

19 December 2024
2210600

Catriona Shirley
A/Team Leader, Industry Assessments
Department of Planning, Housing and Infrastructure
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

Attention: Thomas Bertwistle, Department of Planning, Housing and Infrastructure

Dear Thomas,

Aurizon Port Facility Storage Changes and Increases (DA-339886) – Response to Additional Submissions

I refer to the Request for Additional Information issued by the Department of Planning, Housing and Infrastructure in relation to the Aurizon Port Facility Storage Changes and Increases (DA-339886).

The Request for Additional Information included a request for Aurizon to respond to further submissions Council and the EPA, as well as to address further concerns of the Department.

A response to the submissions and comments raised by Council, the EPA and the Department is provided in **Table 1**. This Response is also accompanied by the following attachments:

- Supplementary Noise Impact Assessment (NIA) prepared by SLR dated 15 November 2024 (**Attachment A**) – which includes additional assessment of maximum noise levels ($L_{A,max}$).
- An analysis of Reasonable and Feasible Noise Mitigation Measures prepared by Aurizon (**Attachment B**).

Table 1 – Response to Issues Raised in Additional Submissions

Issues Raised in Submission	Response
Environment Protection Authority (EPA) and the Department of Planning, Housing and Infrastructure	
EPA During the stacking of containers, maximum noise levels are predicted to be 61 dBA for receivers R3 and R6 (in Stockton and Carrington), and exceed the sleep disturbance noise level trigger for receivers by up to 6 dBA. After reviewing the additional information provided, the EPA is not satisfied that all feasible and reasonable mitigation measures have been investigated to address the potential night-time 6dBA exceedances of the SDNL's during container loading and stacking activities. The EPA requests the Applicant undertake further investigations into mitigation options to reach the best achievable noise level from container handling works occurring on the premises at night. These options may include further source and on-site works or operational controls, or offsite measures to reduce potential noise at impacted receptor locations.	The Supplementary NIA (at Attachment A) includes further analysis of night time maximum noise levels – including through undertaking more detailed noise monitoring to determine actual maximum noise levels (at source and receiver locations), as well as noise model validation. Note that this analysis was undertaken for adverse (noise enhancing) weather conditions only, as exceedances of the noise criteria are only predicted during adverse weather conditions. This analysis confirms that the model is well validated and that maximum noise from container stacking would be below the sleep disturbance noise level of $L_{A,max}$ 55 dBA (external). For wagon loading/unloading activities the maximum noise would be up to 5 dBA above the sleep disturbance noise level at Stockton and 4 dBA at Carrington. The modelling also identified that 90 th percentile noise levels from wagon loading/unloading would exceed the sleep disturbance noise level by 1-2 dBA.

Department of Planning, Housing and Infrastructure

The Department shares significant concerns with the EPA over the large exceedances in the sleep disturbance noise level trigger for residential receivers in Stockton. In addition to providing a response to the issues raised by the EPA, the Department requests that further information be provided to demonstrate all feasible and reasonable at-source and barrier noise mitigation measures have been considered to mitigate the residual exceedance. This information is to be provided in the format that is similar to Table 3.1 of the Noise Policy for Industry.

This analysis indicates that for almost 90 percent of wagon loading/unloading actions (being an average of 12 actions per night, 3 nights per month), the noise emissions would be at or below the sleep disturbance noise level, meaning that only about 2 actions would be expected to occur with noise in excess of the $L_{A,max}$ sleep disturbance noise level. This is well below the enHealth Council guideline that for short term transient noise events, the internal $L_{A,max}$ sound pressure level should ideally not exceed around 45 dBA (equivalent to 55 dBA external) more than 10 or 15 times per night.

The NSW Road Noise Policy goes on to conclude that

- Maximum internal noise levels below 50 dBA to 55 dBA are unlikely to cause awakening reactions; and
- One or two noise events per night, with maximum internal noise levels of 65 dBA to 70 dBA, are not likely to affect health and wellbeing significantly.

Based on the additional analysis presented in **Attachment A**, all internal noise levels are predicted to remain below 50 dBA (which is equivalent to 60 dBA external).

This indicates that the occasional and infrequent maximum noise level predicted as a result of the proposed development (up to 60 dBA external 1-2 times per night, 3 nights per month) would have minimal sleep disturbance impacts.

Within this context, Aurizon has prepared further consideration of reasonable and feasible mitigation measures (see **Attachment B**). Based on this further assessment, Aurizon has committed to conducting an audit and review of the container handling procedures within six months of operations commencing, to confirm best practice handling processes are being implemented. Due to the nature of the site and noise source characteristics, mitigation at the receiver location and the installation of barriers was deemed to be not reasonable and feasible and therefore were not adopted.

City of Newcastle Council

Designated Development

CN has no further advice to offer regarding this issue. Ultimately, this is a matter for consideration by the DPHI and the Minister for Planning and Public spaces as the consent authority.

Noted. We consider that sufficient information has been provided to justify the development being considered as non-designated development.

Traffic:

The submitted TIAA satisfactorily addresses the matters previously raised regarding the daily truck movements associated with the development. It is recommended an appropriate condition is imposed on any consent granted which restricts the daily truck movements to a maximum of 40 truck movements per day, comprising 20 inbound and 20 outbound movements.

Aurizon would accept this recommended condition.

Section 7.12 Development Contributions Plan

The submitted additional information does not include a cost summary report for the development as requested in CN's previous correspondence. The applicant suggests that the proposal will not generate an increased demand on CN's facilities and services, and therefore no development contribution is warranted.

However, the proposal is not identified as a type of development exempt from the imposition of a contribution under CN's Section 7.12 Development Contributions Plan. Further, under the plan the contribution levy is calculated as flat percentage of the development cost, and it is not

There is no capital cost associated with this Development Application, as all physical works for the extension of the shed have been approved by way of a Complying Development Certificate (which is excluded from the Development Contributions Plan).

necessary to establish a nexus between the development and demand for public facilities and services for the consent authority to impose the levy.

It is recommended that an appropriate condition is imposed on any consent issued to impose the relevant s.7.12 contribution in accordance with CN's Section 7.12 Development Contributions Plan.

We trust that this response is sufficient for the Department to finalise its assessment of DA-339886. Should you have any questions regarding the above, please contact the undersigned.

Yours sincerely,

A handwritten signature in blue ink that reads "T. Ward". The signature is written in a cursive, flowing style.

Tim Ward,

Director

0450 133 453, tward@ethosurban.com