

Non-Compliance Event 14 Day Report: Fairfield Station Out of Hours Works Event

NCE Ref	CRRDA-NCE-RIS-009	NCE Ref (DA)	CRRDA-011-RIS-005
Reported By	Delivery Authority	Date of 14-day Investigation Report	14/07/2023
Date, Time and Location of event	Fairfield Station, 23 November 2022, 02:30am and 04:30am		

Event Summary

As part of the station construction works at Fairfield Station, a range of activities may need to occur out of hours as either *Extended Hours Works* or *Managed Works* as per the Coordinator-General's Project Wide Imposed Conditions (**Imposed Conditions**). This includes such things as works in areas under approved rail possessions, in road corridors that cannot occur practically during standard hours, delivery of oversized equipment and plant, and activities that require continuous construction support.

Under the Imposed Conditions these activities are permissible in accordance with specific conditions and the implementation of relevant processes. This includes out of hours works process specified under the applicable Construction Environmental Management Plan (**CEMP**) and Sub-Plans.

These conditions and processes are key for allowing construction activities to progress efficiently for station upgrade works, such as Fairfield Station. This is due to both the constrained nature of this site and the fact that it is an upgrade of an existing brownfield station on an operational railway. These constraints are potential triggers for both *Extended Hours Works* or *Managed Works* provisions. This is due to the works occurring around aspects that include a live operational urban, interstate and freight railway lines and constrained adjacent road access. Importantly, the conditions and processes also function as mechanisms to manage impacts to nearby stakeholders.

As part of site construction activities occurring at Fairfield Station through September, October, and November 2022, there were a range of activities that have triggered these *Extended Hours Works* or *Managed Works* criteria. These works are then managed in accordance with the processes specified in the Rail, Integration and Systems Package (**RIS**) Construction Environmental Management Plan (**RIS CEMP**) (IS-UNA-000-001-MPL-000268) and the RIS Noise and Vibration Sub-Plan (**RIS N&V Sub-Plan**) (RIS-UNA-000-001-MPL-000278).

The Imposed Conditions and applicable CEMP documents also outline a process for receiving and responding to any complaints raised by the community and stakeholders in relation to site activities.

In November 2022, associated with these activities, three separate noise complaints in relation to Out of Hours Works (OOHW) at Fairfield Station were received by Unity representatives. These complaints were made on 20 November 2022 and two on the 23 November 2022.

The complaints pertained to construction activities occurring during extended hours work as per the Imposed Conditions

The three complaints received by Unity representatives are summarised below:

- 20 November Complaint: Noise Complaint received by Unity project representatives from a stakeholder at the Fairfield Station worksite. This complaint related to night-time construction noises on the evening of the 19/20 November 2022. The complainant stated that noises related the continuous operation of a generator set overnight at Unity's Mildmay Street compound for the Fairfield Station works.
- 23 November Complaints: Noise complaints received by Unity project representatives from a stakeholders on Dudley Street Fairfield. This complaint related to night-time construction noises that woke the stakeholder and impacted their ability to sleep overnight on 22/23 November 2022. The complainant stated that this related to noise primarily from the use of generators and a jack hammer.

Complaint on 20 November 2022

A complaint was received on Sunday 20 November 2022 from a stakeholder at Fairfield Station. The complaint related to noise disturbance from construction activities (including the continuous operation of a generator set) occurring out of hours during the night.

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Upon Unity receiving the complaint, the Independent Environmental Monitor (IEM) was notified and attended the site. The IEM identified that a valid approved OOHW Permit was not in place that covered the activities that were the subject of the complaint. This was raised by the IEM to the Unity Environment Manager at the time.

Complaints on 23 November 2022

On Wednesday 23 November 2022, further complaints were received by Unity representatives from stakeholders at the Fairfield Station worksite. The complaints again related to noise associated with out of hours during the night at the Fairfield Station worksite. These works occurred during the night of Tuesday 22 November 2022 and early morning of Wednesday 23 November 2022.

Upon receipt of the complaints, the Unity Environment manager informed the IEM. The IEM and the Unity Environment Manager both then attended site that day.

When the IEM attended site on 23 November, it was identified that a generator and grinders had been operated between the hours of 02:30am and 04:30am on the morning of Wednesday 23 November 2022. From information observed on site by the IEM, including Unity's applicable OOHW Permit, it appears that the approved OOHW Permit did not cover the activities that were the trigger of the complaint on 23 November.

It was also identified that there may have been construction traffic movements and management measures in place without appropriate valid BCC and QLD Police approval. At the time of the event the IEM was unable to verify this. Subsequently a copy of the relevant permit has been provided to the IEM. Accordingly, this matter is considered closed.

Non-Compliance Event

For the activities that resulted in the complaint on 20 November, it has been identified that an incident as per Section 6 of the RIS CEMP has occurred. This incident relates to site personnel undertaking works out of hours and not adhering to the required OOHW Permit processes as per the approved RIS CEMP and the RIS N&V Sub-Plan (for Out of Hours works). As demonstrated in the section titled 'Corrective Actions and Opportunities', the RIS CEMP corrective actions process, as per Section 6.1.5 of the plan, was initiated and completed.

The Non-Compliance Event identified from the three complaints relates to the complaints received on 23 November 2022. This Non-Compliance Event relates to Condition 4(d) and Condition 10(d)

Condition 4(d) states:

"The Construction Environmental Management Plan must be implemented for the duration of Relevant Project Works."

Condition 10(d) requires that:

"Extended Hours of works may only be undertaken subject to compliance with a specific Construction Environmental Management Plan sub-plan in accordance with Condition 4."

A Non-Compliance Event exists with these two conditions as the second noise complaints dated 23 November 2022 relates to a repeated occurrence of a specific type of works occurring during extended hours that were not covered by a valid OOHW Permit.

The OOHW Permit is a process specified in the RIS CEMP and RIS N&V Sub-Plan in accordance with Condition 10 to permit extended hours works. The occurrence of specific types of works that were not covered by a valid OOHW Permit demonstrates a break down in the processes of these plans, and a Non-Compliance Event occurred against Condition 10(d).

Due to this demonstrated breakdown in the OOHW processes for extended works, it is considered that a Non-Compliance Event also occurred against Condition 4(d), as the Construction Environmental Management Plan (of which the RIS Noise and Vibration document is a sub-plan) has not been implemented fully for those works.

Investigation Summary

The Cross River Rail Delivery Authority (**Delivery Authority**) has undertaken an investigation of the noise complaints to ascertain the root cause and contributing factors. Consideration was given to the relevant Imposed Conditions, endorsed CEMP, and relevant CEMP sub-plans, to ascertain whether a Non-Compliance Event with the Imposed Conditions has occurred. The Delivery Authority's investigation has also been informed by information provided by RIS Unity Alliance (**Unity**) and observations provided by the IEM.

On the basis of the information that has been provided, the Delivery Authority is of the view that several separate causes contributed to the Events. These relate to both environmental and site-based aspects and are:

- Compressed work schedules that have resulted in changes to planned works. With a dynamic work

plan in response to the consolidated program schedule.

- Changes in site personnel.
- Ongoing extended out of hours programs of different but similar activities.

Appropriate corrective actions for these potential causes have been identified and are included below in the section titled 'Corrective Actions and Opportunities for Improvement'.

Accordingly, the Delivery Authority has identified that:

- **Condition 4(d): a Non-Compliance Event has occurred.**
- **Condition 10 (d) a Non-Compliance Event has occurred.**

Corrective Actions and Opportunities for Improvement

The following corrective actions have been implemented by Unity:

Immediate response:

- Review of the Fairfield Station program works, associated track possession program and approved road traffic permits.
- Development and approval of a revised OOHW permit/s inclusive of additional activity-specific predictive noise and vibration assessments for the worksite.
- Completion of additional case by case consultation and update of works notices to the broader Fairfield Station community.
- Briefings to be provided to relevant site supervisors on applicable noise mitigation and management.
- Additional noise mitigations implemented where reasonable and practicable. This included installation of noise baffle blankets on fencing around generator sets, and use of additional noise blankets to mitigate other noise generating activities either at source or receiver as appropriate.
- Additional respite mitigation measures offered to the complainants and other Directly Affected Persons (as required).

Additional corrective action items now implemented:

- A review to confirm the construction noise assessments are accurate for the site activities.
- A review of the Site Environmental Management Plan to confirm it is accurate and up to date.
- Continual review and assurance that appropriate noise mitigation and management measures are in place.
- Connection of the Mildmay Street compound to mains power, removing the need for generators at this location.
- Completion of required stakeholder consultation to close out the complaints and ongoing engagement with Directly Affected Person/s as identified.
- Reviewed, identified and implemented opportunities for improvement in the RIS out of hours process to simplify but also make it more robust.