

8 September 2022

Mr Grant Brown
Department of Planning, Industry and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Dear Mr Brown,

Botany Rail Duplication (SSI 9714) Operational Noise Mitigation Measures (Condition E32 & E33)

I refer to SSI 9714 (Botany Rail Duplication) which was approved by the Minister for Planning and Public Spaces on 28th July 2020 and specifically write with regard to operational noise mitigation measures as required by Conditions E32 and E33 of the Project Planning Approval.

Condition E32 states:

*The Proponent must prepare an **Operational Noise and Vibration Review (ONVR)** to confirm noise and vibration control measures that would be implemented for the operation of the CSSI.*

*The **ONVR** must be verified by the AA. The ONVR must be prepared at the Proponent's expense and submitted to the Planning Secretary for approval before the implementation of mitigation measures. The ONVR must be made publicly available consistent with the requirements of B10.*

The Proponent must implement the identified noise and vibration control measures no later than 6 months after the commencement of construction, unless otherwise agreed with the Planning Secretary.

Condition E33 states:

*Where operational noise mitigation measures (that also assist in reducing construction noise impacts) cannot be installed within six months of commencement of construction in accordance with **Condition E32**, the Proponent must submit to the Planning Secretary a report providing justification as to why. The report must include details of temporary measures that would be implemented to reduce construction noise impacts, until such time that the operational noise mitigation measures identified in **Condition E32** are implemented. The report must be endorsed by the AA and submitted to the ER for approval within six (6) months of the commencement of construction which would affect the identified sensitive land uses.*

Construction commencement was formally notified to DPE as 11 February 2022. As such, the implementation of operational noise mitigation measures in accordance with Condition E32 must be completed by 11 August 2022, unless justification is submitted to the Department as per the requirements of Condition E33.

In accordance with E32, the ONVR must be submitted to the Planning Secretary for approval prior to implementation of mitigation measures. The BRD ONVR (Rev 4) was

returned by the AA on 25 July 2022 with comments to be addressed relating to mitigation measures and treatments. A workshop was held on the 28 July 2022 to review the comments and agree close out measures.

Based on the above, the AA has not been able to verify the ONVR and therefore it has not been possible to install the operational noise mitigation measures within the six months of the commencement of construction.

The Construction Noise and Vibration Management Plan, provides details of temporary noise mitigation measures implemented to reduce construction noise impacts on the surrounding community. The temporary noise mitigation measures will continue to be implemented for the duration of construction (including following of installation of the operational noise mitigation measures identified in Condition E32).

The information contained herein is consistent with the information presented to DPE in the regular monthly meetings over the past several months regarding the status of the ONVR and mitigation measures.

Justification for ONVR Submission Delays

The complex nature of the BRD track design and substantial investigations required to support the development of this design have resulted in delays to the modelling, drafting and submission of the ONVR. The following details some of the key contributors to the ONVR delays:

- **Track Geometry**
The track geometry determines the positioning of crossovers, turnouts and points along the alignment. The level of protection required for buried utilities under the track has required additional investigations and delayed finalisation of the track geometry and design which in turn has delayed modelling within the ONVR
- **Track Lubrication**
As part of the ONVR process, the effectivity of the current track lubricators required further on-site investigations which were not initially considered as part of the ONVR process. Additionally, the placement of lubricators within the design required significant interface with Operation and Maintenance including a Maintenance Access Review to ensure the location of the lubricators was suitable from a maintenance perspective in regards to accessibility. This additional consultation and review has impacted on the ONVR schedule.
- **Design Process**
The design process is not carried out in isolation with track design requiring inputs from earthworks and piling design. Delays to the earthworks design surrounding access requirements and the flood mitigation assessment have impacted on the track design which have further impacted on the ONVR assessment.

Property Eligibility for Noise Treatment

The Draft ONVR predicts the number of exceedances in residential receivers (year 2034) including the EPA's licensing regime to be five.

The Draft ONVR assessment of non-residential receivers identified several potential

properties triggering treatment, although pre-existing façade treatments have also been identified at these properties

The draft ONVR recommends firstly treatments at source, including:

- Implementation of the rolling stock operator licensing regime from 2025, by requiring new locomotives to comply with noise and air emission limits; through operating conditions and pollution studies relating to wheel squeal, idling, braking, bunching and stretching and horn use; and through implementation of monitoring and reporting requirements.
- Installation of track lubrication as per the recommendations of '*Guidelines for Trackside Lubrication – RC2411*'.
- Rectification of non-compliant freight wagons.
- Installation of a wayside angle of attack monitoring system on the rail link to continuously monitor the angle of attack to the rail of rolling stock wheels.
- Post-operational testing and validation monitoring

Following verification of the ONVR by the AA, consultation will be carried out with property owners for at property noise treatment.

Mitigation measures to manage construction noise

JH is implementing a range of construction noise management measures as identified in the approved Construction Noise and Vibration Management Plan across the alignment, including the properties highlighted in the ONVR as triggering treatment. Specific measures that will provide noise mitigation to residential receivers include:

- Use of noise blankets for piling, rail saw cutting and pile break back when working near to sensitive receivers.
- Where practical high noise impact works are scheduled during standard construction hours; and
- Out of hours works undertaken to date have been below noise modelling predictions.
- Monthly community notifications are provided for upcoming construction works including works during daytime standard hours and OOH.
- Provision of noise fact sheets for works to help explain to the community the likely noise levels emitted from different activities
- Community consultation on respite for OOH works predicted to have high noise impacts.

Proposed approach to update the ER and DPE

Based on the above information, JH requests DPE approval on the following approach to completion of the ONVR and at property noise treatment program:

- JH must complete the ONVR (with verification from the AA) and submit to DPE prior to 11 November 2022.
 - Property Agreement Contract documentation with current eligible property owners will be completed prior to 11 June 2023 (Note: for any properties where treatment is rejected or no response is received despite best endeavours, JH must ensure this is appropriately documented);
 - JH must continue to update DPE on a monthly basis to provide a status on:
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- property assessments to be completed for the properties identified in the ONVR (noting any denied access arrangements or concerns, or lack of access);
- percentage complete of check and measure bookings for properties that have a Property Agreement Contract (noting any denied access arrangements or concerns, or lack of access);
- percentage complete of bookings for completing the physical property works (noting any denied access arrangements or concerns, or lack of access);
- JH suggests this monthly status update is provided as part of the regular BRD meeting with DPE.
- JH must complete the implementation of mitigation measures by 11 October 2023. Note: on-track mitigation measures such as lubricators will be installed with track construction (and may be after this date), these track components will be in place prior to commissioning and use of the new track.

We note that the ER and AA have endorsed this approach, please refer to Attachment A. This submission is provided to the Department for information in accordance with the requirements of Conditions E32 and E33.

Should you have any further questions, or require further information, please contact Rachael Labruyere on 0439 464 796 or James Renwick on 0472 879 840.

Yours sincerely



James Renwick
Project Director
Botany Rail Duplication Project