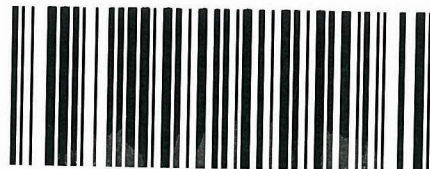




**Environment,
Climate Change
& Water**

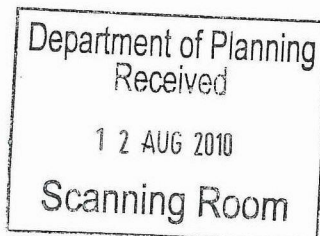


PCU013442

Your reference: 09/01146-1
Our reference: DOC10/25467; FIL09/6447
Contact: Emma Coombs, (02) 4908 831

Department of Planning
Infrastructure Projects
GPO Box 39
SYDNEY NSW 2001

Attention: Mark Turner



10 AUG 2010

Dear Mr Turner

**MAITLAND TO MINIMBAH THIRD TRACK PROJECT (MP 09_0024)
EXHIBITION OF ENVIRONMENTAL ASSESSMENT – PROJECT APPROVAL APPLICATION**

I refer to your letter dated 8 June 2010 seeking a written submission from the Department of Environment, Climate Change and Water (DECCW) on the above proposal. I also refer to the documents *Maitland to Minimbah Third Track – Environmental Assessment - Volumes 1 to 6* prepared by Hunt8r Alliance and dated May 2010 ('the EA'). This submission does not include comments on matters that fall under the responsibility of the NSW Office of Water.

DECCW understands that the project approval application is to construct a third track adjacent to the existing Main Northern railway between Farley and Minimbah in the Hunter Valley, NSW. The Project involves the construction of approximately 30km of new rail track as well as construction and / or modification of major infrastructure along the Main Northern Railway. The purpose of the project is to facilitate the doubling of the capacity of the rail network to transport coal between the Hunter Valley Coal Fields and the Port of Newcastle.

Operational Noise

The EA predicts a large number of exceedences of the *Interim Guideline for the Assessment of Noise from Rail Infrastructure Projects 2007* (IGANRIP) trigger values including a 13 dB exceedence at Noise Catchment D9 (Lovedale Road). It is clear that many of the impacted residences are already experiencing noise levels in excess of IGANRIP trigger values. In such instances DECCW's objective is to reduce noise impacts. However, this project will increase rail noise at these residences.

To mitigate against the predicted impacts, the EA proposes development of an "Operation Noise Management Plan" including construction of a noise barrier at chainages 194-340 to 194.880 at Telarah prior to operation of the third track and the provision of a noise monitoring program "for those rural residential locations predicted to exceed IGANRIP trigger levels in 2012". If these exceedences are confirmed, noise attenuation options would be implemented including noise barriers and architectural treatment. However, the extent and likely impact of these mitigation measures are only discussed in general terms in the EA.

The EA states that noise mitigation measures, including glued insulated joints and improved turnouts, have been incorporated into the track design. Rail vibration controls will also be considered where residences are within 40 metres of the nearest track. However the likely impact of these measures has not been quantified.

In such a scenario, the assessment process outlined in Figure 2 of IGANRIP requires the proponent to demonstrate that all feasible and reasonable mitigation measure have been implemented prior to approval.

DECCW recommends that prior to further consideration of the project, the proponent be required to undertake a more thorough investigation of whether additional noise mitigation measures are feasible and reasonable, and if so, whether any of these measures would result in significant noise reductions. This investigation should include, but need not be limited to, the following measures:

- use of only noise attenuated locomotives on the proposed third track;
- limiting the speed of trains using the proposed third track;
- limiting the speed of trains using the proposed third track at night; and
- restricting the number of trains using the proposed third track at night.

In considering the attenuation of noise from locomotives, it should be noted that some Hunter Valley coal mines have faced similar issues when trying to reduce noise from diesel electric haul trucks. In response to these challenges, vehicle manufacturers worked with the mining industry to achieve attenuation of up to 7 dB.

Biodiversity Conservation

The proposal will result in the loss of 62 hectares of Endangered Ecological Communities, as well as 2.7 hectares and 50 scattered individuals of Slaty Red Gum (*Eucalyptus glaucina*) which is listed as vulnerable under the *Threatened Species Conservation Act 1995*.

A proposed 'Compensatory Habitat Strategy', the purpose of which is to detail offset lands and other mitigation actions, is the primary means proposed to mitigate impacts to threatened species and their habitat. No details of the proposed 'Compensatory Habitat Strategy' were provided with the final EA despite DECCW requesting, during the Adequacy Review stage (correspondence dated 8 January 2010), that it be included in any documentation placed on exhibition.

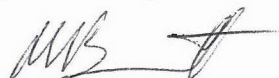
DECCW is unable to recommend conditions of approval without further detail of the proposed offset strategy.

Aboriginal Cultural Heritage

DECCW acknowledges the additional information provided by the applicant regarding the local Aboriginal consultation process and notes that six of the twenty registered stakeholders provided their support for the proposed mitigation and management strategies and the recommendations presented in Appendix G of the EA. However, this is not a majority of the stakeholders. DECCW therefore recommend that prior to any determination of consent; the Department of Planning satisfies itself that a majority of registered Aboriginal stakeholders support the Aboriginal Cultural Heritage assessment process.

If you have any questions, or wish to discuss this matter further, please contact Ms Emma Coombs on 4908 6831.

Yours sincerely



MITCHELL BENNETT
Head Major Industries Unit – Hunter Region
Environment Protection and Regulation