

Our Ref: PGH:12-0411



3 December 2012

Major Projects Assessment,  
Department of Planning and Infrastructure,  
GPO Box 39, SYDNEY, NSW 2001  
[plan\\_comment@planning.nsw.gov.au](mailto:plan_comment@planning.nsw.gov.au)

Attention: Director, Infrastructure Projects

Dear Sir/Madam

**North West Rail Link EIS No.2**

**Submission Kindalin Childcare Centre, No.1 Glenhope Road West Pennant Hills**

We act for Kindalin Early Childhood Learning Centres Pty Ltd ("**Kindalin Childcare**"). The Centre is located at Lot 1 DP 789295, 1 Glenhope Road, West Pennant Hills (corner Castle Hill Road), directly opposite the proposed Cherrybrook Station.

Further to exhibition of the Northwest Rail Link Environmental Impact Statement No. 2 (EIS No.2) and following a submission made in response to the Environmental Impact Statement Stage 1-Major Civil Construction Works we provide a number of comments for the Department's consideration.

We confirm that our clients' primary aims are to protect the health and wellbeing of the children; maintain the operational capability of the Centre; and ensure that the construction phase of the Northwest Rail Link will be managed in a matter to allow the childcare centre to operate with minimal disruption during the lengthy construction period.

**Background**

Kindalin Childcare operates a childcare facility within close proximity of North West Rail Link Site 4 – Cherrybrook Station (immediately opposite Castle Hill Road to the south). Kindalin Childcare is located within an existing purpose built centre. It was established in 1994 and is licenced to provide day care services for up to 58 children aged between 0 and 6 years. The centre operates between 7.30am and 6.00pm five days per week, 50 weeks a year.

The location of the Centre is identified in the following diagram (Extract from EIS).

Submission\_no2\_Kindalin\_Norwest Rail Link\_ 261112

PO Box 714, Springwood NSW 2777 Phone: (02) 4751 1522 Fax: (02) 4751 1622 Email: [info@pghep.com.au](mailto:info@pghep.com.au) Web: [www.pghep.com.au](http://www.pghep.com.au) ABN 48 104 323 024

**CPP**  
CERTIFIED PRACTISING PLANNER

Figure 14.3 Land use and community facilities – Cherrybrook station site

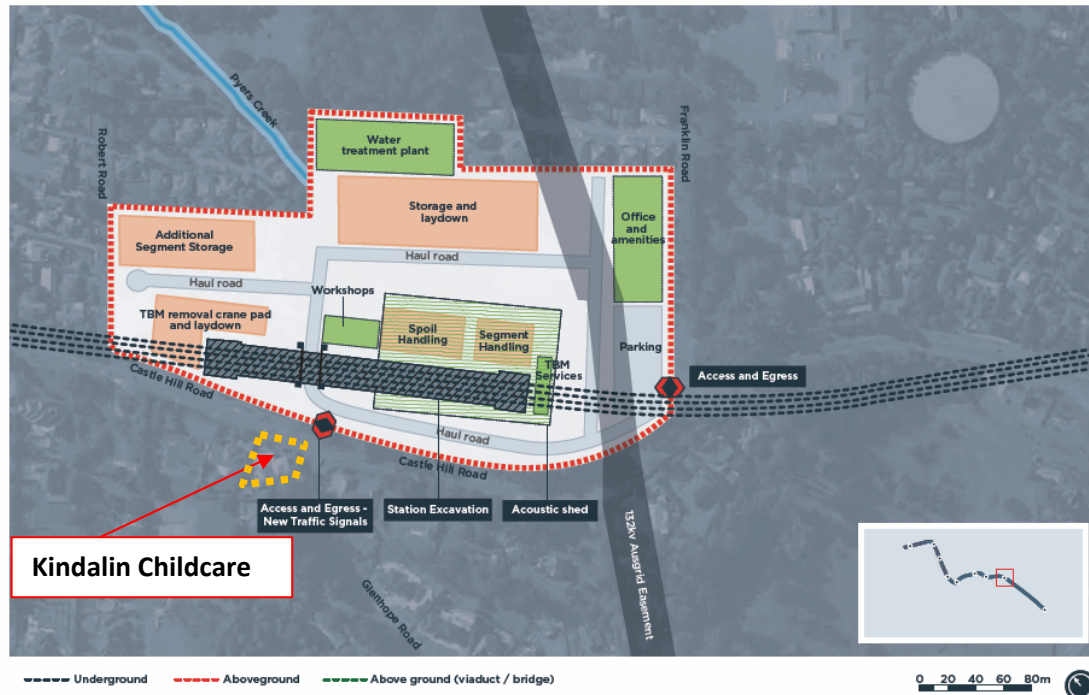


*Extract: Environmental Impact Statement Stage 1-Major Civil Construction Works (Chapter 14 Land Use and Community Facilities - Figure 14.3).*

The Environmental Impact Statement Stage 1 - Major Civil Construction Works (the **EIS**) for the Northwest Rail Link (previously on exhibition) identified a proposed station (Site 4 - Cherrybrook Station) in close proximity to the site. The layout of the site is provided in the extract below.

Figure 7.15 Cherrybrook Station Site Layout

Details shown are indicative only. Final layouts to be determined by the construction contractor(s)



Extract: Cherrybrook Station Site Layout (Chapter 7 Project Description - Figure 7.15).

After a review of Northwest Rail Link Environmental Impact Statement No. 2 it is our opinion that the concerns raised in the previous submission on this matter have not been adequately addressed and the proposed works are likely to result in conflicts with the existing childcare services.

We have reviewed the Northwest Rail Link Environmental Impact Statement No. 2 (currently on exhibition) against our previous comments and Northwest Rail Link EIS No. 1 and outlined a number of concerns, together with proposed management measures for consideration by the Department of Planning and Infrastructure. The comments previously provided (our Submission No. 159 dated 21 May 2012) in regard to the operation of the childcare centre remain relevant and have been reproduced below.

## 1. Operation

*Kindalin Childcare provides child care services for three age groups (babies, toddlers and pre-schoolers). This consists of twenty (20) children aged 0-2 years, eighteen (18) children aged 2-3 years and twenty (20) children aged 3-6 years. The babies and toddlers share the ground floor rooms while the pre-school aged children occupy the lower ground floor areas.*

*The centre is located on the corner of Glenhope Road and Castle Hill Road. The internal layout of the centre provides for verandah areas and playground areas that are oriented to the north, fronting Castle Hill Road. The majority of windows are oriented to the east, north and west with the windows to the south overlooking the rear car parking area. The site is accessed via a driveway from Glenhope Road which also provides a short term drop off area for parents and parking for staff. A turning area allows vehicles to exit in a forward direction on to Glenhope Road.*

*The centre provides a structured program for children that includes a range of activities. These include a combination of active and quiet activities, group and independent learning, with time spent both indoors and outdoors. Importantly, a 2 hour sleeping/rest period is provided between the hours of 1.00pm and 3.00pm.*

*Successful management of the child care centre relies on the consistency of routines provided throughout the day. Disturbance and variation to timetables can interfere with the successful operation of the facility and has the ability to impact on the provision of quality care to the children.*

It is noted that the proposed construction phase lasts for approximately 42 months (3 ½ years) (EIS – Chapter 14 Land Use and Community Facilities) and therefore has the ability to inflict significant long term impacts on the functioning of the childcare centre. These impacts are described as ‘reduced amenity’ within the EIS and are further identified within the Traffic, Noise and Vibration and Air Quality chapters (Chapters 9, 10 and 19) of the EIS. Specific concerns in relation to these matters have been outlined below and updated to reflect the EIS No.2 response to the matters raised in Submission No.1.

## **2. Noise and Traffic**

EIS No. 1 (PGH Submission No. 159)

The noise and traffic impacts are associated with construction works at Cherrybrook Station. This construction involves spoil removal activities and associated truck movements over a 24 hour operation/7 days per week and construction of a new access point (traffic lights) immediately adjacent to Kindalin Childcare. The majority of truck movements are anticipated between the hours of 7am to 6pm and involve truck-and-dog or semi-trailer tippers able to carry 12.5m<sup>3</sup>. The technical paper (*Construction Traffic and Transport Management, Tables 2.4 & 2.5*) estimates overall tunnelling heavy vehicle movements for Cherrybrook Station at 29,600 trucks or 275 per day (one way).

This is a significant increase in daily truck movements in the immediate vicinity of the site. The concerns of the childcare centre relate to the potential impacts associated with noise and traffic impacts for the construction of Cherrybrook Station, specifically:

- Frequency and noise of associated truck movements associated with daytime operations (7am – 6pm) including impacts on both indoor and outdoor activities.
- Impacts of traffic on the functioning of the car park area during peak traffic times for the centre (drop off and pick up) during the hours 7.30am. -10.00am and between 4.00pm and 6.00pm.
- Sleep disturbance for children during daytime rest period (1.00pm to 3.00pm).

The EIS nominates the childcare centre (30metres from the works) as a sensitive receiver with predicted noise levels exceeding the required levels during the daytime period [*NML (Noise Management Levels) exceedances greater than 20dB predicted*] for the Earthworks, Site Establishment and Excavation phases of the works (EIS – Chapter 10 Noise and Vibration – Construction - Table 10.11 Predicted noise level exceedances at Cherrybrook Station).

Although the EIS indicates an acoustic shed will be established as a mitigation measure to reduce airborne noise impacts at sensitive receivers during the night-time period, it is unclear what measures will be put in place to manage noise in the vicinity of Kindalin Childcare during daytime hours.

The following comments were provided by NSW Transport in response to the original submission to EIS no. 1 by the applicant (Submissions Report Stage 1 - Major Civil Construction Works, July 2012 Submission No. 159) on matters relating to Noise;

Chapter 4: Construction - Noise and Vibration:

*The noise impacts and mitigation measures would be reviewed in the detailed design phase during development of the site-specific Construction Noise and Vibration Impact Statements. TfNSW is committed to implementing all feasible and reasonable mitigation measures to minimise potential impacts (page 4-75).*

Chapter 5: 5.5.6 - Noise and Vibration:

*h. Further detailed predictions of noise impacts and mitigation would be provided when the site-specific noise impact assessment (CNVIS) is prepared by the construction contractor(s) during the detailed construction planning phase. The CNVS notes that where sensitive receivers are subjected to lengthy periods of noise or vibration, they may be eligible for a project specific respite offer. Such offers for child care facilities may include respite periods corresponding with rest times, or upgrading the noise mitigation performance of the external building façade to reduce indoor and outdoor noise levels. These would be determined during the detailed construction planning stage, taking into consideration factors such as the predicted noise levels, the time at which the impacts would occur, the overall duration of the works and community views (Page 5-45).*

**Comment on Response**

The comment that measures would be provided by the construction contractor(s) during the 'detailed construction planning phase' are inadequate. Comments such as '*they may be eligible for a project specific respite offer*' provides no guarantee that any mitigation measures would be undertaken or implemented at any stage.

**EIS No. 2**

EIS No. 2 Chapter 10: Construction - Noise and Vibration:

EIS No. 2 Chapter 10 summarises the results of the operational and construction noise and vibration assessment undertaken by SLR Consulting Australia Pty Ltd. This section of the EIS indicates that Kindalin will be impacted by noise ( $\leq 10\text{dB}$ ) primarily during the station platform supporting structure, station building construction (approx. 12 months) and installation of rail systems equipment phases (approx. 12 months) (p.10-29).

This section states '*Where receivers are "highly noise affected" (ie where the predicted noise levels exceed 75 dBA) or the NMLs are exceeded by more than 20 dB, the proponent may need to implement respite periods and liaise with the community*'. The issue for Kindalin is that noise modelling has predicted noise impacts on Kindalin will be of 'minor exceedence'.

There is no guarantee that even 'minor' exceedences will not have unacceptable impacts on the children attending the child care centre from Kindalins' viewpoint, as children will be sleeping and resting during the day time period. Consideration of potential impacts on children must also take in to account the length of the construction period which cannot be considered 'short term', but rather a prolonged 36 month period, 24 months of which will exceed acceptable noise limits. Therefore we request that liaison with the community (in this case 'Kindalin') be mandatory, as it has been identified as a sensitive receiver, for the construction contractors prior (detailed construction planning stage) and during the construction phase of the works.

*EIS No. 2 Chapter 9: Traffic - Noise and Vibration:*

Impacting on Kindalin related to traffic concern increased traffic and vehicle movements along Castle Hill Road and Glenhope Road and the construction of traffic signals with pedestrian crossings at the intersection of Glenhope Road and Castle Hill Road.

Heavy vehicles will access the Cherrybrook Station site directly opposite Glenhope Road (in close proximity to Kindalin) involving changing the Glenhope Road T-intersection into a four-way intersection with a new leg to the north (Technical Paper 1, p.30). Only secondary access to the site will occur via Franklin Road. Management measures include provision of traffic controllers to manage heavy vehicle movements at construction sites, and to monitor the need for pedestrian control.

Exceedences of up to 5 dB of the Road Noise Policy criteria for new local roads at Cherrybrook Station are predicted during the morning peak period (Technical Paper 3, p.6). Traffic noise levels have been predicted for residential receivers located on the proposed access routes to the Cherrybrook Station site (Technical Paper 3, p.156) but have not been provided for all receivers (including Kindalin).

**Air Quality**

Air quality is described within the EIS as a non-key environmental impact (*Chapter 19 Assessment of Non-Key Issues*). The EIS states 'The sources are considered temporary in nature and would be confined to the construction period' (page 19-3). Given the construction period extends over a period of 42months for Cherrybrook Station, the description of potential air quality impacts as being 'temporary' in nature is questionable.

Kindalin Childcare is identified within the EIS as a 'sensitive receiver' in relation to air quality, with potential air quality impacts originating from establishment of work site, building demolition, earthworks, removal, storage and/or transport of some 60,000m<sup>3</sup> of spoil from the station cavern excavation and 370,000m<sup>3</sup> from the tunnelling works, and exhaust emissions from operation of construction vehicles and plant (page 19-7).

The nature of a childcare centre means that children undertake a range of activities both indoor and outdoor. Kindalin Childcare at West Pennant Hills offers a range of activities that vary throughout the year, depending on the summer or winter weather. Children are not all outdoors at the same time, therefore the amount of time the children (as a whole) spend outside extends over quite a period of time (summer 8.30am – 11.00am and 3.15pm – 6.00pm and winter approximately 8.30am – 11.30am and 3.15pm – 4.00pm).



A number of children within the centre suffer from a range of health issues, including those that suffer from serious asthma (9% of children at time of writing) and an additional number of children who take medication for asthma on a short term basis. A number of children suffer from eczema conditions, which can be exacerbated by extended periods of air conditioning. This condition may be triggered if children are forced by air quality impacts to spend extended periods indoors.

The following comments (part extract) were provided by NSW Transport in response to the original submission to EIS no. 1 by the applicant (Submissions Report Stage 1 - Major Civil Construction Works, July 2012 Submission No. 159) on matters relating to Air Quality;

Chapter 5: Construction – 5.5.1 Air quality:

*Air quality impacts from the proposed works are considered temporary in nature and would be confined to the construction period, with no significant long term impacts anticipated. Any potential impacts during construction would be mitigated (refer to Chapter 7), therefore any changes to the ambient air quality would be minor and temporary.*

*In addition to the proposed mitigation measures, an air quality and dust monitoring program would be undertaken to monitor and further mitigate these impacts as required during the construction works (pages 5-27 to 5-28).*

As outlined within our original submission, we do not consider the proposed works to be 'temporary' in nature as they extend over a period of 42 months. The Response to Submissions document identified the concern over the temporary nature of works, but did not provide any response other than restating 'the proposed works are considered temporary in nature'.

The proposed mitigation measures (EIS No. 2 Section 19.1.8) include developing an OEMP (Operational Environmental Management Plan) with mitigation measures including implementing dust suppression measures and other management measures including constructing wind breaks in proximity to sensitive receptors 'where feasible and reasonable'.

EIS No. 2 recognises that dust generating activities will occur during the construction phase with comments acknowledging the risk of potential impacts at each construction site being dependent on the 'intensity of activities, scale of operations and duration' of the activity (page 19-3). The EIS states that all construction sites will be surrounded by hoardings and mitigation measures implemented as outlined to 'reduce impacts' on nearby receivers. In addition, an air quality and dust monitoring program would be undertaken to monitor and mitigate the impacts 'as required'.

No address has been made to the specific health issues outlined within our original submission and as outlined within the original submission, the primary concerns of Kindalin Childcare being the nature of the mitigation measures that will be employed to minimise the **direct impacts** on the children and staff of the centre, specifically nature and type of wind breaks, hoardings, stockpile locations, debris screens etc. While we acknowledge to some extent that the nature of the future construction works are still being determined and remain subject to future management plans, there are no provisions or guarantees provided

that any management plan would specifically address the potential air quality impacts on Kindalin Childcare. We consider the response provided within EIS No. 2 to issues raised in regard to air quality on Kindalin Childcare, with statements such as 'where feasible and reasonable' and 'temporary in nature' to be unsatisfactory.

### **3. Amenity**

The economic analysis (EIS – Chapter 13 Local Business Impacts) identifies that operating amenity of locations such as Kindalin Childcare can be affected by construction activity, resulting in potentially negative employee productivity, interaction with customers and workplace ambience.

EIS No. 2 identifies no operation mitigation measures are required and that mitigation measures will be developed to address the construction impacts as part of the Construction Environmental Management Framework. As outlined above the major concern to Kindalin Childcare remain the impact of construction activities on noise, traffic and air quality. This section recognises that in addition to the direct impacts of noise, traffic and air quality on provision of services, they also have the ability to negatively impact on local businesses through reduced productivity, interaction with customers and workplace ambience.

### **4. Implementation of Management Measures**

As part of our original submission, we requested a number of Construction Management measures going forward in regards to Kindalin Childcare. These included:

- Construction of a heightened perimeter wall along the Castle Hill Road and Glenhope Road frontage of the site to provide an appropriate acoustic barrier between the site and predicted noise sources. The final height would need to be clarified by the Acoustic Engineer; however it is understood from the submitted Noise and Vibration Report that noise impacts can be reduced through provision of acoustic barriers.
- Details of operational measures to be implemented to monitor and clean the outdoor play areas of the child care centre in the event that dust and material from construction activities cannot be contained.
- On-going consultation and review with Centre management during the construction phase to monitor the effectiveness of acoustic barriers and implementation of alternative measures as deemed necessary.

EIS No. 2 relies on management measures being implemented by the construction contractors during the detailed construction planning stage. There are no guarantees that these future management plans will address the specific concerns of individual businesses or include measures such as those outlined above, to provide site specific mitigation measures as required by Kindalin Childcare.

### **Conclusion**

As outlined within this submission, our clients' primary aims are to protect the health and wellbeing of the children; maintain the operational capability of the Centre; and ensure that the construction phase of the Northwest Rail Link will be managed in a manner to allow the childcare centre to operate with minimal disruption during the lengthy construction period.

This includes provision of:



- a heightened perimeter wall along the Castle Hill Road and Glenhope Road frontage;
- implementation of operational measures to monitor and clean the outdoor play areas;
- on-going consultation and review with Centre management during the construction phase to monitor the effectiveness of acoustic barriers; and
- Implementation of alternative measures as deemed necessary.

We consider that EIS No. 2 relies heavily on the undertaking of future management plans for management of potential impacts during the construction phase and has not specifically addressed the concerns of the earlier submission by Kindalin Childcare. No attempt has been made to implement site specific measures that would reduce the potential impacts of noise, traffic and air quality on Kindalin Childcare during the construction works period [(21 months) tech paper no.3, p.154].

We trust that this submission assists the Department. Our Clients would like the opportunity to further discuss the matter with Departmental officers.

It would be appreciated if contact could be made with our office to make suitable arrangements.

Yours faithfully

PGH Environmental Planning



**Patrick Hurley**

Director

*cc/- Kindalin Early Childhood Learning Centres*