

HEXHAM

STRAIGHT WIDENING ALLIANCE

Community Agreement Outcomes Report **Hexham Straight Widening**

Client: Transport for New South Wales (TfNSW)

Client Reference Number: 0057683

24 October 2023



Document Control

Document Type	Report
Opportunity Title	Community Agreement Outcomes Report
Version Number	1

Version Details:

Version	Date	Version Details	Compiled By	Interface Manager	Construction Manager	Alliance Manager
A	10/10/2023	Issued	L Neville/ G Fletcher	L Rennie	B Café	C Sinclair

Issued to:

Distribution List	Client Contact	Channel	Date Issued	Issued By
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1. Introduction

1.1 Purpose of Report

The following report summarises the methodology and outcomes in relation to community consultation and agreement undertaken during September and October 2023 for the Hexham Straight Widening (HSW) Project. This report has been developed in accordance with the conditions of the HSW Environment Protection Licence (EPL 21804) and has been prepared in order to demonstrate compliance and seek approval from the NSW Environment Protection Authority (EPA) to proceed with extended works in accordance with a community agreement.

1.2 Project Description

The Hexham Straight Widening (HSW) project proposes to widen a six-kilometre section of the Pacific Highway (Maitland Road) from four lanes to six lanes, starting a few hundred metres south of the intersection with the Newcastle Inner City Bypass at Sandgate, and extending through to about 800 metres north of Hexham Bridge, in Hexham, NSW.

The Project will create two additional lanes, one in each direction, and will include replacing the existing bridge over Ironbark Creek. The section of road is known as the 'Hexham Straight' and is located within the City of Newcastle local government area (LGA).

The project illustrated in Figure 1 and includes:

1. Widening six kilometres of Maitland Road from four to six lanes
2. Demolition and replacement of the existing bridge over Ironbark Creek
3. Relocating utilities
4. U-turn facilities on Sparke Street, Shamrock Street and Old Maitland Road
5. Modifying existing intersections along the route
6. Improved cyclist and pedestrian connectivity.

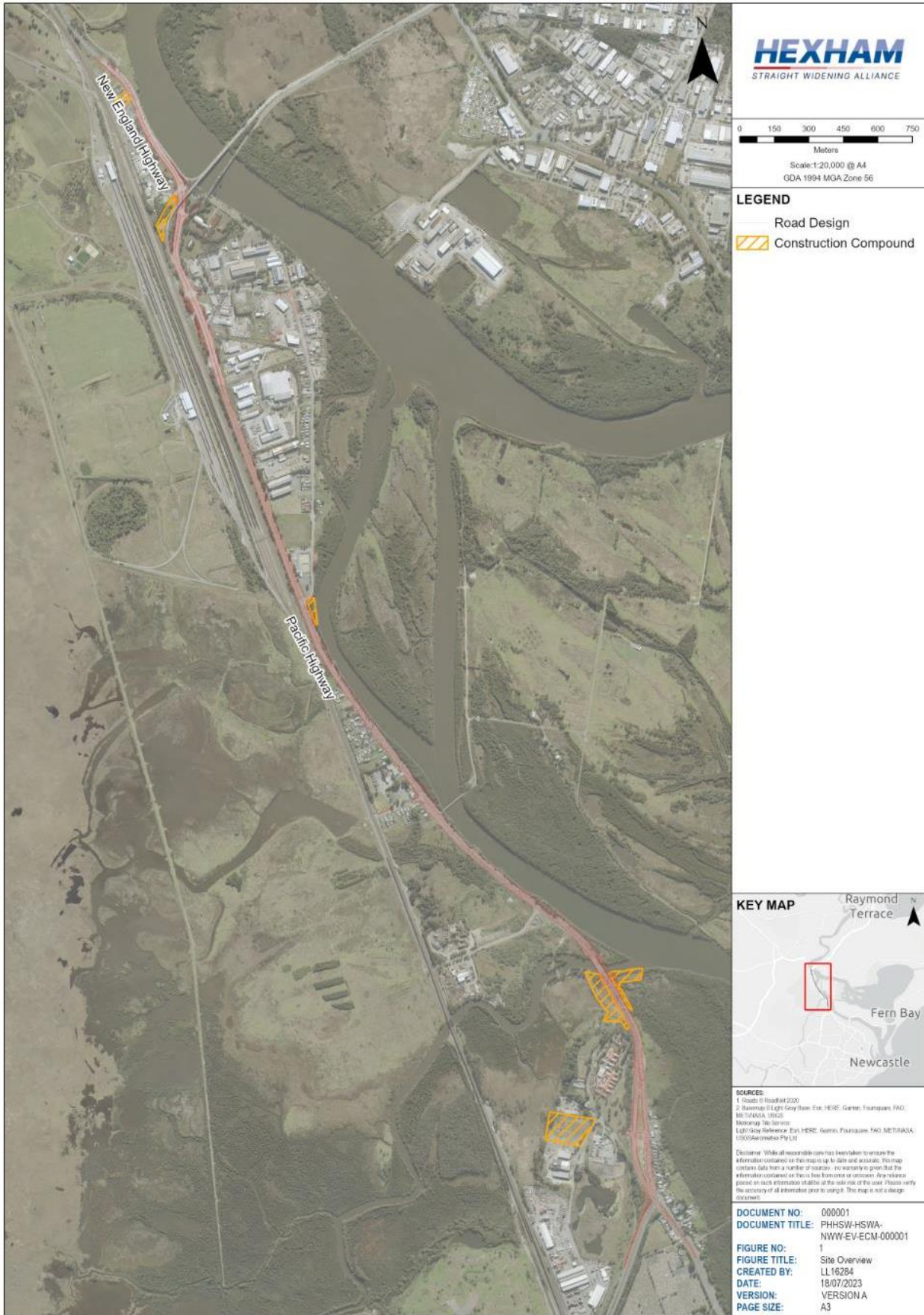


Figure 1- Hexham Straight Widening project area

1.3 Why the Need for Out of Hours Work?

The project lies within one of the busiest transport corridors in the region and forms a critical link as part of the National Land Transport Network (NLTN). It is a key element of the junction of the New England Highway, M1 Motorway and Pacific Hwy. Maitland Road is a critical link as part of the National Land Transport Network and is among the busiest transport corridors carrying some of the highest traffic volumes in the Hunter. Maitland Road currently experiences substantial congestion, particularly during peak periods where vehicles commonly travel lower than the posted speed limit. Maitland Road impacts the flow of traffic across the Lower Hunter with about 50,000 vehicles using this route every day.

Substantial delays are currently experienced at the A1 Pacific Highway and Maitland Road intersection at Hexham during morning and afternoon peak periods. The high traffic demands on the New England Highway, combined with the relatively high traffic demand southbound on Maitland Road, result in queuing and delays to all movements at A1 Pacific Highway and Maitland Road intersection. Local and through traffic is substantially increased during holiday periods, due to travel between the M1 Pacific Motorway and the A1 Pacific Highway via John Renshaw Drive, the New England Highway and Hexham Bridge. Due to this a significant amount of the works impacting on traffic will be conducted at night.

By performing certain critical activities outside of standard construction hours, the project would:

- Reduce the duration of construction needed
- improve safety to the general public and road workers by minimising the interactions between road users, pedestrians and workers
- minimise delays and journey times for motorists and businesses
- critical utility works, including power, water gas and telecommunications.

1.4 Road Occupancy Licences (ROLs)

Due to the nature of high volumes of traffic in this area, the project has received advice from Transport's Network Interface Coordinator that any request for lane closures during standard construction hours would not be approved due to the significant traffic impacts and safety concerns this would cause which would have significant impact to commuters, businesses, tourism and freight. For these reasons the project is unable to consider the use of lane closures in order to deliver the project within standard construction hours. This advice is included as Appendix A.

1.5 Proposed Out of Hours Periods

The current restrictions under Condition L4.9 of the EPL only allow OOH activities compliant with condition L4.8 to exceed the relative background Level (RBL) at the same noise sensitive receivers for no more than;

- 2 consecutive evenings and or nights at any time; and
- 3 evenings and/or nights per week; and
- 10 evenings and or nights per month.
- Only undertake activities between the hours of 6:00pm on Mondays, Tuesdays, Wednesdays, Thursdays, Fridays and 7:00am the following day (unless permitted by another condition of this licence).

The project has considered the application of these restrictions and applied measures to adjust construction staging and scheduling to comply with the above condition where practical with several works and activities since being rescheduled in this manner to suit.

However, several work scenarios and activities are unable to be delivered within these set periods without considerable risk to public safety, constructability issues and/or significant increases to project delivery times and subsequent extension of the duration of impacts to noise sensitive receivers, businesses and commuters. For this reason, certain activities would be unable to be completed adequately within those timeframes and if provided additional consecutive nights to complete would provide duration respite for noise sensitive receivers and a reduction in disruption to businesses. The activities within this category are identified in section 1.6 and been included in the community consultation and agreement.

Traffic modelling in the HSW Traffic and Transport Impact report (Jacobs 2021) identify that A43/Maitland Road at these locations experiences considerable peaks on Friday and Saturday evenings. Due to this the project will need to include night works on the Sunday night rather than the Friday to maintain operational performance. This is especially highlighted during school holiday periods.

It is also noted that driver behaviour is a particular concern on Friday nights, which is evidenced by the number of police chases, driver speeds and unruly behaviour such as throwing objects at work crews and abusive language. For these safety reasons the HSW project has worked limited Friday nightshifts. It is noted that by changing from Monday-Friday to Sunday to Thursday, the project would align with the TfNSW Regional Maintenance Delivery team only work a Sunday to Thursday week (excluding emergency response). For these safety and traffic congestion reasons we have proposed nightworks from Sunday to Thursday in the community consultation and agreement.

1.6 Proposed OOH Duration

The noise affected community have been consulted on an initial 3 months of period of works for 5 consecutive nights a week (Sunday – Thursday). This initial 3-month period was initially proposed to ascertain support levels for the works to continue 5 nights a week (Sunday - Thursday) in 2024. It is important to note that during this period, works location will vary and it is not expected that noise sensitive receivers would experience impacts for the full proposed agreement duration.

1.7 Proposed activities

The proposed construction activities to be undertaken outside of standard hours for 5 nights a week (Sunday – Thursday) affecting any one receiver are listed below:

- Earthworks
- Geotechnical investigations,
- Installation/moving of traffic safety barriers
- clearing and grubbing,
- Road realignment and construction,
- Utility work, and
- Road resurfacing, including asphaltting.

These activities are proposed across the full extent of the project and are not restricted to a single area. In certain sections of the project, these activities can be completed behind safety barriers so as to have the appropriate distance from live traffic in order to be completed during standard construction hours. The above activities only relate to areas where these activities take place directly within or adjacent to areas of live traffic.

2. Environmental Requirements

2.1 Environment Protection Licence 21804

2.1.1 Compliance with EPL Conditions

There are a set of conditions under E1 of EPL 21804 that provide the option for the project to conduct community consultation and agreement for work outside of standard hours that are not permitted under other conditions of the licence.

The following tables (Table 1 – Table 5) have been prepared to demonstrate compliance with the relevant conditions within the EPL regarding community consultation and agreement and the preparation of this report.

Table 1: Compliance checklist against Condition E1.1

Conditions E1.1	Where it is addressed;
Work outside standard construction hours - community consultation and agreement. The licensee may work outside standard construction hours (as defined in L4.1) in circumstances other than those permitted under conditions L4.3, L4.4, or any other condition of this license if the Licensee:	
a) undertakes community consultation and agreement as described in E1.2;	Table 2
b) submits to the EPA a written request to work outside the standard construction hours attaching information set out in E1.3; and	Table 3
c) obtains approval by the EPA to work outside standard construction hours. The EPA may, in exercising its discretion to approve the works outside standard construction hours, review whether the licensee has obtained community agreement. Specifically, whether a substantial majority of the individual Noise Sensitive Receivers who together comprise the Community Affected Catchments and were contacted has consented to the planned works out of standard hours.	Section 1.1

Table 2: Compliance checklist against Condition E1.2

Conditions E1.2	Where it is addressed;
<p>Requirements for community consultation and agreement with respect to the proposed out of hours works (OOHW) must:</p>	<p>Any community consultation and agreement undertaken</p>
<p>a) be prepared and implemented in accordance with the Interim Construction Noise Guidelines (DEC 2009), the Noise Policy for Industry (EPA, 2017) and AS2436-2010: Guide to noise and vibration control on construction, demolition and maintenance sites;</p>	<p>The following project documents which support this report have been prepared and implemented in accordance with the applicable guidelines and standards including but not limited to;</p> <ul style="list-style-type: none"> - Hexham Straight Widening Noise and Vibration Impact Assessment (SLR 2021) - Hexham Straight Widening Review of Environmental Factors (Jacobs 2021) - Hexham Straight Widening Construction Environmental Management Plan (CEMP) - Hexham Straight Widening Noise and Vibration Management Plan
<p>b) include consultation of all noise sensitive receivers within the Community Affected Catchments. This includes Noise Sensitive Receivers that have declined to participate in previous agreements unless a community member has explicitly requested not to be involved in any future consultation about future OOHW;</p>	<p>Refer to Section 4.2</p>
<p>c) ensure that the noise sensitive receivers understand the nature of the works and any predicted impacts, including that consideration is made of additional requirements relevant to the needs of culturally and linguistically diverse Noise Sensitive Receivers, and include details for interpreting services for languages other than English where required</p>	<p>Refer to Section 4.1, Appendix C and Appendix D</p> <p>In addition to face –to – face and phone consultation undertaken to cater to anyone requiring further assistance, contact details to access the Translating and Interpreting Services were made available on community notifications. These details are provided on all monthly construction updates which are available on the project website and provided via letter box drop to all affected residents.</p>
<p>d) include in the community consultations with Noise Sensitive Receivers the following information:</p> <ol style="list-style-type: none"> i. the actual works proposed; ii. any expected impacts in clear, plain English based on noise modelling; iii. the expected duration of the works; iv. any expected benefits for receivers; v. any other known concurrent OOHW that will be occurring; and vi. any other OOHW that will be occurring on the nights preceding and following the proposed works or, if the proposed work precedes or follows a weekend period, any other OOHW that will be occurring on the weekend. 	<p>Refer Appendix C and Appendix D</p>

e) request consent from the Noise Sensitive Receiver for their responses to be provided to the EPA;	Appendix C
f) ensure that a record is kept when a licensee is unable to contact a noise sensitive receiver after three attempts, including leaving "sorry I missed you" cards explaining the reason for the visit and requesting a return phone call; and	Section 4.1 and Appendix C
g) demonstrate, where the OOHW is predicted to go on longer than 28 calendar days, that the licensee has consulted the community in relation to re-engagement periods for the purpose of determining agreement from the community is maintained and continuing.	Section 5.3 and Appendix C

Table 3 – Compliance checklist against Condition E1.3

Conditions E1.3	Where it is addressed;
The licensee must report to the EPA the community consultation and agreement process that was undertaken with the Community Affected Catchments. This report to the EPA must be:	
a) prepared in writing;	This report has been completed to satisfy this requirement for submission to EPA
b) detail the steps taken to fulfil the requirements of condition E1.2;	Section 4.1
c) demonstrate that the Noise Sensitive Receivers understood the nature of the works and any predicted impacts, including that consideration was made of additional requirements relevant to the needs of culturally and linguistically diverse Noise Sensitive Receivers;	Refer to Section 4.1 In addition to face –to – face and phone consultation undertaken to cater to anyone require further assistance, contact details to access the Translating and Interpreting Service were made available. These details are provided on all monthly construction updates which are available on the project website and provided via letter box drop to all affected residents.
d) provide the script used during the community consultation with Noise Sensitive Receivers;	Appendix D
e) report community response and consent rates (including where no contact could be made) against the total community affected catchments, and must be broken down into response and consent rates based on sub-catchments that are delineated by affectation levels;	Section 4.1 and Appendix E “Community Agreement Outcome maps’
f) include a noise validation monitoring plan as required by E1.4; and	Section 5.1
g) be submitted to the EPA at least 15 business days prior to any works that are the subject of the agreement being undertaken unless prior arrangements have been made with the EPA.	Noted
A copy of the report must be: a) kept by the licensee for the duration of this licence including on the premises, and made available to an EPA authorised officer on request; and b) be made available on the licensee's project website or another website approved in writing by the EPA for the duration of the OOHWs permitted under condition E1.1.	Noted

(Personal details of Noise Sensitive Receivers must be omitted).	
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Table 4 – Compliance checklist against Condition E1.4 – E1.6

Conditions E1.4 - E1.6	Where it is addressed;
Noise Validation Monitoring	
E1.4 - A noise validation monitoring plan must be submitted to the EPA for approval as part of the community agreement documentation prior to any OOHW occurring.	Section 5.1
E1.5 - Validation monitoring must be undertaken for any OOHW that are the approved under condition E1.1 and must: a) be undertaken in accordance with the monitoring plan prepared under condition E1.4; b) be performed by a Competent Person; c) be performed on at least the first 2 occasions (day, evening, nights) where OOHW will be undertaken and are likely to impact Noise Sensitive Receivers; d) be performed on any other occasion (day, evening, night) where the nature of the works is likely to cause greater noise impacts than the first 2 occasions; e) be representative of the impacts in terms of monitoring locations, time and duration of measurements; and f) be recorded and provided to an EPA officer upon request.	Section 5.1
If validation monitoring undertaken under Condition E1.5 shows that noise levels are higher than those predicted by any noise modelling undertaken as part of the community agreement, work practices must be modified immediately so that measured noise levels do not exceed predicted levels. Where it has been determined that works cannot be modified to achieve the predicted noise levels: A) the licensee must report immediately to the EPA; and b) after considering the circumstances EPA may withdraw its permission under E1.1.	Section 5.1

Table 5 – Compliance checklist against Condition E1.7

Condition E1.7	Where it is addressed;
Ongoing community engagement and agreement	
a) For any approval of OOHW under E1.1 predicted to take longer than 28 calendar days to remain valid, the licensee must be able to demonstrate agreement from the community is maintained and continuing.	Sections 4.1 and 5.3 Re-engagement will commence in early 2024 unless otherwise requested by resident. Monthly notifications will be distributed to the community to keep them informed about upcoming work.

<p>b) To demonstrate agreement from the community is maintained and continuing the licensee must:</p> <ul style="list-style-type: none">i. engage the community to determine if a substantial majority of Noise Sensitive Receivers continue to consent to the OOHW pursuant to the re-engagement period determined under condition E1.2(d);ii. provide the EPA with a report within 7 calendar days of the end of each re-engagement period summarising the community response including ongoing consent rates of the Noise Sensitive Receiver; and	<p>The project has consulted on a proposed agreement period of 3 months.</p> <p>Community were consulted on whether they wish to be re-engaged in early 2024 following this period (Appendix C).</p> <p>The project would seek to re-engage the community in early 2024 and continue to consult on suitable engagement periods.</p>
<p>c) Where the licensee is unable to demonstrate a substantial majority of agreement from Community Affected Catchment is maintained and continuing:</p> <ul style="list-style-type: none">i. the licensee must report immediately to the EPA; andii. after considering the circumstances EPA may withdraw its permission under E1.1.	<p>Section 5.3</p>

3. Noise and Vibration Impact Assessment

The Noise and Vibration impacts associated with the project were assessed within Appendix M Noise and Vibration Assessment (SLR 2021) of the Hexham Straight Widening REF.

Figures 2 and 3 outline the noise catchment areas of the project that were used to provide areas of consultation for potentially noise affected receivers. Several buildings and structures that were highlighted by this mapping were identified to be un-unhabitated structures or non-residential (i.e., sheds etc.) and were excluded from the consultation. Any noise affected receivers assessed 5dB(A) or below across the project were also excluded from the agreement targeted consultation.

3.1 Noise modelling

The project has used the data and RBLs contained within this assessment to develop a site-specific Noise model and assessment software (known to the project as Gatewave) by a suitably qualified Noise and Acoustic consultant (Renzo Tonin).

Prior to the commencement of any works outside of standard working hours, activities are assessed within the Gateway software to establish the anticipated impacts by activities. Noise modelling from these reports is used to determine the appropriate community notification methods and inform the development of reasonable and feasible noise mitigation measures.

Noise and Vibration Assessments using the Gatewave model were undertaken to determine the relative impacts of proposed works between October – December 2023 and inform the consultation process. Table 6 provides a summary of the results of the noise assessment for each residential receiver with predicted impacts above Noise Management Level and has been included in Appendix B of this report.

Receiver			Noise management levels (NMLs), dB(A)				Sleep disturbance goals, dB(A)		Predicted noise levels, dB(A) Leq,15min				Predicted noise levels, dB(A) Lmax
NCA	Address	Land use	NML Day	NML Day (OOH)	NML Evening	NML Night	Lmax (screening)	Lmax (limit)	Day	Day (OOH)	Evening	Night	Night
NCA04		Residential	74	69	61	49	59	65	-	-	72	72	76
NCA04		Residential	74	69	61	49	59	65	-	-	72	72	76
NCA04		Residential	74	69	61	49	59	65	-	-	71	71	75
NCA06		Residential	53	48	49	47	57	65	-	-	54	54	50

Receiver			Noise management levels (NMLs), dB(A)				Sleep disturbance goals, dB(A)		Predicted noise levels, dB(A) Leq,15min				Predicted noise levels, dB(A) Lmax
NCA	Address	Land use	NML Day	NML Day (OOH)	NML Evening	NML Night	Lmax (screening)	Lmax (limit)	Day	Day (OOH)	Evening	Night	Night
NCA06		Residential	53	48	49	47	57	65	-	-	53	53	49
NCA06		Residential	53	48	49	47	57	65	-	-	53	53	49
NCA01		Residential	66	61	52	44	55	65	56	-	87	87	86
NCA01		Residential	66	61	52	44	55	65	55	-	84	84	83
NCA01		Residential	66	61	52	44	55	65	57	-	81	81	80
NCA05		Residential	57	52	51	46	56	65	-	-	52	52	56
NCA05		Residential	57	52	51	46	56	65	-	-	50	50	54
NCA05		Residential	57	52	51	46	56	65	-	-	48	48	52
NCA02		Residential	70	65	57	46	56	65	49	-	80	81	85

Receiver			Noise management levels (NMLs), dB(A)				Sleep disturbance goals, dB(A)		Predicted noise levels, dB(A) Leq,15min				Predicted noise levels, dB(A) Lmax
NCA	Address	Land use	NML Day	NML Day (OOH)	NML Evening	NML Night	Lmax (screening)	Lmax (limit)	Day	Day (OOH)	Evening	Night	Night
NCA02		Residential	70	65	57	46	56	65	49	-	76	76	80
NCA02		Residential	70	65	57	46	56	65	60	-	75	76	80
NCA03		Residential	52	47	45	41	55	65	52	-	58	59	63
NCA03		Residential	52	47	45	41	55	65	52	-	58	59	63
NCA03		Residential	52	47	45	41	55	65	52	-	57	58	64
Place of Worship		Place of Worship	55	55	55	55	None	None	64	-	64	64	63
Recording Studio		Recording Studio	45	45	45	45	None	None	58	-	74	75	79
Recording Studio		Recording Studio	45	45	45	45	None	None	51	-	65	66	70
Industrial		Industrial	75	75	75	75	None	None	-	-	80	80	80
Industrial		Industrial	75	75	75	75	None	None	53	-	78	79	83

Receiver			Noise management levels (NMLs), dB(A)				Sleep disturbance goals, dB(A)		Predicted noise levels, dB(A) Leq,15min				Predicted noise levels, dB(A) Lmax
NCA	Address	Land use	NML Day	NML Day (OOH)	NML Evening	NML Night	Lmax (screening)	Lmax (limit)	Day	Day (OOH)	Evening	Night	Night
Industrial		Industrial	75	75	75	75	None	None	-	-	78	78	78
Commercial		Commercial	70	70	70	70	None	None	62	-	82	82	81
Commercial		Commercial	70	70	70	70	None	None	56	-	82	82	82
Commercial		Commercial	70	70	70	70	None	None	-	-	78	78	78
Recreational - Passive		Recreational - Passive	60	60	60	60	None	None	50	-	69	70	74
Recreational - Passive		Recreational - Passive	60	60	60	60	None	None	64	-	67	67	66
Recreational - Passive		Recreational - Passive	60	60	60	60	None	None	60	-	60	60	59

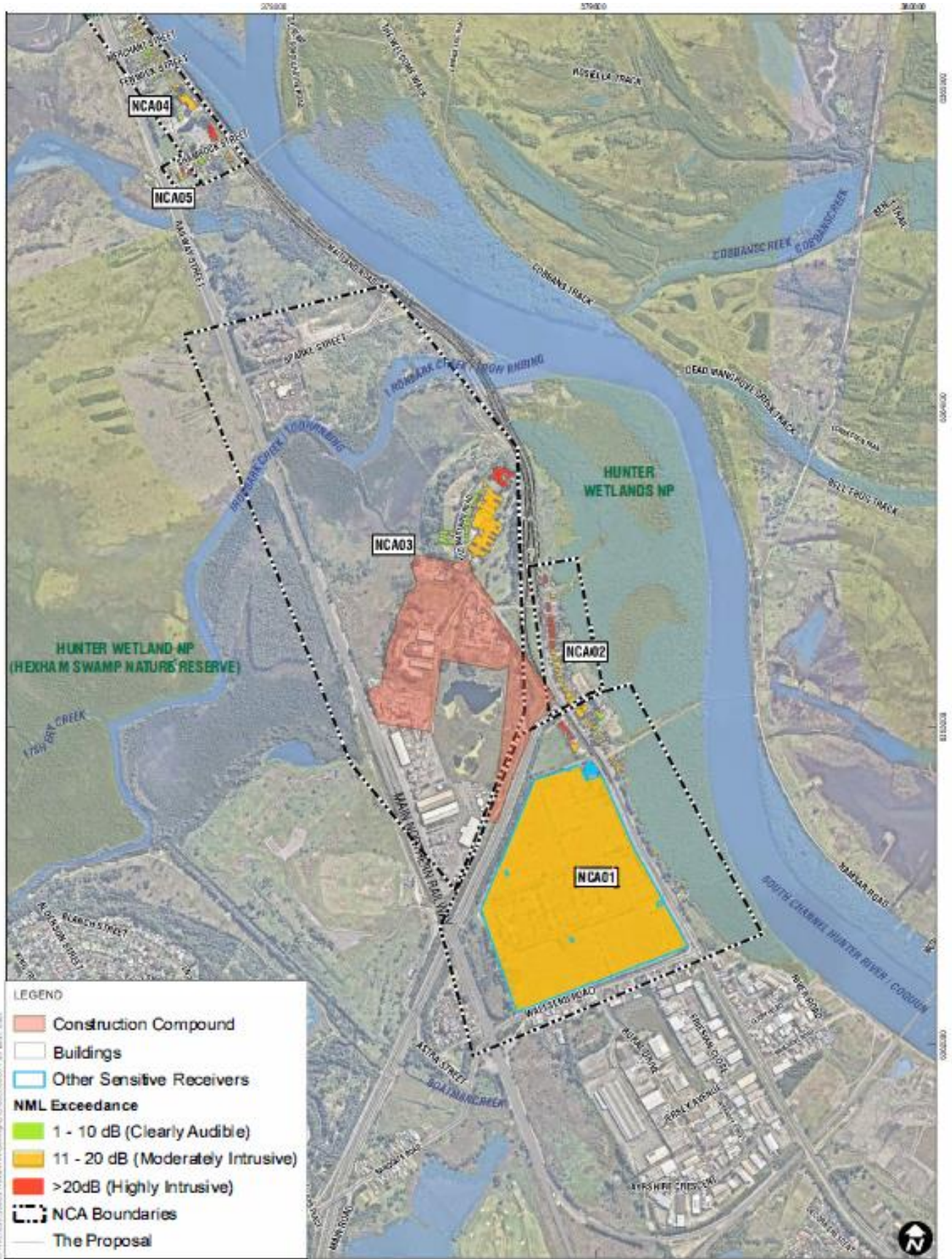


Figure 2- Potential noise affected areas by noise catchment.

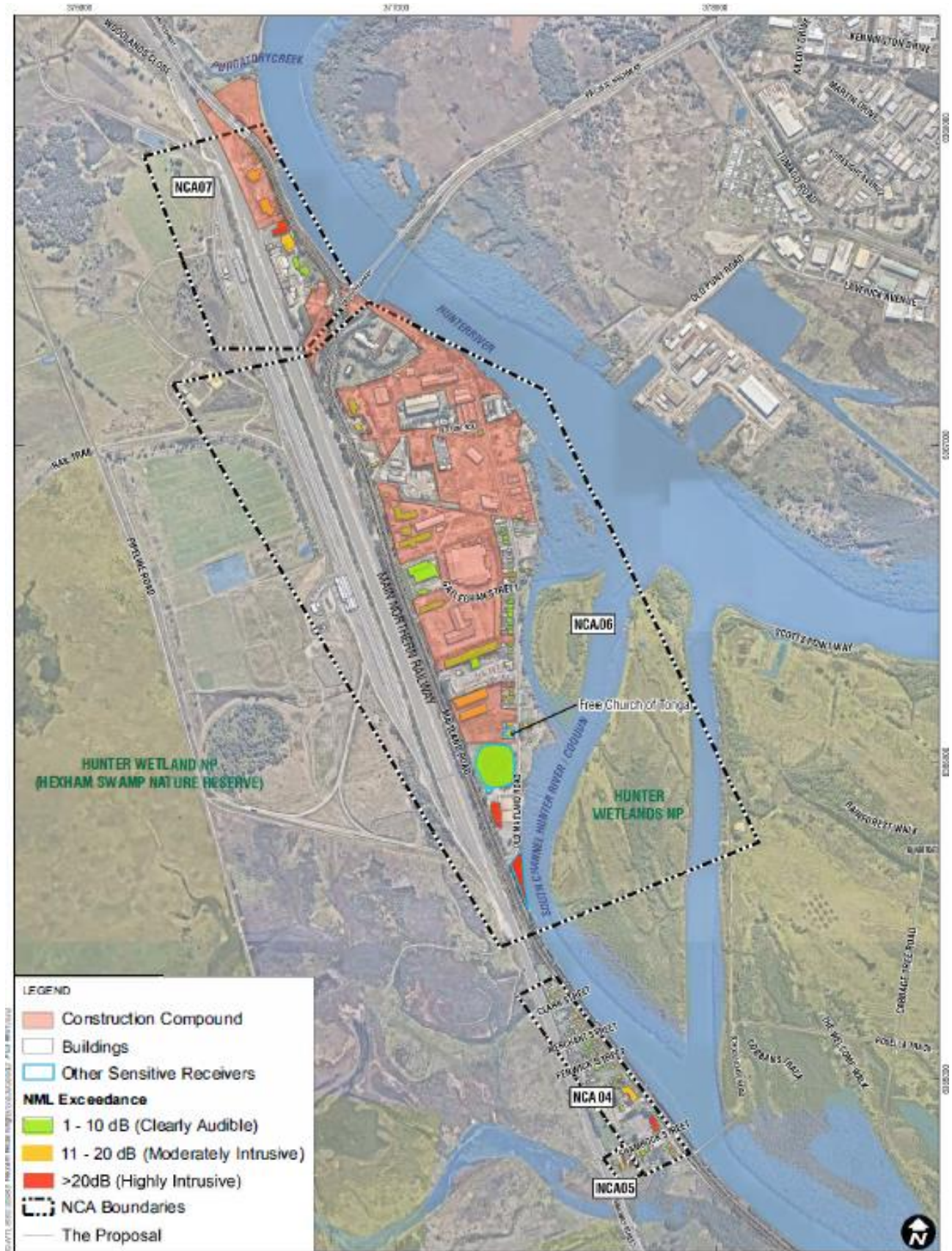


Figure 3- Potential noise affected areas by noise catchment.

4. Community Consultation

4.1 Consultation Process

The Alliance's Community Relations team have approached sensitive receivers at various times through the week and using various means to ensure that residents had the opportunity to be informed and provide feedback on the proposed works. This has included via letterbox drop, door knocking and requesting return phone calls and via direct phone calls using the projects existing extensive database of resident contacts.

The Community Team door knocked residents on the following dates and times:

Round 1 Consultation

- Wednesday 13 September, 1:00pm to 4:30pm
- Friday 15 September, 2:30pm and 4:00pm
- Wednesday 20 September, 10:00am to 12:00pm
- Thursday 21 September, 8:30am to 9:30am
- Wednesday 27 September, 2:00pm to 3:00pm

Round 2 Consultation

- Wednesday 20 September, 4:00pm to 5:00pm
- Saturday 23 September, 10:00 to 12:30pm
- Monday 25 September, 10:00am to 12:30pm
- Monday 25 September, 2:00pm to 3:00pm
- Wednesday 4 October, 4:00pm to 5:00pm
- Thursday 5 October, 5:30pm to 6:00pm

Round 3 Consultation

- Saturday 23 September, 10:00 to 12:30pm
- Wednesday 4 October, 4:00pm to 5:00pm
- Thursday 5 October, 5:30pm to 6:00pm
- Wednesday 11 October, 9:30am to 10:30am

In addition to the above door knocking, the Community Team also contacted residents by phone. During the development of the project, and during previous interactions with the community the Team is working to establish a database of phone and email contacts.

If the Alliance was unable to contact residents after three attempts, including leaving 'sorry I missed you' cards explaining the reason for the visit and requesting a return phone call, or phoning residents and leaving a message then the Alliance note that the resident could not be contacted, and the resident will not be considered to have either agreed or disagreed.

4.2 Community Agreement Feedback

The community were consulted on the details provided in the letter (Appendix A). In summary, the works subject to the agreement include an initial 3 months of works for 5 nights a week (Sunday – Thursday). This initial 3-month period is between October 2023 – December 2023 with another round of consultation planned in January 2024 to review support levels for the works to continue in 2024.

Table 6 provides a summary of the community feedback received during consultation for the extension to out of hours work.

A total of 94 residences were identified as being impacted by the proposed extension to the out of hours work. 82 residences provided feedback with a response rate of 87.23%. 63 residences were supportive to the extension to the

out of hours work program which represents 76.83% of the total, while only 19 were not supportive equating to 23.17%.

Table 6 - Results of the community engagement

Category	Number	Percentage (%)
Supportive	63	76.83
Not supportive	19	23.17
Number of residents who provided feedback	82	87.23
No Response received	12	
Total number of potentially affected residents	94	
Total number of residents that were supportive nominated not to be contacted further	22	

The results of the consultation for the OOH agreement, reflects a high number of community supportive of five nights a week work to complete the overall project in a shorter timeframe and appropriately manage road safety risks for the residents and community as well as road workers.

5. Management and Mitigation Measures

All works outside of the standard construction hours will be managed in accordance with the Hexham Straight Widening Noise and Vibration Management plan (HSW NVMP 2023).

As part of this plan following mitigation measures will be implemented

- Community notification of the works including doorknocking of highly affected
- Potentially affected residents will be notified of the works in accordance with the requirements of the EPL and community consultation program.
- Noise-emitting plant to be directed away from sensitive receivers, where possible.
- Shielding by acoustic noise blankets will be considered on a case-by-case basis and utilised wherever reasonable and feasible to do so.
- Providing pre-start tool-boxing to field crews about reducing noise at night. Also, to inform workers of this community agreement and to ensure mitigation measures are well understood.
- Positioning stationary plant such as lighting towers behind noise screens or other structures.
- Conducting high noise impact works before 12:00am (midnight) whenever possible
- Switching off all plant and equipment not be used for 15 minutes or more.
- Non-tonal reverse alarms on plant.
- Making staff available to respond to any questions, concerns or complaints during night work by contacting 1800 515 141.

Other measures may be considered and applied on a case-by-case basis where reasonable and feasible. These may also consider other factors that impact residents such as air quality, effects to property access or privacy.

5.1 Noise Validation Monitoring

In compliance with E1.4 and E1.5, where a community agreement for out of hours works is in place, validation monitoring by a competent person will take place. The following validation noise monitoring will occur in accordance with the 'Approved methods for the measurement and analysis of environmental noise in NSW' (EPA 2022) and forms part of the Hexham Straight Widening Noise and Vibration Management Plan.

The following attended noise monitoring will occur to confirm accuracy of the predicted noise levels;

- at least the first 2 occasions where OOHW is undertaken:
- on any other occasion where the nature of works is anticipated to result in greater noise impacts than the initial 2 nights
- monitored in up to 3 locations representative of the highest affected receivers.
- in response to a community complaint or at the specific request of a noise sensitive receiver
- during times where level of works is representative of noise impacts for the duration or at the time expected to be of highest impact

All monitoring will be:

- From a publicly accessible area (example footpath) closest to the expected highest impacted noise sensitive receiver based on the Gateway noise model (Table 6). No trespassing is permitted.
- at ground level and at least 3.5 metres from reflective surfaces
- Over a duration of 15 minutes – minimum measurement time
- to exclude extraneous noise from the measurement where possible and provide supporting information and justification for any corrections applied to the measured noise level.

- in accordance with - Australian Standard AS 2659.1 – 1998: Guide to the use of sound measuring equipment – Portable sound level meters.
- Conducted by the Environmental Site Representative (ESR) or delegated competent and trained person
- representative of the impacts in terms of construction activity being performed
- submitted in report form to EPA upon request.

Where validation monitoring shows that noise levels are higher than those predicted by the noise modelling, works are to be modified immediately to prevent noise levels do not exceed predicted levels. If appropriate modification cannot achieve consistency with the noise levels, then works must cease immediately and be reported to the ESR, Transport and EPA.

5.2 Complaints Management

The Community Team will respond to complaints during Out of Hours Work.

When a complaint or enquiry cannot be responded to immediately, a follow-up verbal response on what action is proposed must be provided to the complainant / enquirer within 24 hours of a complaint or enquiry being received.

During the works, the Alliance will implement its complaints management system. In summary this involves the following activities.

- Provision of contact details to the community providing details of community complaints number.
- Operating a complaints number during business hours and when out of hours works are occurring.
- Acknowledgement of all complaints within 2 hours. Where complaints relate to noise and/or vibration, the complaint will be investigated within 2 hours.
- Offer to undertake attended noise and vibration monitoring at their premises, if the identified works or activities being undertaken are the likely source of the complaint, and if representative noise monitoring data is not available.
- Advise complainants of the results of the investigation and any remedial action within a reasonable period of time.
- If a response to any complaint cannot be provided within 24 hours, then the Alliance will contact the complainant and provide an update with the next steps.
- Submit a report by 4:00 pm each business day a report to the EPA that provides details of complaints relating to activities covered under the EPL.

A complaints register is being maintained by the Community Team which contains:

- Date and time of complaint.
- Method by which the complaint was made (telephone, letter, meeting, etc).
- Name, address, contact telephone number of complainant (if no such details were provided, a note to that effect).
- Nature of complaint.
- Action taken in response including follow up contact with the complainant.
- Any monitoring to confirm that the complaint has been satisfactorily resolved.
- If no action was taken, the reasons why no action was taken.

5.3 Ongoing Consultation

The Community Team will notify noise sensitive receivers of work outside of standard construction hours, as required in accordance with conditions of the EPL. Detailed records are maintained of all community consultations including attempts to contact Noise Sensitive Receivers and maintained for the duration of the licence. Records of any conversations with Noise Sensitive Receivers are available upon request at any time.

The wider community will be advised of the work through the Transport for NSW communication protocols, which include notification either by letterbox drop or email, and via uploading the notification to the Transport for NSW project webpage. Following approval from EPA, a copy of this Consultation Agreement report would be published on the Georgiou (licensee) website.

Road users will be advised of the work through traffic management communications, which will include mobile VMS displays, information on 'livetraffic.com', a traffic alert and the project website.

To demonstrate ongoing agreement from the community the HSW Community Team will continue to engage the community.

The Alliance will provide the EPA with a report within 7 calendar days of the end of each re-engagement period summarising the community response. The first re-engagement period would be undertaken in January 2024. There were twenty-two residents who agreed to the proposal and did not want to be consulted about ongoing out of hours work.

6. Conclusion

The HSW project is unable to comply with the EPL Out of Hour Works requirements under L4.8 and L4.9 due to the safety risks to residents, road users and roadworks, along with the road network impacts and access restrictions imposed by road network operator.

The project has therefore conducted extensive community consultation of noise sensitive receivers in accordance with the EPL condition E1.3 seeking community agreement to alternative work arrangements to allow the following;

- Allow for specific works outside of standard construction works to be undertaken Sunday to Thursday (5 nights a week).
- Commence with an initial period of 3 months duration for these works (October 2023 – December 2023) with re-consultation to occur following this period to extend the duration in 2024.

The project has completed all requirements in relation to the consultation requirements of the relevant EPL conditions and has obtained a substantial majority agreement of 76.83% as outlined within section 3.2 of this report. In undertaking works under this community agreement the project will comply with the relevant conditions of the EPL and implement the noise mitigation strategies in the HSW NVM



HEXHAM

STRAIGHT WIDENING ALLIANCE

Ref. Number: PHHSW-HSWA-NWW-UT-LET-000002

27 October 2023

Andrew Harwood
NSW Environment Protection Authority (NSW EPA)
117 Bull Street
NEWCASTLE WEST NSW 2303

RE: Hexham Straight Widening, EPL 21804, Response to feedback from EPA on the Community Consultation and Agreement Process

Dear Andrew,

The following has been prepared by Hexham Straight Widening Alliance (HSWA) in response to comments received by the EPA on 25th October 2023 regarding the Hexham Community Consultation and Agreement Process Report submitted 24th October.

EPA Comment:

Condition E1.3 *The licensee must report to the EPA the community consultation and agreement process that was undertaken with the Community Affected Catchments.*

*e) report community response and consent rates (including where no contact could be made) against the total community affected catchments and must be broken down into response and **consent rates based on sub-catchments that are delineated by affectation levels.***

In the report you have provided a consent rate of 76.83% (the total number of residents in support of the OOHW, 5-night p/w as a percentage). To comply with the above condition, could you please break down the response and consent rates (as a percentage) further to sub-catchments delineated by affectation levels for each of the defined zones. This data would best be displayed in a table headed by percentage breakdowns delineated by residence affectation levels (as a percentage) i.e., Highly intrusive total, moderately intrusive total and clearly Audible total. The EPA notes that a number of the delineated zones may only be defined by one affectation level.

Project response:

Tables and graphs to provide break downs of the response and consent rates based on sub-catchments have been included in this letter in **Attachment A**. An updated figure which displays the extent of the noise catchments across the project overlaid with the relative work zones has been included for context on the position of these catchments relative to works. The following table provides an overall response received per catchment.

Noise Catchment	Noise Affected Residents	Total responded/ engaged	Supportive (Yes)	% Supportive	Not Supportive (No)	% Not Supportive	No Contact/ Vacant
1	11	10	8	80.00	2	20.00	1
2	20	18	15	83.33	3	16.67	2
3	19	17	16	94.12	1	5.88	2
4	32	27	17	62.96	10	37.04	5
5	5	4	1	25.00	3	75.00	1
6	7	3	3	100.00	0	0.00	4
7	3	3	3	100.00	0	0.00	0
Total	94	82	63		19		15

EPA comment:

The EPA also seeks further information to determine the licensee's compliance with **condition E1.2 g) demonstrate, where the OOHW is predicted to go on longer than 28 calendar days, that the licensee has consulted the community in relation to re-engagement periods for the purpose of determining agreement from the community is maintained and continuing.**

The EPA notes that the project is projected to be completed 2025 (best case). Your initial consultation agreement has been established for the “months between October to December”. For agreements for OOHW to go longer than 28 calendar days you will need to demonstrate to the EPA that you have adequately consulted the community regarding engagement periods.

The EPA has reviewed *Appendix C: Consultation Letter provided to Residents September 2023*. The letter details the agreement to be for the period of “months between October 2023 to December 2023” the letter does not detail the overall length of the intended extended OOHW for the purpose of agreement nor establishes the frequency of reengagement.

For the EPA to make a determination on the agreement you must demonstrate to the EPA how you intend to comply with condition E1.2 g). For situations when community agreement would be requested for 12 months or longer providing the community the option to elect how often they would like to be consulted for the purposes of agreement is a suitable option. This would afford the community an equitable outcome and one that mitigates against consultation fatigue.

Project response:

As demonstrated in Appendix C: Consultation Letter provided to Residents September 2023 (paragraph 4) the project requested community feedback “on our proposed plan to work up to five nights a week over the next three months between October 2023 to December 2023.”

The works subject to the agreement include 3 months of works for 5 nights a week (Sunday – Thursday). This 3-month period is between October 2023 – December 2023, which is a trial period of extended night works, with the intention of seeking longer agreements. The community agreement discussed in the Community Agreement Outcomes Report 2023, pertains only to October 2023 – December 2023, as this was the period discussed with the community. *Evidence of this is demonstrated in Appendix C: Consultation Letter provided to Residents September 2023 (Page 1, paragraph 4) the project requested community feedback “on our proposed plan to work up to five nights a week over the next three months between October 2023 to December 2023.”* This was also noted on within the letter on page 3, question 1 where residents were provided 4 potential options to respond with which included an option for re-engagement in January 2024 as well as an option to opt of the re-engagement process.

The Alliance will undertake re-engagement consultation in January 2024 to assess community support for a proposed 12-month extension to the agreement regarding extended nightworks Sunday to Thursday of up to 5 nights per week. The HSW community team will conduct the consultation process again, in accordance with EPL special condition 9, to determine support of an agreement for the duration of 2024. The consultation with residents will include further information regarding length of the intended extended OOHW and additional information on the process and frequency of reengagement during project.

Twenty-two residents have agreed to the proposal and did not require to be consulted about ongoing out of hours work. The Alliance community email and phone number remains available if they choose to contact the project team. This is available to all residents if they wish to withdraw or add their support of any community agreement in place at any point in time. This information will be included in the report at the end of each re-engagement period.

The Alliance will provide the EPA with a report within 7 calendar days of the end of the re-engagement period summarising the community response. The method and frequency of re-engagement consultation will be discussed in January 2024 during consultation of a community agreement for the duration of 2024.

Attachment 1: Table of consent rates per catchment and delineated by affectation levels.

**Please note that percentage values have been rounded to within 2 decimal places*

Noise Catchment 1	Above NML	Total Noise Affected Residents	Total responded/ engaged	Supportive (Yes)	% Supportive	Not Supportive (No)	% Not Supportive	No Contact/ Vacant Property
Highly Intrusive (25 or above)	26 dBA +	11	10	8	80.00	2	20.00	1
Moderately Intrusive	16 to 25 dBA	0						
Clearly Audible	6 to 15 dBA	0						
Noticeable	1 to 5 dBA	0						
Total		11	10	8	80%	2	20%	1

Noise Catchment 2	Above NML	Total Noise Affected Residents	Total responded/ engaged	Supportive (Yes)	% Supportive	Not Supportive (No)	% Not Supportive	No Contact/ Vacant Property
Highly Intrusive (25 or above)	26 dBA +	18	16	14	77.78%	2	11.11%	2
Moderately Intrusive	16 to 25 dBA	2	2	1	5.56%	1	5.56%	0
Clearly Audible	6 to 15 dBA	0						
Noticeable	1 to 5 dBA	0						
Total		20	18	-	83.33%	-	16.67%	2

Noise Catchment 3	Above NML	Total Noise Affected Residents	Total responded/ engaged	Supportive (Yes)	% Supportive	Not Supportive (No)	% Not Supportive	No Contact/ Vacant Property
Highly Intrusive (25 or above)	26 dBA +	0						
Moderately Intrusive	16 to 25 dBA	1	1	1	6.25%	0	-	0
Clearly Audible	6 to 15 dBA	9	8	7	43.75%	1	6.25%	1
Noticeable	1 to 5 dBA	8	7	7	43.75%	0	-	1
Total		18	16	9	93.75%	1	6.25%	2

Noise Catchment 4	Above NML	Total Noise Affected Residents	Total responded/ engaged	Supportive (Yes)	% Supportive	Not Supportive (No)	% Not Supportive	No Contact/ Vacant Property
Highly Intrusive (25 or above)	26 dBA +	0						
Moderately Intrusive	16 to 25 dBA	12	12	7	25.93%	5	18.52%	0
Clearly Audible	6 to 15 dBA	15	13	9	33.33%	4	14.81%	2
Noticeable	1 to 5 dBA	5	2	1	3.70%	1	3.70%	3
Total		32	27	17	62.96%	10	37.04%	5

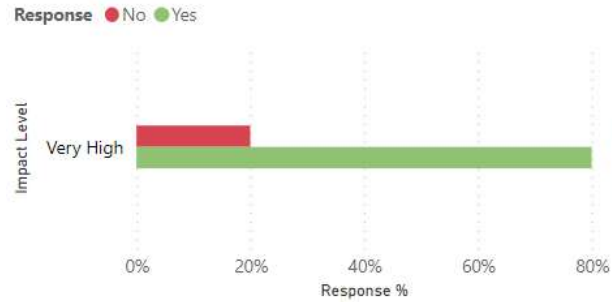
Noise Catchment 5	Above NML	Total Noise Affected Residents	Total responded/ engaged	Supportive (Yes)	% Supportive	Not Supportive (No)	% Not Supportive	No Contact/ Vacant Property
Highly Intrusive (25 or above)	26 dBA +	0						
Moderately Intrusive	16 to 25 dBA	0						
Clearly Audible	6 to 15 dBA	4	3	0	0.00%	3	75.00%	1
Noticeable	1 to 5 dBA	1		1	25.00%	0	0.00%	0
Total		5	4	1	25.00%	3	75.00%	1

Noise Catchment 6	Above NML	Total Noise Affected Residents	Total responded/ engaged	Supportive (Yes)	% Supportive	Not Supportive (No)	% Not Supportive	No Contact/ Vacant Property
Highly Intrusive (25 or above)	26 dBA +	0						
Moderately Intrusive	16 to 25 dBA	0						
Clearly Audible	6 to 15 dBA	0						
Noticeable	1 to 5 dBA	7	3	3	100%	0	0.00%	4
Total		7	3	3	100%	0	0.00%	4

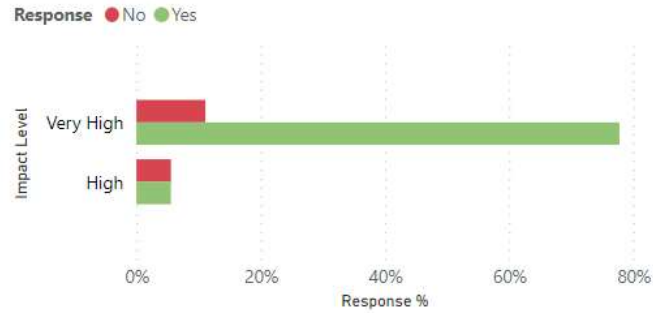
Noise Catchment 7	Above NML	Total Noise Affected Residents	Total responded/ engaged	Supportive (Yes)	% Supportive	Not Supportive (No)	% Not Supportive	No Contact/ Vacant Property
Highly Intrusive (25 or above)	26 dBA +	0						
Moderately Intrusive	16 to 25 dBA	0						
Clearly Audible	6 to 15 dBA	0						
Noticeable	1 to 5 dBA	3	3	3	100%	0	0.00%	0
Total		3	3	3	100%	0	0.00%	0

Graphs of consent rates per catchment and delineated by noise impact levels.

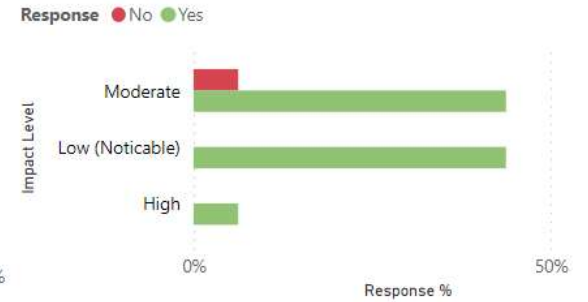
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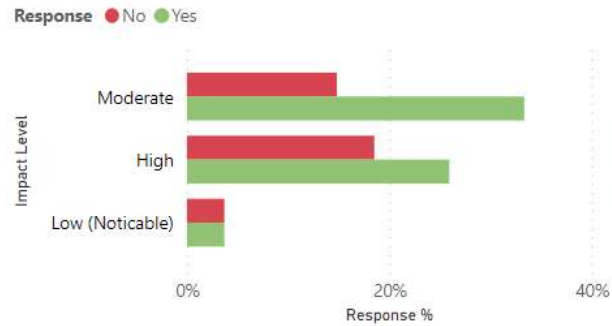
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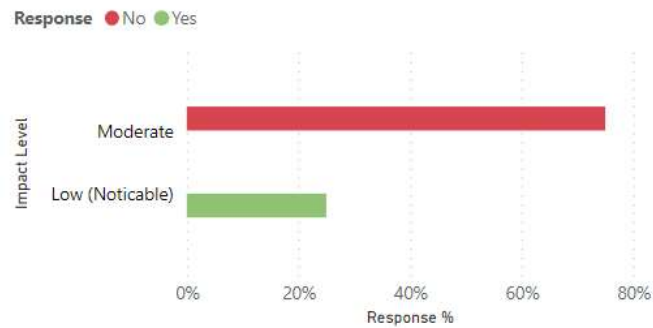
Noise Catchment 3



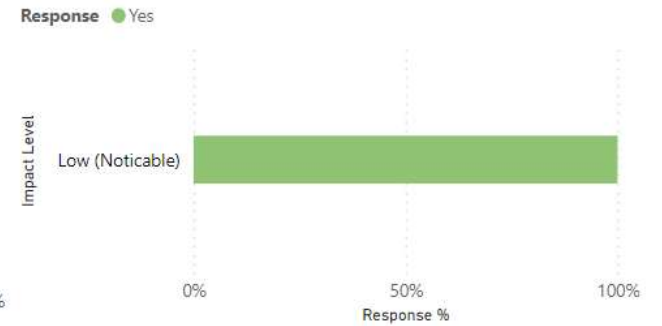
Noise Catchment 4



Noise Catchment 5



Noise Catchment 6



Noise Catchment 7

