

DEPARTMENT OF PLANNING AND ENVIRONMENT
Planning Services

SUBJECT: CBD AND SOUTH EAST LIGHT RAIL MODIFICATION ASSESSMENT

PURPOSE

To determine a modification request for a minor change in the CBD and South East Light Rail project approval.

BACKGROUND

The Minister approved the CBD and South East Light Rail Project (CSLR) on 4 June 2014. It is identified as a key priority transport infrastructure project in the Government's *Long Term Transport Master Plan* and was declared critical State significant infrastructure in June 2013.

The CSLR comprises a new light rail service on land generally from Circular Quay via Surry Hills to Moore Park where it branches to Randwick and Kingsford. The approval includes the construction and operation of a stabling facility near the corner of Doncaster Avenue and Alison Road, Kensington, and a maintenance facility within the Rozelle Goods line corridor immediately east of Catherine Street and adjacent to the Lilyfield stop on the Inner West light rail line.

Two separate modifications to the project were approved by the Minister on 17 February 2015 and 17 March 2015 respectively. The key modifications included:

- removal of the light rail stop at World Square;
- increasing the length of the light rail vehicles and stop platforms;
- realigning the track along Alison Road;
- relocating the Royal Randwick Racecourse stop; and
- amended definition of construction to allow geotechnical investigations prior to the approval of construction environmental management plans.

PROPOSED MODIFICATION

Transport for NSW (TfNSW) seeks to amend Condition B24 of the approval, which requires the Proponent to prepare local access plans for stakeholders whose access to property is impacted by the construction and/or operation of the CSLR. TfNSW seeks to remove the requirement that affected parties agree to the terms of a local access plan before these plans can be finalised. Condition B24 states:

*"The Proponent shall prepare local access plans for individual properties and accesses that will be impacted by construction and operation of the SSI. The access plans shall be developed in consultation and **agreement** with affected parties. The access plans shall establish..."*

TfNSW propose the following wording in its modification application:

*"The Proponent shall prepare local access plans for individual properties and accesses that will be impacted by construction and operation of the SSI. The access plans shall be developed in consultation with affected parties. **The Proponent shall apply reasonable endeavours to obtain agreement from the relevant affected parties.** The access plans shall establish..."*

TfNSW considers that the current wording of Condition B24 may compromise its ability to deliver the project should instances of landowner disagreement arise. TfNSW wishes to avoid an adversarial approach to providing appropriate access arrangements.

CONSULTATION

The modification request was made available on the Department of Planning and Environment website in accordance with section 115ZL of the EP&A Act. The City of Sydney, Leichhardt and Randwick City councils were notified that the modification request was available for comment on the Department's website for 14 days from 3 September 2015 to 17 September 2015. The modification was not exhibited by any other means due to the minor nature of the proposed changes.

In its submission, Randwick City Council requested clarity over the minor modification administration process, and suggested changes to the modified condition to ensure that access requirements of property owners are maintained. It also proposes that evidence be provided to the Department to demonstrate that consultation with affected property owners is undertaken, particularly in instances where agreements had not been reached.

The City of Sydney and Leichhardt City Councils provided no comment.

DELEGATED AUTHORITY

On 16 February 2015, the Minister's powers and functions under section 115ZI of the EP&A Act were delegated to Directors in cases 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.

As no objections were received, the Director, Infrastructure Projects may determine the modification request under delegated authority.

DEPARTMENT'S CONSIDERATION

The Department considers that the intent of condition B24 is to facilitate engagement between Proponent and the community, so that specific access requirements for individual property owners are understood and alternative arrangements are provided. Local access plans will identify alternative access routes, specific activities, or land uses within each precinct and would identify strategies to maintain emergency and incident response access at all times. The preparation of local access plans also provides an opportunity for the Proponent to communicate access arrangements to the broader community.

It is intended that the preparation of the local access plans and negotiation of alternative arrangements be undertaken in good faith by all parties and that ideally, the outcomes would be agreed by all parties. It is not intended that failure to agree on the local access plans or access arrangements results in delays on the project.

Condition B24 in its current form does not require the Secretary's approval for local access plans to proceed, nor does it specify that a signed agreement is required between the Proponent and the affected property owner to finalise a specific local access plan. TfNSW has committed to providing local access plans which maintain existing servicing and delivery requirements, access periods or alternative arrangements for businesses and landowners affected by the proposal.

In regards to Randwick Council's submission, the requirement to appropriately consult with landowners is included elsewhere within the conditions of the approval, which provides mechanisms for reporting on complaints and disagreements. Notwithstanding, the Department agrees with Council, and has included a requirement in the modified condition for the Proponent to provide evidence of their attempts to reach agreement with affected parties, upon request.

The Department notes that Condition B25 ensures that property access must be maintained at all times during construction and operation, unless otherwise agreed by the property owner /occupier. This provision will remain unchanged by the modification.

The Department acknowledges the extensive consultation process that has occurred to date, including face to face meetings with property owners, business representatives and community groups; and that this is an iterative process as project design and access arrangements are refined.

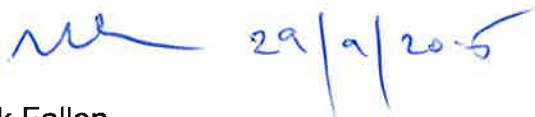
It is considered that the proposed modification does not result in additional or different impacts to those considered for the original approval, nor does it absolve the proponent from considering and managing the likely impacts of these activities.

On this basis, the Department is satisfied that the proposed modification does not alter the Proponent's obligation to business and the broader community to provide appropriate measures to manage the impacts to property access from construction and operation of the CSELR.

RECOMMENDATION

It is RECOMMENDED that the A/Director, Infrastructure Projects, as delegate of the Secretary:

- NOTE the information provided;
- APPROVE the modification request; and
- SIGN the attached modifying instrument (Tab A).



Mick Fallon
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