

Newcastle Transport Program Newcastle Light Rail Associated Road Upgrades Determination Report

Infrastructure and Services

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Author TfNSW
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1. Introduction

1.1. Background

Transport for NSW (TfNSW) is the NSW Government's lead public transport agency that ensures planning and policy is fully integrated across all modes of transport in NSW. It manages a multi-billion dollar budget allocation for rail, bus, ferry and taxi services and related infrastructure in NSW.

Transport for NSW is responsible for improving the customer experience of transport services, transport policy and regulation, planning and program administration, procuring transport services, and infrastructure and freight.

The *Newcastle Urban Renewal Strategy*, a 25 year plan to revitalise Newcastle, was released by the NSW Government in December 2012. A key direction of this strategy is to achieve an integrated transport solution to help drive urban renewal and improve the linkage between the Newcastle city centre and the Newcastle Harbour waterfront. The *Newcastle Urban Renewal Strategy* (NSW Government, 2012) identifies transport, access and connectivity as a guiding principle for the urban renewal of Newcastle.

The Newcastle Urban Transformation and Transport Program, known as Revitalising Newcastle, has been established to deliver the NSW Government's commitment to revitalise the city. The \$510 million program aims to bring people back to the city centre by strengthening connections between the city and the waterfront, creating employment opportunities, providing more public space and amenity, and delivering better transport.

Transport for NSW's role in this broad revitalisation program is to deliver a safe, modern and efficient transport system for Newcastle.

Transport for NSW is the proponent for the Newcastle Light Rail Associated Road Upgrades (referred to as 'the Proposed Activity' for the purposes of this document).

1.2. Review of environmental factors

TfNSW prepared a Review of Environmental Factors (REF) for the Light Rail project, which detailed the scope of works and environmental impacts associated with the Proposed Activity and highlighted the need for further works to occur to ensure impacts to the surrounding road network are minimised following the introduction of the light rail. Following further works, a supplementary REF has been prepared for the Newcastle Light Rail Associated Road Upgrades (Appendix 1). The REF was prepared by GHD in accordance with clause 228 of the *Environmental Planning and Assessment Regulation 2000*. The REF was placed on public display from Monday 21 November to Monday 19 December 2016 and 16 submissions were received by TfNSW.

1.3. Determination Report

Prior to proceeding with the Proposed Activity, the Secretary of TfNSW must make a determination in accordance with the provisions of Part 5 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act).

The objectives of this Determination Report are to:

- assess the environmental impacts with respect to the Proposed Activity which are detailed in the REF (and any proposed modifications, as detailed and assessed in this Determination Report)
- identify mitigation measures to minimise potential environmental impacts
- determine whether potential environmental impacts are likely to be significant
- address whether the provisions of the *Commonwealth Environment Protection & Biodiversity Conservation Act 1999* (the EPBC Act) applies to the Proposed Activity.

This report has been prepared having regard to, among other things, the objectives of TfNSW under the *Transport Administration Act 1988*:

- (a) to plan for a transport system that meets the needs and expectations of the public,
- (b) to promote economic development and investment,
- (c) to provide integration at the decision-making level across all public transport modes,
- (d) to promote greater efficiency in the delivery of transport infrastructure projects,
- (e) to promote the safe and reliable delivery of public transport and freight services.

1.4. Description of the Proposed Activity in the REF

An overview of the Proposed Activity, which is the subject of the Newcastle Light Rail Associated Road Upgrades supplementary REF, is provided in the Executive Summary with full details set out in Section 6 of the REF. In summary, the Proposed Activity as outlined in the REF comprises changes to key intersections identified as potentially being impacted as a result of the Light Rail project. Changes include:

- Changes to the intersection at Stewart Avenue/ Hannell Street
 - Extension of the right turn lane on Hannell Street southbound into Throsby Street.
 - Line marking and realignment to form a dedicated left turn lane on Throsby Street.
 - A new dedicated left turn lane onto Bishopsgate Street from Hannell Street northbound.
 - A new southbound slip lane on Hannell Street into Honeysuckle Drive.
 - Realignment of Honeysuckle Drive to suit the eastbound slip lane.
 - Dangar Street cul-de-sac realigned to suit Honeysuckle Drive realignment.
 - Extension of the existing left turn bay and a new access into the light rail depot off Honeysuckle Drive.
 - Line marking to provide an additional through lane on Hannell Street (west) just north of the light rail route.
 - Installation of new concrete medians between Hunter Street and Dangar Street, on Honeysuckle Drive (from the Hannell Street intersection for about 100 metres) and at the corner of Hannell Street and Honeysuckle Drive.
- Changes to Hunter Street and Steel Street intersection
 - A new dedicated right turn bay on Hunter Street (west) on to Steel Street.

- Extension of the concrete median in Steel Street (north) into the light rail route.
- Line marking and adjustments to create additional travel lanes on Hunter Street east and west of the Steel Street intersection.
- Adjustment of the kerb at the intersection to allow buses to turn left off Steel Street on to Hunter Street.
- Construction of 1.5 metre wide medians on Hunter Street east and west of the intersection with Steel Street to accommodate installation of signals.
- Changes to King Street and Derby Street intersection
 - Line marking and adjustment to extend the right turning bay on Darby Street southbound into King Street.
 - A new left turn slip lane on Darby Street northbound into King Street south of the intersection.
 - Extension of the left turning lane on Darby Street northbound into Hunter Street.
 - Line marking and adjustments to extend the dedicated left turn bay on King Street (south) to turn into Darby Street (east of the intersection).
- Changes to existing parking
 - Removal of 110 parking spaces. This is additional to the parking spaces that would be removed for the implementation of the light rail project.
 - The majority of impacted parking spaces are 2P Ticket, with some 8P Ticket and some unrestricted parking spaces. Only two accessible parking spaces and two loading zones will be impacted. Parking impacts are dispersed throughout the city centre.
- Changes to bus stops
 - Removal of the bus bay on the eastern side of Hannell Street just north of the light rail route.
 - Relocation of the bus stop on Hunter Street (north side) just east of the Steel Street intersection approximately 90 metres eastward to near Kuwumi Place.
 - Removal of the bus stop on Hunter Street (south side) just east of the Steel Street intersection.

The need for, and benefits of the Proposed Activity are outlined in Section 3 of the REF.

2. Consultation and assessment of submissions

The REF was placed on public display from Monday 21 November to Monday 19 December 2016 at:

- City of Newcastle City Administration Centre, 282 King Street, Newcastle
- Newcastle City Branch Library, Ground Floor, Laman Street, Newcastle
- Transport for NSW, Ground Floor, 239 King Street, Newcastle
- The Revitalising Newcastle website at <http://ourtransport.revitalisingnewcastle.com.au/delivering-newcastle-light-rail>, the

TfNSW website at www.transport.nsw.gov.au/projects and the NSW Government 'Have Your Say' website¹.

Community consultation activities undertaken during this period included:

- community information sessions at the following dates and times:
 - Wednesday 30 November 3pm - 6pm, Newcastle Museum Theatrette
 - Saturday 3 December 10am - 2pm, Newcastle City Hall, Hunter Room
 - Wednesday 7 December 4pm - 7pm, Newcastle City Hall, Hunter Room
- door-knocking and hand delivery of brochures and business cards/fridge magnets to immediately adjacent residents and/or businesses
- distribution of an information brochure to over 2500 households and properties within a 200 metre radius of the proposed works
- placement of two advertisements in the Newcastle Herald
- meetings with Newcastle City Council councillors and officers
- placement of information on the TfNSW website.

A total of 16 submissions were received by TfNSW as a result of the above activities.

Submissions raised a variety of issues in relation to the Proposed Activity. The key issues raised in submissions were:

- requests for additional works and/or support for the proposal
- community and business impacts resulting from the removal of parking
- the timing and safety of proposed works
- potential traffic, transport and access impacts
- the strategic justification for some of the works and alignment with Council's vision for the Newcastle CBD
- potential noise, visual, tree and general amenity impacts
- the strategic justification for some of the works and alignment with Council's vision for the Newcastle CBD
- the adequacy of the documentation and level of consultation undertaken

A Submissions Report for the proposed activity is contained in Appendix 2 which outlines the issues raised in submissions and TfNSW's response to these issues, including any changes to the proposal and mitigation measures.

3. Description and assessment of design changes following public display

As a result of the submissions received during the public display of the REF, a number of changes have been made to the Proposed Activity. These changes are described in full in Section 5 of the Submissions Report (Appendix 2) and summarised below:

¹ <http://www.haveyoursay.nsw.gov.au>

	Nature of Change
A	investigating peak hour parking restrictions to determine whether this will reduce congestion sufficiently and possibly avoid the need to remove parking on Darby and King streets
B	delaying proposed line marking changes at the Darby and King streets intersection until prior to the commencement of light rail operations to allow businesses some time to transition to the transport network changes in the CBD
C	potential shortening of the length of the proposed slip lane at the Throsby and Hannell streets intersection to reduce the number of car parks to be removed
D	a change to the proposed upgrade at the Stewart Avenue and King Street intersection to avoid impacts to proposed renewal activities in Little King Street and Birdwood Park.

3.1. Assessment of design changes

Design change A

This change is proposed in response to feedback received from nearby businesses who were concerned about the impacts of parking losses. Approval is still sought to undertake the parking removal as described in the REF, however, if further investigations indicate that peak hour parking restrictions can sufficiently manage the levels of congestion predicted then full removal of the parking spaces will not occur. The impact of implementing peak hour parking restrictions instead of full parking removal is considered a positive outcome for the adjacent business owners.

Design change B

This change is also proposed in response to feedback received from nearby businesses who were concerned about the impacts of parking losses. Approval is still sought to undertake the line marking as described in the REF, however the line marking works may be delayed until such time as traffic congestion in this location reaches a level that necessitates these works or prior to the commencement of light rail operations, whichever is the sooner. The impact of delaying these works is considered positive as it will allow businesses time to transition to the transport network changes in the CBD.

Design change C

If further investigation demonstrates that the slip lane at the Throsby and Hannell street intersection can be shortened, this would be considered a positive impact as it will reduce the number of parking spaces to be removed.

Design change D

The proposed left turn onto Little King Street described in the Supplementary REF has been removed from the proposal scope to reduce the potential impacts on renewal projects planned for Little King Street and Birdwood Park and in particular, to improve pedestrian permeability and amenity in this location.

4. Consideration of the environmental impacts

Environmental Planning and Assessment Act 1979 (EP&A Act)

The REF addresses the requirements of section 111 of the EP&A Act. In considering the Proposed Activity, all matters affecting or likely to affect the environment are addressed in the REF, the Determination Report, and associated documentation.

In accordance with the checklist of matters pursuant to clause 228(3) of the *Environmental Planning and Assessment Regulation 2000*, an assessment is provided in Section 6 and Appendix A of the REF.

In respect of the Proposed Activity an assessment has been carried out regarding potential impacts on critical habitat, threatened species, populations or ecological communities or their habitats, under section 112 of the EP&A Act.

The likely significance of the environmental impacts of the Proposed Activity have been assessed in accordance with the then NSW Department of Planning's 1995 best practice guideline *Is an EIS Required?*² It is concluded that the Proposed Activity is not likely to significantly affect the environment (including critical habitat) or threatened species, populations of ecological communities, or their habitats. Accordingly, an environmental impact statement under Part 5.1 of the EP&A Act is not required.

Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

As part of the consideration of the Proposed Activity, all matters of national environmental significance (NES) and any impacts on Commonwealth land for the purposes of the EPBC Act have been assessed. In relation to NES matters, this evaluation has been undertaken in accordance with Commonwealth Administrative Guidelines on determining whether an action has, will have, or is likely to have a significant impact. A summary of the evaluation is provided in Section 2.2.2 of the REF.

It is considered that the Proposed Activity described in the REF is not likely to have a significant impact on any Commonwealth land and is not likely to have a significant impact on any matters of NES.

Heritage Act 1977

The potential heritage impacts of the Proposed Activity are assessed in Section 5.4.3 of the REF. Construction is not likely to directly impact on any heritage items, conservations areas or archaeological sites in proximity to the proposal site. Works would be undertaken in accordance with the mitigation measures specified in the REF.

5. Conditions of Approval

If approved, the Proposed Activity would proceed subject to the existing Conditions of Approval for the Newcastle Light Rail project, subject to the below amendments, and as per the consolidated Conditions of Approval contained in Appendix 3:

The definition of 'the project' in the *Definitions* section will be replaced with:

² Refer to the National Library of Australia's 'Trove' website
<http://trove.nla.gov.au/work/7003034?selectedversion=NBD11474648>

the Project

The construction and operation of the Newcastle Light Rail project and the Newcastle Light Rail Associated Road Upgrades project as described in the environmental impact assessments.

Condition 1 will be replaced with the following:

Terms of approval

The Project shall be carried out generally in accordance with the environmental impact assessment (EIA) for this Project, which comprises the following documents:

DOCUMENT	AUTHOR	DATE
<i>Newcastle Light Rail Project – Review of Environmental Factors Newcastle</i>	<i>GHD</i>	<i>April 2016</i>
<i>Newcastle Light Rail Project – Submissions Report</i>	<i>GHD</i>	<i>July 2016</i>
<i>Newcastle Light Rail Project – Determination Report</i>	<i>TfNSW</i>	<i>July 2016</i>
<i>Newcastle Light Rail Associated Road Upgrades – supplementary Review of Environmental Factors</i>	<i>GHD</i>	<i>November 2016</i>
<i>Newcastle Light Rail Associated Road Upgrades – Submissions Report</i>	<i>GHD</i>	<i>May 2017</i>
<i>Newcastle Light Rail Associated Road Upgrades – Determination Report</i>	<i>TfNSW</i>	<i>May 2017</i>

In the event of an inconsistency between these conditions and the EIA, these conditions will prevail to the extent of the inconsistency.

Additionally, the following Conditions are considered *not applicable* to the Associated Road Upgrades and will be marked accordingly:

Condition 8: Business Activation Strategy (not applicable to the Associated Road Upgrades)

Condition 17: Operational Noise & Vibration (not applicable to the Associated Road Upgrades)

Condition 18: Operational Noise Compliance Monitoring (not applicable to the Associated Road Upgrades)

Condition 19: Pre-Construction Sustainability Report (not applicable to the Associated Road Upgrades)

Condition 20: Renewable Energy Offset (not applicable to the Associated Road Upgrades)

Condition 28: Heritage Interpretation Strategy (not applicable to the Associated Road Upgrades)

Condition 29: Archival Recording (not applicable to the Associated Road Upgrades)

Condition 30: Heritage Architect ((not applicable to the Associated Road Upgrades)

Condition 32: Lighting Scheme (not applicable to the Associated Road Upgrades)

Condition 39: Urban Design Plan (not applicable to the Associated Road Upgrades)

Condition 40: Public Domain Plan (not applicable to the Associated Road Upgrades)

6. Conclusion

Having regard to the assessment in the REF, consideration of the submissions received, and the design changes subsequent to the public display of the REF, it can be concluded that the Proposed Activity is not likely to significantly affect the environment (including critical habitat) or threatened species, populations of ecological communities, or their habitats.

Consequently, an environmental impact statement is not required to be prepared under Part 5.1 of the EP&A Act.

It is also considered that the Proposed Activity does not trigger any approvals under Part 3 of the EPBC Act.

The environmental impact assessment (REF, Submissions Report and Determination Report) is recommended to be approved subject to the proposed mitigation and environmental management measures included in the existing Conditions of Approval for the Newcastle Light Rail Project as amended by Section 5 of this report.

Appendix 1: Review of Environmental Factors

NLR Associated Road Upgrades Review of Environmental Factors (Desksite Ref: 5623101)

Technical Paper 1 – Traffic Assessment (Desksite Ref: 5623102)

Technical Paper 2 – Arboricultural Assessment (Desksite Ref: 5623103)

Technical Paper 3 – Noise & Vibration Assessment (Desksite Ref: 5623104)

Technical Paper 4 – Due Diligence Aboriginal Heritage Assessment (Desksite Ref: 5623105)

Technical Paper 5 – Statement of Heritage Impact (Desksite Ref: 5623107)

<http://yoursay.revitalisingnewcastle.com.au/newcastle-light-rail/documents>

Appendix 2: Submissions Report

NLR Associated Road Upgrades Submissions Report (Desksite Ref: 5623109)

<http://yoursay.revitalisingnewcastle.com.au/newcastle-light-rail/documents>

Appendix 3: Conditions of Approval

Newcastle Light Rail and Associated Road Upgrades Conditions of Approval – Consolidated
May 2017 (Desksite Ref: 5624239)

<http://yoursay.revitalisingnewcastle.com.au/newcastle-light-rail/documents>

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Appendix 4: Environmental Impact Assessment

Newcastle Light Rail Associated Road Upgrades

DETERMINATION

I, Louise Sureda, as delegate of the Secretary, Transport for NSW:

1. Have examined and considered the Proposed Activity in the Newcastle Light Rail Associated Road Upgrades supplementary Review of Environmental Factors (November 2016) and Newcastle Light Rail Associated Road Upgrades Determination Report (May 2017) in accordance with the provisions of section 111 of the *Environmental Planning and Assessment Act 1979*.
2. Determine on behalf of Transport for NSW (the Proponent) that the Proposed Activity may be carried out in accordance with the existing Newcastle Light Rail Project Conditions of Approval as amended by Section 5 of this Determination Report, consistent with the proposal described in the Newcastle Light Rail Associated Road Upgrades supplementary Review of Environmental Factors (November 2016) as amended by this Determination Report (May 2017).



Louise Sureda
Director Planning & Environment
Infrastructure & Services
Transport for NSW

Date: 15.5.17