



Rapid Transit Rail Facility

*State Significant
Infrastructure
Modification Assessment
(SSI 5931 MOD 1)*

September 2019

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Cover photo

Rapid Transit Rail Facility, Cudgegong Road, Tallawong (Source sydneymetro.info)

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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	Blacktown City Council
Department	Department of Planning, Industry 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 and Public Spaces
SSI	State Significant Infrastructure



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Executive Summary

Sydney Metro (the Proponent) currently operates the first stage of the Rapid Transit Rail Facility which supports the North West Metro.

The Proponent seeks approval for administrative modifications to conditions of approval to amend an oversight for regulation of out of hours work that is necessary to enable the expansion of the facility to its full, approved capacity.

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 do not permit additional scope or activities that were not considered in the issuing of the approval for the Rapid Transit Rail Facility and will not have any material effect on the intended operation of the conditions.

The amendments provide a robust process to regulate out of hours work. They will ensure that the need to construct the expanded facility to its full capacity to support the growing metro network is balanced with the local amenity and the residents' enjoyment of their locality. The amendments are consistent with conditions adopted on other infrastructure projects.

For these reasons, the Department considers the amendments the subject of this modification request to be in the public interest and recommends that they be approved.



1. Introduction

This report provides an assessment of a request to modify the State significant infrastructure (SSI) approval for the North West Rail Link (now North West Metro) Rapid Transit Rail Facility.

The modification request seeks approval to allow construction to occur outside the standard construction hours set in the Minister's approval where it is in accordance with an approved Out of Hours Work Protocol.

The request was lodged on 9 September 2019 by Sydney Metro (the Proponent) pursuant to section 5.25 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background

The Rapid Transit Rail Facility comprises a purpose-built train stabling and maintenance facility to support the Sydney Metro rail network, the first component being the recently opened North West Metro. The facility is located on 36 hectares of land between Tallawong Road and Schofields Road, in Rouse Hill and Schofields (see **Figure 1**).

- The facility is secure and operates 24 hours a day, 7 days a week and includes the following:
- train stabling facilities;
- train maintenance facilities including cleaning, inspection, preventative and corrective maintenance, component repair and major overhauls of rolling stock;
- train wash and wheel lathe;
- facilities for maintenance and repair of rail systems, equipment and infrastructure;
- administration, staff and training facilities, and an Operations Control Centre; and
- ancillary buildings and structures as required for security services, power supply systems.

1.2 Site Context

The site is located at the terminus of the North West Metro, approximately 500 metres west of Tallawong Station (**Figure 1** and **Figure 2**). Beyond the existing and approved rail infrastructure, the site is in a developing residential area in north western Sydney with new residential development to the south and west; residential development approximately 1800 metres to the east and across Windsor Road; and undeveloped rural to the north. The operational area is approximately 250 metres to the nearest existing residences across Schofields Road.

1.3 Approval History

The then Executive Director, Development Assessment Systems and Approvals, under delegation from the Minister for Planning, approved the construction and operation of a rapid transit rail facility to support the then North West Rail Link on 15 January 2014.

The approval permits the work as outlined in Section 1.1. It was anticipated that the facility would be constructed in two phases with an initial capacity for 20 trains (stabling and maintenance) and a maximum future capacity for stabling 45 trains and maintaining 76 trains. The approval has not been modified previously.

The project approval includes the following conditions relevant to the modification request:

- E6 - regarding construction which is allowed outside of standard construction hours, and

- E7 – hours when activities that emit impulsive or tonal noise is permitted (except where an EPL applies).

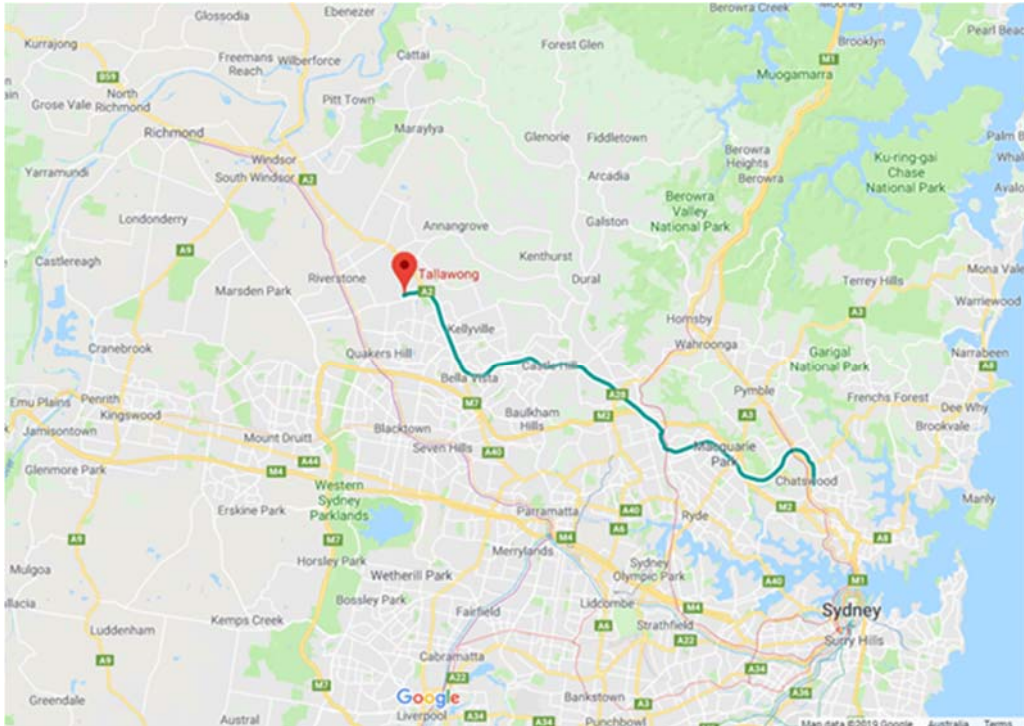


Figure 1 | Site Location



Figure 2 | Site Context



2. *Proposed Modification*

Sydney Metro has sought an administrative modification to the Minister's approval to allow it to continue to construct components of the Rapid Transit Rail Facility outside of standard construction hours. This would predominantly occur for activities that must be undertaken during rail possessions (i.e. when services are not operating). Proposed activities that would occur outside standard construction hours include excavation for construction of a combined services route which can only be undertaken during a rail possession to enable safe integration with the existing network. This will include the use of rock hammers. Wherever possible, rock hammers would only be used during daytime hours.

The Minister's approval does not permit construction outside of standard construction hours (defined in condition E5 of the approval) except:

- where airborne noise is:
 - no more than 5 dB(A) above background at any residence;
 - no more than noise management levels specified in the Interim Construction Noise Guideline
- where there is a negotiated agreement with the affected receivers;
- for material deliveries where the NSW Police or other authority requires it for safety reasons;
- where required in an emergency to avoid loss of lives, property and/or to prevent environmental harm;
or
- approved through an EPL.

Expansion of the facility to its full, approved capacity, requires construction outside of the standard hours outlined in the Minister's approval. Further, the exceptions identified in condition E5 would not apply in many instances and therefore modification of the Minister's approval is required.

The proposed modification will not result in:

- physical alterations to the approved project
- an increase in the construction duration
- additional employment, or
- a change in the magnitude of impact associated with the project (for example traffic, noise etc.).



3. Strategic Context

The Sydney Metro project is Australia's largest approved public transport project. It is identified in relevant strategic planning documents such as the *Greater Sydney Region Plan: A Metropolis of Three Cities* and its subsidiary district plans and *Future Transport 2056* as a key component in addressing Sydney's transport and land use challenges in the twenty-first century.

The proposed modification responds to this strategic need by facilitating the expansion of maintenance and stabling facilities necessary to support Sydney Metro's expansion.



4. Statutory Context

4.1 Scope of Modifications

Section 5.25 of the EP&A Act provides for a proponent to 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 ability for the proponent to undertake work in accordance with an out of hours work protocol is not considered consistent with the existing approval and other circumstances outlined in the Minister's approval where out of hours work is allowed do not apply. Consequently, modification of the Minister's approval under Section 5.25 of the EP&A Act is required.

The proposed modification is considered an administrative or minor modification as:

- it would not result in any change to the potential impacts as identified in the EIS;
- was identified as a potential eventuality in the EIS where circumstances required;
- is consistent with standard construction approaches and conditions of approval for other State significant infrastructure projects; and
- it is also consistent with the Department's indicative conditions of approval for linear infrastructure projects.

4.2 Delegated Authority

The Minister will be the approval authority under s. 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, 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.



5. Engagement

5.1 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 administrative in nature, do not result in any change to impact or management approach as identified in the EIS, and deal with circumstances where no other permits or approvals are required, the Department consulted only with the EPA in regard to the regulation of noise during out of hours activities. The EPA did not raise any concerns with the proposed modification.



6. Assessment

The proposed amendments would provide a mechanism to undertake works outside of standard construction hours. Construction for the earlier stage of the Rapid Transit Rail Facility relied on an Environmental Protection Licence under the *Protection of the Environment Operations Act 1997* for out of hours works. That licence has since been surrendered and the current stage of works do not meet the criteria for a new licence. There is no current mechanism to allow out of hours works.

The Department generally accepts the need to undertake certain types of transport infrastructure works outside standard hours, particularly where they connect with (and therefore require closure of) existing infrastructure. Appendix F, the *Rapid Transit Rail Facility Noise Assessment*, to the of the parent application's EIS identified and assessed works required to be undertaken during rail possessions as work which would be undertaken outside of standard construction hours without further approval. Chapter 11 of the EIS states that some works would be required to be undertaken within a rail possession up to 24 hours per day, seven days per week.

The Interim Construction Noise Guideline identifies circumstances where work might be undertaken outside recommended standard hours. This includes work where a proponent demonstrates and justifies a need to operate outside the recommended standard hours for reasons other than convenience, such as to sustain operational integrity of road, rail and utility networks as these generally provide benefit to the greater community.

The Department is satisfied of this project's need to undertake works outside standard construction hours, and acknowledges the project's current regulatory gap in providing a mechanism to ensure these works are managed to minimise amenity impacts on surrounding residents. The proposed Out of Hours Works (OOHW) Protocol to be embedded within the project's Construction Noise and Vibration Plan (CNVP) is a common mechanism to allow and regulate works outside standard construction hours that has been implemented on other transport infrastructure projects such as such as the other Sydney Metro projects, WestConnex and Parramatta Light Rail.

Table 1 provides a detailed assessment of the proposed changes to conditions. The conditions as shown in Table 1 reflect the Department's recommended changes. The Department has also made additional changes, which are a result of the amendments to the conditions.

Table 1 | Amendments to conditions

Condition	Requested Condition	Justification
B1	<i>The Proponent shall carry out the SSI generally in accordance with the:</i> <i>(a) SSI Application SSI-5931;</i> <i>(b) Tallawong Road, Rouse Hill Rapid Transit Rail Facility: Environmental Impact Statement, dated 29 July 2013;</i> <i>(c) Tallawong Road, Rouse Hill Rapid Transit Rail Facility: Response to</i>	Administrative amendment to refer to the current modification request

Condition	Requested Condition	Justification
	<p><i>Submissions Report, dated 21 October, 2013;</i></p> <p>(d) <i>Admin Modification request to DPIE High Noi_SSI-5931-Mod-1 dated 9 September 2019; and</i></p> <p>(e) <i>conditions of this approval.</i></p>	
B2	<p><i>In the event of an inconsistency between:</i></p> <p>(a) <i>the conditions of this approval and any document listed from condition B1(a) to B1(d) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and</i></p> <p>(b) <i>any document listed from condition B1(a) to B1(d) inclusive, and any other document listed from condition B1(a) to B1(d) inclusive, the most recent document shall prevail to the extent of the inconsistency.</i></p>	Administrative amendment to refer to the current modification request
E6	<p><i>Construction works outside of the standard construction hours identified in condition E5 may be undertaken in the following circumstances:</i></p>	This condition identifies work that can be undertaken outside of standard construction hours. The thresholds are both outcome based and activity based, however there are circumstances where necessary works would not meet the identified thresholds.
	<p>(a) <i>construction works that generate airborne noise that is:</i></p> <p>(i) <i>no more than 5 dB(A) above rating background level at any residence in accordance with the Interim Construction Noise Guideline (DECC, 2009);</i></p> <p>(ii) <i>no more than the noise management levels specified in Table 3 of the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009) at other sensitive receivers;</i></p> <p>(b) <i>where a negotiated agreement has been reached with affected receivers, where the prescribed noise and vibration levels cannot be achieved;</i></p>	<p>Construction that can only be undertaken during a rail possession where services are not operating, may not meet the thresholds identified in E6 (a)-(d). The current wording does not allow impulsive or tonal noise emitting activities outside of standard construction hours unless an EPL applies. An EPL applied to the first stage of construction of the facility in conjunction with the broader North West Metro and work was regulated through that process. That EPL no longer applies and the magnitude of work for the expansion does not meet the threshold for a new construction EPL to be issued.</p> <p>The proposed modification would enable necessary out of hours work to occur where there is an approved Out of Hours Work Protocol in place. The type of work that this would apply to was envisaged in the EIS and will not result in any</p>

Condition	Requested Condition	Justification
	<p>(c) <i>for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons;</i></p> <p>(d) <i>where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm;</i></p> <p>(e) <i>construction works approved in accordance with the Out of Hours Work (OOHW) Protocol included as part of a Construction Noise & Vibration Management Plan as required by Condition E29(b) of this approval; and</i></p> <p>(f) <i>works approved through an EPL.</i></p>	<p>greater impact than was assessed in the Department's assessment of the parent project.</p> <p>The inclusion of an out of hours work protocol in the Minister's approval is consistent with other major infrastructure projects including roads and rail projects such as the other Sydney Metro projects, Westconnex and Parramatta Light Rail. The proposed amendment is also consistent with the Department's indicative conditions for linear infrastructure, noting however that these are intended to be modified specific to each project.</p>
E7	<p><i>Except as expressly permitted by an EPL or for works approved through the OOHW Protocol referred to in Condition E6, activities resulting in impulsive or tonal noise emission (such as rock breaking, rock hammering, pile driving) shall only be undertaken:</i></p> <p>(a) <i>between the hours of 8:00 am to 5:00 pm Monday to Friday;</i></p> <p>(b) <i>between the hours of 8:00 am to 1:00 pm Saturday; and</i></p> <p>(c) <i>in continuous blocks not exceeding three hours each with a minimum respite from those activities and works of not less than one hour between each block.</i></p> <p><i>For the purposes of this condition 'continuous' includes any period during which there is less than a one hour respite between ceasing and recommencing any of the work the subject of this condition.</i></p>	<p>The current wording does not allow impulsive or tonal noise emitting activities outside of standard construction hours unless an EPL applies. This amendment is required as a consequence of amending condition E6 to ensure that impulsive and tonal noise emitting work is only undertaken between specified hours, and that respite is provided, unless it is otherwise permitted through an approved out of hours work protocol.</p>



7. Evaluation

The Department has reviewed the modification request, the proponent's justification for the modification and the proposed amendments to conditions and accepts that some ongoing construction activities need to be undertaken during a rail possession, usually for safety reasons. Rail possessions typically occur on weekends or weeknights and therefore, almost without exception, will require out of hours work.

Comment and advice was sought from the Environment Protection Authority regarding the regulation of out of hours work using this process. As the proposed changes do not have any material effect on the scale of impact or the scope of work to be undertaken, no further consultation was necessary.

The noise and other environmental impacts associated with any work that would be undertaken during out of hours using a protocol have been assessed as part of the approved project and therefore are not considered further as part of this request.

The Department supports the proposed amendments to the conditions. Regulation through an Out of Hours Works Protocol would provide a mechanism to undertake required and approved work while ensuring that the work is not unduly disruptive to the receiving environment, particularly residential receivers. This will provide a transparent process and give the public the assurance that their amenity has been taken into consideration along with the need to complete the required activities.

The proposed changes are consistent with the approach adopted for other significant infrastructure projects and the Department's indicative conditions for linear projects.

For the reasons outlined above, the Department considers the modifications to be in the public interest and recommends that the request be approved.



8. Recommendation

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

- **considers** the findings and recommendations of this report; and
- **determines** that the request Rapid Transit Rail Facility MOD 1 falls within the scope of section 5.25 of the EP&A Act;
- **forms the opinion** under section 7.17(c) of the Biodiversity Conservation Act 2016 that a biodiversity development assessment report is not required to be submitted with this application as the modification will not increase the impact on biodiversity values of the site.
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the request;
- **modifies** the approval SSI 5931; and
- **signs** the attached Notice of Modification (**Appendix C**).

Recommended by:

Lisa Mitchell

Team Leader

Transport Assessment



9. *Determination*

The recommendation is: **Adopted by:**

Alexander Scott

Acting Director

Transport Assessments



Appendices

Appendix A – List of Documents

<https://www.planningportal.nsw.gov.au/major-projects/project/25231>

Appendix B – Consolidated Approval

<https://www.planningportal.nsw.gov.au/major-projects/project/25231>

Appendix C – Instrument of Modification

<https://www.planningportal.nsw.gov.au/major-projects/project/25231>