

The Department of Planning and Environment
Major Projects.
Via majorprojects.planning.nsw.gov.au and
Plan_comment@planning.nsw.gov.au

Submission Albion Park Rail bypass, Environmental Impact Statement, 2015.

Please accept our submission regarding the Environmental Impact Statement, 2015, (EIS) for the Albion Park bypass. We request formal acknowledgement of this submission along with the assurance that our personal details will be suppressed from public display. This is in accordance with other government non-disclosure arrangements we have in place regarding the protection of our personal information.

We have engaged with the RMS staff on a number of occasions via letter and personal meetings, therefore our details are well known to the RMS Project manager.

Our family home is on the Eastern side of Larkins Lane, Yallah. Given that our property is rural acreage, we have a lengthy boundary that adjoins the road corridor. We will be directly impacted by the bypass and it is critical that we continue to be consulted as part of the planning process. We will in fact be more impacted in a direct way, apart than those who places are acquired, and in a continued way than any other family in the entire project, as the road runs closest to our property, far closer than anyone else's. The impact of the construction which is estimated to last for three to four years may be greater than the resultant operational road and therefore requires special consideration.

The Environmental Impact Study is a large document in excess of 650 pages plus various lengthy attachments. We were pleased to have a meeting with RMS project management team and we discussed our initial concerns regarding the EIS. We stated at that stage and reconfirm our assertion that this submission outlines our concerns which are apparent at this time; we welcome the assurances from the RMS that consultation will continue during the Construction and commissioning phases and continue during the operational phase of the roadway.

The RMS produced a document "Albion Park Rail bypass- Environmental impact statement overview- October, 2015".

We were informed this Overview was handed out to people who attended the information sessions. Despite our previous representations this was not supplied to residents in Larkins lane, I have spoken to.

Whilst the Overview is a concise document, some of the language in my view is inconsistent and of a different strength with language used in the actual EIS. This inconsistent language could unfairly alter the view of the reader, reduce the reader's potential concerns and reduce the number of representations which would be submitted. Those same people would be shocked once construction has commenced and the result is different from that outlined in the Overview but consistent with the EIS.

This submission includes conditions which in our view should specifically be considered and enacted via this EIS review and conditions placed in the development consent if it is issued.

This submission has been created to address the various issues in accordance with the layout in the EIS, so some issues are addressed at various points consistent with the set out of the EIS.

* * *

The Overview:

The Environmental Impact Study is a large document in excess of 650 pages plus various lengthy attachments. These documents are well in excess of what a normal resident who may be affected by the bypass would normally read.

The RMS produced a document *“Albion Park Rail bypass- Environmental impact statement overview- October, 2015”*. Whilst it is commendable that the RMS created the EIS impact statement overview to allow a concise document for the community to read, it is *critical* that this overview accurately outlines what is contained in the complete EIS document.

Whilst the overview is a concise document, some of the language in my view is inconsistent and of a different strength with language used in the actual EIS. This inconsistent language could unfairly alter the view of the reader, reduce the reader’s potential concerns and reduce the number of representations which would be submitted if the language was consistent with that used in the complete EIS. Those same people would be shocked once construction has commenced and the result is different from that outlined in the Overview but consistent with the EIS. Examples of this will be provided in this representation.

We were pleased to have a meeting with RMS project management team and we discussed our initial concerns regarding the EIS. We stated at that stage and reconfirm my assertion that this submission outlines our concerns which are apparent at this time; we welcome the assurances from the RMS that consultation will continue during the Construction and commissioning phases and continue during the operational phase of the roadway.

DESIGN FEATURES 5 (page 2, overview)

The overview states *‘The EIS outlines the key features of the APR bypass and assesses its potential environmental and social impacts during construction and operation. This overview outlines some of the key issues. “(Page 2 Overview)*

A Project Overview map is produced on page 5. It then expands that information on pages 6, 7 & 8.

There is an Explanation of the Northern Interchange Map 1, page 6

There is an Explanation of the Central Interchange Map 2, page 7

There is an Explanation of the Southern Interchange Map 3, page 8

There is NO Explanation of the area surrounding Haywards Bay, Yallah area. This missing portion which in the view of the EIS does not require a detailed explanation contains the majority of residents. Who could be misled into thinking that there are no issues affecting them as there has not been a detailed explanation. If there are no concerns no one would go and read an additional 650 pages.

NOISE ATTENUATION Section 5.15 (Commencing page 89 EIS)

“Noise attenuation would be considered during detailed design in consultation with affected landowners to reduce noise levels at residential properties located along the project route.”

Point 1: *A consideration is not good enough, something can easily be considered and rejected either at the design, construction or operational phases without out further consultation or statutory approval.*

We therefore request that the Conditions are included.

Condition 1: *Noise attenuation MUST be considered during detailed design in consultation with affected landowners to reduce noise levels at residential properties located along the project route and actions undertaken to mitigate the Noise, PRIOR to the commencement of construction and during the Operational phases.”*

Figure 5-18 page 90 identifies via the legend a number of issues

- That a number of properties in Larkins Lane, Yallah, including our property as “Receivers proposed for treatment.”
- It indicates that Low Noise pavement would be utilised, I see the Low noise pavement as a positive step.
- It fails to show the presence of Noise Barriers near Larkins lane residents.

Noise barriers are addressed later in the EIS.

Point 2: It is our view that residents of Larkins lane require Noise barriers to mitigate the increased noise from this new road. Those barriers would need to be of a clear nature to allow light through. Similar clear barriers have been utilised in the Princes motorway crossing the Minnamurra River. As we are the closest resident in this area, noise will be of a greatest impact but there has been no specific consideration given to us or base noise levels taken.

ROAD FURNITURE Section 5.17

Fencing is described in Table 5-9 pages 91. The Indicative description column 3

‘Boundary fencing would generally comprise ‘post and wire’ fencing with concrete posts and barbed and plain wire.’

Post and wire fencing is clearly inadequate to stop any potential resident or visitor, including children or animals to residences adjoining the roadway from entering on the roadway and the 100 KPH traffic flow. Any interaction could have fatal consequences. This type of fencing may also invite motorists to stop on the motorway and visit the residences, or businesses on adjoining properties. This risk would be increased when the road is first operational and motorists do not know the correct exits to use and have no idea of how to return to the premises they have just passed.

The installation of noise barriers would also address the fencing and access issues. Other fencing alternatives could include 2 metre chain mesh fencing. The cutting which will be required at Yallah would also create an extreme risk for any persons of adjoining properties in Larkins Lane Yallah. A person or animal could easily enter via an inadequate fence and fall down the cutting which would cause Fatal or serious injuries and/ or further continue onto the roadway.

Point 3:

Fencing must ensure the safety of people, animals and motorists. This has not been adequately addressed.

Condition 2:

Fencing must ensure the safety of people, animals and motorists

EXTENDED CONSTRUCTION HOURS

The proposal to extend construction hours is an important issue for effected residents. The application to extend construction hours appears to be solely based on reducing the construction times. A similar result could be achieved by commencing the project earlier or having more staff without extending the construction hours. There is a minimum requirement to sustain the operational integrity of public infrastructure apart from the area surrounding the rail corridor.

The proposed extended construction hours are listed a number of times in the EIS and the overview, this is an important example where the language utilised in the differing documents is inconsistent.

Page 121 of the EIS “*Extended constructed hours **would apply across the project.** Roads and Maritime would undertake targeted consultation with affected residents.*”

*Further it is **NOT PROPOSED** to undertake work during extended working hours in close proximity to sensitive receivers.”*

Not proposed is very weak language, a proposal could easily be altered due to weather, financial or just ease. A change in a proposal would not require any permission of any statutory approval, or change of development consent. The intention of a proposal could easily be lost during communication between the RMS, the primary contractor and an individual employee of another contractor.

*The Outline (page 9) **Noisy works** close to residential or business areas including the townships or Albion Park Rail, Albion Park and Yallah **would be avoided** during extended hours.*

This working describes the situation where **normal works**, as opposed to **Noisy works** can be done close to residents during extended hours. **Would be avoided** is a stronger language than **Not proposed**. A person reading this from the Overview may be appeased and therefore not make any representation regarding the EIS.

Notwithstanding the application for extended hours the RMS outlines that activities in preparation for commencement of work would occur outside normal hours as well.

Condition 3:

- That any form of work during extended work hours is specifically prohibited from occurring within the vicinity of affected residents or business. There has been consideration of the residents who include Emergency Service workers and other who work shift work and those who are retired. These differing resident profiles impact on their ability to function normally with the noise.

Point 4

- *It is commendable that RMS would undertake consultation with affected residents, but what could those residents do as a result. Reduce their sleep time as they are awoken earlier, eat out so as to avoid the noise when they return home from work. Not place their washing on the line as the period of dust creating work is extended.*

Consultation with affected residents would be undertaken before work starts, as part of the construction environmental management plan and community involvement framework. (Page 121)

Point 5

- *It is commendable that RMS would undertake consultation with affected residents, before work starts but in any project delays occur or things take time to implement.*
- *Consultation must occur and mitigating actions must be completed prior to the commencement of construction work, to reduce the impact to residents.*

Condition 4:

- *Consultation must occur and mitigating actions must be completed prior to the commencement of construction work, to reduce the impact to residents.*

NOISE TESTING (commencing page 331)

The Noise catchment Areas has been described and utilised throughout the EIS. Table 12-2 identifies number 42 Larkins Lane as being within **NCA13**.

The current noise levels of the NCAs are described on (page 331), it states that *(NCA 13 and 14) is currently used for agricultural purposes and is generally quiet*. It does not identify that the rural residential area of Larkins lane is included within area NCA13.

Table 12-2 Logger Number 2 is the only location where noise has been logged in Larkins Lane being no 42 Larkins Lane. No 42 Larkins lane is in a direct line to the present roadway and would capture noise from the bridge spanning the Macquarie Rivulet. It appears that this location has been utilised as a baseline for the remainder of properties in Larkins lane. Any baseline levels from this location does not truly represent the baseline noise levels at our home of No 21 as presently there is a large paddock then a group of commercial premises between our premises and the present roadway. These commercial premises are mainly low noise such as a caryard and they only operate between normal business hours in accordance with their development approvals. This may alter the factors and consideration of Noise Barriers.

Point 6

- I assert that the only way to get a correct baseline of noise for the residential properties of Larkins Lane between Yallah road and the southern end of the Yallah commercial area is to conduct additional testing along that portion of the proposed roadway.

This base line noise level has then been used in modelling to ascertain the increase in noise levels. If the baseline noise level is lower than a far greater increase in noise levels will result from the modelling.

Noise barriers (commencing page 368)

Noise barriers identified as Yallah NB have been excluded for the area *'West side of new motorway from river in the south to where the motorway goes into the cutting' via Table 12-27 page 368 Noise Barriers at Yallah- Barrier does not achieve required insertion loss barriers- Barriers not a reasonable mitigation solution.*

The barriers appear to be excluded solely on a cost benefit basis as the residences are of a rural residential nature and spread out. The barriers should be erected as part of the mitigation strategy; the barriers will reduce the noise coming from the roadway, which can then be further treated with other noise reduction strategies. Not simply excluded to reduce costs at the detriment of residents. The barriers would also act as a physical barrier reducing access to the highway and reduce the visual impact from the new motorway.

Targeted noise reduction strategies closer to the houses, such as noise curtains, in the area may reduce the noise levels specifically at the house but have no reduction to noise levels which will be increased outside the home. Without any other noise reduction the appeal of the rural residential areas will be greatly reduced. The occupants would not be able to venture out of their homes into the surrounding land as the noise levels would be too high. Similarly the noise levels on the land would make it difficult to have any animals outside.

Does not mean you don't do it, there can be a number of mitigating actions, e.g. barriers plus double glazing, insulation and other suitable options.

Property treatments (page 371)

The EIS states, *Site inspections of individual properties should be carried out prior to construction to confirm treatments.*

The listed property treatments for affected homes are welcomed but the identified treatments **MUST** be completed prior to the commencement of construction. The construction phases will in cases last for 3 to 4 years this is an extended period to endure large noise levels. It appears that some aspects of the construction noise, especially the jackhammering of the cutting will be greater and more annoying than the actual completed roadway. It is critical that noise impacts are identified and mitigation measures complete PRIOR to the commencement of construction.

Condition 4:

- It is critical that noise impacts to residents **MUST** be identified and mitigation measures completed **PRIOR** to the commencement of construction.

Point 7:

- During our discussion with RMS project team on 11 November, 2015 it was stated that noise reduction strategies would only be completed to homes not garages or similar associated buildings. We wish to formally advise that our property has been designed to allow connection of the main house to the present garage via a breezeway or similar. Well before the commencement of the road construction we will formally seek consent from Wollongong Council to connect our home to the present garage. As a result the present garage will require Noise mitigation strategies.

The RMS would be in possession of information which would specifically identify the noise levels predicted at our premises; it makes it difficult for us to be more prescriptive in our representations as we do not know specifics. We seek to be informed of specific noise factors and levels affecting our property.

Noise disturbance (page 373)

Areas within NCA 13 have been identified as having noise level increases which would result in sleep disturbances. During our discussions with RMS we have not been informed if we are a part identified as having sleep disturbances.

Point 8:

- It is anticipated that due to the extended period of Noise and Sleep disturbance and the close proximity of our premises we would require a respite period at the expense of the RMS, away from our premises.

Summary of Impacts (page 377)

NVO2 outlines where work is to be carried outside of recommended working hours, all effected receivers will be notified of all relevant details of the proposed activities.

Point 9:

- Whilst it is nice to be informed of periods where the noise will impact on residents. It is also anticipated that those periods may extend to months not individual days.

What can those residents be reasonably expected to do. Move away for that period? Not have any children at home during those times, not sleep themselves during those times?

As the closest residents to the actual works, our lifestyle and wellbeing will be severely impacted in a negative way. Our request for reasonable work hours and work days needs to be respected and considered.

Operational Noise Impacts NV 05 (page 380)

“Within 12 months of project opening an operational noise review will be carried out.”

Point 10:

- 12 months in the life of a new roadway is minimal. 12 months for a resident who is being impacted daily by noise issues that may have failed to be identified or incorrectly addressed during the planning phase or construction phase is an extended period.

Condition 5:

- That within **3 months** of the project opening an operational noise review **MUST** be conducted with the permission of landholders and any further mitigation action required be commenced.
- Those copies of operational noise reviews are provided to residents and their comments sought and considered.

Socio- Economic Study Area 13.1.1 (page 381)

Point 11:

- Studies have included the area of Haywards Bay but not Yallah. There will be minimal impact to Haywards Bay as the roadway will move further away than where it is presently located. The impact to Yallah residents will be increased as the roadway moves to the west and closer to Yallah. The Impacts to Yallah should be specifically identified, considered and addressed.
- The Larkins Lane estate includes Emergency service workers and other shift workers, who chose to live in this area to reduce their personal safety concerns. No consideration has been given to their lifestyle factors.

Amenity (page 398)

The EIS states *“It is **not proposed** to undertake work during extended hours in **close proximity** to residents.”*

As we previously discussed this work should be specifically banned, the words **close proximity to residents** is also vague. Construction noise such as jackhammers and blasting, as well as vibrations from such activities can travel extended distances well in excess of the close proximity to resident's term.

Point 12:

- Again it is great that residents are notified of excess issues but what can the residents do to reduce the impact to them?

Landscape character zone 3-Southern Yallah (page 417)

The Zone includes the rural residential area of Larkins Lane, comprising 27 large houses on rural residential parcels of land.

Point 13:

- This portion of the EIS identifies visual impact from local residents. Those I have spoken too expected that a Noise barrier would also reduce the visual impact. If a noise barrier is not to be erected substantial planting would be required to reduce the visual impact. The location of such planting should be subject of consultation with effected landholders. This is consistent with LC04 & LC05 page 409.

The visual impact is further recognised as a High Impact on page 423 and must be addressed.

Condition 6:

- That consultation is conducted with affected landholders regarding planting of screening trees by the RMS within the road corridor to reduce the visual impact of the roadway.

Point 14:

- Page 431 Viewpoint 8. Records. A High –moderate impact but the road levels discussed are inconsistent with discussion with RMS staff. RMS staff have stated that the new road level would be consistent with the present level of the road bridge spanning the Macquarie rivulet. The existing Industrial buildings ground level is higher than the present road bridge. The description of View point 8 has the road level below the roof line of the industrial building. This would be about 4 metres higher than the present road level.

*Viewpoint 8 continues “The large amount of earthworks required in this location would be out of scale and uncharacteristic of the existing landscape. **The earthworks would be generally below the roof line of existing Industrial buildings** and would not overly dominate the scenic vista in the landscape. Trees would screen parts of the project from this viewpoint. Construction activities would be visible from this viewpoint.*

If this description of the road level is correct it is completely different to the information supplied by RMS staff. This increase of road level would have a major impact for Noise, Visual appeal, dust and effect the operation of aircraft from the airport.

This needs to be clarified and the road level reduced to the present bridge level, Yallah residents in particular need to be correctly advised to enable them to correctly consider any representations.

Flood Planning

There are a number of natural drainage culverts that run generally along the boundaries of properties In Larkins lane, they convey stormwater from the elevated residential properties of Larkins Lane to the present two dams that are situated on the Northern side River flats, which then drain into the Macquarie Rivulet. Wollongong Council was most protective of the drainage culverts ensuring there was no alterations made to them or the water flow during construction. The roadway construction must also ensure that it does not impact on the water flow from the upper houses In Larkins lane to the present lowlands and into Macquarie rivulet.

We have been informed by RMS staff that these two dams will be filled in and the new roadway will block the natural flow of storm water into the river flats. We have been further informed that the bridge spanning the Macquarie Rivulet will only be of a similar length to the present bridge. This will require a large earth bank to increase the level of the roadway leading up to the bridge on the Northern side. This earth bank will stop the natural flow of stormwater to the Macquarie rivulet and bank back the water and potentially flood the lower portions of our and adjoining properties, leading to soil erosion and other issues. There will only be one opening in this earth bank to allow the flow of storm water.

This could also result in our properties being reclassified as being flood prone which is not presently the case. A flood prone rating would affect the insurance premiums for our properties or make them uninsurable for Flood.

Wollongong Council presently has a factor in their flood studies which states that any opening less than 6 Metres is classified as being blocked during flood event. The planning for the only opening in the earth bank is 1.8 Metres. This 1.8 metre opening is well below the 6 Metre opening measure utilised by Wollongong Council. Our properties in Larkins Lane are contained within the Wollongong Council Area and subject to their policies.

RMS staff have informed us that Wollongong Council staff are on the flood study panel. Further that as the majority of the Macquarie Rivulet is contained within the Shellharbour Council area, Shellharbour flood requirements are being utilised. RMS staff have said that Wollongong Council is presently reviewing its flood study.

Whilst there may be a review underway there is no assurance that the 6 Metre opening requirement will be altered. As such any planning must be in accordance with the present flood planning models for Wollongong as our effected properties and the earth banks are within Wollongong City Council area.

I have been informed that the road design includes a specific access for Sydney water to access a sewer access point in the property to the South of our property. This issue is not addressed in the EIS. The RMS could address the flood issue and access issue by providing a six metre opening in the earth bank.

POINT 15:

- It needs to be clearly articulated, in writing, to potentially effected residents that the earth banks and smaller 1.8 metre opening, than presently required by Wollongong Council under their flood planning will not affect the flood assessment for our properties.

POINT 16:

- It needs to specifically recorded, if it is the case that Wollongong Council is prepared to alter their present flood prone criteria from the present 6 metre opening to 1.8 ensuring that our properties are not subject of any increase of Flood rating for our properties.

POINT 17

- The RMS could address the flood issue and sewer access issue by providing a six metre opening in the earth bank.

CONDITION 7:

- That all openings in the earth road bank north of the Macquarie Rivulet be constructed as a minimum in accordance with the present flood criteria utilised by Wollongong Council, which states that an opening less than 6 metres is considered as being blocked during a flood event.

The minimum size of the opening are to ensure that no properties in Larkins lane are reclassified as being flood prone due to not meeting the minimum criteria as in the present design.

PROTECTION OF EXISTING ANIMALS AND BIRDS IN THE AREA OF DAMS ON THE NORTHERN WESTERN SIDE OF MACQUARIE RIVULETTE.

There are two dams on the North western side of Macquarie Rivulet; they are depicted in photos over 100 years old. I do not know if they are natural of man made but they have been a feature for 100 years. The EIS proposes that they be filled in without any replacement area being built to cater for the animals and birdlife that utilise this as their habitat.

Black swans and other bird life, live raise their chicks there, a large number of frogs live there; wallabies are often sighted in this area and on Yallah Road. We have an annual event in October where the turtles track from the Dam to the grass mounds near our and other resident's houses and lay their eggs. On hatching the baby turtle's move back to the Dams. When we moved here we made inquiries with Sydney University, they were sufficiently interested in this event to track them for a number of years. On the 12th October this year, I observed and photographed an echidna which moved from what will be the road reserve into our eastern boundary.

POINT 18:

- There is nothing in the EIS I could locate which even mentions the existence of these animals and birds therefore no consideration has to their existence when their habitat is filled in. There is no other static water, in the near vicinity for them to survive.

CONSTRUCTION PHASE IMPACTS ON AVIATION (Section 7.3.2)

The potential impacts of the project on the Illawarra Regional Airport fall into two categories:

- Intrusion of airspace by construction plant and equipment
- Other hazards to aircraft operations as a result of construction activities.

Point 19:

- 7.3.2 discusses the impacts on aviation, I could see no specific reference for a need to alter the flight paths of planes utilising the Albion Park airport but there were a number of references sighting that during the construction phase and operational phase that objects may encroach into the operational clearance space for the airport. If it is the case that that flight paths are moved either temporarily or permanently strong consultation should be conducted with potentially effected residents in Larkins lane.

We are to be subject to increased noise from the motorway we cannot be expected to suffer further noise from the alteration of air traffic as a result of the motorway.

If there is to be any alteration to the flight paths they should be altered to the East and over the factories. They are there a maximum of 8 hours per day normally 5 days per week, where residents many of whom are retired get the noise continually.

We have been informed and the EIS includes that the planning is still underway and there will be many further opportunities to provide further input. We have been assured by the project engineer that when further information comes to hand we will be consulted initially and that individual consultation is available as an ongoing nature. We fully expect that these assurances to include us in the process will be honoured. But it is critical at the issues we have identified be addressed via this Assessment phase of the Environmental Impact study.

I am sure there will be other issues that become apparent as further information is released or becomes more widely known. We would welcome the opportunity to further raise and discuss relevant issues as they become apparent.

Regards