



AUSTRALIAN RAIL TRACK CORPORATION LTD



PCU018655

14 January 2011

Mr Daniel Keary
Director Infrastructure Projects
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Attention: Diane Fajmon

Department of Planning
Received
18 JAN 2011
Scanning Room

Dear Mr Keary,

Southern Sydney Freight Line – Modification to Condition of Approval 60(c)(ii)

ARTC seeks the Director General's approval under Section 75W of the Environmental Planning & Assessment Act for a minor modification to Condition of Approval (CoA) 60(c)(ii). This Condition outlines the requirements for developing an offsets strategy for the Southern Sydney Freight Line (SSFL) Project, specifically:

provision of offset plantings at least equivalent to the area of EEC cleared using the same species native and indigenous to the area removed, including threatened species in consultation with the DEC and the Relevant Council.

Following consultation with staff of the Department of Environment, Climate Change and Water (DECCW), ARTC seeks the Director General's approval to modify CoA 60(c)(ii) to allow a funding proposal for enhancement planting at Leacock Park as an alternative to the offset plantings that are currently required under this Condition.

ARTC and DECCW have reached agreement on the amount of enhancement planting required and the details of the funding proposal, as described in the exchange of correspondence at Attachments 2 and 3:

- Attachment 2 ARTC letter to DECCW dated 18 May 2010
- Attachment 3 DECCW letter to ARTC dated 3 August 2010.

With the proposed modification, ARTC can now satisfy CoA 60(c)(ii).

ARTC requests that CoA 60(c)(ii) be revised to include the following:

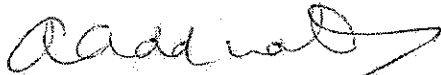
provision of funding equivalent to the funds that would be expended by ARTC for provision of offset plantings at least equivalent to the area of EEC cleared, to the NPWS for the purpose of Enhancement Measures within Leacock Regional Park.

Once the Director General's approval has been received, ARTC will request that DECCW prepares a project brief (with major milestones) for Enhancement Works at Leacock Park for up to \$1.328M, and provides funding to DECCW as described in Attachment 2.

ARTC seeks your agreement to this minor modification to enable ARTC to comply with CoA 60(c)(ii) as described above. Find at Attachment 1 the "Request to modify a major project".

Please contact me or John Verhoeven if you would like further clarification regarding this request.

Yours sincerely

A handwritten signature in black ink, appearing to read "Addinall", with a long, sweeping horizontal stroke extending to the right.

Andrew Addinall
SSFL Project Director

Request to modify a major project



NSW GOVERNMENT
Department of Planning

Date duly made: 20/1/11

Modification No. 05-0089 MOD 5.

1. Before you lodge

This form is required under section 75W of the *Environmental Planning and Assessment Act 1979* (the Act) in order to request the Minister to modify the Minister's approval to carry out a project or concept plan to which Part 3A of the Act applies.

Before making this request, it is recommended that you first consult with the Department of Planning (the Department) concerning your modification. The Director-General may issue environmental assessment requirements that must be complied with before your request will be considered by the Minister. If the changes proposed by the modification will result in a project that is consistent with the existing approval, the Minister's approval for a modification is not required.

Disclosure Statement

Persons making a request to modify a project or concept plan are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years.

Note: For more details about political donations disclosure requirements, including a disclosure form, go to www.planning.nsw.gov.au/donations.

Lodgement

All modification requests must be lodged with the Director-General of the Department of Planning, by courier or mail. An electronic copy should also be e-mailed to the assessment contact officer assigned to the project.

NSW Department of Planning
Ground floor, 23-33 Bridge Street, SYDNEY NSW 2000
GPO Box 39 SYDNEY NSW 2001
Phone 1300 305 695

2. Details of the proponent

Company/organisation/agency

Australian Rail Track Corporation (ARTC)

ABN

75081455754

☒ Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other

First name

Andrew

Family name

Addinall

Position

SSFL Project Director

STREET ADDRESS

Unit/street no.

Level 2, 1

Street name

Moore Street

Suburb or town

Liverpool

State

NSW

Postcode

2170

POSTAL ADDRESS (or mark 'as above')

PO Box 482

Suburb or town

Liverpool

State

NSW

Postcode

1871

Daytime telephone

02 82590774

Fax

Mobile

0419247354

Email

aaddinall@artc.com.au

3. Identify the land

STREET ADDRESS (where relevant)

Unit/street no.

Street or property name

Suburb, town or locality

Postcode

Local government area(s)

State Electorate(s)

REAL PROPERTY DESCRIPTION

Note: The real property description is found on a map of the land or on the title documents for the land. If you are unsure of the real property description, you should contact the Department of Lands.

Please ensure that you place a slash (/) to distinguish between the lot, section, DP and strata numbers. If the proposed modification applies to more than one piece of land, please use a comma to distinguish between each real property description.

OR: detailed description of land attached: ☐

MAP: A map of the site and locality should also be submitted with this request.

4. Details of the original major project or concept plan

Briefly describe what the original approval allows

Southern Sydney Freight Line

What was the original project application no.?

05-0089

What was the date of the approval?

21.12.2006

What was the original application fee?

Not known

Note: Clause 245K of the *Environmental Planning and Assessment Regulation 2000* provides information on calculating the maximum fee for a request for modification.

5. Describe the modification you propose to make to the approval

Describe the proposed modification

Modify Condition of Approval 60(c)(ii) to a funding proposal for enhancement planting at Leacock Park as an alternative to offset plantings that are currently required under this Condition of the SSFL Project Approval. Refer to ARTC letter dated 3 December 2010.

Your modification request may need to be accompanied by an Environmental Assessment, including plans. An electronic and hard copy of this document will be required.

ESTIMATED CAPITAL INVESTMENT VALUE

Please indicate the estimated capital investment value (CIV) of the modification to the project approval or concept plan (excluding GST).

\$1,327,965

FULL TIME EQUIVALENT JOBS

Please indicate the number of jobs created by the proposed modification. This should be expressed as a proportion of full time equivalent (FTE) jobs over a full year.

Construction jobs (FTE)

Nil

Operational jobs (FTE)

Nil

6. Landowner's consent (where required)

As the owner(s) of the above property, I/we consent to this request being made by the proponent:

Land

Land

Signature

Signature

Name

Name

Date

Date

Note: Under Clause 8F of the *Environmental Planning and Assessment Regulation 2000* (the Regulation), certain applications for approval under Part 3A of the Act do not require consent of the landowner, however, the proponent is required to give notice of the application (e.g. linear infrastructure, mining & petroleum projects, and critical infrastructure).

7. Political donation disclosure statement

Persons making a request to modify a project or concept plan are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years.

Have you attached a disclosure statement to this request?

- ☐ Yes
☒ No

Note: For more details about political donations disclosure requirements, including a disclosure form, go to www.planning.nsw.gov.au/donations.

8. Proponent's signature

As the proponent(s) of the project and in signing below, I/we hereby:

- provide a description of the modification to the project approval or concept plan and address all matters required by the Director-General pursuant to Section 75W of the Act, and
- declare that all information contained within this form is accurate at the time of signing.

Signature

In what capacity are you signing if you are not the proponent

A. Addinot

Project Director 88FL

Name

Andrew Addinall

Name, if you are not the proponent

Date

12/1/2011



AUSTRALIAN RAIL TRACK CORPORATION LTD

18 May 2010

A/Unit Head Metropolitan Infrastructure
Department of Environment, Climate Change and Water
PO Box 668
Parramatta NSW 2124

Attn: Ms Shelley Nancarrow

Dear Shelley

Southern Sydney Freight Line – Condition 60 Part 3A Approval

ARTC has reviewed the correspondence of 11 September 2009 confirming the Department of Environment, Climate Change and Water's (DECCW's) support for an amendment to Condition 60 (c) (ii) of the Southern Sydney Freight Line (SSFL) Project Approval. ARTC is pleased to provide a funding proposal for Enhancement Planting at Leacock Park as an alternative to Offset Plantings that is currently required under Condition 60(c)(ii) of the Project Approval.

In order to proceed with this Funding Proposal, ARTC seeks confirmation that the DECCW agrees with the proposal and will prepare a project brief (including major milestones).

1. Requirement

The requirement for developing an offsets strategy for the SSFL Project is detailed in the Director General Conditions of Approval, specifically, CoA 60(c)(ii):

provision of offset plantings at least equivalent to the area of EEC cleared using the same species native and indigenous to the area removed, including threatened species in consultation with the DEC and the Relevant Council.

Project impacts on Endangered Ecological Communities are detailed in the SSFL Environmental Assessment (Parsons Brinkerhoff, 2006) and summarised in Table 1 below:

Table 1: EEC Area Cleared for SSFL

Endangered Ecological Community	Area
Cumberland Plain Woodland	0.4 ha
Sydney Coastal River-flat Forest	1.7 ha
Total Area	2.1 ha



AUSTRALIAN RAIL TRACK CORPORATION LTD

ARTC notes that this Enhancement Funding Proposal is a matter separate to those related for compensation for:

- a) Revocation of part of Leacock Regional Park for subsequent inclusion in the Freight Line Corridor; and
- b) Damage to Leacock Regional Park resulting from unauthorised incursions into Leacock Regional Park by ARTC's contractors.

2. Offset Value

ARTC estimates that to implement a vegetation offsets plan in accordance with Condition 60(c)(ii) of the Project Approval, would be as detailed in Table 2 below. Note that a contingency amount of 15% has been included in the estimate to account for variance of costs within the estimate.

Table 2: SSFL Offset Package Cost Estimate

Item	Description	Cost
1	Land Purchase	\$420,000
2	Fencing	\$40,300
3	Planting	\$357,000
4	Replacement Planting	\$35,700
5	Maintenance over 8 years	\$301,752
	SUB TOTAL	\$1,154,752
6	Contingency 15%	\$173,213
	TOTAL	\$1,327,965

ARTC considers that if Condition 60 (c) (ii) were to remain unchanged, funding obligations to meet this Condition would comprise the following:

a) Purchase of land:

ARTC considers that the land that would be acquired for planting vegetation offsets would be zoned "Open Space". Based on recent property acquisitions undertaken in the area, the land value for open space is \$20 per m².

b) Fencing:

It is assumed that chain link fencing would be required to protect the vegetation offset area. ARTC estimates that boundary fencing could vary in perimeter from 600 m to 1200 m, therefore an average fence length of 900 m is adopted at a cost of \$65 per metre.

c) Planting:

Planting the vegetated offset area includes weed management, propagation / sourcing plants, planting, and establishment. The cost estimate of \$357,000 assumes a planting



AUSTRALIAN RAIL TRACK CORPORATION LTD

density of 1 plant per 1.2 m². An additional allowance of \$35,700 is also provided for up to 10% replacement planting.

This estimate is based on an estimate received from the *Bush Doctor* for bush regeneration of the area of damage at Leacock Park referred to in Section 1.

d) Maintenance:

Maintenance of the vegetated offset would continue for 8 years. The maintenance costs have been estimated based on a maintenance crew of 2 initially spending 2 weeks per month reducing to 2 weeks every 6 months through the 8 year period. Annual maintenance costs are provided in Table 3 below.

Table 3: Estimated Annual Maintenance Costs

Year	No. Weeks Maintenance / year	Maintenance Crew / week*	Annual Cost
1	24	\$3,200	\$76,800
2	16	\$3,296	\$52,736
3	12	\$3,395	\$40,739
4	12	\$3,497	\$41,961
5	8	\$3,602	\$28,813
6	8	\$3,710	\$29,677
7	4	\$3,821	\$15,284
8	4	\$3,936	\$15,742
		TOTAL	\$301,752

*Assumes Maintenance Crew of 2 Labourers @ \$40/hr and annual inflation rate of 3%

e) Contingency Amount

ARTC has included a contingency amount of 15% of the total cost to account for the potential fluctuation of costs associated with the key elements of the Offset Strategy.

3. Enhancement Funding Proposal

ARTC considers that the funds that would be expended in meeting the requirements of Condition 60(c)(ii) would be \$1.328M (as outlined in Table 2). As discussed with the DECCW, ARTC proposes that this funding be provided to National Parks & Wildlife Service for the purpose of enhancement measures within Leacock Park such as:

- Enhancement planting;
- Restoration of existing degraded Cumberland Plain Woodland; and
- Maintenance of both (a) and (b) for a period of up to 8 years.



AUSTRALIAN RAIL TRACK CORPORATION LTD

If this proposal is found acceptable to the DECCW, ARTC will submit a Modification Request to the Department of Planning (DoP) to modify Condition 60(c)(ii) to:

Provision of funding equivalent to the funds that would be expended by ARTC for provision of offset plantings at least equivalent to the area of EEC cleared to the NPWS for the purpose of Enhancement Measures within Leacock Regional Park.

ARTC considers that the next steps in finalising the funding for the Leacock Park Enhancement Strategy are:

Item	Description	Indicative Timeframe
1.	Enhancement Funding Proposal to DECCW	May 2010 (this letter)
2.	DECCW agreement with this Funding Proposal	June 2010
3.	Modification Request to DoP (CoA 60(c)(ii))	June 2010
4.	DoP approves Modification	August 2010
5.	DECCW prepares a project brief (with major milestones) for Enhancement Works at Leacock Park for up to \$1.328M	November 2010
6.	ARTC approves DECCW Project Brief	December 2010
7.	DECCW raises invoice to ARTC	December 2010
8.	ARTC provides funding to DECCW	February 2010
9.	DECCW submits annual reports to ARTC of progress of Enhancement Works against milestones	TBA

To proceed, ARTC seeks:

1. DECCW agreement with this Funding Proposal; and
2. Confirmation that DECCW will commence preparation of the Project Brief (Step 5) in anticipation of DoP approval of this modification to CoA 60(c)(ii).

Please contact Fiona Christiansen if you would like to discuss this proposal. She can be contacted on 0413 337736.

Yours sincerely

John Verhoeven

SSFL Planning, Environment & Community Manager

cc: Mr Mark Turner, Department of Planning

AUSTRALIAN RAIL TRACK CORPORATION LTD ACN: 081 455 754 / ABN: 75 081 455 754

Level 15, 60 Carrington St, Sydney NSW 2000; GPO Box 14, Sydney NSW 2001

Tel: (02) 8259 0700 Fax: (02) 9279 4539 Website: www.artc.com.au

Our reference : DOC10/22084
Contact : Mark Hanemann (02) 9995 6863

John Verhoeven
SSFL Planning and Environment Manager
Australian Rail Track Corporation
GPO Box 14
Sydney NSW 2001

Dear Mr Verhoeven,

SSFL – Condition 60 Part 3A Funding Proposal

I refer to your letter dated 18 May 2010 (the letter) in relation to ARTC's funding proposal for Enhancement Planting at Leacock Park as an alternative to offset plantings that are currently required under Condition 60(c)(ii) of the Southern Sydney Freight Line (SSFL) Project Approval.

DECCW confirms its support for the funding proposal as detailed in the letter. In order to progress the preparation of the project brief in line with the proposed timeframe of November 2010 DECCW is seeking advanced funding for the brief from ARTC. Preparation of the project brief is expected to cost approximately \$50,000 and would form part of the total \$1,328,000 allocated for the proposal. DECCW can arrange an invoice for the advance payment.

DECCW proposes that transfer of the remaining funds scheduled for February 2011 commence in the 2011/12 financial year. Payments would be via scheduled progress claims (invoice from DECCW to ARTC) in line with project milestones.

Should you wish to discuss this matter further please contact Mr Travis Roberts, Cumberland South Area Manager of DECCW's Park Management Division on (02) 9895 7546 or myself on (02) 9995 6808.

Yours sincerely

Shelley Nancarrow 3/8/10

SHELLEY NANCARROW
A/ Unit Head Metropolitan Infrastructure
Environment Protection and Regulation

cc: Mr Glenn Snow, Department of Planning
Mr Travis Roberts, DECCW

The Department of Environment and Climate Change is now known as the Department of Environment, Climate Change and Water

PO Box 668 Parramatta NSW 2124
Level 7, 79 George Street Parramatta NSW
Tel: (02) 9995 5900 Fax: (02) 9995 6900
ABN 30 841 387 271
www.environment.nsw.gov.au

Department of **Environment and Climate Change** NSW

