



***MODIFICATION REQUEST:
Southern Sydney Freight Line
(MP 05_0089)
Modification to Condition 60***

Description of Modification Request

To provide an alternative to offset plantings as required by condition 60 (c)(ii) in the form of landscape enhancement measures and related revisions.

Director-General's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

March 2011

© Crown copyright 2011
Published March 2011
NSW Department of Planning
www.planning.nsw.gov.au

Disclaimer:

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

EXECUTIVE SUMMARY

Australian Rail Track Corporation (ARTC) (the Proponent) received project approval to construct and operate a 30 kilometre bi-directional rail freight line between Macarthur and Sefton, known as the Southern Sydney Freight Line (SSFL), on 21 December 2006.

Due to the impact on threatened species and endangered ecological communities, the project approval included a condition requiring the Proponent to prepare a Biodiversity Management Sub Plan as part of the Construction Environmental Management Plan. As part of the Biodiversity Management Sub Plan, the Proponent is required to provide offset plantings equivalent to the cleared area of endangered ecological communities as outlined in condition 60 (c)(ii).

As an alternative to the provision of offset plantings required by the project approval, the Proponent is instead proposing that funds be provided to the Department of Environment, Climate Change and Water to undertake enhancement measures within Leacock Regional Park, including enhancement planting, restoration of degraded Cumberland Plain Woodland and ongoing maintenance works for a period of up to eight years. The Proponent has provided a funding proposal to the Department of Environment, Climate Change and Water, which has provided its endorsement of this approach.

The Department of Planning has reviewed the modification request and considers it to be reasonable, subject to alternative wording for condition 60(c)(ii) than that requested by the Proponent. In this regard, the Department considers that the approval of any offset plantings or enhancement measures should remain with the Department and therefore the delivery of such offset measures remains the responsibility of the Proponent through the approval process related to the Construction Environmental Management Plan and associated Biodiversity Management Sub Plan.

TABLE OF CONTENTS

1. BACKGROUND	1
2. PROPOSED MODIFICATION	3
2.1 Modification Description	3
3. STATUTORY CONTEXT	4
3.1 Modification of the Minister's Approval	4
3.2 Delegated Authority	4
4. CONSULTATION AND SUBMISSIONS	5
4.1 Exhibition	5
4.2 Consultation	5
5. ASSESSMENT	6
6. CONCLUSION AND RECOMMENDATIONS	7
APPENDIX A MODIFICATION REQUEST	8
APPENDIX B RECOMMENDED MODIFYING INSTRUMENT	9

1. BACKGROUND

The ARTC (the Proponent) received project approval to construct and operate a 30km long bi-directional rail freight line between Macarthur and Sefton, incorporating the existing freight line between Ingleburn and Glenfield, on 21 December 2006 as shown on **Figure 1**. The project is known as the Southern Sydney Freight Line (SSFL).

Figure 1: Project Location

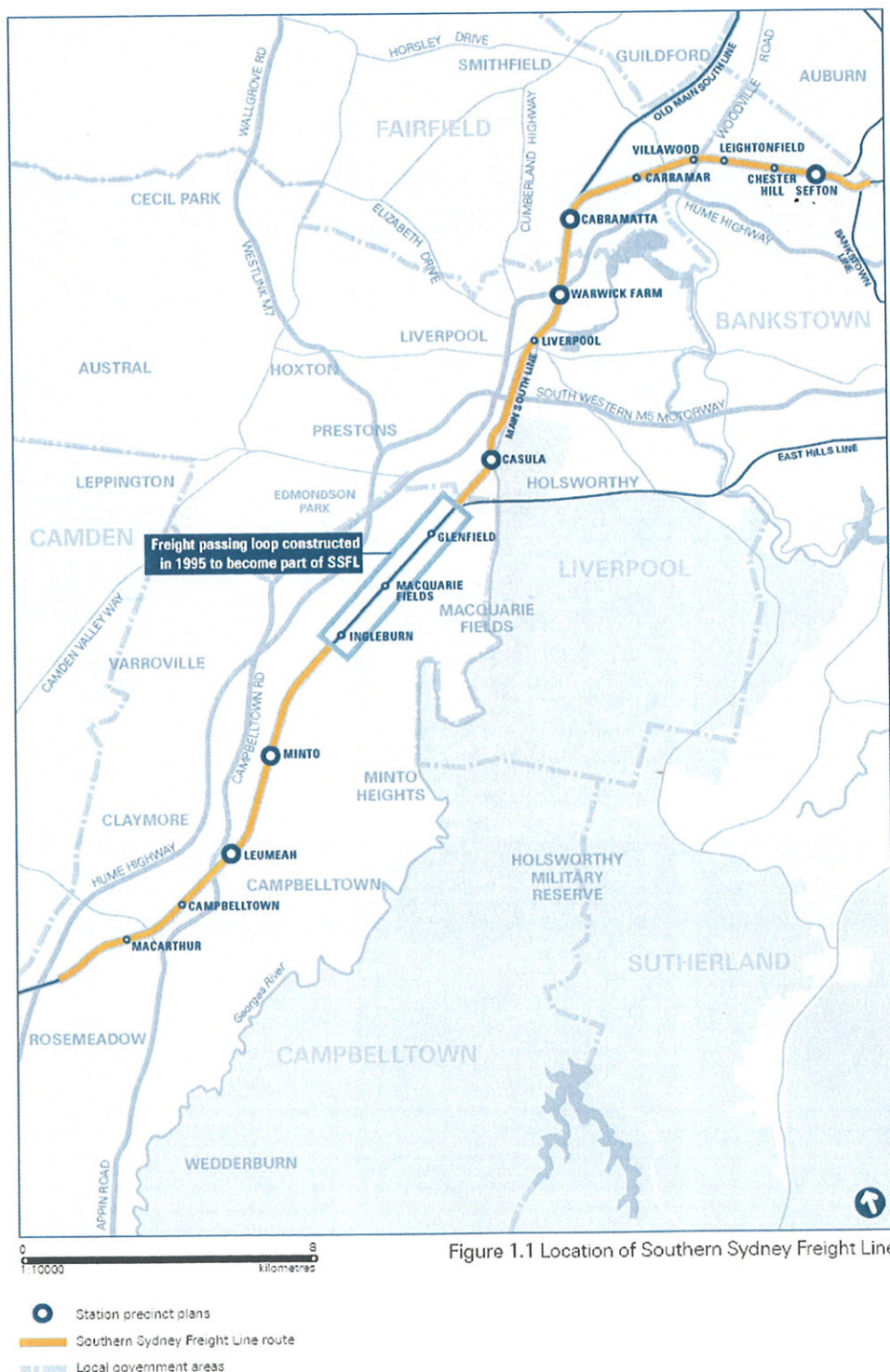


Figure 1.1 Location of Southern Sydney Freight Line

The new track would be located on the western side of the existing RailCorp passenger lines between Macarthur and Glenfield. At Glenfield (Leacock Regional Park) the project would cross to the eastern/southern side of passenger lines via a new grade-separated interchange, known as the Glenfield flyover. The proposal includes the construction and/or modification of road and rail bridges, retaining walls, embankments, noise barriers, access tracks and works. Upgrades will be required at Leumeah, Minto, Casula, Warwick Farm, Cabramatta and Sefton railway stations and their surrounding precincts.

The capital cost of the project is approximately \$200 million and it is estimated to provide approximately 300 construction jobs. Construction of the project commenced in November 2008 and is ongoing. The project is due to be completed by early to mid 2013.

The project would impact on two Endangered Ecological Communities (EECs), namely 0.4 hectares of Cumberland Plain Woodland and 1.7 hectares of River-flat Eucalypt Forest on Coastal Floodplain of the North Coast, Sydney Basin and South East Corner Bioregions (formerly known as Sydney Coastal River Flat Forest). To compensate for the impact on EECs, the Proponent committed to replant an area at least equivalent to the vegetation lost as a result of the proposal and the Department incorporated this commitment into condition 60 of the project approval.

The modification which is the subject of the current assessment, is the fifth modification request made by the Proponent. An outline of previous modification requests and their respective dates of approval are provided in Table 1.

Table 1 – Summary of Previous Modification Applications

Modification	Date of Approval
MP 05_0089 MOD 1 - modification to condition 29 (Cabramatta Station Precinct Parking Plan) to amend the preparation time frame, and minor errors and misdescriptions.	17 July 2007
MP 05_0089 MOD 2 - modification to condition 29 (Cabramatta Station Precinct Parking Plan) to permit compensatory car parking at a distance greater than 400 metres from Cabramatta Station.	31 July 2007
MP 05_0089 MOD 3 - modification to permit a temporary reduction in station precinct infrastructure during construction.	14 September 2009
MP 05_0089 MOD 4 - modification to condition 43 (construction hours) to remove duplication in approval processes for out of hours activities.	18 August 2009

2. PROPOSED MODIFICATION

2.1 Modification Description

ARTC submitted a modification request on 18 January 2011 (attached in **Appendix A**) for the Department, which outlines a funding proposal for enhancement measures to be implemented at Leacock Regional Park as an alternative to offset plantings as required by condition 60(c) (ii).

Condition 60 requires the Proponent to prepare and implement a Biodiversity Management Sub Plan for the project as part of its Construction Environmental Management Plan. Condition 60(c) (ii) requires the *"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 DEC and the relevant Council"*.

As an alternative to the provision of offset planting, ARTC are seeking an amendment to condition 60 (c) (ii) to allow a funding proposal for the purposes of enhancement measures to be implemented by the National Parks and Wildlife Service (NPWS) for Leacock Regional Park, which is located adjacent to the project. ARTC has requested that condition 60(c) (ii) be revised to state *"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 purposes of Enhancement Measures within Leacock Regional Park"*.

ARTC prepared a funding proposal and submitted it to the Department of Environment, Climate Change and Water (DECCW) for its endorsement. The funding proposal (attached in **Appendix A**) indicates that the estimate to implement offset plantings would amount to \$1.328 million and would include the purchase of land, fencing, planting, replacement planting, maintenance over a period of eight years and a contingency allowance of 15 per cent. ARTC is instead proposing that this funding be provided to NPWS for the purposes of undertaking enhancement measures within Leacock Regional Park, including enhancement planting, restoration of existing degraded Cumberland Plain Woodland and maintenance activities for a period of up to eight years.

DECCW has confirmed its support of the funding proposal in writing in the attached letter dated 3 August 2010 provided in **Appendix A**.

3. STATUTORY CONTEXT

3.1 Modification of the Minister's Approval

Section 75W(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) provides that a Proponent can request the Minister to modify the approval of a project. The Minister's approval is not required if the project, as modified, will be consistent with the original approval. The subject modification is not consistent with the approval, but would not result in a radical transformation and therefore an assessment in accordance with Section 75W of the EP&A Act is considered appropriate.

3.2 Delegated Authority

On 25 January 2010, the Minister delegated his powers and functions under section 75W of the EP&A Act to Directors in the Major Projects Assessment Division in cases where there are less than 10 public submissions in the nature of objections in respect of the modification request. As no public submissions were received, the Director, Infrastructure Projects, may determine the modification request under delegated authority.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

In accordance with section 75X of the EP&A Act and clause 8G of the EP&A Regulation, the modification request was made available on the Department's website. Due to the minor nature of the proposed modification, the modification request was not exhibited by any other means. No public submissions were received on the modification request.

4.2 Consultation

The Proponent consulted with the DECCW and provided evidence of correspondence received as part of the modification request package. The Department did not therefore see the need to formally consult with DECCW again as part of the assessment process. Notwithstanding, the Department discussed the modification request with DECCW officers on two occasions (both on 1 February 2011) and provided it with an opportunity to review the modified conditions.

The Department also consulted with the Department of Sustainability, Environment, Water, Population and Communities regarding the modification request and that Department advised that it did not have any comments.

Copies of correspondence between ARTC and the DECCW were provided in the attachment to the modification request and have also been attached in **Appendix A**.

5. ASSESSMENT

The Department has reviewed the modification request and correspondence provided to the Proponent by DECCW and considers the request to be reasonable.

To ensure that the intent of the original condition is satisfied, the Department considers that enhancement measures within Leacock Regional Park should be undertaken for both Cumberland Plain Woodland and River-flat Eucalypt Forest on Coastal Floodplain of the North Coast, Sydney Basin and South East Corner Bioregions. The proposal provided to and agreed to by DECCW is not clear on this matter as there is no reference to enhancement measures for River-flat Eucalypt Forest; however, DECCW has confirmed that both EECs occur within the park.

Whilst the Department considers that the request is reasonable and supports either offset plantings or enhancement measures, it considers that the process should not be prescribed in the modified conditions as proposed by the Proponent (refer Section 2). The Department has instead adopted a simplified version of the Proponent's proposed modified condition to allow the flexibility of providing enhancement measures as an offset for the project without prescribing how these measures would be implemented.

The Department considers that the approval of any offset plantings or enhancement measures should remain with the Department and that the delivery of such offsets remain the responsibility of the Proponent in consultation with DECCW. As is regular practice, the detail of how offset plantings or enhancement measures would be implemented would be considered and approved through the Construction Environmental Management Plan process. Any agreement between the Proponent and a third party to implement offset measures is not a matter that needs to be addressed in the modification request.

The Department has therefore recommended that condition 60(c) (ii) be modified to clearly articulate that enhancement measures would be undertaken for both impacted EECs, as follows:

provision of plantings or enhancement measures to offset an equivalent area of all EEC cleared, in consultation with DECCW or Council, as relevant.

The Department also recommends updating condition 60(e) to reflect the proposed amendment to condition 60(c) (ii) above.

6. CONCLUSION AND RECOMMENDATIONS

The Proponent requested that an alternative to offset plantings, as required by condition 60 (c)(ii), in the form of landscape enhancement measures be considered for the project.

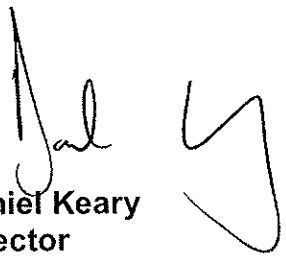
The Department has agreed to modify condition 60(c)(ii) to indicate that plantings or enhancement measures can be undertaken to offset the impacts of the project on endangered ecological communities. Rather than prescribe how this would occur through the conditions of approval, the Department considers that it is appropriate that the Proponent address this through the preparation of the Biodiversity Management Plan, which is required to be prepared as part of the Construction Management Plan for the project.

The Department notes that the Proponent has consulted with DECCW and provided a funding proposal for its consideration and that DECCW has provided its endorsement.

The Department has recommended that condition 60 (c)(ii) be modified to allow for enhancement measures to be undertaken to offset the impacts of the project on EECs. The Department considers that the intent of the original condition has not been altered as a result of the modification and that the specific process by which the project would offset its flora and fauna impacts can be addressed through the preparation of the Biodiversity Management Plan which requires the approval of the Director-General.

Prepared by:

Ingrid Ilias
Environmental Planning Officer
Infrastructure Projects


Daniel Keary
Director
Infrastructure Projects 23/3/11

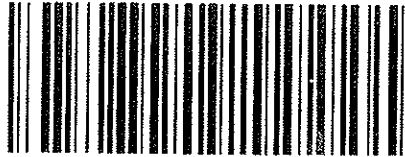
APPENDIX A MODIFICATION REQUEST

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4496



AUSTRALIAN RAIL TRACK CORPORATION LTD

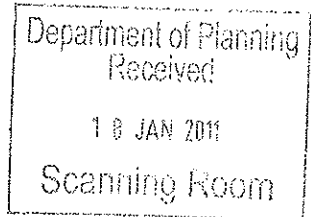


PCU018655

14 January 2011

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

Attention: Diane Fajmon



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:

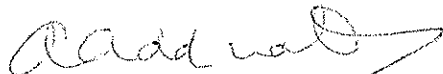
provision of funding equivalent to the funds that would be expended by ARTC for provision of offset plantings at least equivalent to the area of EEC cleared, to the NPWS for the purpose of Enhancement Measures within Leacock Regional Park.

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 cursive script, appearing to read "A Addinall", with a long horizontal line extending from the end of the signature.

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		ABN	
Australian Rail Track Corporation (ARTC)		75081455754	
☒ Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other			
First name		Family name	
Andrew		Addinall	
Position			
SSFL Project Director			
STREET ADDRESS			
Unit/street no.	Street name		
Level 2, 1	Moore Street		
Suburb or town	State	Postcode	
Liverpool	NSW	2170	
POSTAL ADDRESS (or mark 'as above')			
PO Box 482			
Suburb or town	State	Postcode	
Liverpool	NSW	1871	
Daytime telephone	Fax	Mobile	
02 82590774		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 stratg 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. Addins

Project Director S&SFC

Name

Andrew Addinall

Name, if you are not the proponent

Date

14/1/2011



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

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 5000 Fax: (02) 9995 6900
ABN 30 841 387 271
www.environment.nsw.gov.au

Department of **Environment and Climate Change** NSW

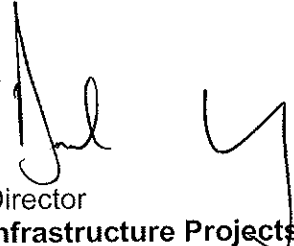


APPENDIX B RECOMMENDED MODIFYING INSTRUMENT

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed on 25 January 2010, I approve the modification of the project application referred to in Schedule 1, subject to the conditions in Schedule 2.



Director
Infrastructure Projects

Sydney 23 March 2011

SCHEDULE 1

Project Approval:

MP 05_0089 granted by the Minister for Planning on 21 December 2006.

For the following:

Southern Sydney Freight Line

Modification:

MP 05_0089 MOD 5: To provide an alternative to offset plantings as required by condition 60(c)(ii), in the form of landscape enhancement measures and related revisions.

SCHEDULE 2

The approval is modified as follows:

1. replacing existing condition 1(g) with the following:

- g) the modification request dated 14 January 2011 and associated application dated 20 January 2011; and
- h) the conditions of this approval.

These CoA prevail in the event of any inconsistency with the requirements for the Contruction and Operation of the Project arising out of the documents described in (a) to (g) above.

2. Adding the following to Abbreviations:

DECCW	Department of Environment, Climate Change and Water (including functions of the Environment Protection Authority and the National Parks and Wildlife Service)
-------	---

3. Deleting the following from Abbreviations:

DEC	Department of Environment and Conservation (including functions of the Environment Protection Authority and the National Parks and Wildlife Service)
-----	--

4. Adding the following to Definitions:

enhancement measures	On-ground works to improve the long term sustainability and ecological condition of existing endangered ecological communities by way of ongoing bushland rehabilitation, including, but not limited to, weed and pest animal control, additional planting, hydrological augmentation and reduced nutrient infiltration.
----------------------	--

5. replacing all references to DEC with DECCW.

6. replacing condition 60(c) (ii) with a new condition 60 (c) (ii), as follows:

(c) (ii) provision of plantings or enhancement measures to offset an equivalent area of all EEC cleared, in consultation with DECCW or Council, as relevant.

7. replacing condition 60 (e) with a new condition 60 (e), as follows:

(e) Performance and completion criteria for the management measures implemented as part of the BMSP (particularly the offset plantings or enhancement measures) and a program for reviewing and monitoring the effectiveness of the implemented management measures against these performance and completion criteria. Management methods will be reviewed where found to be ineffective.
