

Our ref: SSI-7666-PA-192

Scott Lawrence
Senior Environment & Sustainability
Transport for NSW
76 Victoria Street
Grafton New South Wales 2460

23/01/2024

Sent via the Major Projects Portal only

Subject: Report on non-implementation of operational noise mitigation measures – CoA E50

Dear Mr Lawrence,

I refer to your submission received 19 December 2023 of the report on non-implementation of operational noise mitigation measures (revision 4, dated 19 December 2023) ('the Report') required under Condition E50 of SSI-7666 ('the Approval') for the Coffs Harbour Bypass Project.

Condition E50 requires a report to be prepared and submitted to the Planning Secretary providing justification as to why operational noise mitigation measures are not proposed to be implemented in accordance with Condition E48 of the Approval. Condition E48 requires that operational noise mitigation measures as identified in Condition E47 of the Approval that will not be physically affected by work, must be implemented within six (6) months of the commencement of construction in the vicinity of the impacted receiver to minimise construction noise impacts.

I note the Report on non-implementation of operational noise mitigation measures:

- has been endorsed by the ER and the AA, as required by Condition E50;
- has been reviewed by Transport for NSW (TfNSW) and no issues outside those addressed in this letter have been raised with the Department of Planning, Housing and Infrastructure ('the Department');
- contains the information required by the conditions of the Approval.

I acknowledge receipt of the Report and note that it addresses at resident noise treatments only. Section 1.2 of the E50 report states that noise walls, which will be constructed on top of fill embankments, and low noise pavement, which will be constructed towards the end of the construction

program, are physically affected by construction of the Project, and as such are not addressed in the E50 report as Condition E48 does not apply.

The Project team previously advised the Department that construction commenced on 31 March 2023, as such the six-month timeframe for implementation of operational noise mitigation measures expired on 30 September 2023. The Report states that at 30 September 2023 at resident noise treatment had been completed at 297 of the 380 eligible properties (78%). The remaining 83 properties are anticipated to be completed, or have been completed, within the following timeframes:

- 24 additional properties completed at the end of October 2023 (321 of 380 – 84%);
- 18 additional properties completed at the end of November 2023 (339 of 380 – 89%); and
- Four (4) additional properties completed by the end of December 2023 (343 of 380 – 90%).

Of the remaining 37 properties, TfNSW have advised the Department that the following issues are preventing finalisation of at resident noise treatment:

- Four (4) properties have electrical supply issues that require further investigation. TfNSW is working in consultation with affected homeowners and Essential Energy to resolve these supply issues;
- There are two (2) schools and one (1) Place of Worship that require additional investigation and noise modelling; and
- 30 properties where treatment cannot be provided without impacting asbestos containing materials ('ACM'). TfNSW have advised the Department that to ensure the safety of the residents and contractors during the removal of ACM, TfNSW will need to engage a specialist asbestos removal contractor to review the condition of the properties, the scope of work for noise treatments and the proposed work methods. The specialist asbestos removal contractor was scheduled to be engaged in November 2023, with inspections of these properties to be completed by February 2024.

The Report adequately details the reasons the outstanding properties have not been treated within the specified timeframes. Where operational noise mitigation measures have not been implemented, the Report provides details of temporary measures to be implemented to reduce construction noise impacts consistent with approved measures described in the Project's approved Construction Noise and Vibration Management Plan.

As the program for implementation of the remaining at resident noise treatments is not yet known, the Department requests TfNSW add an agenda item to the monthly project meeting to provide updates on the program's progress.

The Department also notes that the timeframe required for submission of the E50 report has not been achieved. Condition E50 requires that the report be submitted to the Planning Secretary prior to the commencement of construction (i.e 31 March 2023) which would affect the identified sensitive receivers. Given the delay in submission of the Report, the matter has been referred to the Department's Compliance team for assessment and that the Department's acceptance of the Report is not an endorsement of the compliance status of the Project.

You are reminded that if there are any inconsistencies between the Report on non-implementation of operational noise mitigation measures and the conditions of the Approval, the conditions prevail.

In accordance with the requirements of Condition B11 please ensure you make the document publicly available on the Project website at the earliest convenience.

If you wish to discuss the matter further, please contact Rebecca Eddington on (02) 9585 6469.

Yours sincerely

A handwritten signature in black ink, appearing to read 'G. Brown', with a long horizontal flourish extending to the right.

Grant Brown
Team Leader
Infrastructure Management

As nominee of the Planning Secretary