



Parramatta Light Rail

CARLINGFORD

*State Significant
Infrastructure
Modification
Assessment
(SSI 8285 MOD 2)*

January 2019

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Cover photo

A visual simulation of Parramatta Light Rail (Stage 1) project on Lennox Bridge (Source: EIS, 2017)

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Glossary

Provide a clear and succinct list of the terms not commonly used in everyday language (below is a guide only and needs to be customised for the report).

Abbreviation	Definition
Approval	Infrastructure Approval
Council	City of Parramatta Council
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence
Minister	Minister for Planning
OEH	Office of Environment and Heritage
RMS	Roads and Maritime Services
Secretary	Secretary of the Department of Planning and Environment
SPIR	Submissions and Preferred Infrastructure Report
SSI	State Significant Infrastructure
TfNSW	Transport for NSW (the Proponent)



Executive Summary

Transport for NSW (TfNSW, the Proponent) proposes to construct and operate Parramatta Light Rail from Westmead to Carlingford via Parramatta CBD and Camellia.

The Proponent seeks approval of administrative modifications to amend typographical errors to various conditions.

The approval of this administrative modification can be made under delegation by the Director, Transport Assessments.

The Department has reviewed the requested amendments and accepts that the proposed amendments are solely editorial in nature and will have no material effect on the intended operation of those conditions.

The amendments are supported to correct typographical errors made in Parramatta Light Rail Modification 1. The Department considered that the changes sought in Modification 1 provided clarity for the Proponent in implementing its obligations and for the community. For these reasons, the Department considers the corrections the subject of this modification (Modification 2) to be in the public interest and recommends they be approved.



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1. Introduction

This report is the Department of Planning and Environment's (the Department's) assessment of a request to modify the State significant infrastructure (SSI) approval for Parramatta Light Rail (Stage 1) - Westmead and Carlingford via Parramatta CBD and Camellia (SSI 8285) to amend editorial errors in the drafting of conditions assessed in Modification 1.

The request was lodged by Transport for NSW (TfNSW the Proponent) pursuant to section 5.25 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background

Parramatta Light Rail is a key commitment of the NSW Government's *Future Transport 2056* to provide a high-frequency, turn-up-and-go light rail service that reduces travel time and improves reliability for existing public transport customers. The Proponent proposes to construct and operate the project between Westmead and Carlingford (around 12 kilometres long) as shown in **Figure 1**. The Minister approved the project on 29 May 2018, which includes:

- sixteen stops with platforms approximately 45 metres long;
- pedestrian zones in Parramatta CBD;
- an active transport corridor between Carlingford and Parramatta CBD;
- a stabling and maintenance facility at Camellia;
- conversion of the existing heavy rail corridor between Carlingford and Camellia and a section of the Sandown freight line to dedicated light rail corridors; and
- consequential changes to the road network to facilitate construction and operation of the project.

1.2 Justification

The Proponent is seeking the modification to correct typographical errors to conditions A23 - Environmental Representative; E6 - Condition Reports; E11 - Parking Management Strategy; E39 - Construction Noise Mitigation - Respite; E128 - Waste Management and Table 2 - editorial changes to reflect changes to conditions.

1.3 Approval History

The Minister for Planning approved Parramatta Light Rail (Stage 1) SSI 8285 with conditions on 29 May 2018 under Section 5.19 of the *Environmental Planning and Assessment Act 1979*.

Modification 1 was approved under delegation on 21 December 2018. It sought to clarify the requirements for conditions relating to: noise - including out-of-hours work (E28; E38 & E39) and highly noise intensive works (E27); heritage - including heritage interpretation (E64), archival recording and salvage (E70 & E71), historical archaeology (E72) and archaeological excavation (E75 & E78); traffic management including - traffic network management (E10) and parking management strategy (E11); and other minor editorial changes.

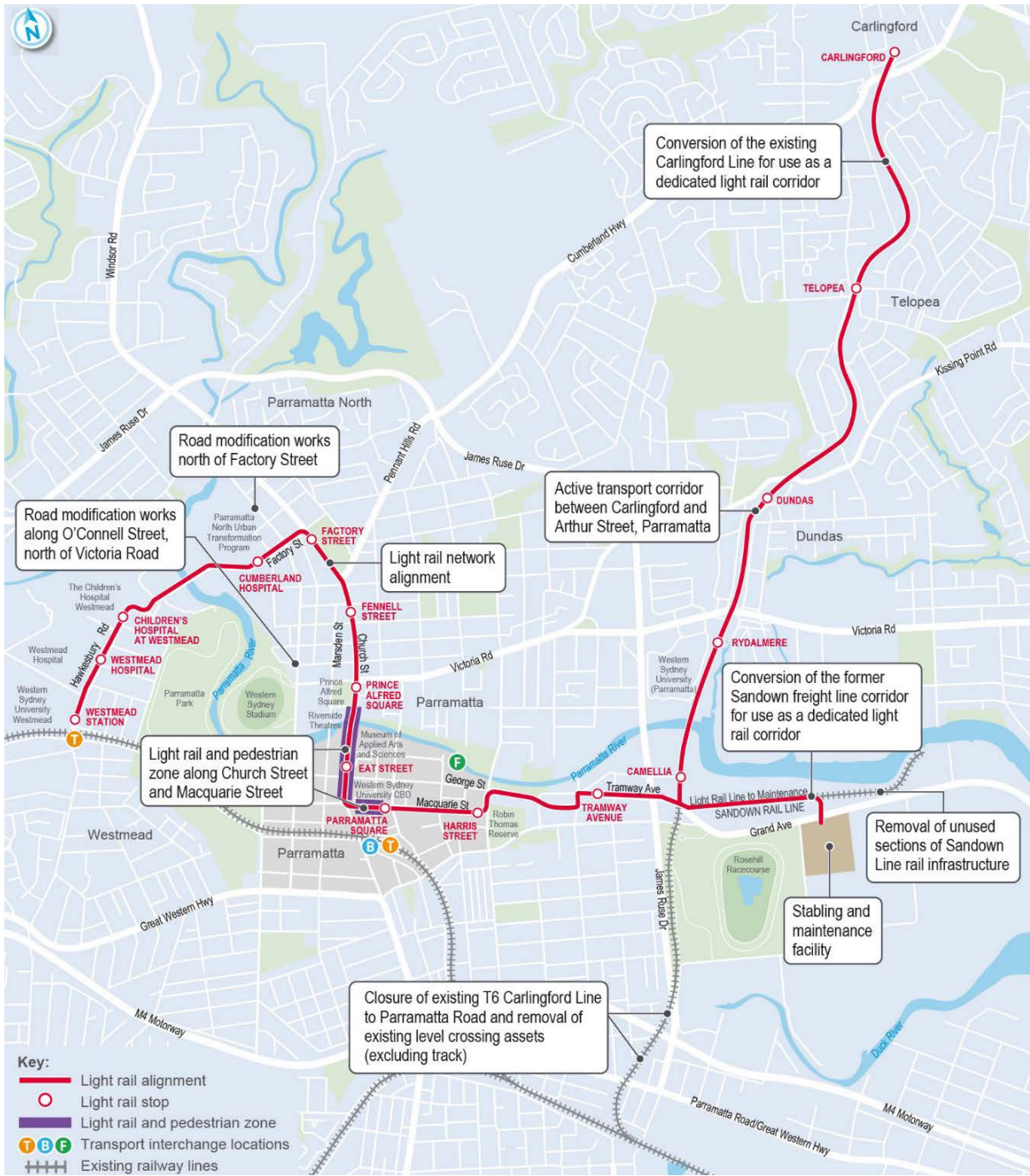


Figure 1 | The Project alignment (Source: EIS, 2017)



2. Statutory Context

2.1 Scope of Modifications

In accordance with Section 5.25 of the EP&A Act, a proponent may request the Minister to modify an approval for State significant infrastructure. The Minister's approval for a modification is not required if the infrastructure as modified will be consistent with the existing approval. The administrative changes requested by the Proponent are not consistent with the existing approval. Consequently, modification of the Minister's approval under Section 5.25 of the EP&A Act is required.

2.2 Delegated Authority

The Minister for Planning is the approval authority under Section 5.25 of the Act unless the Minister has delegated his determination functions to the Department.

Minister's delegate as determining authority

Under the Instrument of Delegation dated 11 October 2017, the functions and powers of the Minister for Planning under Section 5.25 of the Act to determine a modification of the Minister's approval may be delegated to the Director, Transport Assessments, where:

- the relevant local council has not made an objection;
- a political disclosure statement has not been made; and
- there are no public submissions in the nature of objections.

The proposed modification meets the terms of this delegation.



3. Engagement

3.1 Department's Engagement

Under Section 5.28(1)(g) of the EP&A Act, the Planning Secretary is required to make requests for modification of approvals determined by the Minister publicly available. Accordingly, the Department made the modification request publicly available on its website.

As the changes requested are typographical corrections and the Department sought advice from the EPA, OEHL, Heritage Council and Parramatta Council in relation to the effect of changes to those same conditions for Modification 1, further consultation with these agencies was not undertaken.



4. Assessment

4.1 Department's Approach to Assessment

The Proponent provided suggested changes to conditions in its modification application (Appendix A). The Department has considered the changes proposed. The conditions as shown in Table 1 reflect the Department's recommended changes. The Department has also made some additional changes, which are a result of the amendments to the conditions.

Table 1 | Amendments to conditions

Condition	Requested Condition	Justification
A1	<p><i>The CSSI must be carried out in accordance with the terms of this approval and generally in accordance with the description of the CSSI in the Parramatta Light Rail (Stage 1) Westmead to Carlingford via Parramatta CBD and Camellia Environmental Impact Statement (dated August 2017) (the EIS) as amended by:</i></p> <ul style="list-style-type: none"><i>(a) the Parramatta Light Rail (Stage 1) Westmead to Carlingford via Parramatta CBD and Camellia Submissions Report (incorporating Preferred Infrastructure Report) (February 2018) (the SPIR);</i><i>(b) SSI 8285 Administrative modification (November 2018) (MOD 1); and</i><i>(c) SSI 8285 Correction to Administrative Modification (January 2019) (MOD 2).</i>	Amendments to condition to refer to subsequent modifications
A23 Environmental Representative	<p><i>For the duration of the works until after the commencement of operation, or as agreed with the Secretary, the approved ER must:</i></p> <ul style="list-style-type: none"><i>(a) receive and respond to communication from the Secretary in relation to the environmental performance of the CSSI;</i><i>(b) consider and inform the Secretary on matters specified in the terms of this approval;</i><i>(c) consider and recommend to the Proponent any improvements that may be made to work practices to avoid or minimise adverse impacts to the environment and to the community;</i><i>(d) review documents identified in Table 2 and any other documents that are identified by the Secretary, for consistency, in the opinion of the ER, with requirements in or under this approval and if so:</i><ul style="list-style-type: none"><i>i) make a written statement to this effect before submission of such documents to the Secretary (if those documents are required to be approved by the Secretary); or</i><i>ii) make a written statement to this effect before the implementation of such documents (if those documents are</i>	Amendments to this condition were made in Modification 1 and were assessed and deemed satisfactory. A minor editorial change, to reflect the assessment.

Condition	Requested Condition	Justification
	<p><i>required to be submitted to the Secretary for information or are not required to be submitted to the Secretary);</i></p> <p>(e) <i>regularly monitor the implementation of the documents listed in Table 2 to ensure implementation is being carried out in accordance with the document and the terms of this approval;</i></p> <p>(f) <i>as may be requested by the Secretary, help plan, attend or undertake audits of the CSSI commissioned by the Department including scoping audits, programming audits, briefings and site visits, but not independent environmental audits required under Condition A41 of this approval;</i></p> <p>(g) <i>as may be requested by the Secretary, assist the Department in the resolution of community complaints;</i></p> <p>(h) <i>assess, and if acceptable approve the impacts of minor ancillary facilities comprising lunch sheds, office sheds and portable toilet facilities or other ancillary facilities determined by the ER to have a minor environmental impact; and</i></p> <p><i>prepare and submit to the Secretary and other relevant regulatory agencies, for information, an Environmental Representative Monthly Report providing the information set out in the Environmental Representative Protocol under the heading "Environmental Representative Monthly Reports". The Environmental Representative Monthly Report must be submitted within seven (7) days following the end of each month for the duration of the ER's engagement for the CSSI.</i></p>	
E6 Condition Reports	<p><i>Current condition reports for all existing roads and all existing property and infrastructure in the road reserve where the physical condition is likely to be adversely affected during work must be prepared before commencement of such work. The report must state the current condition of the asset. A copy of the report must be provided to the asset owner no later than one month before the commencement of works of the CSSI.</i></p>	<p>This condition was assessed in Modification 1. There was an inconsistency between the wording of the Assessment Report and the Instrument of Modification. The wording in the final two sentences of this condition within the Instrument of Modification was correct. The Department considers that the wording does not need to be amended, and therefore does not support the proposed amendment to this part of the condition.</p>

Condition	Requested Condition	Justification
<p>E11 Parking Management Strategy</p>	<p>A Parking Management Strategy must be prepared before permanent or long term loss of parking (i.e. greater than three (3) months). The Strategy must be works commences and implemented in consultation with the relevant road authority and Relevant Council(s) to manage car parking impacts and kerbside parking access, particularly for the Westmead, Parramatta North, and Parramatta CBD precincts, as a result of the CSSI. The parking Management Strategy must include, but not be limited to:</p> <ul style="list-style-type: none"> a) confirmation of the timing of the removal of on and off-street parking associated with the construction of the CSSI; b) comprehensive parking surveys of all parking spaces to be removed to determine current demand during peak, off-peak, school drop-off and pick-up, and weekend periods; c) assessment of the impacts of changes to on and off-street parking taking into consideration outcomes of consultation with affected stakeholders; d) identification of measures to manage any reduction in parking including staged removal, resident parking schemes, managed staff parking arrangements, and provision of alternative parking arrangements for accessible and service spaces; e) replacement parking for specific impacted kerbside uses (e.g. accessible parking and loading zones) within the local vicinity with consideration of the Disability Discrimination Act 1992 (DDA) Public Transport Standards and the DDA Access Code (2010); and f) monitoring on the efficacy of these measures, including potential unintended traffic impacts and contingencies in the event that the measures implemented are not adequate. <p>The Parking Management Strategy must be submitted to the Secretary for information and the results of monitoring reported in the Operational Traffic, Transport and Access Performance Review required by Condition E18.</p>	<p>Amendments to this condition were made in Modification 1 and were assessed and deemed satisfactory. A minor editorial change, is required to remove strikethrough text in the Instrument of Modification and to remove unnecessary brackets.</p>
<p>E39 Construction Noise Mitigation - Respite</p>	<p>In order to undertake out-of-hours work described in Condition E25 (c) and (d), the Proponent must identify appropriate work and respite periods for the works in consultation with the community at each affected precinct at three (3) monthly intervals. This consultation must be ongoing and include (but not be limited to) providing the community with:</p> <ul style="list-style-type: none"> a) a schedule of likely out-of-hours work for a period of no less than three (3) two (2) months for medium to high risk work (as defined in the Out-of-Hours Protocol (Condition E28)); 	<p>The Department required a three (3) month scheduling period in response to community concerns regarding the extent and duration of these large infrastructure projects. The Department considers that the one month scheduling period requested (as part of Modification 1) does not reflect the changing community response to large infrastructure projects.</p> <p>However, the Department acknowledges the risk profile approach as part of the amendment</p>

Condition	Requested Condition	Justification
	<p>b) a schedule of likely out-of-hours work for a period of no less than seven (7) days for low risk work (as defined in the Out-of-Hours Protocol Condition E28);</p> <p>c) the potential works, location and duration;</p> <p>d) the noise characteristics and likely noise levels of the works; and</p> <p>e) likely mitigation and management measures.</p> <p><i>The Proponent shall consider and respond to the affected community's preference for alternative hours and/or durations.</i></p> <p><i>The outcomes of the community consultation, the identified respite periods and the scheduling of the likely out-of-hour works must be provided to the AA, ER and the Secretary.</i></p>	<p>and considers that this along with an advance two (2) month schedule will provide the Proponent the opportunity to provide greater certainty to the community as to upcoming works, while still providing the community with a reasonable period to make upcoming plans.</p> <p>Amendments to this condition were made in Modification 1 and were assessed and deemed satisfactory, as noted above. A minor editorial change, to reflect the assessment.</p> <p>A further minor editorial amendment has been made to sub-point b), referring to low risk work, so that it is consistent with sub-point a).</p>
E128 Waste Management	<i>The importation of waste and storage of virgin excavated natural material (VENM), and the treatment, processing, reprocessing or disposal of other waste, must comply with the Protection of the Environment Operations Act 1997, and the Protection of the Environment Operations (Waste) Regulation 2014, where orders or exemptions apply under the regulation.</i>	Amendments to this condition were made in Modification 1 and were assessed and deemed satisfactory. A minor editorial change, to reflect the assessment.
Table 2: B9 / B10 Complaints	B9 / Error Reference source not found B10	Editorial change to correct the cross-referencing.
Table 2: E10 Network Management Strategy	Before works impacts on the road network commence	Editorial change to reflect the timing within the condition.
Table 2: E11 Parking Management Strategy	Before works long term loss of parking occurs commence	Editorial change to reflect the timing within the condition.



5. Evaluation

The Department has reviewed the requested amendments and accepts that the proposed amendments seek to correct the typographical errors that were made in Modification 1.

The Department sought comment and advice from key agencies and council on the proposed changes, as part of Modification 1, and as the amendments are to correct typographical errors, no further consultation was required.

Overall, the Department supports amendments to the conditions which correct typographical errors made in Modification 1. The effect of these amendments was assessed for Modification 1, and the Department considered that the changes to the conditions sought in Modification 1 provided clarity to the Proponent in implementing the obligations which the approval imposes and what the community can expect. For these reasons, the Department considers the modifications to be in the public interest and recommends they be approved.



6. Recommendation

It is recommended that the Director, Transport Assessments, as delegate of the Minister for Planning:

- **consider** the findings and recommendations of this report; and
- **determine** that the request SSI 8285 MOD 2 falls within the scope of section 5.25 of the EP&A Act;
- **accept and adopt** all of the findings and recommendations in this report as the reasons for making the decision to amend the request;
- **modify** the approval SSI 8285;
- **sign** the attached Instrument of Modification (Appendix C).

Recommended by:

Lisa Mitchell

Team Leader

Transport Assessments



7. Determination

The recommendation is: **Adopted by:**

Glenn Snow

25/1/19

Director

Transport Assessments



Appendices

Appendix A – List of Documents

Modification application

Appendix B – Consolidated Approval

Appendix C – Instrument of Modification