

david hook wines

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Branxton 2335 Australia
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*faxed
12/7/10.
3:27pm*

Company name: Department of Planning	From: Sherry Watt
Attention: Director: Infrastructure Projects	Date: 12 July 2010
Fax number: 02 922 8635 9228 6355	Phone number: 0412 412 783

Total pages including cover sheet: 8

Please find attached our holding submission.

Regards



Sherry Watt
David Hook Wines
www.davidhookwines.com.au

david hook wines

11 July 2010

I have read the Maitland to Minimbah Third Track Environmental Assessment.

I would like to present the following holding submission. My final submission will be completed in 28 days.

I believe the proposal by The Hunter 8 Alliance should be refused unless the following impacts are further examined and the conditions listed below are met.

I believe the proposed construction of the third track could seriously affect the commercial viability of Pothana Vineyards and David Hook Wines.

Pothana Vineyard was established in the early 1980's with the planting of initial 2ha of vineyard and the construction of a small winery.

It has expanded over the years and now comprises of approximately 8ha of vineyards and a 200 tonne crush capacity winery.

The wines have gained a strong following and are highly sorted after and today I believe would be regarded as one of the premium smaller producers in the Hunter Valley and Australia.

In the EAS 14.3.1 Property Acquisitions it is proposed that the vineyard would lose 2 to 3 rows of low grade low producing vines.

The construction of the third line will result in the loss of approximately 1 ha of our 8ha vineyard.

These vineyards maybe low yielding but this is required to produce high quality grapes.

The area consists of 3 small unique vineyard parcels. The largest is 1.5 acres of 20 year old chardonnay vineyards. 0.5 acre of 10 year old pinot grigio and 0.5 acre of 2 year old pinot grigio vines which are in their last phases of establishment.

The vineyards all produce high quality grapes used in the production of our premium wines. I have attached two current reviews of these wines that are produced using grapes from these vineyards. Our website davidhookwines.com.au details all the wines we produce and their accolades etc.

The land acquisition will result in the loss of a minimum of 4-5 rows. The creation of an access road and buffer zone will result in the loss of an additional 4-5 rows of grapes, possibly leaving 1-2 rows. The remaining 1-2 rows would be uneconomic to maintain and so would also have to be removed.

The ARTC has recognised this in their negotiations for the acquisition of land.

The ARTC is currently proposing the re establishment of the vineyard at another location on our property.

The successful movement of the vineyard relies on us to be able to identify similar and suitable areas of terroir. At this stage we have been able to identify a small ½ha that may be suitable. Soil profile, pits, soil samples etc would need to be carried out before this could be confirmed.

The removal of trees in the rail corridor will result in increased noise levels to the property. Although these trees could be re-established after construction they would take many years to grow back to their current size. The removal of these trees would also have a severe visual impact.

Noise and Vibration

Noise from the railway has increased affecting our property significantly in recent years. The railway at Pothana is located on a high embankment with a gully and dam between our residences and the railway.

As the railway is slightly higher than the houses and although 100 metres away the sound travels directly towards the houses and across the dam and gully.

We are unable to have any windows open that face the railway lines. We have to live with all windows that face the railway closed to try and mitigate the sound.

With any windows open we are unable to hear conversations, listen to the television, radio or sleep due to the noise from the trains.

Even with windows closed we often are disturbed during the night by noise from the railway lines.

We believe that interval noise levels inside our house already exceeds levels recommended in the DoP Development Near Rail Corridors and Busy Roads Interim Guideline. These noise levels will only increase when vegetation in the rail corridor is removed and the number of train movement's increase.

Noise During Construction

Several years ago the ARTC constructed an access road on the upside of the line. This involved the transport of fill by large number of truck movements and the associated earth moving equipment. The noise generated by this construction was far in excess of general train movements.

Conversation inside the residences and even talking on the telephone was extremely difficult.

The construction of the third line is obviously a large project and will generate more noise. In the EAS it is stated that construction noise and vibration would exceed the construction noise goals. If the third line is to be constructed then the noise barriers and architectural treatment to control noise levels described in the EAS would need to be implemented before construction begins.

Operational Noise

The ARTC has operated trains that generate noise above the Environmental Protection Licence recommended levels for many years.

As noted in Section 1.3.1, the ARTC Environment Protection Licence has an objective for the ARTC to progressively reduce noise levels to the goals of 65 dB(A)Leq, (day time from 7am – 10pm), 60 dB(A)Leq, (night time from 10pm – 7am) and 85dB(A) (24 hr) max pass-by noise, at one metre from the façade of affected residential properties.

The noise monitoring results provided in the EAS indicates that operational noise is already well above these levels and will only increase with the construction of the third line.

We have repeatedly requested the ARTC to provide results from noise monitoring so we could analyse the results. They were unwilling to provide results before the EAS was presented. We are currently awaiting an independent analysis of the noise monitor data by an acoustics

engineers. This analysis together with further independent noise monitoring will be presented in a final submission.

Surface Water

Pothana Vineyard has a dam located adjacent to the railway line. The line runs approximately 2km through the catchment. There will be areas of cutting and filling in the catchment area during construction of the third line.

This dam is used to irrigate the vineyard and supplies water to the orchard, vegetable gardens and residences.

We are concerned that the water quality of the dam will be severely affected by construction.

This area has many problems with salinity and we believe that the rock exposure and fill could significantly increase salinity levels, along with the associated silt contamination.

Today's wine consumers are demanding that the products they buy are produced in clean pollution free environments. Their preference continues to move towards natural, organic, chemical free, sustainably produced, carbon neutral products.

The vineyard is currently moving to meet these demands, through the reduced use of chemicals the implementation of an environmental management system and provision of carbon offsets.

All of the green credentials of the vineyard / winery are significantly diminished as a direct consequence of changes to the rail infrastructure immediately adjacent to the property.

The fact that the physical space of the line has doubled has an immediate impact on our customers visiting our vineyards. The construction of the third line will obviously involve the construction of sound dust etc mitigation barriers.

How do I explain to my customers that this large and busy railway line has NO impact on my vineyard.

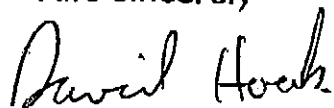
My great concern is that my customer will perceive that I am providing false information regarding the efforts to produce a clean green product when the visual impact of the railway suggests the opposite.

Therefore the overall loss of business to the area where my business is conducted cannot be underestimated.

We believe that the effects of the third line will severely effect our business. If our business is to continue we feel that the only alternative we have is to move to another location.

We therefore request that the ARTC considers the acquisition of Pothana Vineyards, which would allow us to relocate and continue our business.

Yours sincerely

A handwritten signature in cursive script that reads "David Hook".

David Hook BScAg Uni Syd

PO Box 34, Branxton NSW 2335, Australia
Phone: + 61 2 65747164
www.davidhookwines.com.au



Once the NSW Minister for Planning has assessed the Project, the Commonwealth Minister for the Environment, Water, Heritage and the Arts will decide whether to approve the action with or without conditions, or not approve the action.

How can I comment on the Project and the Environmental Assessment?

The NSW Department of Planning will make the Environmental Assessment public for a minimum period of 30 days. During this period the Environmental Assessment will be available for viewing at, Maitland, Cessnock and Singleton Councils, the NSW Department of Planning Office (Sydney) and other locations. A Project Information Line will be available throughout the exhibition period on 1800 216 317. Copies of the Environmental Assessment will be available on the Hunter 8 Alliance website at <http://www.hunter8alliance.com.au/> (click on the Stage 2: Maitland to Minimbah link) and on the NSW Department of Planning website at <http://www.planning.nsw.gov.au/>.

Any person may make a written submission to the Director-General of the NSW Department of Planning during the exhibition period. Submissions should be made to:

Director, Infrastructure Projects

Department of Planning

GPO Box 39

Sydney NSW 2001

Fax: (02) 9228 635 *S*

A handwritten signature in black ink, possibly reading 'G. Z.'.

A handwritten signature in black ink, possibly reading 'G. Z.'.

Mark Turner - Online Submission from Martina Bourke (object)

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From: Martina Bourke <muso331@hotmail.com>
To: Mark Turner <Mark.Turner@planning.nsw.gov.au>
Date: 06/07/2010 20:35
Subject: Online Submission from Martina Bourke (object)
CC: <assessments@planning.nsw.gov.au>

As a resident of 75 Wentworth Street Telarah NSW 2320, I would like to point some issues I am concerned which will be a consequence of the construction of the third rail line from Maitland to Singleton that fronts my residence and request that action be taken in this matter.

NOISE - With the third line, I feel the noise will be compounded to a degree that it will become a noise pollution matter. With the two lines in operation, the noise levels at present, when the locos are idling waiting for the signals to change, is disconcerting, with the locos on the 3rd line, closer to my home, the noise problem will be exacerbated.

A noise monitor was placed on the patio at 65 Wentworth Street, Telarah NSW 2320 for a week to monitor noise levels, to date the owners have not been advised of the results of this testing.

VIBRATION - The vibration caused by the two lines when there is a train stopped at the signals is bad enough and I feel it will be increased considerably by the third line when the trains will have to take turns at stopping at the signal to allow each train the road to Newcastle.

ACTION -

- That the line could be stopped at the 195 km peg, {which is about 500 mtrs from the current signals}, it would move the noise away from the houses and put it beside the industrial area where it would bother no one.
- That financial assistance be provided to have triple glaze windows in my home.
- That an earth wall be constructed up to the height of the bottom of the wagons to assist in reducing both noise levels and vibration.

Kind regards

Martina Bourke
75 Wentworth Street
Telarah NSW 2320

Name: Martina Bourke

Address:
75 Wentworth St
Telarah
NSW 2320

IP Address: 008.a.007.syd.iprimus.net.au - 210.50.176.8

Submission for Job: #2924 Maitland to Minimbah Third Track - Project Application
https://majorprojects.onhivve.com/index.pl?action=view_job&id=2924

Site: #1836 Maitland to Minimbah Third Track

https://majorprojects.onhiive.com/index.pl?action=view_site&id=1836

Mark Turner

Environmental Planning Officer

P: 02 9228 6351

F: 02 9228 6355

E: Mark.Turner@planning.nsw.gov.au

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Mark Turner - Online Submission from Geoffrey Copeland ()

18

From: Geoffrey Copeland <geoff_copeland@bigpond.com>
To: Mark Turner <Mark.Turner@planning.nsw.gov.au>
Date: 05/07/2010 19:55
Subject: Online Submission from Geoffrey Copeland ()
CC: <assessments@planning.nsw.gov.au>

As residents of 77 Wentworth Street Telarah NSW 2320, my wife and I would like to point some issues we are concerned which will be a consequence of the construction of the third rail line from Maitland to Singleton that fronts our residence and request that action be taken in this matter.

NOISE - With the third line, we feel the noise will be compounded to a degree that it will become a noise pollution matter. With the two lines in operation, the noise levels at present, when the locos are idling waiting for the signals to change, is disconcerting, with the locos on the 3rd line, closer to our homes, the noise problem will be exacerbated.

A noise monitor was placed on the patio at our home for a week to monitor noise levels, to date we have not been advised of the results of this testing.

VIBRATION - The vibration caused by the two lines when there is a train stopped at the signals is bad enough and we feel it will be increased considerably by the third line when the trains will have to take turns at stopping at the signal to allow each train the road to Newcastle.

ACTION -

- That the line could be stopped at the 195 km peg, {which is about 500 mtrs from the current signals}, it would move the noise away from the houses and put it beside the industrial area where it would bother no one.
- That financial assistance be provided to have triple glaze windows in our home.
- That an earth wall be constructed up to the height of the bottom of the wagons to assist in reducing both noise levels and vibration.

Kind regards

Geoffrey & Roslyn Copeland
77 Wentworth Street
Telarah NSW 2320

Name: Geoffrey Copeland

Address:
77 Wentworth Street
Telarah NSW 2320

IP Address: dsl-129-135.wholesaledsl.com.au - 125.168.129.135

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Mark Turner

Environmental Planning Officer

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E: Mark.Turner@planning.nsw.gov.au

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Mark Turner - Online Submission from Ralph Hamilton ()

17

From: Ralph Hamilton <hamiltonwr1@bigpond.com.au>
To: Mark Turner <Mark.Turner@planning.nsw.gov.au>
Date: 05/07/2010 19:04
Subject: Online Submission from Ralph Hamilton ()
CC: <assessments@planning.nsw.gov.au>

As residents of 1 Brooks Street Telarah NSW 2320, my wife and I would like to point some issues we are concerned which will be a consequence of the construction of the third rail line from Maitland to Singleton that fronts our residence and request that action be taken in this matter.

NOISE - With the third line, we feel the noise will be compounded to a degree that it will become a noise pollution matter. With the two lines in operation, the noise levels at present, when the locos are idling waiting for the signals to change, is disconcerting, with the locos on the 3rd line, closer to our homes, the noise problem will be exacerbated.

A noise monitor was placed on the patio at 65 Wentworth Street, Telarah NSW 2320 for a week to monitor noise levels, to date the owners have not been advised of the results of this testing.

VIBRATION - The vibration caused by the two lines when there is a train stopped at the signals is bad enough and we feel it will be increased considerably by the third line when the trains will have to take turns at stopping at the signal to allow each train the road to Newcastle.

ACTION -

- That the line could be stopped at the 195 km peg, {which is about 500 mtrs from the current signals}, it would move the noise away from the houses and put it beside the industrial area where it would bother no one.
- That financial assistance be provided to have triple glaze windows in our home.
- That an earth wall be constructed up to the height of the bottom of the wagons to assist in reducing both noise levels and vibration.

Kind regards

Ralph & Irene Hamilton
1 Brooks Street
Telarah NSW 2320

Name: Ralph Hamilton

Address:
1 Brooks Street
Telarah NSW 2320

IP Address: dsl-129-135.wholesaledsl.com.au - 125.168.129.135

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Mark Turner

Environmental Planning Officer

P: 02 9228 6351

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E: Mark.Turner@planning.nsw.gov.au

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16

Mark Turner - Online Submission from Wayne Trappel ()

From: Wayne Trappel <wtrappel@bigpond.net.au>
To: Mark Turner <Mark.Turner@planning.nsw.gov.au>
Date: 05/07/2010 18:59
Subject: Online Submission from Wayne Trappel ()
CC: <assessments@planning.nsw.gov.au>

As residents of 63 Wentworth Street Telarah NSW 2320, my wife and I would like to point some issues we are concerned which will be a consequence of the construction of the third rail line from Maitland to Singleton that fronts our residence and request that action be taken in this matter.

NOISE - With the third line, we feel the noise will be compounded to a degree that it will become a noise pollution matter. With the two lines in operation, the noise levels at present, when the locos are idling waiting for the signals to change, is disconcerting, with the locos on the 3rd line, closer to our homes, the noise problem will be exacerbated.

A noise monitor was placed on the patio at 65 Wentworth Street, Telarah NSW 2320 for a week to monitor noise levels, to date the owners have not been advised of the results of this testing.

VIBRATION - The vibration caused by the two lines when there is a train stopped at the signals is bad enough and we feel it will be increased considerably by the third line when the trains will have to take turns at stopping at the signal to allow each train the road to Newcastle.

ACTION -

- That the line could be stopped at the 195 km peg, {which is about 500 mtrs from the current signals}, it would move the noise away from the houses and put it beside the industrial area where it would bother no one.
- That financial assistance be provided to have triple glaze windows in our home.
- That an earth wall be constructed up to the height of the bottom of the wagons to assist in reducing both noise levels and vibration.

Kind regards

Wayne & Sue Trappel
63 Wentworth Street
Telarah NSW 2320

Name: Wayne Trappel

Address:
63 Wentworth Street
Telarah NSW 2320

IP Address: dsl-129-135.wholesaledsl.com.au - 125.168.129.135

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Mark Turner

Environmental Planning Officer

P: 02 9228 6351

F: 02 9228 6355

E: Mark.Turner@planning.nsw.gov.au

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15

Mark Turner - Online Submission from Gary Blair ()

From: Gary Blair <gazair5@hotmail.com>
To: Mark Turner <Mark.Turner@planning.nsw.gov.au>
Date: 05/07/2010 18:22
Subject: Online Submission from Gary Blair ()
CC: <assessments@planning.nsw.gov.au>

As residents of 67 Wentworth Street Telarah NSW 2320, my wife and I would like to point some issues we are concerned which will be a consequence of the construction of the third rail line from Maitland to Singleton that fronts our residence and request that action be taken in this matter.

NOISE - With the third line, we feel the noise will be compounded to a degree that it will become a noise pollution matter. With the two lines in operation, the noise levels at present, when the locos are idling waiting for the signals to change, is disconcerting, with the locos on the 3rd line, closer to our homes, the noise problem will be exacerbated.

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VIBRATION - The vibration caused by the two lines when there is a train stopped at the signals is bad enough and we feel it will be increased considerably by the third line when the trains will have to take turns at stopping at the signal to allow each train the road to Newcastle.

ACTION -

- That the line could be stopped at the 195 km peg, {which is about 500 mtrs from the current signals}, it would move the noise away from the houses and put it beside the industrial area where it would bother no one.
- That financial assistance be provided to have triple glaze windows in our home.
- That an earth wall be constructed up to the height of the bottom of the wagons to assist in reducing both noise levels and vibration.

Kind regards

Gary & Corry Blair
67 Wentworth Street
Telarah NSW 2320

Name: Gary Blair

Address:
67 Wentworth Street
Telarah NSW 2320

IP Address: dsl-129-135.wholesaledsl.com.au - 125.168.129.135

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Mark Turner

Environmental Planning Officer

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F: 02 9228 6355

E: Mark.Turner@planning.nsw.gov.au

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14

Mark Turner - Online Submission from Bob Wicks ()

From: Bob Wicks <robert.wicks@bigpond.com>
To: Mark Turner <Mark.Turner@planning.nsw.gov.au>
Date: 05/07/2010 18:17
Subject: Online Submission from Bob Wicks ()
CC: <assessments@planning.nsw.gov.au>

As residents of 53 Wentworth Street Telarah NSW 2320, my wife and I would like to point some issues we are concerned which will be a consequence of the construction of the third rail line from Maitland to Singleton that fronts our residence and request that action be taken in this matter.

NOISE - With the third line, we feel the noise will be compounded to a degree that it will become a noise pollution matter. With the two lines in operation, the noise levels at present, when the locos are idling waiting for the signals to change, is disconcerting, with the locos on the 3rd line, closer to our homes, the noise problem will be exacerbated.

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VIBRATION - The vibration caused by the two lines when there is a train stopped at the signals is bad enough and we feel it will be increased considerably by the third line when the trains will have to take turns at stopping at the signal to allow each train the road to Newcastle.

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- That financial assistance be provided to have triple glaze windows in our home.
- That an earth wall be constructed up to the height of the bottom of the wagons to assist in reducing both noise levels and vibration.

Kind regards

Bob & Betty Wicks
53 Wentworth Street
Telarah NSW 2320

Name: Bob Wicks

Address:
53 Wentworth Street
Telarah NSW 2320

IP Address: dsl-129-135.wholeasedsl.com.au - 125.168.129.135

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Mark Turner

Environmental Planning Officer

P: 02 9228 6351

F: 02 9228 6355

E: Mark.Turner@planning.nsw.gov.au

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13

Mark Turner - Online Submission from Wayne Bush ()

From: Wayne Bush <radiobush@hotmail.com>
To: Mark Turner <Mark.Turner@planning.nsw.gov.au>
Date: 05/07/2010 18:14
Subject: Online Submission from Wayne Bush ()
CC: <assessments@planning.nsw.gov.au>

As residents of 60 Wentworth Street Telarah NSW 2320, my wife and I would like to point some issues we are concerned which will be a consequence of the construction of the third rail line from Maitland to Singleton that fronts our residence and request that action be taken in this matter.

NOISE - With the third line, we feel the noise will be compounded to a degree that it will become a noise pollution matter. With the two lines in operation, the noise levels at present, when the locos are idling waiting for the signals to change, is disconcerting, with the locos on the 3rd line, closer to our homes, the noise problem will be exacerbated.

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- That financial assistance be provided to have triple glaze windows in our home.
- That an earth wall be constructed up to the height of the bottom of the wagons to assist in reducing both noise levels and vibration.

Kind regards

Wayne & Marjory Bush
60 Wentworth Street
Telarah NSW 2320

Name: Wayne Bush

Address:
60 Wentworth Street
Telarah NSW 2320

IP Address: dsl-129-135.wholesaledsl.com.au - 125.168.129.135

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Mark Turner

Environmental Planning Officer

P: 02 9228 6351

F: 02 9228 6355

E: Mark.Turner@planning.nsw.gov.au

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Mark Turner - Online Submission from Jennette Hardy ()

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From: Jennette Hardy <jenh58@hotmail.com>
To: Mark Turner <Mark.Turner@planning.nsw.gov.au>
Date: 04/07/2010 20:44
Subject: Online Submission from Jennette Hardy ()
CC: <assessments@planning.nsw.gov.au>

I wish to lodge the following concerns in relation to the development of the Third Rail Line between Maitland and Minimbah.
Noise and Vibration:

? I was first approached by Hunter 8 Alliance in March 2009 when 2 representatives came and discussed the proposed development with me. I advised that I had grave concerns relating to the noise and vibration that this development would have on my residence and surrounding property. Since the construction of the new underbridge on Allandale Rd. in 2001 the line has been lifted, causing the train noise to increase. The trains used to go into a cutaway, however, now they are above this and the noise has increased considerably. The introduction of a third line would increase this noise dramatically.

My concerns have been voiced to all representatives and they requested permission to have monitoring equipment placed on the property to record the current levels. It should be noted that during this period there was little movement on the line. When I questioned them concerning this I was advised that over that particular period of time there were track works in progress which reduced the rail movements and speed along this section. Based on these facts I don't feel that the references made to my property in Appendix K Noise, Vibration and Blasting Assessment Part 2.pdf, Logger 10 ? Hardy ID Allocated No. MMU-053 Pages 139 ? 150 period Tuesday 28 July ? Tuesday 4 August, of the submission are a true indication and I request that further monitoring be carried out before, during and after the completion of the project.

I also have a Dilapidation Survey which was completed by Stanwill Consulting Engineers in May 2001, prior to the Allandale Underbridge Renewal. I have referred to this document on numerous occasions concerned about cracks which have appeared since this construction. I was advised that it would be hard to establish fault on the Rail's behalf, as these could have been caused by a number of occurrences. However, I would like to advise that the front windows on the house do vibrate violently on a regular basis and on occasion the whole house has shaken.

I would like to have these situations with the noise and vibration continually monitored before, during and after construction of the Third Line.

Environmental and Health Concerns:

? Coal Dust - Another major concern for me is the coal dust which comes off these trains whilst in transit. Trucks which transport coal have to be covered, however, the trains are not. I have tank water and the emissions from the engines coupled with the coal dust onto my roof and into my drinking water is a real concern for my future health. We all know the health concerns in relation to underground miners, etc. and I think that these concerns are quite valid in relation to the emissions from the passing traffic. The fact that this is going to increase dramatically over the upcoming years is something that needs to be addressed. This has been a valid concern of mine for some time with a lot of my plants actually showing signs of blackening from emissions.

Appendix I Proposed Land Aquisition:

I have concerns over the way that I have been approached and treated throughout this whole process. Some of the issues are listed below:

 The consultants and valuer have at times displayed slightly aggressive behaviour when comments have not gone their way. For example: When asked about receiving a copy of the Noise and Vibration reports I was advised that I would have to pay for my own, not that they would be published in due course. This is just one example, however, quite a few times I have felt pressured and not given the appropriate information.

 On another occasion I gave permission for a drilling rig to enter my property to carry out testing. If I had have known how they would treat my property this permission would not have been granted. We had experienced heavy rain and the rig was driven across the front lawn in a 360 degree loop, leaving deep tyre marks. I reported this to the workers when they entered the property the next day and was advised that it would be rectified. This was in July/August 2009. I also advised the consultant, Rob Toole. This still had not been rectified by December 2009 and was mentioned on numerous occasions. Finally in January, 2 men came and spread 1.5 metres of top soil over the area. Not really satisfactory, but better than nothing. The damage in the paddocks where the rig had been bogged 3 times was not even considered to be worth rectifying as some of this land will be included in the acquisition. However, should an accident occur due to this damage, whose responsibility would it be? This occurred 12 months ago, I didn't realise that the process would take this long and further, I will have no comeback should my property not be required for acquisition as they seem to

change their plans consistently.

 When I was approached with the first offer of compensation in December 2009 it was treated as an auction with the Consultant increasing the offer by \$10,000 increments until he had reached his goal. This may have been his way of putting me at ease?, but to me it wasn't something to joke? about, this is ?My LIFE? we are talking about. He started the conversation by asking ? How much did I want?? I told him I couldn't answer that as I have never been involved in this type of transaction previously. He said that I'd had months to think about it and I should have some idea. When I said ?No, I didn't? he started this auction thing. I then advised that I would not be signing anything until I had sought legal advice and a second valuation was obtained. I enlisted the services of Wayne Brorson to undertake the second valuation. He spent a long time on the property evaluating the situation, recording how I had the property operating for a sole occupant with cattle etc. Wayne advised the Hunter 8 Alliance that he could not complete the valuation until he had all relevant documentation concerning the plans for the proposed project. These were requested in January 2010 and he is still waiting.

 I was then approached in May 2010 with a second offer of compensation. Again I stated that I would not be signing anything until the second valuation was completed. I advised that Mr Brorson had done extensive research concerning the fencing and dams which were not, as far as he could see, included in the compensation offer. I was then advised that these were ?over and above? the offer, I had to get 3 quotes in relation to the dam and fence replacement and submit them for additional compensation. This had never been discussed in previous conversations so I advised that I would like this in writing. I received an SMS the following day stating:

?Jannette. Confirming dam and internal fence is extra 2 offer so tell valuer and can u get 3 quotes? Thanks?

I reported this to Steve Arnold on 24th June via email. Steve replied on the 25th June advising that a proper written advice would be forwarded outlining the details of compensation for the fence and dam. I'm still waiting to receive these advices.

I also advised Steve Arnold that I would not be making a decision on the compensation offer until all relevant documentation was received by Wayne Brorson, who will then advise me of my options. I told Mr Arnold that I didn't appreciate Mr Lees contacting me continually for my decision when he is fully aware of the situation. I have advised him to contact Mr Brorson should he require any further information and progress on the situation.

I think you get an overall view of my complaints in relation to this acquisition without further enhancement or elaboration.

Name: Jennette Hardy

Address:

709 Old North Rd
Allandale...NSW...2320

IP Address: cpe-121-213-213-96.lns16.clt.bigpond.net.au - 121.213.213.96

Submission for Job: #2924 Maitland to Minimbah Third Track - Project Application
https://majorprojects.onhiive.com/index.pl?action=view_job&id=2924

Site: #1836 Maitland to Minimbah Third Track
https://majorprojects.onhiive.com/index.pl?action=view_site&id=1836

Mark Turner

Environmental Planning Officer

P: 02 9228 6351

F: 02 9228 6355

E: Mark.Turner@planning.nsw.gov.au

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Mark Turner - Online Submission from Peter McInerney (object)

From: Peter McInerney <emmalou_92_@hotmail.com>
To: Mark Turner <Mark.Turner@planning.nsw.gov.au>
Date: 04/07/2010 13:52
Subject: Online Submission from Peter McInerney (object)
CC: <assessments@planning.nsw.gov.au>



I'm the property owner of 174 Winders Lane Lochinvar Chainage 200.250 - 201.100.

I have some concerns about the noise and vibration that impacts our property and lifestyle. As a property owner I would like to know what is going to be done to fix these problems.

Thank - you

Peter and Kerrie McInerney

Please contact Peter or Kerrie on (02) 49307381

Name: Peter McInerney

Address:

174 Winders Lane Lochinvar 2321

IP Address: 114.72.223.54.optusnet.com.au - 114.72.223.54

Submission for Job: #2924 Maitland to Minimbah Third Track - Project Application

https://majorprojects.onhiive.com/index.pl?action=view_job&id=2924

Site: #1836 Maitland to Minimbah Third Track

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Mark Turner

Environmental Planning Officer

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E: Mark.Turner@planning.nsw.gov.au

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Mark Turner - Online Submission from Colin & Beverley Davis (support)

From: Colin & Beverley Davis <lupine1@optusnet.com.au>
To: Mark Turner <Mark.Turner@planning.nsw.gov.au>
Date: 04/07/2010 11:53
Subject: Online Submission from Colin & Beverley Davis (support)
CC: <assessments@planning.nsw.gov.au>

10

We support the project and the benefits of the project however the following needs to be taken into consideration due to the fact that our dwelling is within 70 metres of the upside track:

NOISE- concerned with the potential increase in noise impacts (increase in internal noise dBA) when track fully operational due to doubling of train movements during period 7pm to 7am. We believe that the dwelling will require retrofitting of thicker glazing, additional roof insulation and window acoustic seals.

VIBRATION - during construction phase and with doubling of train movements. We already suffer vibration from train movements. This will only increase with the additional train movements. We are also concerned with the potential damage to the building fabric during the construction phase of the Bridge Street overpass.

ACCESS - We have not been informed if the current practice of access via the rear of our property will continue. We were given a verbal undertaking approximately 8 years ago that we would always have resident access via the rear lane. On this undertaking we erected a large shed with vehicular access from the rear lane.

As stated we support the project and the expansion of coal mining within the Hunter Region, however this must not be to the detriment of the residents along the rail corridor.

Name: Colin & Beverley Davis

Address:
12 Railway Street Branxton 2335 NSW

IP Address: d220-236-93-45.dsl.nsw.optusnet.com.au - 220.236.93.45

Submission for Job: #2924 Maitland to Minimbah Third Track - Project Application

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Site: #1836 Maitland to Minimbah Third Track

https://majorprojects.onhlive.com/index.pl?action=view_site&id=1836

Mark Turner

Environmental Planning Officer

P: 02 9228 6351

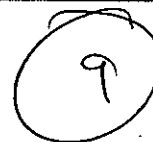
F: 02 9228 6355

E: Mark.Turner@planning.nsw.gov.au

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Mark Turner - Online Submission from Ron Gardner ()

From: Ron Gardner <ronnpat@netcentral.com.au>
To: Mark Turner <Mark.Turner@planning.nsw.gov.au>
Date: 04/07/2010 11:52
Subject: Online Submission from Ron Gardner ()
CC: <assessments@planning.nsw.gov.au>



As residents of 65 Wentworth Street Telarah NSW 2320, my wife and I would like to point some issues we are concerned which will be a consequence of the construction of the third rail line from Maitland to Singleton that fronts our residence and request that action be taken in this matter.

NOISE - With the third line, we feel the noise will be compounded to a degree that it will become a noise pollution matter. With the two lines in operation, the noise levels at present, when the locos are idling waiting for the signals to change, is disconcerting, with the locos on the 3rd line, closer to our homes, the noise problem will be exacerbated.

A noise monitor was placed on the patio at our home for a week to monitor noise levels, to date we have not been advised of the results of this testing.

VIBRATION - The vibration caused by the two lines when there is a train stopped at the signals is bad enough and we feel it will be increased considerably by the third line when the trains will have to take turns at stopping at the signal to allow each train the road to Newcastle.

ACTION -

- That the line could be stopped at the 195 km peg, {which is about 500 mtrs from the current signals}, it would move the noise away from the houses and put it beside the industrial area where it would bother no one.
- That financial assistance be provided to have triple glaze windows in our home.
- That an earth wall be constructed up to the height of the bottom of the wagons to assist in reducing both noise levels and vibration.

Kind regards

Ron & Pat Gardner
65 Wentworth Street
Telarah NSW 2320

Name: Ron Gardner

Address:
65 Wentworth Street
Telarah NSW 2320

IP Address: dsl-129-135.wholesaledsl.com.au - 125.168.129.135

Submission for Job: #2924 Maitland to Minimbah Third Track - Project Application
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Mark Turner

Environmental Planning Officer

P: 02 9228 6351

F: 02 9228 6355

E: Mark.Turner@planning.nsw.gov.au

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Mark Turner - Online Submission from Robert Smith of Homeowner ()

From: Robert Smith <robertsmith@netcentral.com.au>
To: Mark Turner <Mark.Turner@planning.nsw.gov.au>
Date: 01/07/2010 19:08
Subject: Online Submission from Robert Smith of Homeowner ()
CC: <assessments@planning.nsw.gov.au>

as residents of 79 wentworth street telarah nsw 2320, my wife and i have concerns on issues relating to the 3rd rail-line that is proposed for construction to pass our house.

the issues that are of concern are as follows:-

► noise

- existing - caused by the traffic on the existing two lines and the idling of the coal trains on the line closest to our house that stop in front of our house waiting for signal changes
- potential ? the noise problem will be exacerbated by the 3rd line which will be even closer to our home and, if the coal trains stop and idle, as they do now, in front of our house waiting signal change/s the noise will be intolerable.

► vibration

- existing - apart from the vibration caused by the traffic of the coal trains on the existing two lines past our home, the vibration issue is compounded when the coal train idles in front of our place waiting on the signals to change.
- potential ? vibration will become exacerbated if the 3rd line is extended past our home, especially if the engines idle, as they do now, in front of our place waiting on the signal/s to change.

► proximity to our home

- if the 3rd line is constructed in the existing rail corridor, there may be a potential danger that could result of a rail accident, eg, derailment.

suggested solution/s to the above.

- 1.terminate the construction of the 3rd line at the 195kms mark
- 2.construct earthworks/filling to the height of the bottom of the rail wagons in the rail corridor from the 195kms mark to railway parade
- 3.provide for triple glass windows in our home

your consideration of the above would be greatly appreciated.

robert & margaret smith
79 wentworth street
telarah nsw 2320
0409368459

Name: Robert Smith
Organisation: Homeowner

Address:
79 Wentworth Street
Telarah NSW 2320

IP Address: dsl-129-135.wholesaledsl.com.au - 125.168.129.135

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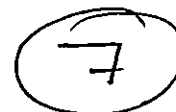
Mark Turner
Environmental Planning Officer

P: 02 9228 6351
F: 02 9228 6355
E: Mark.Turner@planning.nsw.gov.au

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Mark Turner - mp09_0024 - maitland to minimbah third track project

From: mark olive <transport-solutions@hotmail.com>
To: <mark.turner@planning.nsw.gov.au>
Date: 01/07/2010 15:44
Subject: mp09_0024 - maitland to minimbah third track project



Mark Olive - 117 New England highway Rutherford NSW 2320

I support the project but make the following comments

The up relief line should extend to the triangle branch to allow trains turning to go up the north coast to queue without blocking the up main line (also reverse could hold true too)

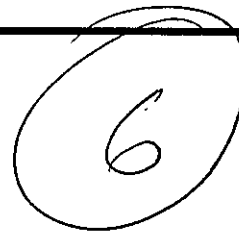
Allow cross-overs between lines to allow for passenger services to 'wrong road' at greta and branxton so that coal trains can travel past on the down main - do not block or close existing platform access on new up relief to allow passenger trains to stop in both directions if needed (up services can use platforms 1 & 2 while down services use platforms 2 & 3). this will allow passenger services to increase without greatly impacting on coal services

Also can improvements be made long term so all lines benefit from less grades rather than just the new track - also for minibah to whitingham section too

Find it at CarPoint.com.au New, Used, Demo, Dealer or Private?

Mark Turner - Online Submission from Joseph (Patrick) Berthold of Resident (object)

From: Joseph (Patrick) Berthold <toni_wade30@hotmail.com>
To: Mark Turner <Mark.Turner@planning.nsw.gov.au>
Date: 29/06/2010 10:38
Subject: Online Submission from Joseph (Patrick) Berthold of Resident (object)
CC: <assessments@planning.nsw.gov.au>



Letter of objection also attached

I write in response to the NSW Department of Planning Environmental Assessment on public exhibition until 12 July 2010.

As a resident of 34 Abbott Street, Maitland my entire life, I have lived with the continuous noise emissions and vibrations from trains passing my home. Living less than 50 metres from the train line, with no barrier to diffuse the noise the impact of an additional line would seriously compromise my quality of living.

In over 80 years of residing at this property I have not been offered any noise or vibration minimising improvements to my home. Everyday activities such as watching the television, listening to music, conversation and more importantly sleeping are affected on a constant basis.

I therefore strongly object to a further line being installed in the area for the reasons listed above.

Please feel free to contact me at the address above or by telephone
(02) 4933-4680.

Yours sincerely

Joseph (Patrick) Berthold

Name: Joseph (Patrick) Berthold
Organisation: Resident

Address:
34 Abbott Street
Maitland NSW 2320

IP Address: - 119.225.9.250

Submission for Job: #2924 Maitland to Minimbah Third Track - Project Application
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Mark Turner

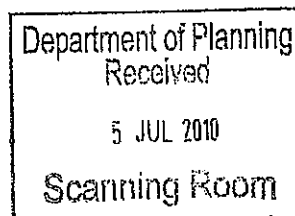
34 Abbott Street
MAITLAND NSW 2320



PCU007315

28 June 2010

Director, Infrastructure Projects
Department of Planning
GPO Box 39
SYDNEY NSW 2001



Dear Sir/Madam

HUNTER 8 ALLIANCE – RESIDENT RESPONSE

I write in response to the NSW Department of Planning Environmental Assessment on public exhibition until 12 July 2010.

As a resident of 34 Abbott Street, Maitland my entire life, I have lived with the continuous noise emissions and vibrations from trains passing my home. Living less than 50 metres from the train line, with no barrier to diffuse the noise the impact of an additional line would seriously compromise my quality of living.

In over 80 years of residing at this property I have not been offered any noise or vibration minimising improvements to my home. Everyday activities such as watching the television, listening to music, conversation and more importantly sleeping are affected on a constant basis.

I therefore strongly object to a further line being installed in the area for the reasons listed above.

Please feel free to contact me at the address above or by telephone (02) 4933-4680.

Yours sincerely

per [Signature]

Joseph (Patrick) Berthold

Environmental Planning Officer

P: 02 9228 6351

F: 02 9228 6355

E: Mark.Turner@planning.nsw.gov.au

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Mark Turner - Submission MP09_0024

From: "Scott & Jo-anne Brooks" <joanne-brooks@bigpond.com>
To: <mark.turner@planning.nsw.gov.au>
Date: 28/06/2010 18:58
Subject: Submission MP09_0024
Attachments: Third track Minimbah to Maitland 6-10.doc



Mark,

Please find attached our submission on the Maitland to Minimbah Third Track (MP09_0024)

Apologies it is not signed by this is difficult on the home computer.

I support the proposal but am concerned the apparent complete disregard to finish the roadworks associated with the first stage of the development at Whittingham will continue on the second section of works.

If you were involved with the Whittingham to Minimbah approval I ask if you could please look into why all highway works have ceased leaving us with reduced speed limits and closed lanes with barriers where the main road carriageway was and should still be.

Scott

Scott & Jo-anne Brooks
4367 New England Hwy
SINGLETON 2330
28th June 2010.
0419 970924

Director, Infrastructure Projects
Department of Planning
GPO BOX 39
SYDNEY NSW 2001

Dear Sir,

**MAITLAND TO MINIMBAH THIRD TRACK PROPOSAL
PROJECT MP 09_0024.**

Thank you for the opportunity to comment on the above proposal. The third track should help the long-term efficiency of the rail system and so make Australia's coal more competitive. For this reason I support the proposal but only on the condition that the extent and duration of the developments affects are minimised for the greater community.

Living in Whittingham I have been able to witness first hand the construction of the Whittingham to Minimbah section of the track works. During the entire duration of works there has been a significant affect on the New England Highway with reduced speed limits and closed lanes. Whilst I could question the need for this, given major sections of the changed highway conditions were not affected by the construction, the duration of the highway changes has been excessive and remain to this day.

The third track was opened some weeks ago by Minister Fitzgibbon. Shortly after this all the men and most of the equipment left site and we are left with a partially completed highway. So far after the rail opening this has caused at least the loss one car and one truck from colliding with the road barriers. I can see no reason for the road not to be completed, and if there is, there is clearly no incentive to resolve it quickly. The building of the railway line had a number of issues, including wet weather and these were overcome very quickly.

To prevent a repeat of this problem for the public in the second section of works I ask that the Consent be conditioned to require the completion of all ancillary works prior to the commissioning of the third rail line. By doing this the importance of minimising inconvenience to the public will be in the minds of the project manager whilst they remain on site, and will not be a forgotten inconvenience at the end of the project.

By minimising the time the public is inconvenienced, or exposed to unnecessary risk, we can all enjoy the benefit of the more efficient rail system with the minimum of effect on our every day lives.

Yours faithfully

SCOTT & JO-ANNE BROOKS

Mark Turner - Re Submission On Third Track Project-Word

From: [REDACTED]
To: <mark.turner@planning.nsw.gov.au>
Date: 25/06/2010 14:32
Subject: Re Submission On Third Track Project-Word
Attachments: RESPONSE TO PUBLICLY EXHIBITED EIS.doc; Rail headache - Local News - News - General - Maitland Mercury

4

Hi Mark,

As discussed, kindly remove all incriminating names of ours etc from this doc before it hits the website.

I did construct it unaware of the publication & PDF only requirements but still, I don't think I would take anything back in it.

I also attach a copy of a local newspaper article (Maitland Mercury) of June 11, it is a download so if you can't see it or your server blocks it, so be it, just informative back-ground.

We seriously need at least noise mitigation at a substantial level at Winders Lane.

Kind Regards,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
(Liability limited by a scheme approved under Professional Standards Legislation)

This email is intended for the named recipient/s only. The information contained in this email communication may be confidential. You should only read, disclose, re-transmit, copy, distribute or act in reliance on the information if you are authorised to do so. If you are not the intended recipient of this email communication, please notify the sender immediately and then destroy any electronic or paper copy of this message. [REDACTED] does not represent, warrant or guarantee that the integrity of this communication has been maintained nor that the communication is free of errors, virus or interference.

Mark Turner - Online Submission from [REDACTED] of Badly Rail impacted Residents of Winders Lane Lochinvar (object)

From: [REDACTED]
To: Mark Turner <Mark.Turner@planning.nsw.gov.au>
Date: 25/06/2010 13:51
Subject: Online Submission from [REDACTED] of Badly Rail impacted Residents of Winders Lane Lochinvar (object)
CC: <assessments@planning.nsw.gov.au>

I have completed a full submission in Word.

Unfortunately I go on-line to send it to you today and I am mandatorily required to construct it in PDF. This is too limiting, MS Word should be available.

Kindly let me know how I can get it to you- direct email address maybe. I have no facility at present to convert a Word file to PDF.

Call or e-mail me, [REDACTED]

[REDACTED]

[REDACTED]

Name: [REDACTED]

Organisation: Badly Rail impacted Residents of Winders Lane Lochinvar

Address:

[REDACTED]

Lochinvar

NSW 2321

IP Address: - 144.138.57.254

Submission for Job: #2924 Maitland to Minimbah Third Track - Project Application

https://majorprojects.onhive.com/index.pl?action=view_job&id=2924

Site: #1836 Maitland to Minimbah Third Track

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Mark Turner

Environmental Planning Officer

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F: 02 9228 6355

E: Mark.Turner@planning.nsw.gov.au

**RESPONSE TO PUBLICLY EXHIBITED EIS FOR THE MAITLAND TO
MINIMBAH THIRD RAIL TRACK THROUGH THE HUNTER- AS AN AFFECTED
LANDHOLDER WITH PROPERTY APPROXIMATELY 500 METRES FROM
EXISTING TRACK**

Dated: Friday 25th June, 2010.

1. Background

My Wife and I are joint tenant owners of a small acreage (5 acres) at **Winders Lane, Lochinvar NSW situated approximately 400-500 metres from the present rail lines.** Our property is situated immediately to the right of 'Cowhill Road' (an unformed grassed block of land as it sits to our left) as facing Winders Lane and immediately to the left of existing tracks [see Figures 3.1(d) & 3.1(e) in Part 1 of the EIS capture us]. On our 5 acres is grass, a number of eucalypts in their natural state and our 40 odd square architect designed home last valued (land and home) in 2005 at \$650, 000.00. We purchased this property in 2002, it is presently zoned 'rural non-urban' by the local council (although they attempted to re-zone it 'urban' a couple of years ago-probably to assist it long-term in the Lochinvar investigation zone..future subdivision yet to be zoned) we had a formal building inspection then, which revealed no structural faults despite it being at that stage, approximately 11 years old.

Since 2002, the rail incursion on our property in terms of constancy, speed and numerical numbers of 'passes' of longer and hence heavier (in aggregate) coal trains has increased markedly. Our property, by 2005, was showing some mild cracking throughout the Hebel (a form of high-tech brick resembling stone once rendered) rendered exterior and some serious movement in cornices etc throughout the interior, which necessitated me in repairing all cracking approximately every 6 months. Around 2006 or so from memory, the rail crossing which had been open across the end of Winders Lane (near our property) was closed with gates only able to be opened by ARTC personnel, being added. Additionally, a new set of Rail signals was installed virtually parallel to our property. Also around this time coal trains had their possible speeds lifted on the Lines from 60 k to 80 k for the very large ones (medium size ones can do up to 100k). However in the later night hours returning speeds of unloaded coal trains would in my estimation go more towards the accepted upper limits as noise and vibration 'lift' markedly. Our property is now severely damaged with mass cracking of rendered areas.

When we purchased our property, Winders Lane wasn't tarsealed except as to half its length and we use tank water and enviro-cycle waste treatment. I think you can get the picture of our situation at move-in from this. We moved out of Sydney due to a 'tree-change' borne out of a desire to live a quiet life in a more environmentally sustainable way and a quest to run my own national business from home due to my client base being mostly interstate. With easier travel from Newcastle airport rather than fighting Sydney traffic, this seemed, at the time, to be a 'no brainer'. My small home based business has been quite successful, despite at times difficult phone conversations with the rail noise. We have now been faced with an ARTC intent it seems, on destroying daily amenity in our property without any intention of noise mitigation or compensation. Council doesn't want to know about it, as the Rail represents a major infrastructure project, clearly with State governmental implications for it if it gets involved.

Winders Lane was only tarsealed in full in about late 2005/early 2006 after a serious 'push' by the residents in the road to Council about the issue.

Rail noise is now a serious 24 hr a day phenomenon, destroying rest hours with currently substantial braking of fully loaded coal trains to a dead stop and resultant weight shifting resulting in a 'bang' like sound...3:15 am ..morning of Tuesday 22nd June. (2:49 am last night..morning of Thursday 24th June).

Taking the Tuesday morning problems as an example, the 3:15am 'stop' and attendant noise went on with excruciating wheel squeal for about 5 mins as the Train stopped and then moved slowly forward seemingly the whole time with brakes on. This episode woke us from our 'dead' sleep then came 2 'passes' at speed with returning trains and engines from the Port (unloaded), then heavy wheel squeal at 3:58 am followed by some drifting sleep with another dead stop situation at 6:57 am. This stopping (which exacerbates an already highly difficult situation in terms of extensive noise and some low-level but constant sympathetic style vibration of our property through the 'slab') is necessitated it is said by the ARTC to be because of track failure and rain. However I'd say also of relevance given the constancy of 'blowing horns' and ARTC workers accessing the Tracks at the Winders Lane crossing (virtually every day for weeks on end..utes, 4x4s, heavy machinery on table-top trucks, large numbers of gravel trucks) over the last 6 months or more, that it is quite likely also caused by work by the ARTC on existing tracks some 1000-2000 metres 'up' the line towards Maitland from us at Rutherford NSW.

I do not know what the ARTC have been doing with the rail tracks at that point but can only surmise it is something to do with preparation for the 'Provisioning Centre' (Kooragang Mark 2 it seems as the 2009-2018 ARTC Document titled 'Corridor Capacity Strategy Consultation Document' at page 32 basically states a desire to at an early stage, shift all maintenance out of Kooragang to Rutherford). At page 32 of that Document, the ARTC describes this proposed facility in the following way:

"ARTC has been promoting a move to a *remote location* (emphasis mine) for some years. After extensive discussions with rail operators it became apparent that the objectives would be best met by ARTC taking the lead in development of a single multi-user facility. ARTC is now pursuing this path and has selected a preferred site at Rutherford (immediately north of Maitland). This facility would be a multi-user facility offering fuelling, sanding, *shunting* (emphasis mine) and some stabling with the option of a small maintenance centre co-located on the site.

Proposal

It is provisionally proposed that two holding/ arrival tracks be constructed by **2012** (emphasis mine). Depending on the final design of further terminal enhancements, up to two further tracks may be desirable at a later stage.

.....ARTC proposes that all fuelling and provisioning be relocated out of the terminal areas as soon as possible"

I see no mention of the proposed Rutherford 'Provisoning Centre' with basically potentially a further 4 tracks really quite near Winders Lane **on top of the Third Track. THAT IS SEVEN TRACKS IN ALL, FIVE BY MID 2012.**

I can't really imagine the numbers of trains that could be moving around, shunting, delivering coal, repairs, sanding etc, etc, on 7 tracks....potentially many of those trains braking and moving slowly under brakes plus shunting basically at the same time, past our property in preparation for entry to or exit from the 'Provisioning Centre'. Sheer hell would not do it justice.

3. [REDACTED] response to Exhibited EIS-Third Track-Maitland to Minimbah

All ARTC vehicles to create the changed tracking with associated noise, road degradation ('beeping' of diggers etc) has occurred via the 'closed' Winders Lane 'crossing'. As an adjoining land holder we have never been advised of impending works of this nature on tracks near us despite major noise occurring, large numbers of heavy ARTC vehicles (trucks with diggers on their table-tops etc) using our small rural lane and noise generally sometimes all day-a recent 'digging' episode near us also caused considerable vibration and 'drumming' in our house as each 'hit' of the digging shovel took place..this appeared visually to me (as I could see the digger) to be to dig out under existing track support areas for likely replacement..so just maintenance really, but noisy! *Courtesy alone* required notice by the ARTC of impending work and noise.

As a result of the proposed Third Track it seems that the 2 neighbours of ours immediately to our right and further towards the Rail by about 100 metres (our immediate neighbours residence) are as to the first and closest house and land (40 metres to the Third Track according to the EIS), to be subject to acquisition as the Third Track will basically go right up against it (although at last discussion this had been refused at an offer of \$800, 000.00 on a property worth at my estimation and last sale values, somewhat less than ours) and our immediate neighbours are at last discussion (I can't see mention of this in the EIS) to be compensated for resumption of some 20 metres (for 6 acres length) at an unknown sum.

Despite all this occurring with our immediate neighbours and obviously extensive negotiations with those people after May 2009 and that our 3 homes are situated quite close in a line to the track, we, as landholders obviously deeply affected, were not targeted for any direct correspondence notifying us of the Third Track proposal nor even for any general community newsletters whatsoever about the proposal by the Hunter8 Alliance or the ARTC, until I directly contacted them in September 2009. As you will see below, Hunter8 Alliance resisted contact with us until I had issued a formal legal letter dated 1 October direct to the ARTC.

2. EIS Commentary

Regarding Community Consultation (Part 4.2)-Page 34

4.2.1 Objectives noted.

4.2.2 'Consultation activities commenced in March 2009'- as a clearly impacted residence (and landholder) we were never contacted and we never received the quoted 'Fact Sheet' (see page 35) nor have we been sent any of the listed 'Newsletters' until about the 7 June 2010 we received the most recent one of the seemingly 4 issued (3 referred to in the EIS) which stated that the EIS was to be on exhibition from the 1st week of June. Clearly this wasn't the case as it wasn't on exhibition until June 9.

We first learnt about the Third Track in September 2009 from our immediate neighbour (further from the Track than us but on the local council's 'Lochinvar Strategy Plan Group'). After searching the web I found Hunter8 Alliance's involvement and phone line Project info.1800 216 317 and I contacted it and left my details and e-mailed my details (to communityinput@hunter8alliance) and faxed my details to the quoted fax number. This all occurred on the same day, 17 September 2009.

I had no response at all from Hunter8 and so by 1 October after contacting (in disgust) the Department's quoted Officer's phone line (Mark Turner) obtained via Google, a person on that line gave me Chris Pusedleniks (ARTC) contact number and e-mail and I contacted him with a detailed letter on the same day (1 October 2009) which basically stated that it appeared Hunter8 Alliance didn't exist and was perhaps merely a fictitious 'front'. Mr Pusedlenik came back late that day by phone saying he had just been handed my letter, that he was aware of the 'sensitivity of the Winders Lane

situation and Lochinvar in general to the project' but that he 'needed to get a further understanding from the Council (Maitland) and interested land owners like myself of the impacting issues but that he would get Hunter8 to respond ASAP.' I indeed had a call about 5:20 p.m. on the same day again, from Hunter8s Ron Forrester with some apologies, he stated the phone number I contacted and the e-mail 'wasn't going to him' or something similar. We didn't discuss why the fax hadn't got to him either!

Ron Forrester became involved, came out to our property Monday 12 October 2009 with 2 others (Shaun Taylor from Hunter8 & Steve Arnold, Maloney Field Services) ..basically an engineer and a valuer I seem to recall, although Steve appears to be integrally involved in drafting the EIS, so not sure of his role as he didn't say much. We agreed at the site inspection that further investigation was warranted, I presented my case, showed the extent of existing damage to my property and they saw some train passes. They did not really answer my allegation that this Third Track will most likely, once input, reduce the value of my property by about circa 200 thousand dollars (as quoted to me by a number of local agents, getting them to put it in writing might be harder but a valuer would be aware of the likely results). I recall either Shaun or Steve said to my Wife who is clearly distressed by all this, as he was leaving our property, 'don't worry, you'll be right'.

I went back to Hunter8 after their site visit with the following e-mail (dated Wed 14 October '10):

- 'Just a quick note to thank Ron and your guys, Shaun & Steve for their attendance and helpful discussions on Monday last (12th) regarding our problems with the rail changes and past and projected damage to the house from the rail. We were very happy to see the actual concern and genuine desire to assist seriously affected homeowners shown by you and your people 'on the ground'. That is not to underscore the fact that we could genuinely 'get-along' with you as people...and that's important in this matter.

Hope to get your sound guy in contact & out here soon so we can get ahead rapidly with some go-forward here now noting Steve would chat to Chris about go-forward once the noise data was in.

Naturally, as we discussed, so the results were fair, we would hope any noise 'contouring' would take into account the substantial lift going forward in movements projected by the draft EIS (present actual noted peaks of 43 & 45..lifting at one point of the Draft EIS to projected 80 movements one way post completion..close to a doubled movement load) plus the added closer proximity of the further line(s) to our property.

Also as we discussed and I am just noting it here so it is in writing and not sidelined, obviously damage from vibration past and future is also really another ballgame to noise (noting the new line(s) are going to be closer to us than the old so lifted vibration transmission would only be expected due to both frequency of movements and clearly the added proximity) as is as a separate issue, diminution in value of the property inherent in the changes.'

The whole debate with Hunter8, the ARTC and the Project of clear major change going forward, massive lift in movement numbers by 2018 and inherent devaluation of our property which results, was debased to a visit by some sound technicians with vibration and noise assessment machines. This clearly missed the most major issue of loss of value of our property and indeed I was lead to believe that the sound guy's (Acoustic Engineer's) report (a nature's gentleman, I might add, Mr Vincent Chevand) would look at the likely impacts of the Third Track and do some projections. In the end, Vincent's report on our property, constructed by him as an employee of Hunter8 and as consultants to the ARTC who are charged with delivering a result for the Government

here, is clear. We have little if any noise or vibration impact at levels requiring compensation or mitigation (based on the present Project's standards) despite being about 400-500 metres from the present tracks. His Report, which should have been available in late November 2009, was only sent by Hunter8, it seems, about 21 December 2009 (despite being oddly dated 18 December, yet I was called by Hunter8's Liz Shelly late the week before this, to say delivery was delayed for unstated reasons but out soon)-it was eventually received on Christmas Eve. Naturally all involved at Hunter8 and the ARTC were uncontactable for a considerable period after that.

The Report on our residence is at best small, running to, if you ignore blank pages and tables of data, about 10 pages of widely spaced type. There is no discussion in it of property value diminution, there is no data projection of impacts showing what the Third Rail will do to us, there is no 'noise contouring' as was said by Vincent to be being done, which would in our minds at that stage emulate what we could expect from the Third Track given impacts of the various mitigation measures proposed to be used by the ARTC.

All that has taken place in the sound and vibration report is basically it seems, gathering of data by Hunter8 arguably designed to support a 'no impact' stance from them for our residence, back to ARTC, its client and 'joint-venture' main sponsor.

If I look at Tables 7.1 and 7.2 at page 11 of our Report (which I am sorry, was only delivered to us in hard-copy despite all corro with Hunter8 from me being in soft via e-mail and I requested my Report by e-mail), Tables I can understand, it seems that the machines are suggesting we experience a max of 55 decibels at night and an LAmax of 81 (at the 95th percentile) during the day and inexplicably, only 79 at night (when the nights with lack of ambient noise and the **current** massive 'stop' program at the end of our 'Lane' are the 'killers'). The quoted thresholds for impact in the Report are 60dB(A) at night (we at test had 55 it seems, basically day and night) and the LAmax of 81 during the day and 79 at night falls it seems also below the 85 noise 'goal'-which is oddly the same for day and night. I also see 2 test values quoted basically ignorable because a 'mower' is listed as running (this was our next door neighbour's ride-on by the way, not ours) and a value of 85.2 when a horn was used..horns are not irregular occurrences. Only 1 pass is listed as slow. Train pass-bys are listed at page 5 as 'infrequent' and indeed, even worse..*of short duration due to train length and speed-* that may have been the case at attendance..*they are indeed quite frequent and of extended duration* particularly at present due to the rail activities up the line towards Rutherford.

I also can see another quoted value of LAeq..average (as tested) for our property at present. This seems to be at 55.0 by day and 55.5 by night (which values both seem to satisfy the NSW criteria of 65 day and 65 night but for any New Rail Line (I'd suggest the Third Track is just that, 'New'), the standard is 55- so if 55 or greater was repeated post implementation of the Third Track, that should be a 'fail' at least at night on LAeq. I can only imagine, if this was raised, that the ARTC would suggest the Third Track is not 'New Rail' as it occurs alongside old lines.

If however I turn to the quoted attended monitoring table on page 19 of our Report, strangely I get an average LAeq of 62.16 and certainly over the current night time 'goal' listed as being '60' in our Report. So the compliant 55-type reading has it seems materialised elsewhere. This of course was only on the 22 'passes' experienced by the attendees on the 3 separate occasions they attended and they have all been logged under 'day' conditions.

These tests were all done at our property during a period of 'line working' just this side of Lochinvar Station, trains were slowed going up the line when full, some stopped at Lochinvar Station before proceeding slowly past us. This was in the testing period of 23 October to 30 October. So we had 1 week and nothing more. 3 attended monitorings for a couple of hours each, 1 of those spanned lunch time which is usually the quietest on the line and the other two were done later into the evening at my request (but with kind agreement from Vincent). It is noted 1 attendance occurred in our absence (30 October) and went it is listed as, for 4 hours (from 11:00 am to 3:00 p.m., which is the 'quiet time' on the track usually as was advised to Vincent).

Unattended monitoring occurred (15 minutes each data run at random intervals over the day and night) also over this 1-week period.

I also note that the NSW appears to have quite favourable test standards for noise and vibration problems if international criteria are considered-see DECC publication Rail Infrastructure Projects..16/6/10 Appendix 1. NSW (at 65) also it seems to have the highest tolerance of LAeqday for existing rail lines in Australia. I note here international standards for LAeqnight are as low for new lines as quoted in the DECC publication referred to immediately above, as 35 in Canada (bedroom), 40 (living areas) and 55(outdoor). Our testing was done outdoors but immediately at our master bedroom..which is the closest part of the actual house to the Tracks, and we are showing at present with no Third Track yet in place, 55.5 at night, above the limit for a 'New' line in NSW. I'd suggest testing inside our bedroom would yield quite similar results to just outside, so severely in breach of say Canada's 35 bedroom reading at night.

In all this data, I also note and cite an article attributed to Andrew West in the Sydney Morning Herald of October 17, 2009 and titled **'Noise Casts Doubt Over Value Of Homes On Rail Corridor'**. In that Article, a 'senior manager' of the Department of Climate Change and Water (Ms Lorraine Phillips) who it is quoted in the Article 'deals with noise pollution' is quoted as saying amongst other relevant things at a public conference:

- complaints about rail noise had risen from 148 in 2007 to 164 in 2008 and looking at that stage like 300 for 2009. Most residents were protesting about **'wheel squeal' from freight trains with particular problems in the Hunter Valley.....**
- Urban consolidation around public transport must involve careful planning to avoid 'noise-based' conflict
- Ms Phillips said the Department 'likes rail' due to lower greenhouse emissions than road..**urged developers along rail-routes 'to do their bit to deal with rail noise'**
- It (the Department) has imposed tough acoustic standards that limit external noise to **35 decibels in bedrooms and 40 decibels in living areas**. This sound lots like Canada's standards to me and quite likely 'best practice' in this day and age. I note the EIS actually adopts these as goals as well for noise mitigation implementation (See Table 17.24 at page 361 of the EIS) but it seems alas as expected our property is the only property to the right of Cowhill road that isn't in the noise attenuation area (3 'scattered residences of rural (grazing) land off Winders Lane Farley/Lochinvar...see Table 17.10 U8 Page 305 of the EIS)...there are in fact 4 residences affected and they are not scattered and 3 of them are not 'grazing' land (those on our side of Winders Lane..at least, we each have urban style, relatively 'dense' and clustered together houses).

7. [REDACTED] response to Exhibited EIS-Third Track-Maitland to Minimbah

Noise attenuation area at Winders Lane can be seen I think (although it is difficult to tell exactly from the aerial style of photographic description) on Figure 17.3 (j)..the highlighted area just misses our property and indeed our next door neighbour's residence (158 Winders Lane-the Watsons) gets some of the base of their property which of course contains no residential component and yet strangely curls deeply into and much further out from the Track opposite us at [REDACTED] which is indeed of course 'grazing land'-no need for noise mitigation to an existing residence there, 'oh heck' would you know it..just some cows. The problem for the [REDACTED] going forward though is that they have always wanted to subdivide their property and the value of it with noise attenuation impacting it in terms that the Council may require [REDACTED] to do that or compensate purchasers..is indeed highly obvious and an insidious impact upon them. I can see why they are probably litigating or considering it.

Going back to our Report, simply I'd suggest the data as tested and shown in our Report is also flawed as a document upon which reliance could be placed by the ARTC, this is as it doesn't in any way address amongst other things:

- (a) that the ambient noise levels in our vicinity are unduly high in the clear days of October as we have the local Newcastle Royal Flying school at Rutherford and they train substantially at that time of year plus normal take-offs and landings of the small recreational and commuter aircraft are obviously greater in clear skies. Indeed recreational fixed wing aircraft operate as well quite intensively during the summer months particularly later in the year (a 'Pitt Special' which does acrobatics and a WW2 P 51 or similar which was Carrier based in WW 2 and not really noise capable for land), due to inclement weather and less free time for recreation outdoors by Australians in winter, this type of ambient noise is much less prevalent at our residence during those (untested) months,
- (b) that the train average daily movements quoted (basically applicable for the test period at page 9 of our Report) is for movements 16/08/09- 15/09/09 not 23/10/09- 30/10/09 as per our test period. I think movements in the test period were likely considerably lower than that stated in the period quoted at page 9 of our Report and that this would likely be known by both Hunter8 and the ARTC. I tried to stay up on two of the test nights and log passes and I really had difficulty they were so few and far between,
- (c) train movements of fully loaded coal trains going up the line towards Newcastle were slow during the test period due to the line workings down the line from us back towards Lochinvar Station. During the test period, horns were heard at night due to stopped trains and detonators were exploding during the day warning drivers of workers on the Line. No estimation of train speeds was made in the Report other than 1 'pass' (of the 22 logged at our residence in total on attended days) on being listed as 'slow',
- (d) the data taken was taken over too short a period to be highly significant as a long-term test of impacts,
- (e) the Report contains no 'noise contour' type studies to see if certain periods of the year are worse than others or if any mitigation strategy might be better than another-including references to rolling stock as they do differ substantially based on numbers of engines, age and weight being pulled,

- (f) no suggestions are contained in the Report for noise mitigation at Winders Lane, yet resumption of my neighbour's property 2 doors closer to the Lines and compensation to my immediate neighbour for land resumption (& loss of amenity most likely) is being offered, my immediate neighbour is structuring an exit from his property it seems (with possibly some ARTC cash assistance) and my neighbour 2 doors down immediately on the Line has been made a full resumption cash offer plus been ferried around in Hunter8/ARTC cars to look at alternative properties for purchase. We are left to 'burn' at just the next house in the Lane from the Tracks, which are to be closer-a lot closer.

Our aesthetics for our quite pretty property will be destroyed, noise levels going forward can't even be imagined with further doubling of train numbers over 2009 numbers, projected to travel to the Port by 2018 in the ARTC's current 2009-2018 Strategy Document, if the projected tonnage numbers are analysed it seems that by 2018 approximately 140 coal trains will be passing us daily or about 151 by 2022 (if the projected EIS numbers at Table 7-32 are right). At purchase in early 2002 approximately 40-50 (sometimes none due to track failure/ track possessions to repair etc) were going past for a number of periods given the hold-ups at the Port coal loader. In this regard, even now, at the test period quoted in September 2009 (at Table 7-31) the average was only 69 coal trains. That is a massive change going forward in only a short number of years,

- (g) the Report contains no real predictions of the Third Track's impacts upon us nor does it show the effects of taking the Third Track closer to us, there is also no stated commitment to on-going noise and vibration monitoring,
- (h) in short, the Report in no way addresses the main realities of the Third Track to existing landholders such as myself who despite being deeply impacted are offered no assistance, no compensation for inherent diminution in value of our property nor help with at the bare minimum, the essential (but 'ugly') double-glazing, insulation and airconditioning so the place can be shut-down to avoid noise. Simply this is disgusting 'rail-roading'.

Lastly I note our as reported vibration statistics showed virtually nil impacts at 'structural damage' type levels..you should sleep in the house and hear every window rattle in its tracks as fully loadeds rumble by at night. You can also feel the vibration through the 'slab' as trains are tracking a considerable distance even from our property. In this regard I also note that the [REDACTED] residence which also directly abuts the existing rail-lines but on the opposite side of the road to us, apparently also at test showed insufficient vibration at foundation to cause structural damage-given their house is 50-75 metres or so from the existing tracks, I took this as an indication that vibration testing is not really advanced enough at present to capture all residential situations accurately. It is probably more 'art' than 'science' I would say, and it shows.

When I last discussed the situation with the [REDACTED] they were going I think to the Land and Environment Court for a ruling against ARTC. I'd like to avoid that option by frank and open acceptance by the ARTC of their exposures to Winders Lane and naturally my property. Whilst I would be the first to admit that 'noise' is sometimes an odd phenomenon, the artificiality of the noise attenuation zone shown for the end of Winders Lane in Figure 17.3(j) seems obvious to even a lay person like myself at engineering matters.

After receipt of the Report, I e-mailed everyone involved with of course, no response. I was able to contact Ron Forrester early in the New Year (2010) by phone (he may have actually

called me I can't exactly recall now). I stated to him that the Report was basically 'disgusting' given the existing and on-going damage to our property and that the data in my view was flawed. Ron responded by suggesting that if we didn't like it 'at least we had 12 months notice'. The clear impression being we should just 'get-out' and leave the ARTC 'to it'. That all sounds fine in theory and easy for Ron to say, acreage can't be brought to market as quickly as an average urban residence as it needs substantial continual work to keep it acceptable to market and our property is now severely damaged by past rail noise and vibration. I would need to spend in excess of 100 k perhaps much more if whole external walls would have to be removed and replaced (and that is likely) in order to do anything close to presenting to market. By implementation date of the Third Track, say 2nd Qtr 2012, it is highly unlikely to be affordable to me as a real option without compensation and other assistance from ARTC and Government.

I am stuck with an unmarketable property, about to take a 200k hit in value by stroke of Government pen implementing the Third Track without appropriate expenditure on noise mitigation and adequate understanding of the real social impacts. The style of consultation with affected land holders by ARTC and its appointed consultant Hunter8 Alliance appears to be basically 'window-dressing' with arranged 'drop-in' days at local community venues, so Hunter8 can deliver as a fait accompli virtually, the Third Track, and oh yes they will explain it to you, you know, it is coming much closer to you and many more trains will go up and go down it- all freight, no passenger...maximum speed, heavy and I'm sure getting heavier in future.

3. Other Noted EIS Issues relevant to Winders Lane, Lochinvar

Sect 3.3.4 (Page 32)- Existing residential exposures at Lochinvar (only the Lochinvar 'investigation area' is mentioned...a proposed new large subdivision yet to be zoned as such behind our property and to ultimately include the developer 'Hilton Grugeon's French themed village at Lochinvar') are ignored, only 'Farley, Rutherford and Telarah' are mentioned. Farley is, at the end of Old North Road, just behind us, our immediately closest suburb 'as the crow flies', Rutherford close to that as a suburb, but clearly next.

Sect 4.2.4 (Page 40-41)- 'Near Neighbour Strategy'- Despite being at the [REDACTED] residence 2 down from us towards the Track (and opposite side of the road), being approximately 50-75 metres from the existing tracks (and that is their actual residence) and our other neighbours 2 doors down on our side of the road needing to have their home acquired for the Third Track to pass, Winders Lane is ignored from this 'Strategy'. Our Home is 400-500 metres from the existing Tracks we are very clearly at least 'Near Neighbour'. It is notable that the only other road in Lochinvar itself which immediately abuts the existing Tracks (Station Lane) is clearly mentioned here as is 'Old North Road' which runs (but across the now closed Winders Lane crossing and about a 100-200 metres further down a recently tarsealed road at that area) parallel to the Highway but behind and between both Station Lane and Winders Lane.

Table 7.12 (Page 102)-' location of one new Turnout at Farley' ..could the actual site of this be advised to us at Winders Lane? This is noted as a potential further lifted source of noise for us as noted at page 360 of the EIS (turnouts).

Table 15-2 (page 264)- 'Steets within Study Area'- 'Winders Lane' description is not really appropriate. As described earlier in this Submission, it was not tarsealed as to half its length until 2005-2006. The part that proceeds past our place and leads up to the now closed Rail crossing is **made of one coat of hotmix** that rapidly deteriorates in any heavy rain periods. The road is a Lane and it is barely a two-way situation unless grassed road verges

are used for larger vehicles, it is unmarked down the centre line (unlike Station Lane for instance which is described the same way as Winders Lane). Station Lane is a much larger and more capable road in terms of its construction. I note that Winders Lane is not mentioned at all in Sects. 15.4 and 15.5 as regards it being a 'construction' affected road. All experience to date with the ARTC vehicles constantly traversing Winders Lane demonstrates otherwise on a daily basis. As such, I suggest that Winders Lane be 'brought-into-the-loop' here, that it be fully assessed, that funding be allocated to bring it up to a standard that would in fact take the heavy machinery that is using it at present and that Traffic lights be installed at its new England Highway exit (as it exits to the four laned Highway at basically a blind crest to its right- traffic comes at you at around 100k as it looks like 100k/de-restricted type road... even though it is signposted at 90 k now..a fairly recent change).

Winders Lane does not realistically just access 'rural residential lots' unless you would classify our architect designed 40+ square home on grassed 5 acres as rural residential..I mean the epithet might be absolutely appropriate for the [REDACTED] residence for instance which does indeed have a few cattle on it but all homes clustered up close to the Tracks on our side of Winders Lane are clearly urban properties on small acreages with not 1 cattle or even a horse in sight. I specifically noted the lovely rolling pasture with cattle shots used in the Draft EIS to convey a clear impression to the reader that only the poor cattle are going to enjoy the company of the Third Track and in the same vein, I perceive the co-location of the words 'scattered' and 'rural' to residential rather than just 'residential' as you would use for Sydney residences is designed to create a certain mental image of lowered impact with the reader. We might be rural as zoned and yes we are residential but we are definitely not 'scattered' at the end of Winders Lane., we are in fact, quite 'clustered' up towards the Tracks.

Table 17-2(page 299)-the noise monitoring undertaken at our property is strangely not even listed. We are Lot 510 DP 774517.

Sect. 17- Page 300- all blasting on Saturdays is offensive to the public and objected to. See also Hunter8's claim for this in the EIS at Sect 17.5.1 page 324.

Sect. 17- Page 300-work on Saturdays from 8am to 1pm can be tolerable but still should be kept to a minimum as most real estate transactions occur that day, the ARTC would be effectively hobbling all affected properties from possibly selling (even at a fire-sale price). See also Hunter8's claim to work Saturdays at Sect 17.5 .1 page 324.

Section 17.6- Page 352-17.6.1-this appears to be an attempt to 'skirt' the work-hour restrictions at a later date via re-jig of the current ARTC Environment Protection Licence 3142 (EPL)-this should be entirely finalised before the EIS is approved. All maintenance and 'construction' work 'out-of-hours' should be largely denied for a project like this due to the ability to call a 'black-sheep', 'white' and then argue the 'toss' with in-house ARTC engineering 'support'.

Table 17.10 U8 Page 305 – '3 scattered residences of rural (grazing) land off Winders Lane Farley/Lochinvar' reference. This is an objectionable description-see discussion beginning near the bottom of page 6 of this Response. I note also the new and worrying title here here that Lochinvar has now become Farley/Lochinvar so the requested clarification of where the proposed new 'Farley' turn-out is going to be is indeed of importance.

Table 17.14 Page 323- our vibration monitoring is not listed as having occurred.

Table 17.25. Page 362- '1' affected residence quoted at the end of Winders Lane. If only that was indeed the case. It is noted that housing in Station Lane in a similar position to our 4 residences at the end of Winders Lane is also ignored.

SC37 at Page 453- I'd like to see some real mitigation measures to mitigate the devastating impacts this Project will have on noise and of major concern is visual and absolute day-to-day living conditions, so amenity in all our Rail adjoining residences.

4. Conclusions and Recommendations

I'd clearly like the Department Of Environment Climate Change and Water's [stated by Ms Phillips and adopted by the EIS as 'noise mitigation' goals for affected residences (See Table 17.24 at page 361 of the EIS)] standards imposed on the Third Track development and applied to existing residences who are 'near neighbours' (as described at Part 4.2.4 pages 40-41 of the EIS-see above- Winders Lane*strangely' not mentioned). To do otherwise is to adopt a double-standard of requiring private developers along rail corridors to do something very different to what the Government requires of itself for its own developments such as the Third Track.

Indeed I would argue that our residence, being to the right of Cowhill Road is in any case not a 'near neighbour' but rather absolutely affected by the real noise contour coming from the Rail which as residents we all know exists..and the contour is not as shown in Figure 17.3(j) as it would clearly be impossible that the [REDACTED] residence is directly affected immediately opposite us basically as to the whole of its land (which extends basically exactly to the same far boundary on the opposite side of the street of our residence) yet for instance, the [REDACTED] property immediately next door to us and closer to the rail (as the rail actually curls closer to their and indeed our, property, than the [REDACTED] residence, by its very course) is shown to be basically unaffected as to its residential area. Now I would be the first to admit that noise is an odd phenomenon but this defies objective belief.

Anything above these test standards should be compensated for by further acquisition of property or at the very least the subject of large-scale mitigation measures delivered in macro [or at worst at the most minimal level, individually at affected residences such as ours (which obviously would be the cheaper option)]. In the absence of any delivery as above, the authorities (and as a result Government) can only expect lifted and extensive public complaints of an on-going nature and undoubtedly, **class action style litigation**.

Practically, to avoid all further issues with the Third Track and the further massive exposure it brings to heavy coal freight at high speed and with great noise (at times I'd say it borders on Sydney Airport levels now), for us residents of Winders Lane and indeed if I look at Station Lane, the same should apply, the following approach should be adopted:

- (a) ideally using the mapped (but 'non-existent' past our property and heading towards Station Lane) 'Cowhill Road' as a marker, homes to the right of Cowhill Road (ours at [REDACTED] and the already listed for [REDACTED] our side at the Tracks plus the [REDACTED] residence right on the Tracks on the opposite side (of Winders Lane) to us should all be acquired. I think there is also one home on Station Lane that would fall into this situation. Likely all of our homes should never have been approved by the Council back in the past given the risks inherent for the future of, at some point (although we are now talking 20, 30, 40 even perhaps 50 years ago now for various homes on Winders), a large lift in the extent of noise. However they were and realistically the State and indeed Federal Governments (via the ARTC) must shoulder full responsibility for compensation and noise and vibration mitigation before any further noise and vibration (not to mention coal dust) incursion is feasible or reasonable at Winders Lane,

- (b) extensive macro mitigation works (i.e. earth and/or man made barriers) would be the next preferable mitigation approach at the end of Winders Lane and tracking from Station Lane up towards Rutherford -should cover any 'provisioning centre' approved for Rutherford as well, as Rutherford is no 'greenfields site' for heavy industrial activity like that, it is a light industrial and substantial retail hub now ..Harvey Norman, Joyce Mayne, Woolworths, Coles, IGA etc etc. There is also quite a deal of residential but it does tend to congregate on the opposite side of the New England Highway, so not so affected,
- (c) should paragraph (a) be the adopted approach, the 'Near Neighbour' strategy combined with at least in-home delivery of noise mitigation should at the very least apply to all homes **immediately to the left** of Cowhill Road (2 on Winders Lane) and somewhat further away from the Rail noise source,
- (d) in the absence of the above, as a bare minimum, compensation and extensive noise mitigation to each affected residence is the only possibility other than 'sheer hell' for **all** concerned for years into the future,
- (e) as an adjunct to all of the above but particularly if only paragraph (d) is adopted, the 'closed' (but in fact open only to the ARTC's personnel and equipment) Winders Lane crossing should be completely closed over with all ARTC access to the rail from Lochinvar being via Farley's proposed 'turn-out' or via the (to be extensively modified and undoubtedly enlarged) Station Lane under the Lochinvar Development Plan (French themed village, New School, Rail/Bus interchange etc as a service 'hub') all slated for input by around 2020 (so at least within the 10 year future projection period of the EIS to 2022). This will at least assist in removing unnecessary ARTC vehicles from our relatively small, Lane. Naturally if the macro noise barrier approach is used, the crossing should automatically be closed over to avoid escape of noise transmission; and
- (f) last but by no means least, **no EIS covering the Third Track proposal should be approved** without advertence to and consideration of the massive additional burden to be placed on Rutherford and backing back into Winders Lane Lochinvar with shunting and massive movement of trains made possible by seven tracks at what does appear to be Kooragang Mk 2 just up the line from us. Further, Rutherford is no 'remote location' and a different site way further out from this residential, retail and light industrial 'hub' of the lower Hunter should be found before such a disruptive site, undoubtedly working 24 hours a day, is progressed.

[REDACTED] forward to receiving some early results from the Department's further enquiries about this whole matter and are quite happy to assist Officers with their enquiries, establishing Department based noise monitoring, just having an Officer attempt to sleep here would be a good start..happy to put them up. I'd also like someone from the ARTC to come back to us with full details on the proposed location of the 'Farley turn-out' so we can assess whether that will actually also impact Winders lane adversely.

13. [REDACTED] response to Exhibited EIS-Third Track-Maitland to Minimbah

Kind Regards,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(I am a [REDACTED] approved under Professional Statute [REDACTED])

e-mail [REDACTED] address

phone or fax [REDACTED] [REDACTED]

**KINDLY REMOVE ALL OUR NAMES FROM THIS DOCUMENT BEFORE
PUBLICATION ON YOUR WEBSITE SHOULD PUBLICATION BE ESSENTIAL-
WE WOULD ACTUALLY PREFER NO PUBLICATION IF POSSIBLE.**

3

3193 New England Highway
Belford 2335

Ph - 0265747125

Mob - 0403833982

To the Director, Infrastructure projects
- Department of planning.

With reference to the proposed 3rd track,
- Maitland to Minimbah link.

Although we are in agreement to the 3rd
rail link going through, our main concern
is: excessive noise levels.

As we are currently experiencing excessive
noise and vibration levels at the moment,
which is interfering with our daily lifestyle.

Hunter & Alliance have conducted noise
and vibration testing, which resulted with
high readings.

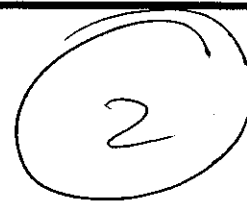
Subject to this project approval, is there
going to be anything done to reduce the
noise and vibration levels at our residence?

Regards

Jack and Amanda Waters

Mark Turner - Online Submission from Adam Brown of Resident (object)

From: Adam Brown <wombats-hollow@bigpond.com>
To: Mark Turner <Mark.Turner@planning.nsw.gov.au>
Date: 21/06/2010 16:05
Subject: Online Submission from Adam Brown of Resident (object)
CC: <assessments@planning.nsw.gov.au>



Hi

I was speaking to Vincent Chavand at the Maitland drop-in session & he asked for me to send an e-mail to let you know of my concerns regarding the 3rd rail line..

I currently reside at 1 Railway Parade Telarah. Even though the new part of track finishes about 80 metres from my house, I am very concerned at the scheduled increase to rail traffic. My house is situated only about 10-15 metres from the current 2 lines & already have to put up with heavy dust, noise & vibration levels. I feel that with this proposed increase, my family's health & quality of life will be affected, as will the value of my home.

So can someone please have a look into my concerns & let me know..

Regards

Adam Brown

Name: Adam Brown
Organisation: Resident

Address:
1 Railway Parade Telarah

IP Address: cpe-121-218-163-38.lnse4.cht.bigpond.net.au - 121.218.163.38

Submission for Job: #2924 Maitland to Minimbah Third Track - Project Application
https://majorprojects.onhiive.com/index.pl?action=view_job&id=2924

Site: #1836 Maitland to Minimbah Third Track
https://majorprojects.onhiive.com/index.pl?action=view_site&id=1836

Mark Turner
Environmental Planning Officer

P: 02 9228 6351
F: 02 9228 6355
E: Mark.Turner@planning.nsw.gov.au

Mark Turner - Online Submission from jason macey of - (other)

From: jason macey <jasonmacey@bigpond.com>
To: Mark Turner <Mark.Turner@planning.nsw.gov.au>
Date: 15/06/2010 21:57
Subject: Online Submission from jason macey of - (other)
CC: <assessments@planning.nsw.gov.au>



hi my name is Jason

i live next to the train line in singleton near the bridge that leads to mt thorley and , my house is approx 25 meters from the train lines , i seen the interview on tv on Monday night about the expansion from 2 to 3 tracks

Q. are you going to be putting a 3rd track past my house

, because if you are would you be able to put a wall up to reflect the noise as the amount of trains have increased by double since i have been living hear there are points from ,

one thing apart from the noise i fear is a train derailing into my house as they seem to be going so fast now and i have seen how far they can go off the track from the crash at wittingham can you guarantee my family's and flat mates safety if a train derails or do i live to close to the train tracks and a train could possible hit my house if it come off the tracks travelling at high speed , now trains need to go so fast to make schedules to make more and more profit

thanks for your time and could you please contact me to let me know

Jason Macey

Name: jason macey

Organisation: -

Address:

3 glenridding rd singleton 2330

IP Address: cpe-121-216-156-61.lnse2.ken.bigpond.net.au - 121.216.156.61

Submission for Job: #2924 Maitland to Minimbah Third Track - Project Application

https://majorprojects.onhiive.com/index.pl?action=view_job&id=2924

Site: #1836 Maitland to Minimbah Third Track

https://majorprojects.onhiive.com/index.pl?action=view_site&id=1836

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