBMSP) will need to be amended or a standalone CBMSP will need to be prepared to include the rail refurbishment works in this proposal.

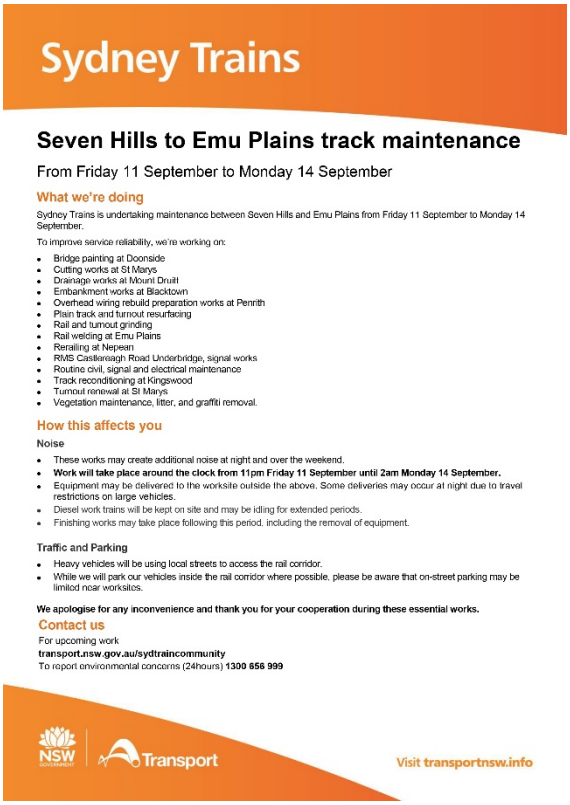
PCC Comment	Proponent Response
suggested warrants a planning proposal to reconsider the zoning of the land. It is noted that Section 4.38(5) and (6) of the EP&A Act also includes provisions relating to the consideration of a planning proposal that may be affiliated with a state significant development proposal which suggests that a rezoning is a necessary consideration with any application or works sought within Lot 2031.	It is noted that drainage is permissible as proposed and that the stockpile formed part of a separate proposal. As detailed in the submitted Modification Proposal, the drainage works will improve stormwater management and water quality standards for discharge into Little Creek. Any improvements to stormwater management and water quality demonstrate the appropriateness of these facilities in the RE1 Zone. The combined approved and proposed works under SSD-7308 only proposes some minor drainage works, a temporary stockpile and temporary works compound in Lot 2031. The intensity of these works and facilities with the RE1 zoned land is low and of minimal impact, and environmental mitigation and management measures are in place to minimise environmental impacts on the areas on RE1 not subject to the proposal. There is a shared view that if the land within Lot 2031 is to be developed for 'industrial' purposes then a Planning Proposal to rezone the land is required. Further, a Planning Proposal would need to consider the environmental requirements Lot 2031, in particular the definition of riparian protection areas in accordance with the NRAR 'Guidelines for controlled activities on waterfront land'.
Environmental Management Comments	
It is noted that the proposed construction access road is within an area of the overall site that has not been investigated for land contamination. The supplementary contamination assessment supporting this application is specific to the rail siding corridor. If works, including internal temporary accessways or roads are to spill over into areas of the site not yet investigated, then it should be ensured that the safety of those areas is ascertained for site workers and the function proposed. For example, ensuring that surficial asbestos is not present in the area to be utilized as a construction access road. Concern is raised at the encroachment of construction activities within areas not investigated. *Management controls included in the Construction Management Plan/Sub-Plan to ensure the stockpiling of materials does not result in contamination should extend to the proposed Construction Compound Area also. For example, ensuring the application of controls such as installation of liners, bunding and diversion mounds/drains prior to commencement of stockpiling and storage.*	The Construction Environmental Management Plan (CEMP) and Construction Soil & Water Management Sub Plan (CSWMSP) prepared by Wolfpeak and approved by the DPIE Post Approvals team will be updated to adopt the environmental measures to ensure construction access roads, which will typically align with existing internal roads, are considered and unexpected finds protocols are in place.
All excavation and filling activities within the rail siding corridor should be supervised by an appropriate person to ensure known (and any unexpectedly found) land contamination, and remediation, is supervised satisfactorily, and to ensure that all material (imported and sourced from the site itself) is suitable for the proposed use and in accordance with the consent.	Excavation and filling activities associated with the rail works will be supervised in accordance with the Conditions of Consent and CEMP and Sub Plans.
The acoustic report predicts noise levels based upon modelling and Council's officers do not have the facility to verify the modelling undertaken. It is noted that the assessment does not include consideration of horn use. It is requested that should horns be a safety mechanism to be used, that this noise source also be considered.	There is no use of horns as part of normal operation for trains using the terminal. Horns are only used as a warning device to avert a potentially dangerous situation.

PCC Comment	Proponent Response
It is noted that old sleepers will be stockpiled on site. The end use and disposal location for sleepers that will not be reused is not discussed. It is not detailed whether the sleepers may be impacted by treatment or potential asbestos fibres. If applicable, consideration of this aspect is requested.	The sleepers are made of concrete and asbestos is not a material used in their construction. Some of the sleepers stored onsite will be used as part of the rail refurbishment works.
Development Engineering Comments	
Flooding	
It is acknowledged that previous flooding correspondence from Council's Flood Engineer (Ratnam Thilliyar, 27 July 2018) advised that it was acceptable to use only the Little Creek Flood Model in the assessment of the Freight Hub. At that time, the footprint of the Freight Hub did not extend north beyond Little Creek. The current modification now includes filling of the rail corridor north of Little Creek which, according to Council's flood mapping, is inundated in the 1% AEP flood event by both the South Creek Flood Model and the Little Creek Flood Model. The Flood Impact assessment is to consider the impact of filling of the rail corridor upon South Creek.	Filling in the rail corridor is minimal and there is a cut and fill balance. Therefore, there is no net loss of flood volume. Furthermore, the flood impact assessment shows a significant reduction in peak flood levels to land north of Little Creek on both sides of the rail corridor. This is as a result of the increased hydraulically connected flood volume created by the proposed drainage channels. Given the notable decreases in flooding from Little Creek, there is not likely to be any increase in flood levels from South Creek as there is no net loss of flood storage. [Response provided by BG&E Consulting]
The proposed access track along the western edge of the refurbished rail sidings proposes to cross Little Creek utilising an existing gravel access track. The access track will be used to transport locomotive drivers and undertake maintenance inspections. The track is serviced by a 2100mm RCP where it crosses Little Creek. A flood safety assessment is to be undertaken for this section of the track and shall assess: flood velocity / depth products for flood safe access of vehicles; possible warning signage including depth markers, flood warning; upgrading of the pipe culvert to achieve flood safe access.	The access track along the western edge of the refurbished rail sidings is an existing track. The low point in the track is subject to high hazard flood conditions in the 1% AEP event in both existing and post-development scenarios (see Figures B11 and C13). In the 1% AEP event, velocities are not anticipated to be more than 2 m/s (Figure C10). Flood warning signage will be placed at the low point and conditions for use of the track detailed in the site Emergency Management Plan. Furthermore, the track is for maintenance and transporting locomotive drivers and will not be used during flooding. Upgrading the pipe culvert is not considered practicable as this would require raising the access track and has the potential to lead to added flood level impacts. [Response provided by BG&E Consulting]
Mainstream Flooding	
The site is affected by mainstream flooding from both South Creek and Little Creek.	See above.
The Flood Impact assessment has modelled the development against Little Creek as Council had previously advised the applicant that this was the predominant flood model for the development. At that time, the proposed development (Freight Hub) did not extend north of Little Creek. The current development (refurbishment of rail corridor) is now proposing to fill the existing rail line corridor north of Little Creek which is impacted by both South Creek Flooding and Little Creek flooding. This will need to be considered in the Flood Impact Assessment.	
The development also proposes an access track along the western side of the rail line / sidings. The access track will be used to transport locomotive drivers and undertake maintenance inspections. The access track proposes to use an existing gravel track where it crosses Little Creek which will be inundated in times of flood as the pipe culvert under the track is of a smaller size than the culvert under the rail track. This access track has not been assessed for flood safety for its users (i.e. depth and velocity of floodwaters, depth markers, flood warning signage or upgrading of pipe culvert.	

PCC Comment	Proponent Response
General *The modification proposes to refurbish the existing twin rail lines that run as a spur line from the existing main western rail line up to the terminal just south of Christie Street. The existing rail lines are proposed to be upgraded - remaining on a similar horizontal alignment with changes to the vertical alignment involving filing of the area north of the crossing of Little Creek. An access track is proposed to be constructed along the western side of the sidings. A third parallel siding / rail line is proposed to the west at some future development application.*	PCC general comment is noted.
Stormwater *Stormwater drainage is acceptable as it proposed to drain the siding via grass channels that discharge into longitudinal bio-retention systems (subject to concurrence from Council's Waterways Team).*	PCC comment on stormwater is noted.
Biodiversity Comments *It is understood that the proposed works are also subject to determination of MOD3 and the inclusion of Lot 2031 within the existing development consent.*	
A revised/updated BDAR has been submitted to assimilate additional works associated with the rail refurbishment, requiring additional clearing of native vegetation of approx. 2,000m2 (which indicates this includes the additional clearing associated with MOD3.). It does not appear that any survey work has been undertaken on Lot 2031. One concern is the dam to the west of the rail refurbishment area. Please clarify if this dam has been subject to fauna/flora assessment.	There are no works within the sediment basin to the west of the rail siding.
A Vegetation Management Plan should be submitted for the management of native vegetation on Lot 2031. This plan should be submitted for review and approval, prior to determination of MOD3/1. At a minimum, the plan should initially cover a 5-year period for targeted management of the riparian corridor for immediate implementation, and to a minimum of 5 years beyond the last date of use of the site for the stockpile, with updates/extension required according to monitoring, review and adaptive management to achieve prescribed milestones (should they not be achieved within the 5 year timeframe). The plan should include annual milestones, subject to assessment and reporting. The Vegetation Management Plan should also include harvesting and translocation of threatened flora (assessed as viable for this process) on Lot 2031, prior to clearing. The plan should give attention to: • *the riparian corridor zoned E2-with management actions aimed at addressing the objectives of this zone under the Penrith LEP 2010* • *rehabilitation of the site to reinstate natural vegetation conditions at the conclusion of the stockpile period.* *Should approval be granted, the project Ecologist should review/inform plans for works associated with the riparian corridor on Lot 2031, which may have (direct, indirect or prescribed) impacts on the E2 zone. Controls must be in place to ensure impacts do not exceed those forecasted / the mapped development footprint. Vegetation protection*	Environmental management measures are to be implemented for all works in Lot 2031 to mitigate potential impacts on local vegetation. The area that can be cleared in SSD-7308 is absolutely defined in the BDAR, works boundary and Development Consent, all of which have informed the retiring of biodiversity credits. The area where clearing is allowed is being carefully managed by the contractors by physically demarcating the works boundary and on-board GPS sensors on plant and equipment. With all these measures in place, there is minimal risk for impacts on vegetation in Lot 2031. There is also minimal clearing proposed within Lot 2031, which is confined to a small area within the northern portion of the works area. Accordingly, an expanded VMP is not considered critical or deemed necessary for this proposal. However, the CBMSP will need to be amended or a standalone CBMSP will need to be prepared to include the rail refurbishment works in this proposal. Notwithstanding the above, a VMP for Little Creek west of the rail siding will be required as part of any development proposal for future works, which would need to be enabled through a rezoning of Lot 2031 that would include specialist evidence-based investigations for this land. The CBMSP includes management measures for biodiversity within the site and an ecologist has already undertaken pre-clearing surveys of the main site. This will also be undertaken for the area subject to the rail refurbishment works under an updated CBMSP.

PCC Comment	Proponent Response
measures, which may include fencing, to ensure construction impacts do not extend beyond the mapped area will be required. *The project Ecologist should also coordinate pre-clearing removal of affected fauna in accordance with best practice, guidelines, policy and legislation, by an appropriately qualified fauna handler.*	

Table 3: Response to TfNSW (including Sydney Trains) letter dated 5 November 2020

TfNSW Comment	Proponent Response
Sydney Trains – Land Owners Consent *Issue* *Sydney Trains notes the proposal includes work to be undertaken within TAHE (Transport Asset Holding Entity) land, as part of the operational rail corridor. This will therefore require Land Owners Consent for the SSD 7308 Mod 1 Application.* *Recommendation* *The Developer/Applicant is requested to seek consultation with Sydney Trains by emailing TAHE.landownersconsent@transport.nsw.gov.au, regarding Land Owners Consent requirements.*	Owners consent will be obtained prior to any works within the TAHE. The works on the submitted drawings within the TAHE corridor has been completed. These works were undertaken and completed during a track closure 11 to 14 September 2020.  Sydney Trains **Seven Hills to Emu Plains track maintenance** From Friday 11 September to Monday 14 September **What we're doing** Sydney Trains is undertaking maintenance between Seven Hills and Emu Plains from Friday 11 September to Monday 14 September. To improve service reliability, we're working on: • Bridge painting at Doonside • Cutting works at St Marys • Drainage works at Mount Druitt • Embankment works at Blacktown • Overhead wiring rebuild preparation works at Penrith • Plain track and turnout resurfacing • Rail and turnout grinding • Rail welding at Emu Plains • Rerailing at Nepean • RMS Castlereagh Road Underbridge, signal works • Routine civil, signal and electrical maintenance • Track reconditioning at Kingswood • Turnout renewal at St Marys • Vegetation maintenance, litter, and graffiti removal. **How this affects you** **Noise** • These works may create additional noise at night and over the weekend. • **Work will take place around the clock from 11pm Friday 11 September until 2am Monday 14 September.** • Equipment may be delivered to the worksite outside the above. Some deliveries may occur at night due to travel restrictions on large vehicles. • Diesel work trains will be kept on site and may be idling for extended periods. • Finishing works may take place following this period, including the removal of equipment. **Traffic and Parking** • Heavy vehicles will be using local streets to access the rail corridor. • While we will park our vehicles inside the rail corridor where possible, please be aware that on-street parking may be limited near worksites. **We apologise for any inconvenience and thank you for your cooperation during these essential works.** **Contact us** For upcoming work **transport.nsw.gov.au/sydtraincommunity** To report environmental concerns (24hours) **1300 656 999** NSW GOVERNMENT Transport Visit transportnsw.info
Sydney Trains – Safety Interface Agreement *Issue* *Sydney Trains requests the Developer/Applicant seek consultation with Sydney Trains to establish an agreement on the updating of the existing Safety Interface Agreement, for the rail siding and any works undertaken within the Rail Corridor.* *Recommendation* *The Developer/Applicant is requested to seek consultation with Sydney Trains by emailing*	As part of Pacific National's operational readiness considerations it has been identified that the existing connection agreement that captures the Safety Interface Agreement will be updated prior to practical completion of the rail package.

TfNSW Comment	Proponent Response
DA_SydneyTrains@transport.nsw.gov.au to update the existing Safety Interface Agreement.	
TfNSW – Rail Operations *Issue* *The siding at St Marys Railway Station is currently in operation and the proposed modification will need to ensure during construction and/or operation there will be no impact on the wider transport network.* *Recommendation* *The Developer/Applicant is requested to provide clarification in the Response to Submissions, existing train operations will not be impacted and continue to be provided access to the sidings at St Marys during construction and operation.*	Pacific National has approved train paths for trains entering and exiting the site. The path times are scheduled to avoid peak passenger train traffic and will regulate train operations for the facility during construction and operation.
Sydney Metro – Consultation *Issue* *The original development consent in relation to Condition B13 'Construction Traffic and Pedestrian Management Sub – Plan (CTPMSP)' requires this Plan to "be prepared in consultation with Council and TfNSW". Sydney Metro is a key stakeholder and consultation is requested to ensure there will be no construction interface issues.* *Recommendation* *The Developer/Applicant is requested to prepare their Construction Traffic and Pedestrian Management Sub – Plan in consultation with Council, TfNSW and Sydney Metro to ensure construction interface issues are mitigated.*	Pacific National acknowledges Sydney Metro as a key stakeholder and has facilitated access to the project site to progress the Sydney Metro. Consultation with Sydney Trains was undertaken as part of the Construction Traffic and Pedestrian Management Sub Plan (CTPMSP), which has been approved by DPIE Post Approvals. The CTPMSP is available on the DPIE Major Project website. As part of the update to the CTPMSP, Sydney Metro will be consulted.

Table 4: Response to EPA letter dated 2 November 2020

EPA Comment	Proponent Response
Noise and Vibration *1. Assessment of operational rail noise* *It appears that in the updated NIA, the section of the rail siding which extends north of the area considered in the EIS has been assessed using the provisions from the Rail Infrastructure Noise Guideline (EPA, 2013) (RING) for non-network rail lines.* *However, it appears that siding will be used for shunting, switching and storage of trains as part of the intermodal facility and does not lead to other industrial premises. As such the EPA considers that the siding sections north of the intermodal are part of the industrial premises and should be assessed using the Noise Policy for Industry (EPA, 2017) (NPfI)* *Appendix 3 of the RING states: "Where a non-network rail line exclusively servicing one or more industrial sites extends beyond the boundary of the industrial premises, noise from this section of track should be assessed against the recommended acceptable LAeq noise levels from industrial noise sources for the relevant receiver type and indicative noise amenity area…"* *This was developed for situations where rail activities between the development site and the connection to a network line would be a discrete activity. In this instance, as described*	It is noted that this Modification Proposal does not increase or change the operational train activity that is already approved under SSD-7308, as it merely is refurbishing an existing rail siding. Notwithstanding, Aecom has provided further clarification on the assessment of rail noise under the Industrial Noise Policy for Industry (NPfI). Aecom advises that the rail operational noise is projected to comply with the NPfI (see **Appendix 1**).

EPA Comment	Proponent Response
above, the sections of rail sidings north of the intermodal is not considered a discrete activity, but rather part of the industrial activities at the intermodal. Therefore, activities that occur on this section of the siding such as shunting, switching or storage should be considered part of the industrial activity at the premises and assessed using the NPfI in conjunction with all other operational noise sources. *The EPA recommends that sections of the siding north of the intermodal should be assessed in accordance with the Noise Policy for Industry (EPA, 2017) in conjunction with all other operational activities on the premises.*	
2. Assessment of construction noise and vibration impacts *The original EIS noise impact assessment did not assess rail refurbishment of the whole length of the siding which is proposed to be refurbished in this modification. As such, the construction impacts presented in the modification documents do not appear to consider potential impacts generated by rail refurbishment in the areas proposed in this modification.* *The EPA recommends that construction noise and vibration impacts generated by this proposal – that were not considered in the original EIS or other modifications – be assessed as part of this modification.*	Aecom has provided noise assessment of the construction activity for the rail refurbishment works (see **Appendix 2**). The additional advice projects exceedances in the worst case of all plant and equipment operation at the same time at the nearest location to the closest residential receivers. All plant and equipment operating at the nearest point to the residential receivers is improbable, and acknowledging that the rail refurbishment works extends over 1300 metres away from the residential receivers, the period of construction closest to the residential areas is short given the total construction timeframe is around 16 weeks. The noisiest machine is the resurfacing or tamping machine, which is only operated for 5 percent of the construction period. The tamping machine is utilised once the tracks have been re-laid to pack the ballast under the sleeper to produce a stable sleeper bed. Given that the purpose of the tamping machine, it is not possible the worst case event can occur. It is also noted that use of the tamping machine during the works on weekend of 11-14 September 2020 mentioned in **Table 3** did not attract any issues from the local community. Accordingly, construction noise is not considered to have a significant impact. It is also noted there are existing conditions of consent in the Development Consent for SSD-7308 that limit noisy activities to specific hours, which will need to be observed.
Contamination *The EPA reviewed the Supplementary Contamination Investigation and notes that the sample concentrations did not indicate that there would be a contamination issue with the work. Some bonded asbestos was identified during the investigation, however, this would appear to be an isolated occurrence given no further fragments were identified during subsequent walkovers or in soil samples. Therefore, it is considered appropriate that an unexpected finds protocol is applied during the construction works. This is already included in the Remediation Action Plan (August 2019). The EPA has no further comments, and previously recommended conditions of consent are considered appropriate for Modification 1.*	EPA comment on contamination is noted.

Table 5: Response to Biodiversity & Conservation (DPIE) letter dated 2 November 2020

B&C Comment	Proponent Response
Biodiversity	B&C comment on biodiversity is noted.

B&C Comment	Proponent Response
Under section 7.17 of the Biodiversity Conservation Act 2016, applications for the modification of major projects must be accompanied by a biodiversity development assessment report unless the consent authority is satisfied that the modification will not increase the impact on biodiversity values. To assist Planning and Assessment Group in making this decision, EES has no additional biodiversity comments.	
Flooding *The approved freight hub adopted shelter in place on the land above the PMF within the site as the primary emergency strategy. Although, South Creek Flood Study 2015 shows reasonable area within the hub above South Creek PMF level (i.e. flood free), it is prudent to prepare an Emergency Management Plan to address the feasibility for safe evacuation of the workers and users of the site to this flood free area. Consultation with the State Emergency Service is also prudent as the site is partially within the Hawkesbury- Nepean Regional flood extent.*	B&C comment on biodiversity is noted. The shelter in place area relates to the terminal area and is not relevant to the proposed rail refurbishment works package. It is noted that a site-specific Flood Management Plan during operation will need to be maintained by the operator of the site.

Table 6: Response to Endeavour Energy email dated 26 October 2020

EE Comment	Proponent Response
Endeavour Energy has noted that the Section 4.55 Modification does not appear to indicate that there is any impact by the proposed modifications on the existing electricity infrastructure and easements on and near the site. However it is apparent that as shown in the following extract of the Indicative Construction Site Management Plan Overall Plan that there is work occurring in the easements / proximity of the existing electricity infrastructure on the site. *Endeavour Energy's Network Connections Branch are responsible for managing the conditions of supply with the proponent and their Accredited Service Provider (ASP). However the applicant will need to contact Endeavour Energy's Network Connections Branch (via Head Office enquiries on business days on telephone: 133 718 or (02) 9853 6666 from 9am - 4:30pm) if this Development Application:* • *Includes any contestable works projects that are outside of the existing approved / certified works.* • *Results in an electricity load that is outside of the existing Supply / Connection Offer requiring the incorporation of the additional load for consideration. This is due to load being based on a desktop assessment using an After Diversity Maximum Demand (ADMD) where demand is aggregated over a large number of customers providing an ADMD for the site / per lot. Depending on the actual development proposed for the site, the ADMD provided may not be sufficient.* *As previously advised, if any proposed works (other than those approved / certified by Endeavour Energy's Network Connections Branch as part of an enquiry / application for load or asset relocation project) will encroach / affect Endeavour Energy's easements or protected assets, contact must first be made with the Endeavour Energy's Easements Officer, Jeffrey Smith, on business days on direct telephone 9853 7139 or alternately email Jeffrey.Smith@endeavourenergy.com.au or Easements@endeavourenergy.com.au .*	Endeavour Energy comment is noted and all information including fact sheets and guidelines has been provided to Pacific National and the contractors constructing the rail refurbishment works package.

EE Comment	Proponent Response
Subject to the foregoing and the following additional recommendations and comments Endeavour Energy has no objection to the Development Application. • *Network Capacity / Connection* *The Accredited Service Provider (ASP) scheme is now administered by Energy NSW and details are available on their website via the following link or telephone 13 77 88:* *https://energy.nsw.gov.au/government-and-regulation/legislative-and-regulatory-requirements/asp- scheme-and-contestable-works .* • *Site Remediation* *Endeavour Energy has noted that the Supplementary Contamination Investigation has identified soil surrounding five timber poles as a potential area of environmental concern (PAEC).* *Endeavour Energy's Environmental Business Partner Section have advised that the remediation of soils or surfaces impacted by various forms of electricity infrastructure is not uncommon but is usually not significant eg. transformer oil associated with leaking substations, pole treatment chemicals at the base of timber poles etc. The method of remediation is generally the removal of the electricity infrastructure, removal of any stained surfaces or excavation of any contaminated soils and their disposal at a licensed land fill. The decommissioning and removal of the redundant electricity infrastructure will be dealt with by Endeavour Energy's Network Connections Branch as part of the application for the connection of load for the new development – please refer to the point 'Network Capacity / Connection' in Endeavour Energy's previous submission.* *If the applicant has any concerns over the remediation works related to redundant electricity infrastructure they should contact Environmental Business Partner Section via Head Office enquiries on business days telephone: 133 718 or (02) 9853 6666 from 9am - 4:30pm.* *Could you please pass on a copy of this submission and the attached resources to the applicant? Should you wish to discuss this matter, or have any questions, please do not hesitate to contact me or the contacts identified above in relation to the various matters. Due to the high number of development application / planning proposal notifications submitted to Endeavour Energy, to ensure a response contact by email to property.development@endeavourenergy.com.au is preferred.*	

Table 7: Response to Anonymous Public/Individual online submission (undated)

Public/Individual Comment	Proponent Response
I object to the proposed DA proposal SSD-7308-mod-1. Below are a list of my concern in relation to this project: *- increased noise, dust and vibration created during construction and throughout normal operation once the proposed project is completed.*	During operation there is no increase in train movements and the rail refurbishment works will actually reduce noise with new rail sidings and mitigated wheel squeal due to better design. During construction dust, noise and vibration impacts will be managed in accordance with the Construction Environmental Management Plan (CEMP) and relevant Sub Plans for noise and vibration and air quality. This will ensure minimal environmental

Public/Individual Comment	Proponent Response
	impacts during the construction phase, which is scheduled for 16 weeks.
- increased noise and activity at the proposed level crossing. Eg increased train horns and signalling equipment operated throughout the day and night	There is no increase in train activity as a consequence of the proposed works and during normal operation trains do not use horns. Horns are only used as a warning device to avert a potentially dangerous situation.
- increased stormwater volumes and run off created by the proposed project	The proposed rail refurbishment works improves the management of stormwater runoff within the site. All stormwater runoff is discharged directly into Little Creek through water quality treatment facilities and away from surrounding residential properties to the south and other businesses to the east.

6 CONCLUSION

Approval to modify the consent for SSD-7308 in accordance with Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* is sought.

The proposed modifications include:

1. Rail refurbishment works for existing tracks
2. Revised development footprint of the intermodal facility to include rail works area
3. Construction management facilities (construction access roads, compounds, etc)

The rail refurbishment works includes:

- Re-laying the existing rail sidings (x 2) within the existing corridor including:
  - Removing the existing track and ballast
  - Excavating below the track up to a depth of around 550mm
  - Backfilling the excavated area
  - Re-lay the ballast and track
- Upgrade an existing level crossing
- Construct a 3.5m wide one-way access track from the terminal level crossing adjacent to Siding 2 to transport locomotive drivers and undertake maintenance inspections.
- Construct stormwater management facilities and discharge outlet that satisfies the water quality requirements that apply to this development.

There are no proposed changes to the initial Modification Proposal in response to the submissions on MOD 1. The rail refurbishment works addresses safety concerns with the existing rail sidings following inspection of the tracks and the refurbishment works will also implement design changes to the siding to reduce noise emissions from wheel squeal by widening the gauge within the curves.

In evaluating the acceptability of the proposal, key considerations in assessing the merits of the proposal include:

- The modification proposal meets the statutory criteria under Section 4.55(2) for the proposal to be substantially the same development as the development that has been approved.
- The rail refurbishment works relates to existing rail sidings that are intrinsic to the St Marys Intermodal, and therefore, the modification is substantially the same development.
- The rail refurbishment works generate an additional 15-20 jobs during the construction phase.
- The rail refurbishment works will reduce noise emission from wheel squeal and deliver improved safety and ongoing maintenance requirements.
- The operational requirements for the St Marys Freight Hub have not changed including operation hours and traffic generation.
- The rail refurbishment works reduce flood affectation within the Little Creek catchment.
- The proposal aligns with the NSW Government's strategies for Port Botany and movement of freight in Metropolitan Sydney.
- The proposed modification is consistent with the requirements and allowances of relevant Environmental Planning Instruments and planning policies to the proposal.

As part of the existing Conditions of Consent under SSD-7308, including Condition A30 under 'Revision of Strategies, Plans and Programs', the CEMP and relevant Sub Plans will incorporate the rail refurbishment works package to ensure construction is managed to prevent harm to the environment.

Penrith City Council's request to expand the VMP to include the riparian areas and other land in Lot 2031 is not considered reasonable due to almost no clearing and minimal works within this landholding. It is envisaged that detailed site investigations on biodiversity, riparian areas and soil and water would need to be undertaken as part of the considerations for progressing a future rezoning of Lot 2031.

The Modification Proposal has now been consulted with relevant stakeholders and all outstanding issues have now been addressed in this document. Given the proposal meets the requirements of Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* and relevant instruments, plans and policies, it is requested that DPIE approve the Modification Proposal.

APPENDIX 1

Aecom letter dated 20 November 2020 on Operational Noise

AECOM Imagine it. Delivered.

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20 November 2020

Pacific National
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Dear Guy,

St Marys Freight Hub - Update Noise and Vibration Impact Assessment - Northern section of non-network rail line

1.0 Introduction

AECOM Australia Pty Ltd (AECOM) was commissioned by Urbanco and SITE Planning+Design on behalf of Pacific National to undertake a Noise and Vibration Impact Assessment (NVIA) of the construction and operation of the proposed St Marys Freight Hub (the Proposal). This assessment was documented in the report *St Marys Freight Hub – Noise and Vibration Impact Assessment – Post Exhibition Version* 60593074-02_D dated 11 February 2020 and formed part of the Environmental Impact Statement (EIS) documentation. It is noted that after the assessment was completed a 3 m high noise barrier located just inside the southern boundary of the Sydney Trains corridor at Camira Street was proposed, to replace the previously proposed 2.4 m high southern Proposal site barrier. The Department of Planning, Industry and the Environment (DPIE) approved the Proposal (SSD-7308) on 7 May 2020 including the Camira Street noise barrier.

In October 2020 Pacific National sought approval to modify the Development Consent for the St Marys intermodal SSD-7308 under Section 4.55(2) of the EP&A Act. The proposed modifications include:

- Rail refurbishment works for existing tracks
- Revised development footprint of the intermodal facility to include rail works area
- Construction management facilities (construction access roads, compounds etc).

The NVIA was updated to take account of proposed activities on the non-network rail line to the north of the intermodal facility and the assessment was completed using the provisions from the Rail Infrastructure Noise Guideline (RING) for non-network rail lines. The assessment was document in a letter (60593074-LTNV-2_A) dated 24 June 2020.

Subsequently the Environment Protection Authority (EPA) has advised that the use of the section of non-network rail line north of the intermodal facility should be assessed in accordance with the Noise Policy for Industry (NPfI).

This letter provides an assessment of the use of the non-network rail line to the north of the intermodal facility using the NPfI noise triggers The receivers within noise catchment area NCA3 have been considered in this updated assessment given their proximity to the northern section of non-network rail line. Note that the L_{Amax} sleep disturbance assessment was previously completed using NPfI sleep disturbance criteria and therefore no further updates are required.

2.0 Noise Policy for Industry

Environmental noise criteria for the operation of the site was determined in accordance with the NPfI in the NVIA. A summary is presented in Table 1 below. These criteria apply to environmental noise emissions from any activity undertaken or plant installed as part of the Proposal.

Table 1 Summary of environmental noise emission criteria

Location	Time of day	Project noise trigger levels[1] L_{Aeq}, dB(A)
NCA 3	Day	52
	Evening	43
	Night	38

Notes:

1. Project Noise Trigger Levels represent the lower of the intrusive and amenity criteria.

3.0 Rail noise sources

The following rail traffic noise sources have been incorporated into the rail noise model for the non-network rail line:

- Moving train (three locomotives), with the power based upon attended noise measurements previously undertaken (according to Australian Standard AS 2377:2002 – *Acoustics – Methods for the measurement or rail bound vehicle noise*) by AECOM of a heavily laden (gross weight 1,040 tonnes) Class 81 locomotive accelerating on Notch 3
- Moving wagons, with the power based upon the Transport for NSW Rail Noise Database

The sound power levels for these sources are presented in Table 2. The sound power level presented in Table 2 for the moving train is the base power of one locomotive. The moving train has been modelled as a line source with three locos pulling away to the south, taking 468 seconds of a 900 second (15 minute) period to travel 1.3 kilometres within the site (i.e. travelling at 10 km/h).

Table 2 presents the sound power levels which were used in the operational noise model.

Table 2 Summary of sound power levels

Source	Sound power level (SWL, dB) at octave band centre frequency, Hz								Overall SWL dB(A)
	63	125	250	500	1000	2000	4000	8000	
Moving loco	96	96	96	97	96	98	97	97	104
Moving wagons	104	96	89	87	87	87	83	75	93
Wagon bunching L_{A1}[1]	-	-	-	-	-	-	-	-	112
Curve/brake squeal L_{A1}[1]	-	-	-	-	-	-	-	-	113

Notes:

1. Reference: RHA Report 10-1142-R1 RAC Line-based Noise PRP Study – Noise Source Working Paper, Sep 2000

4.0 Results

Pacific National currently hold five train paths per day for the site (three are scheduled for the night-time period). As the night-time is the most affected period it has been assessed below. An $L_{Aeq\ 15min}$ assessment has been undertaken for rail movements on the non-network rail line and an L_{Amax} assessment has been undertaken for curve squeal and bunching (it has been assumed that brake squeal noise levels will be no louder than bunching or curve squeal).

4.1 Operational rail noise

The results for the $L_{Aeq\ 15min}$ assessment for NCA3 are provided below.

Table 3 Predicted operational noise levels from use of northern non-network rail line

Weather conditions	Distance from Proposal (m)	Sound pressure level, $L_{Aeq\ 9hr}$ dB(A)		
		Result	Criterion	Exceedance
Night neutral conditions	600	35	38	-
Night south-westerly wind		28	38	-
Night westerly wind		28	38	-
Night temperature inversion – SW wind		33	38	-
Night temperature inversion – W wind		32	38	-

The operational noise levels from the operation of the intermodal site were previously presented in the EIS documentation (NVIA Table 28).

Table 4 Predicted operational noise levels from intermodal facility site operations

Weather conditions	Distance from Proposal (m)	Sound pressure level, L_{Aeq} dB(A)		
		Result	Criterion	Exceedance
Night neutral conditions	600	35	38	-
Night south-westerly wind		28	38	-
Night westerly wind		26	38	-
Night temperature inversion – SW wind		34	38	
Night temperature inversion – W wind		32	38	-

Table 5 Predicted cumulative operational noise levels

Weather conditions	Distance from Proposal (m)	Sound pressure level, L_{Aeq} dB(A)		
		Result	Criterion	Exceedance
Night neutral conditions	600	38	38	-
Night south-westerly wind		31	38	-
Night westerly wind		30	38	-
Night temperature inversion – SW wind		37	38	
Night temperature inversion – W wind		32	38	-

5.0 Discussion

Table 5 indicates that noise emissions from the train movements on the non-network rail line north of the intermodal facility and from the operation of the intermodal facility are predicted to comply with the NPfI criteria.

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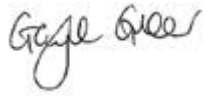
Yours faithfully



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APPENDIX 2

Aecom letter dated 20 November 2020 on Construction Noise

AECOM Imagine it. Delivered.

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20 November 2020

Pacific National
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Dear Guy,

St Marys Freight Hub - Updated Construction Noise Impact Assessment - Rail Refurbishment Works

1.0 Introduction

AECOM Australia Pty Ltd (AECOM) was commissioned by Urbanco and SITE Planning+Design on behalf of Pacific National to undertake a Noise and Vibration Impact Assessment (NVIA) of the construction and operation of the proposed St Marys Freight Hub (the Proposal). This assessment was documented in the report *St Marys Freight Hub – Noise and Vibration Impact Assessment – Post Exhibition Version* 60593074-02_D dated 11 February 2020 and formed part of the Environmental Impact Statement (EIS) documentation. It is noted that after the assessment was completed a 3 m high noise barrier located just inside the southern boundary of the Sydney Trains corridor at Camira Street was proposed, to replace the previously proposed 2.4 m high southern Proposal site barrier. The Department of Planning, Industry and the Environment (DPIE) approved the Proposal (SSD-7308) on 7 May 2020 including the Camira Street noise barrier.

In October 2020 Pacific National sought approval to modify the Development Consent for the St Marys intermodal SSD-7308 under Section 4.55(2) of the EP&A Act. The proposed modifications include:

- Rail refurbishment works for existing tracks
- Revised development footprint of the intermodal facility to include rail works area
- Construction management facilities (construction access roads, compounds etc).

Subsequently the Environment Protection Authority (EPA) has requested that the construction noise impacts from the works listed above be assessed. This letter provides details of this construction noise assessment.

2.0 Construction noise management levels

The *Interim Construction Noise Guideline* provides guidance in setting construction noise management levels and ways to deal with the impacts of construction noise on residences and other sensitive land uses. A quantitative assessment, based on 'reasonable' worst case construction scenarios, was carried out for the Proposal.

The construction noise management levels (NML) for the residential and other sensitive land uses established in the Noise and Vibration Impact assessment are detailed in Table 1 for the four noise catchment areas.

Table 1 Daytime construction noise management levels – Residential receivers

Noise catchment area	RBL, L_{A90} dB(A)	Standard hours noise management levels, $L_{Aeq,15min}$, dB(A)
1	43	53
2	39	49
3	47	57
4	48	58

3.0 Proposed rail refurbishment activities

The equipment to be used for the rail refurbishment works includes the following:

- Tracked loader
- Wheeled loader
- Excavator
- Haul truck
- Rail resurfacing machine (used only for 5% of the works).

Assuming a worst case scenario of all the above equipment operating simultaneously the sound power level would be around 123 dB(A), without the rail resurfacing machine the sound power level would be around 113 dB(A).

Table 2 Predicted construction noise levels at closest residential receivers

Noise catchment area	Shortest distance between works and noise catchment area	Standard hours noise management levels, $L_{Aeq,15min}$, dB(A)	Predicted construction noise level, $L_{Aeq,15min}$, dB(A)	
			All equipment in operation	All equipment in operation except rail resurfacing machine
NCA1[1]	690 m	53	39	29
NCA2	150 m	49	68	58
NCA3	730 m	57	49	39
NCA4	750 m	58	48	38

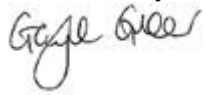
Notes:

1. *No line of sight to receiver*

From Table 2 it can be seen that the works would comply with the standard hours construction noise management levels at receivers within NCA1, NCA3 and NCA4 with all equipment in use concurrently. The construction noise management level is likely to be exceeded at time at receivers within NCA2. With all equipment operating concurrently the exceedance may be up to 19 dB(A), without the rail resurfacing machine in operation the exceedance may be around 9 dB(A). It should be noted that the predicted construction noise levels are typically worst case, assuming all equipment is operating at the closest point to residential receivers and for all 100% of a 15 minute period. Noise levels are likely to be less than those predicted for significant periods of time and will reduce as equipment moves north away from the NCA2.

Exceedances of the construction noise management levels were previously predicted for construction noise scenarios documented in the report *St Marys Freight Hub – Noise and Vibration Impact Assessment – Post Exhibition Version* 60593074-02_D dated 11 February 2020. It is recommended that the construction noise mitigation measures presented in that report are applied to these rail refurbishment works.

Yours faithfully



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