

Response to Submissions and Final Statement of Commitments

23 Scrivener Street, Warwick Farm

Modification to Project Application No. 08_0088

Submitted to
NSW Department of Planning
On Behalf of Independent Print Media Group Pty Ltd

December 2009 ■ 09198

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Attachments

- A** Train Handling Sequence
Aurecon
- B** Assessment of Rail Noise Subject to the Horse Stables in the Vicinity of the IPMG Printing Facility
Heggies
- C** Noise Assessment of Proposed Rail Siding (Revision 1, 10 December 2009)
Heggies

1.0 Introduction

The Environmental Assessment Report (EAR) for a Modification to a Project Application under Section 75W of the Environmental Planning and Assessment Act 1979 was submitted to the Department of Planning (the Department) in September 2009. The modification sought approval for the laying of a new rail track from the South Sydney Freight Line (SSFL) to the Independent Print Media Group (IPMG) Printing Facility at 23 Scrivener Street, Warwick Farm,

Following a review of the EAR and consultation with the relevant government agencies, the Department identified a number of issues that required further clarification and requested in a letter, dated 17 November 2009, that IPMG address the issues in one comprehensive response to the Department.

IPMG, the proponent for the project, has reviewed and considered the submissions and, in accordance with clause 75H (6) of the *Environmental Planning and Assessment Act 1979*, has responded to the issues raised.

This response should be read in conjunction with the Environmental Assessment Report dated September 2009 and forms part of the Modification.

This report sets out IPMG's response to submissions (see **Section 2**) and includes a final Statement of Commitments (see **Section 3**).

2.0 Response to Key Issues

The following chapter provides IPMG's response to the submissions made on the project.

2.1 General Assessment

Issue

The Department requested that the following additional information be provided:

- clarification on the exact distance of the nearest residential boundary from the proposed rail siding; and
- a clear diagrammatical representation of the locomotive arrival and departure procedure.

Response

The closest distance between the centre of the track to the corner of the nearest property at 21 Manning Street is 2.45 metres.

A diagrammatical representation of the locomotive arrival and departure procedure is located at **Attachment A**.

2.2 Siting Design and Positioning

Issue

The Department requested additional justification for the design and position of the proposed rail siding, including clarification as to why the design and positioning of the proposed rail siding can not be altered in order to increase the buffer distance between it and sensitive receivers on Manning Street.

Response

Aurecon have provided a number of reasons why the design and positioning of the proposed rail siding can not be altered in order to increase the buffer distance between it and sensitive receivers on Manning Street.

The location of the spur line to the north of the facility was selected as it follows the logical direction of the trains, which will be approaching the site from the north along the SSFL. However, it is important to note that the option of connecting the facility siding to the SSFL with a spur line to the south of the facility was examined and found to be unworkable for several reasons:

- It would require a lease to be taken out across the part of the rail corridor between the SSFL and the IPMG facility which would result in the IPMG Train potentially obstructing the maintenance access track of the SSFL. In light of this potential conflict occurring it was considered unlikely that IPMG would be able to obtain such a sub-lease from Australian Rail Track Corporation (ARTC) for this land.
- As there is insufficient space for the train to enter the facility in one piece, the train would have to be broken into two segments and enter the facility in two parts via an entrance in the centre of the loading dock. This would greatly increase both the time of operation and the amount of noise generated by the locomotive as it coupled and de-coupled, and pushed and pulled the segments of the train.

- Trains would have to shunt on to the SSFL both when entering and leaving the factory, which would require a longer slot time for the train on the SSFL which was unlikely to be supported by ARTC. Furthermore, the shunting movement would have to be undertaken at a maximum speed of 15 kph because of the adverse cross fall that the spur line would be forced to adopt because of the lower level of the siding track.
- It would require a non-conventional turnout from the SSFL. ARTC would be unlikely to support this as non-standard materials would be required for maintenance, so adding to their operational costs.

The spur line has also been designed to minimise the impact on the surrounding residential properties. The geometry of the turnout and spur line has been set at a radius of 160m which is the minimum required for modern rolling stock carriages. The distance of the track from the corner of the property at 21 Manning St has also been extended to the physical maximum, but is constrained by the protected acacia shrubs next to the IPMG facility.

2.3 Consultation

Landowner Consultation

The Department requested that the proponent provide any additional information detailing the outcomes of the consultation undertaken with the nearby residences along Manning Street and any negotiations or agreements that were reached.

IPMG has now consulted with the affected residents (owners and occupiers) along Manning Street. The issues raised by each landowner and IPMG's response are provided in the table below.

It appears that the issues and complaints are largely in relation to expected noise from the SSFL and apparent commitments made in relation to the provision of noise walls, and that this has become confused with the IPMG project. Despite this, IPMG commissioned Heggies to investigate methods in which rail noise at two affected residential properties (9 and 19 Manning Street) adjacent to the rail siding could be reduced. The full investigation and findings of the report can be found at **Attachment B**.

Issue	IPMG response
John and Sue O'Connor, 9 Manning Street	
Located at the start of the turnout from the SSFL, just south of Warwick Farm Station.	To address these concerns IPMG commissioned Heggies to recommend specific sound attenuation measures to minimise any noise that will emanate from a passing train, thus lessening any noise impact on horses stabled.
Are reluctant to use the rear boxes of their stables because of the threat of a loud noise startling the horse and it sustaining an injury which could prevent it racing or result in it having to be put down.	Heggies recommended that the roller shutter door within the facade that faces the rail corridor be removed and filled with a masonry type construction, and that all cavities, voids, gaps and holes within the stables be suitably filled with a flexible noise insulating material. These works will be undertaken by IPMG at no cost to the Landowner. Mr and Mrs O'Connor agreed that this is a practical solution and have no objections to IPMG building the spur line.

Issue		IPMG response	
Billy Payne, 11 Manning Street			
IPMG left a message for Mr. Payne regarding the Modification with a stable-hand on the property, however no further response has been received.		No action proposed.	
Gary Neale, 13 Manning Street			
Aware of the IPMG line and has no objections		No action required.	
Sid Brown, 15 Manning Street			
Aware of the IPMG line and has no objections		No action required.	
17 Manning Street			
This property is vacant		No action required.	
Dawn O'Neil, 19 Manning Street			
Retired and the property is her nest egg. Very concerned that the noise generated from passing trains would potentially reduce the value of her land and thus the price she could achieve from the sale of her property.		IPMG explained where the rail line will run; the proximity of trains to the property; and the frequency of the train movements (one per day). IPMG also explained Pacific National's protocol for operating in a residential area: 5 kph speed limit on arriving and departing; the use of wagon brakes; and, the drivers not using the horn. To address these concerns IPMG commissioned Heggies to recommend specific sound attenuation measures to minimise any noise that will emanate from a passing train, thus lessening any noise impact on horses that may be stabled there by a future owner. The investigation recommended that, at no cost to the landowner, filling the existing ventilation holes within the facade that faces the rail corridor and using a flexible noise insulating material to fill the cavity of the roof of the stables building. These works will be undertaken by IPMG at no cost to the landowner. Mrs O' Neil indicated that she was satisfied with the solution proposed by IPMG and has no objections to the construction of the line.	
Joe Frankic, 21 Manning Street			
Aware of the IPMG line and has no objections		No action required	

Agency Consultation

The Department requires updated details of any negotiations and/or agreements that have been reached with government agencies following the exhibition of the EA for the modification.

No further consultation has been undertaken by IPMG since lodgement of the EA for the modification.

2.4 Structural Integrity

Issue

A local resident raised specific concern regarding the operational impacts of vibration from trains on the foundations and structural integrity of buildings on private properties in the area.

Response

Aurecon has advised that modern rolling stock carriages and locomotives only generate a minor level of ground vibration. Based on the assumption that the neighbouring buildings have been constructed in accordance with BCA, and are therefore of sound construction they will not be affected by the minor level of ground vibration that comes from rail operations

Furthermore, the permissible speed on the turnout from the SSFL is 40 Kilometres per hour (Kph), and the speed at the factory gate would be unlikely to exceed 5 Kph. At these speeds the vibration impact from railway rolling stock is near to negligible and will not have any impact on the structural integrity of the private properties in the area.

2.5 Sliding Gate

Issue

Department of Environment Climate Change and Water raised concern that the warning bell associated with the sliding gate may have noise impacts on the well being of thoroughbred horses stabled nearby.

Response

Aurecon advised that the exact details of how the sliding gate will operate and the specifications of the bell are yet to be resolved. However, it should be noted that the bell to be used on the gate will not be of the type used at public level crossings, which requires a noise that will penetrate a vehicle with closed windows. Instead, the bell only needs to be heard by staff in close proximity to the gate when it is closing and therefore is unlikely to affect the well being of thoroughbred horses stabled in the locality.

2.6 Noise Assessment

Issue

DECCW requested that the Noise Assessment prepared by Heggies be amended to provide an assessment of construction noise and vibration consistent with the *Interim Construction Noise Guideline* and *Assessing Vibration: A Technical Guideline*.

Response

Heggies have revised their Noise Assessment (see **Attachment C**) to include an assessment of construction noise and vibration consistent with the *Interim Construction Noise Guideline* (ICGN) and *Assessing Vibration: A Technical Guideline*. The revised report replaces the assessment lodged with the EAR at Appendix D.

The revised construction site noise assessment follows the same methodology as the assessment undertaken for the EAR. Based on the construction methodology the following scenarios have been used in the assessment of construction noise impacts:

- Scenario 1 - Excavation and Breaking Concrete;
- Scenario 2 - Compaction/Capping Layer Preparation; and
- Scenario 3 - Track Laying/Installation and Concrete Works.

In accordance with the ICGN, L_{A10} has been replaced by L_{Aeq} . The predicted typical and worst-case construction noise levels at the nearest potentially affected receiver at 21 Manning Street are presented in **Table 4**. It should be noted that a comparison between the assessments demonstrates that construction noise levels will be closer to achieving the Noise Management Level under the ICNG than the *Environmental Noise Control Manual* used for the original assessment.

Table 1 – Predicted noise levels at nearby receiver at 21 Manning Street

Distance of works to receiver	Noise Management Level (dBA)	Predicted Typical / Worst-Case L_{Aeq} for each Scenario (dBA)		
		Scenario 1	Scenario 2	Scenario 3
20m	53	81/90	76/77	73/79
75m		70/78	64/77	62/79

Source: Heggies

The above predictions indicate that noise levels during typical and worst case construction activities will exceed the Noise Management Level. However, as stated in the EAR, exceedances of this nature are common on projects involving works in close proximity to sensitive receivers and the noise intensive activities occur on a continuous basis, and will be limited to approximately 4-5 months.

Due to the predicted construction noise goal exceedances, the impacts of construction noise at nearby residential receivers will be managed and mitigated through the preparation of a site-specific Construction Noise and Vibration Management Plan (CNVMP) as detailed in **Section 3.1**.

The DECCW submission also requested that the Heggies Noise Report consider *Assessing Vibration: A Technical Guideline*. Chapter 7.2 of the Heggies Report did use the Guideline to assess the vibration. The results of the revised assessment have therefore not changed.

2.7 Out of Hours Construction

Issue

The EAR indicates that whilst most construction work would occur during 'recommended standard hours' it also indicates that some construction work would be undertaken outside the standard hours. DECCW notes that if this is the case, the Noise Assessment does not address the noise impacts of works outside of the standard construction hours.

Response

No construction works will be undertaken outside of the standard hours. An incorrect reference was made in the EAR to works to be undertaken outside of standard hours in the event that IPMG required rail possessions from RailCorp. However, it will not be necessary and all construction will take place during standard hours.

The construction noise modelling (see **Attachment C**) was undertaken in accordance with the NSW Interim Noise Guidelines. Based on this approach, the Project Specific L_{Aeq} Noise Management Levels were calculated for 7:00am – 5:00pm. As construction will take place during these hours the assessment is considered adequate.

2.8 Operational Noise

Issue

DECCW recommends that the operational noise assessment be revised to specifically address the predicted noise impact of locomotive re-coupling and shunting.

Response

Heggies have revised their Noise Assessment to include an assessment the predicted noise impact of locomotive re-coupling and shunting (see **Attachment C**). During shunting operations, a maximum noise level of 84 dBA is predicted. This is 3 dBA higher than the maximum noise level predicted to occur during standard operations. Both these levels will exceed the sleep disturbance criteria of 52 dBA set out in the NSW Industrial Noise Policy, however, this exceedance is considered acceptable as:

- IPMG's rail operations will not result in an increase to the maximum noise levels as noise emission levels would be in the same order as the noise levels predicted for the proposed SSFL operations; and
- during the ambient noise investigations L_{Amax} noise levels in the order of 84 dBA were regularly measured during the 6.00 am to 7.00 am period.

It should also be noted that there is only one train scheduled per day which will arrive between 6:00am – 7:00am and depart between 3:00pm – 4:00pm. It is therefore unlikely that horse trainers operating in the residencies along Manning Street would encounter sleep disturbance as a result of the trains operating.

Consistent with the original recommendations of the Noise Assessment, the revised report recommends that all train on-site train movements are restricted to the daytime and evening periods. It is also recommended that the duration that the locomotive is required to idle alongside residencies is minimised as far as practicable. IPMG will adopt Pacific National's 'Built-up Area Protocol' which requires trains not to exceed a maximum speed of 5kph near residential dwellings.

2.9 RailCorp Submission

RailCorp's submission detailed a number of matters it wished to be addressed as part of the conditions for the proposed development. Aurecon has reviewed the submission on behalf of the proponent who has requested, where appropriate, the removal of, or amended wording to, the proposed conditions.

Services Searches

RailCorp requested that prior to the issue of a Construction Certificate there should be a services search for rail services.

The proponent does not consider this condition to be necessary and requests its removal for the following reason. Aurecon is the current holder of the services database within the rail corridor and a search during the detailed design of the proposed works revealed that the proposed works do not conflict or run over any recorded RailCorp services.

Dilapidation Surveys

RailCorp requested that prior to the commencement of works and prior to the issue of an Occupation Certificate a dilapidation survey of the rail infrastructure in the vicinity of the project be carried out.

The proponent does not consider this condition to be necessary and requests its removal for the following reasons. The part of the corridor in which the spur line is to be constructed is a flat area with no embankments, tunnels or indeed structures of any kind other than the SSFL track, which belongs to ARTC and not RailCorp. The spur line has no connection with RailCorp's track nor will the works have any effect upon RailCorp's assets.

Geotechnical and Structural Stability and Integrity

RailCorp wants reassurance that the development will have no adverse impacts on the geotechnical and structural stability and integrity of RailCorp's facilities.

The proposed works within IPMG's property boundary affects surface level structures and rail track only and is not close to RailCorp's assets within the rail corridor. Any condition of consent should not involve an assessment of the facility modifications.

Notwithstanding this, IPMG will provide a geotechnical report demonstrating that no works are proposed next to the rail corridor that could have any affect upon RailCorp infrastructure and that the construction of the spur track connects to the SSFL on a near level area and will not have any effect on RailCorp's infrastructure

Use of Lights and Reflective Materials

RailCorp requested that a construction certificate not be issued until the installation of lights has been carried out to the satisfaction of the Rail Authority.

As no work can begin on site until a construction certificate is issues, the wording of RailCorp's condition would appear to prohibit development of any kind. The condition should be amended to read as follows:

Lights and reflective materials within the IPMG facility and also within the zone of construction within the corridor should not cause glare that is visible from the rail corridor and can affect train drivers.

The Principal Certifying Authority can issue an occupation certificate once confirmation has been received from the Rail Authority confirming that this condition has been satisfied.

Crane and Other Aerial Operations

RailCorp have requested that IPMG demonstrate to its satisfaction that all crane and other overhead operations are properly managed.

The development within the IPMG site affects surface level structures and rail track only, and is not in close proximity to RailCorp's assets. This modification does not involve any major work to the IPMG facility. Accordingly, the proposed condition should be amended as follows:

Prior to starting work within the rail corridor or close to it the applicant is to submit to the Rail Authority a construction plan showing all craneage and other aerial operations that will be carried out in the rail corridor or close enough to it that a crane jib or its rope could come close to the rail track if the crane fell over.

Drainage

RailCorp has advised that any run-off or stormwater discharge from the development site onto the rail corridor would be unacceptable.

The proponent does not consider RailCorp's proposed condition to manage stormwater to be necessary and requests its removal. As the level of the IPMG site is lower than the rail corridor, no run-off or stormwater from the site will drain into the rail corridor. Accordingly, RailCorp's suggested conditions should not be included.

Easements

RailCorp has requested that IPMG provide details of any intended encroachment into RailCorp's easement or RailCorp owned lands, for review and approval by RailCorp.

IPMG have no objection to this condition and will continue to negotiate the terms for corridor access with RailCorp.

Deed with RailCorp

RailCorp requires that the proponent enter into a deed with RailCorp regarding the proposed works and their impact on the rail corridor and network.

The proposed works do not impact on RailCorp's assets and will not affect RailCorp operations as the connections are to the SSFL. No rail possessions are proposed. The following condition is suggested instead of that proposed by RailCorp:

If the developer requires access to the RailCorp rail corridor, then the developer is required to enter into an agreement with RailCorp defining the controls to be implemented in managing the access to the rail corridor and/or the impacts of the development upon RailCorp, and the involvement of RailCorp staff in ensuring that the appropriate safety and technical standards are complied with for all work within the rail corridor.

3.0 Statement of Commitments

In accordance with Part 3A of the Environmental Planning and Assessment Act 1979, the following are the commitments made by IPMG to manage and minimise potential impacts arising from the rail siding. These commitments replace the draft commitments included with the EAR.

3.1 Noise

IPMG will prepare and implement a site-specific Construction Noise and Vibration Management Plan including the following measures to minimise the potential noise and vibration impacts:

- Noise and vibration intensive construction works will be carried out during normal construction hours wherever practicable. Where works involving the operating line need to be carried out during track possessions, noise intensive activities will be scheduled to occur during the daytime, where possible.
- Quietest available plant suitable for the relevant tasks will be used.
- The duration of noise and vibration intensive activities will be minimised insofar as possible.
- Where feasible and reasonable, site hoardings or temporary noise barriers will be used to provide acoustic shielding of noise intensive activities.
- If rock breakers are required they will be of the 'Vibro-silenced' or 'City' type, where feasible and reasonable.
- Activities resulting in highly impulsive or tonal noise emission (eg rock breaking) will be limited to 8 am to 12 pm Monday to Saturday and 2 pm to 5 pm Monday to Friday (except where essential during track possessions) or when otherwise approved.
- Noise generating plant will be orientated away from sensitive receivers, where possible.
- Notification will be provided to residents advising them of the nature and timing of works, contact number and complaint procedures.
- Diamond cut saws will be used instead of jackhammers where concrete cutting is required.
- Noise and vibration monitoring will be carried out to confirm that noise levels do not significantly exceed the predictions and that noise levels of individual plant items do not significantly exceed the levels shown in Table 4 of the Noise Report.
- Deliveries will be carried out within standard construction hours.
- Non-tonal reversing beepers or equivalent will be fitted and used on all construction vehicles and mobile plant regularly used on site and for any out of hours work.
- Trucks will not be permitted to queue near residential dwellings with engines running.

To minimise the operational noise impacts of the proposal, IPMG will:

- Restrict all on-site train movements to the daytime and early evening.
- Adopt Pacific National's 'Built-Up Area Protocol'.

- Undertake the following works on the following properties at no cost to the landowners:
 - 9 Manning Street: remove the roller shutter door within the facade that faces the rail corridor and fill it with a masonry type construction, and fill all cavities, voids, gaps and holes within the stables be suitably with a flexible noise insulating material.
 - 19 Manning Street: fill the existing ventilation holes within the facade that faces the rail corridor and use a flexible noise insulating material to fill the cavity of the roof of the stable building.

3.2 Flora and Fauna

IPMG commits to prevent any impacts to the *Acacia pubescens* or other native vegetation in the area of works or downstream environments through:

- fencing all clumps of native vegetation containing *Acacia pubescens* prior to the commencement of any works associated with the proposed modification;
- implementing the drainage control measures shown on the Drainage Plan at Appendix B of the EAR, prior to any construction works commencing; and
- undertaking weed control as part of and following the construction works, including:
 - removing all existing noxious weeds within the study area;
 - destroying all weed material removed from the construction site;
 - washing down vehicles and equipment working in weed infested areas; and
 - planting native species to prevent establishment of weed species in newly created bare ground.