



Albion Park Rail Bypass

*State Significant
Infrastructure
Modification Assessment
(SSI 6878 MOD 1)*

October 2018

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Glossary

Abbreviation	Definition
Approval	Infrastructure Approval
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning and Assessment Act 1979
Minister	Minister for Planning
Proponent	Roads and Maritime Services
Relevant Council(s)	Any or all as relevant, Wollongong City Council or Shellharbour City Council
SSI	State Significant Infrastructure



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1. Introduction

This report provides an assessment of a request to modify the State significant infrastructure (SSI) approval for the Albion Park Rail Bypass for conditions relating to the need to undertake Building and Structure Condition Surveys before the commencement of works and Road Dilapidation Surveys prior to the use of local roads by construction vehicles.

The modification request seeks approval to alter the wording of conditions E51 and E75 to allow pre-construction activities to take place prior to the preparation of Road Dilapidation and Building and Structure Condition Reports.

The request has been lodged by Roads and Maritime Services (RMS) (the Proponent) pursuant to section 5.25 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

1.1 Background

*The Proponent is constructing a 9.8 km extension of the M1 Princes Motorway between Yallah and Oak Flats to bypass the township of Albion Park Rail (refer to **Figure 1**). The project includes:*

- *three interchanges, at Yallah, Albion Park and Oak Flats;*
- *two lanes in each direction divided by a median;*
- *bridges over waterways and the South Coast Rail Line;*
- *floodwater passages and protection;*
- *upgrades to the local road network;*
- *pedestrian and cycle connections; and*
- *reconfiguration of the sporting facilities at the Croom Regional Sporting Complex.*

The project was approved with conditions by the Minister for Planning under section 115ZB (now section 5.19) of the EP&A Act on 30 January 2018. The Proponent has commenced early works at the Croom Regional Sporting Complex (CRSC) as completion of CRSC is required before major road construction commences. Road construction is expected to commence in early 2019, however the Proponent is proposing to commence pre-construction, including establishment of ancillary facilities, in late 2018.

*On 21 August 2018, the Proponent submitted a request to modify the Albion Park Rail Bypass approval (SSI 6878), as described in **Section 2**.*



Figure 1 | Approved Project



2. Proposed Modification

The Environmental Impact Statement (EIS) for the approved project indicated that a number of buildings and structures in the vicinity of the project would be at risk of damage due to construction activities and that construction vehicles would need to use local roads to access to the project site and ancillary facilities. The Proponent has submitted a request to modify conditions E51 and E75 to amend the timing of building condition and structure surveys and road dilapidation surveys. The infrastructure approval includes conditions requiring the Proponent to undertake Building and Structure Surveys before the commencement of works, and Road Dilapidation Surveys before the use of local roads by construction vehicles.

Condition E51 of the infrastructure approval states that:

Prior to the commencement of any works, a suitably qualified person must undertake building and structure condition surveys of all buildings and structures identified in the EIS as amended by the SPIR as being at risk of damage. The results of the surveys must be documented in a Building and Structure Condition Survey Report for each building structure surveyed. Copies of Building and Structure Condition Survey Reports must be provided to the landowners of the building and structures surveyed, and if agreed by the landowner, the Relevant Council(s), within three weeks of completing the surveys and no later than one month prior to commencement works.

Condition E75 of the infrastructure approval states that:

A Road Dilapidation Report must be prepared by a suitably qualified person, for local roads (and associated infrastructure) proposed to be used by construction vehicles for works associated with the SSI, before the commencement of use by such vehicles. Copies of the Road Dilapidation Report must be provided to the Relevant Council(s) within three weeks of completing the surveys and no later than one (1) month before the use of local roads by project vehicles.

The Proponent has indicated that a number of pre-construction activities are expected to commence in late 2018, including archaeological salvage, at-property architectural noise treatments and establishment of ancillary facilities. Up to 10 heavy vehicles per day would use local roads to establish ancillary facilities AS9, 11 and 13 (refer to **Figure 2**).

The Proponent is seeking to modify the wording of conditions E51 and E75 to allow pre-construction works to commence before the completion of Road Dilapidation Surveys, and Building and Structure Condition Surveys. The Proponent has indicated that the pre-construction activities or construction vehicles servicing those activities would be unlikely to damage road infrastructure or buildings.

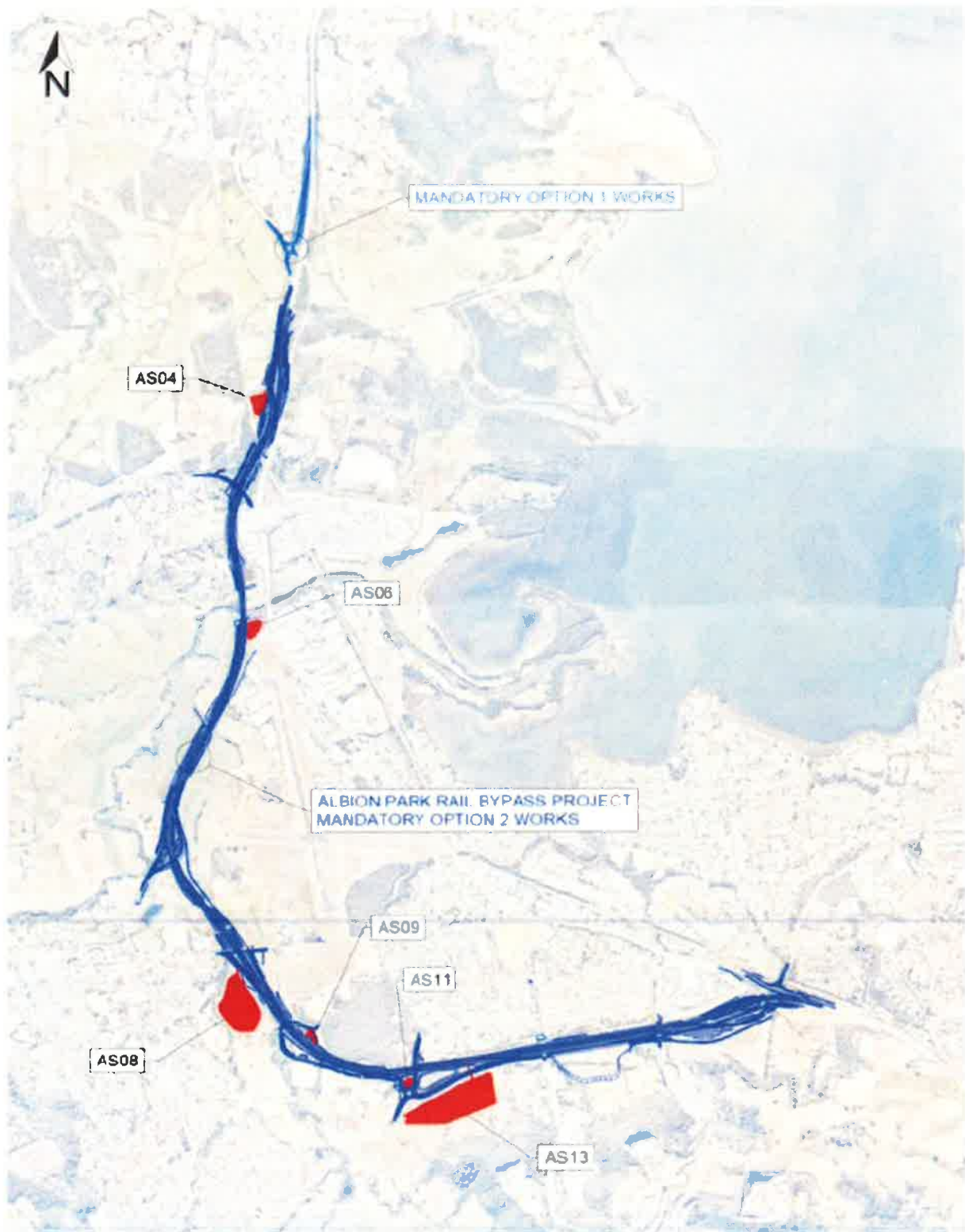


Figure 2 | Location of ancillary facilities (Source: Roads and Maritime Services 2018)



3. Statutory Context

3.1 Scope of Modifications

In accordance with Section 5.25 of the EP&A Act, a Proponent may request the Minister to modify the 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 proposed changes to building structure surveys and road dilapidation surveys is not consistent with the existing approval. Consequently, modification of the Minister's approval under Section 5.25 of the EP&A Act is required.

3.2 Delegated Authority

Under the Instrument of Delegation dated 11 October 2017, the functions and powers of the Minister for Planning under section 115ZI (now section 5.25) of the EP&A Act to determine a modification of the Minister's approval may be delegated to Directors and Managers in the Planning Services division of the Department whereby:

- *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 for the Director, Transport Assessments to determine this application.



4. Engagement

4.1 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.

No submissions were received from the public.

The Proponent consulted with Shellharbour City Council and Wollongong City Council regarding the proposed modification and provided the Department with a copy of the correspondence. Neither council raised any objection or concern in relation to the proposed modification.



5. Assessment

Building and Condition Surveys

The project approval requires the Proponent to survey the condition of all buildings and structures identified as being at risk of damage from construction of the project, before the commencement of any works (condition E51). The project approval defines "works" as all physical activities to construct the SSI. The Department notes that the approval could be interpreted as being applicable to all works, including those not expected to have any impact on the condition of buildings and structures.

Given the scope of the work of the pre-construction works proposed, it is unlikely that any significant vibration would occur with the potential to damage buildings or structures in the vicinity of the works. The Department is satisfied that the requested modification does not change the intent of the condition to provide protection of buildings and structures with the potential to be damaged by construction activities.

Therefore, the Department supports the Proponent's request to modify the approval to undertake building and structure surveys prior to the commencement of construction works near those buildings and structures.

Road Dilapidation Surveys

The project approval requires that a road dilapidation report be prepared for local roads before use by construction vehicles (condition E75). The Department acknowledges that the wording of the condition requires that road dilapidation surveys are required for any use of local roads by construction vehicles, including light and heavy vehicles during the pre-construction phase.

The Proponent has indicated that up to 10 heavy vehicles per day would use local roads to establish the ancillary facilities during the pre-construction phase. The Department acknowledges that damage to roads is generally from heavy vehicles. However, the low volume of heavy vehicles required to establish the ancillary facilities is unlikely to cause significant or measurable impacts to local roads.

The Proponent has consulted with Wollongong City Council and Shellharbour City Council regarding the proposed modifications and no issues have been raised. The Department is of the view that the proposed amendment would not alter the intent of the condition to protect local roads from damage and would not result in any additional environmental impacts.

Therefore, the Department supports the Proponent's request to allow construction vehicles undertaking pre-construction works to use local roads, prior to the completion of road dilapidation surveys. The surveys will be required to be carried out before usage of the local roads for the construction of the project. The Department has also included a definition of heavy vehicles to clarify the type of heavy vehicle that would trigger the requirement for a Road Dilapidation Report to be prepared.

Biodiversity

The proposed modification does not impact on biodiversity, therefore a Biodiversity Development Assessment Report (BDAR) is not required.

Public interest

The Department considers that the change to timing of the survey requirements will allow the Proponent greater flexibility to commence pre-construction works and would likely have a positive impact on the timing of the project.



6. Evaluation

The Department has reviewed the proposed modification and assessed the merits of the modified project, and all environmental issues associated with the proposal have been thoroughly assessed.

The Department's assessment concludes that the modifications to the conditions are consistent with the intent of the approved project.

The Department considers that the modification is consistent with the objectives of the EP&A Act.

The Department concludes that the proposed modification is not likely to result in any further environmental impacts and therefore the proposed modifications to conditions E51 and E75 are acceptable. Consequently, the Department considers the proposal is in the public interest and the modification should be approved.



7. Recommendation

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

- **considers** the findings and recommendations of this report;
- **determines** that the request SSI 6878 MOD 1 falls within the scope of section 5.25 of the EP&A Act;
- **accepts and adopts** all findings and recommendations in this report as the reasons for making the decision to grant approval to the request;
- **modify** the approval SSI 6878; and
- **signs** the attached approval of the modification (**Attachment C**).

Recommended by:

 24/10/18
Michael Young
Principal Planning Officer
Transport Assessments



8. Determination

The recommendation is: **Adopted by:**


Glenn Snow 25/10/18
Director
Transport Assessments



Appendices

Appendix A – List of Documents

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9558

Appendix B – Environmental Assessment

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9558

Appendix C – Instrument of Approval