

**Diane Sarkies - Attention: Director, Infrastructure Projects**

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**From:** Matt Clancy <mclancy\_69@yahoo.com.au>  
**To:** "plan\_comment@planning.nsw.gov.au" <plan\_comment@planning.nsw.gov.au>  
**Date:** 3/12/2012 9:36 PM  
**Subject:** Attention: Director, Infrastructure Projects  
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Matt & Shamini Clancy  
 4 Edward Bennett Drive  
 Cherrybrook NSW 2126

Attention: Director, Infrastructure Projects

Re: Application number: SSI-5414

Recently we received formal notification from Transport for NSW that underground land located beneath our property will be resumed to allow for construction of the North West Rail Link railway tunnels (Ref. A2042947-193). We have subsequently attended a public information session and reviewed the North West Rail Link Environmental Impact Statement 2 (EIS-2). We understand that the North West Rail Link corridor will be located 20 metres beneath our property (Lot 479//DP259853 4 Edward Bennett Drive - Cherrybrook). As such, we are extremely concerned that both our property and quality of life (including health) will be significantly affected by train noise and/or vibration not only during the construction phase but as an ongoing and permanent side effect when the line is operational. We would like to formally state our opposition in having a railway tunnel at such a shallow depth beneath our property. Further to Transport of NSW request to submit responses to the EIS-2 by 3<sup>rd</sup> December 2012, please also find additional questions and concerns we would like addressed below:

Based on the literature made available, we understand that for the purposes of construction Transport for NSW:

- "will develop and implement a Construction Noise and Vibration Management Plan"
- "do not expect there to be damage to buildings as a result of tunnelling"
- "damage to any structures is highly unlikely"
- "some properties may feel some vibration during tunnelling" and will
- "undertake condition surveys both prior to and immediately after construction".

Question:

In the event damage is sustained during the construction phase:

1. what are our legal rights and entitlements?
2. how does the Transport of NSW plan to rectify such a situation?
3. how will the Transport of NSW make compensation to those effected?

Based on the literature made available, we also understand that for the purposes of operation of the rail link the Transport for NSW:

- (will undertake) "a detailed operational noise assessment ...(and) Environmental Impact Statement"
- "does not expect that (we) will hear noise and feel vibration as trains pass through the tunnels"
- Per the EIS-2, one train noise and vibration mitigation measure will be the use of high attenuation track at the above location - intersection of Castle Hill Road and Edward Bennett Drive / Coonara Avenue.

Question:

In the event that we do hear noise and/or feel vibration as trains pass through the tunnels on an ongoing and permanent basis:

4. what are our legal rights and entitlements?
5. how does the Transport of NSW plan to rectify such a situation?
6. how will the Transport of NSW make compensation to those effected?

Given the depth of only 20 metres under our property, we are not satisfied by the above statements made by

Transport for NSW. We would like to understand what our legal rights are should issues arise during both the construction or operational phases and what action and/or compensation will be made available by Transport for NSW.

We look forward to your written response at your earliest convenience.

Regards,

Matt & Shamini Clancy  
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