

# Newcastle Transport Program Newcastle Light Rail Determination Report

## Infrastructure and Services

Date 25 July 2016

Author TfNSW

Ref 5276649

Status Final

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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 (NUTTP) 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 Project (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 project, which detailed the scope of works and environmental impacts associated with the Proposed Activity (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 7 April to 27 May 2016 and 348 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 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 the construction and operation of a light rail system in the Newcastle city centre between Wickham and Pacific Park, and associated changes to the road and bus network, including:

- About 2.7 kilometres of light rail track, consisting of about 2.5 kilometres of dual track and 180 metres of single track.
- Six light rail stops and associated infrastructure (such as platforms, shelters and lighting):
  - Wickham Transport Interchange
  - Honeysuckle
  - Civic
  - Crown Street
  - Market Street
  - Pacific Park.
- A light rail stabling and maintenance facility at the location of the existing Wickham Station.
- Terminus facilities near the Pacific Park stop.
- Ancillary infrastructure, including two new substations, power supply, wiring and utilities.
- Works in the former rail corridor:
  - remove the existing Wickham Station buildings, platforms and pedestrian bridge.
  - remove the pedestrian bridge located over the former rail corridor to the west of Market Street.
- Changes to existing bus stops along Hunter and Scott streets.
- Changes to intersections and the configuration of traffic lanes in a number of locations.

The need for and benefits of the Proposed Activity are outlined in Chapter 5 of the REF.

## 2. Consultation and assessment of submissions

The REF was placed on public display from 7 April to 27 May 2016 at:

- City of Newcastle City Administration Centre, 282 King Street, Newcastle
- Newcastle City Library, Ground Floor, Laman Street Newcastle
- Hamilton Library, 44 James Street, Hamilton
- TfNSW, ground floor, 239 King Street, Newcastle
- TfNSW Community Information Centre, 388 George Street (at the corner of King Street), Sydney; and
- on the TfNSW website at [www.transport.nsw.gov.au/projects](http://www.transport.nsw.gov.au/projects) and the NSW Government [‘Have Your Say’ website](#)<sup>1</sup>.
- community consultation activities undertaken during this period included community information sessions at the following locations, dates and times:
  - Thursday 14 April 2016, 4pm to 7pm, Newcastle East
  - Thursday 28 April 2016, 4pm to 7pm, Newcastle
  - Saturday 30 April 2016, 10am to 2pm, Newcastle
  - Saturday 14 May 2016, 1pm to 4pm, Newcastle.

Members of the project team were also available to provide further information and answer questions at the two following pop-up stalls:

- Saturday 7 May 2016, 8am to 2pm Clocktower Markets – Beaumont Street, Hamilton
- Thursday 12 May 2016, 4pm – 8pm Marketown Shopping Centre – Steel Street, Newcastle
- distribution of a four-page brochure at Hamilton, Broadmeadow, Cardiff, Warabrook, and Waratah stations, during the morning (6am to 9am) and afternoon (3pm to 7pm) peak periods, on 26 and 28 April and 3 and 5 May.
- a letterbox drop of a four-page brochure to 7,000 households and properties in the suburbs of Newcastle, Newcastle East, Newcastle West and The Hill.
- placement of ads in The Newcastle Herald on Saturday 9, 16, 23 and 30 April, to provide information about the display locations and information sessions.
- a one-page brochure and a fridge magnet with contact details were hand delivered to businesses near the proposal in Hunter and Scott Streets.
- door knocking was conducted to 97 local businesses within a 20 metre radius of the project, located at street level only. Comments were recorded in Consultation Manager and/or businesses were directed to the TfNSW website for further information.
- arrangement of a briefing to Newcastle Council councillors and officers
- placement of information on the TfNSW website.

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<sup>1</sup> <http://www.haveyoursay.nsw.gov.au>

- an online community engagement tool called Social Pinpoint was set up to receive community submissions on the project. A link to the database was on the project website and in written materials.

The following stakeholder briefings were undertaken with government agencies and other stakeholder groups during preparation of the REF/public display period:

- Newcastle City Council on 4 April 2016 and 5 April 2016
- Property Council of Australia (Hunter) on 5 April 2016
- Hunter Development Corporation on 5 April 2016
- Urban Development Institute of Australia (UDIA) on 6 April 2016
- Renew Newcastle on 6 April 2016
- Awabakal Local Aboriginal Land Council on 6 April 2016
- Hunter Business Chamber on 7 April 2016
- RDA Hunter on 7 April 2016
- Newcastle Now on 7 April 2016
- Port of Newcastle on 7 April 2016
- University of Newcastle on 8 April 2016
- Hamilton Chamber on Commerce on 8 April 2016
- Newcastle Airport on Commerce on 8 April 2016
- NRMA on 13 April 2016
- Hunter Regional Organisation of Councils on 14 April 2016
- Housing Industry Association, Hunter on 19 April 2016
- Throsby Basin Business Chamber on 10 May 2016

A total of 348 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 received were:

- The need for the proposal and the justification
- Alternatives to light rail considered and the location of the alignment and stops
- Proposal design features
- Operation and construction of the proposal
- Consultation and communication
- Assessment and approvals
- Traffic, transport and access impacts
- Noise and vibration impacts

- Heritage impacts
- Socio-economic impacts
- Land use and property impacts
- Other environmental impacts including biodiversity, green space and tree impacts, electromagnetic radiation and remediation

A summary of all issues raised and associated responses is provided in the Newcastle Light Rail Submissions Report in Appendix 2.

### **3. Description and assessment of design modifications following public display**

Since the public display of the project, the following design changes have been made to the Proposed Activity. In summary, the design changes to the Proposed Activity comprise the following:

- Revised light rail track alignment at Worth Place – the curves in the track along this section of the route have been eased, to make for a smoother ride and faster journey time for customers and to reduce noise from light rail vehicles travelling along this section of the route.
- Revised track bed material between Stewart Avenue and Worth Place – instead of using ballast, this section of track will have an embedded track slab.
- Increased area for stabling and maintenance facilities, including installing a second track across Stewart Avenue for future use – the area for stabling and maintenance facilities will be increased, and a second light rail track will be installed across Stewart Avenue for future light rail extensions.
- New pedestrian crossing at Market Street – this new crossing will create better access to the waterfront from the city.
- Removal of the Queens Wharf pedestrian footbridge – this modification will create better ground level access across the rail corridor, and opens up Hunter Street Mall to pedestrian traffic.
- Inclusion of a pedestrian crossing at Cottage Creek – a north/south pedestrian crossing across the corridor near Cottage Creek has been included to improve pedestrian safety and access to the western Honeysuckle precinct.
- Relocation of the eastern construction compound – the compound will be moved further west to open up the corridor at the eastern end sooner, for public space or other uses.
- Augment electrical supply in Tyrrell/ Darby Streets to supply light rail – this modification utilises existing services, which will reduce disruption during construction and is also more cost effective.

The raised track is no longer being considered in project design.

The REF contemplated that various additional road and traffic changes would be considered and assessed as part of the Submissions Report. It has been determined that these works will be the subject of separate assessment, which is currently being undertaken.

The environmental impacts associated with the design changes are assessed in Section 6 of the Submissions Report (Appendix 2).

## 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 sections 8-15 and Appendix B 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?\*](#)<sup>2</sup> 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 3.3 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 Proposed Activity would have the potential to uncover relics associated with the (old) Honeysuckle Station footings, an area around Cottage Creek and along Scott Street between Wolfe Street and Pacific Park. The potential heritage impacts of the Proposed Activity are assessed in Section 10 of the REF and works would be undertaken in accordance with the permit/exception and associated conditions to be issued by the Office of Environment and Heritage (Heritage Division) under Section 140/139 of the *Heritage Act 1977*.

## 5. Conditions of Approval

If approved, the Proposed Activity would proceed subject to the Conditions of Approval included in Appendix 3.

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



## 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 and 5.1 of the EP&A Act.

It is also considered that the Proposed Activity does not trigger the requirement for any approvals under Part 3 and 9 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 Conditions of Approval.

## Appendix 1: Review of Environmental Factors

Desksite reference: 48 20579

Link to TfNSW website: <http://ourtransport.revitalisingnewcastle.com.au/delivering-newcastle-light-rail>.

## Appendix 2: Submissions Report



## Appendix 3: Conditions of Approval

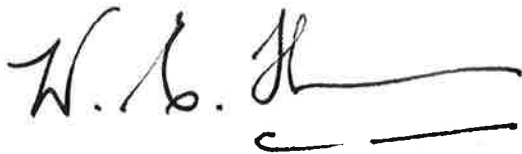


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**Newcastle Light Rail****APPROVAL**

I, Wes Heron, as delegate of the Secretary, Transport for NSW:

1. Have examined and considered the Proposed Activity in the Newcastle Light Rail Project Review of Environmental Factors, the Submissions Report and Newcastle Light Rail Project Determination Report in accordance with the provisions of section 111 of the *Environmental Planning and Assessment Act 1979* and clause 228 of the *Environmental Planning and Assessment Regulation 2000*.
2. Determine on behalf of Transport for NSW (the Proponent) that the Proposed Activity is not likely to significantly affect the environment and may be carried out in accordance with the Conditions of Approval in this Determination Report, consistent with the proposal described in the Newcastle Light Rail Project Review of Environmental Factors, the Submissions Report and as amended by this Determination Report.



Wes Heron  
Executive Director, Program Delivery,  
Transport for NSW

Date: 25 July 2016





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<b>To</b>	Wes Heron	<b>Document Ref:</b>	5276649
<b>From</b>	Louise Sureda		
<b>Date</b>	25 July 2016		
<b>Copied to</b>	Anand Thomas, Ian Taylor, Josh Hartcher		
<b>Subject</b>	<b>Recommendation to Determine Newcastle Light Rail</b>		

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**Issue:**

To determine Newcastle Light Rail (the Proposed Activity), as assessed in the Review of Environmental Factors (REF) prepared by GHD (April 2016) and the Submissions Report prepared by GHD (July 2016).

**Background:**

Transport for NSW is the proponent for the Proposed Activity. An environmental impact assessment has been carried out for the Project in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

Internal approval to the final reports, the mitigation measures and conditions has been obtained from the relevant directorates.

**Community feedback:**

Consultation about the REF was carried out from 2014 to 2016 (inclusive). REF was placed on public display from 7 April 2016 to 27 May 2016 with 348 submissions received by Transport for NSW. Letters were delivered to approximately 7000 households and properties in the suburbs of Newcastle, Newcastle East, Newcastle West and The Hill. Door knocking was conducted to 97 local businesses within a 20 metre radius of the project, located at street level only. Comments were recorded in Consultation Manager and/or businesses were directed to the TfNSW website for further information.

The key issues raised during the public display period related to:

- The need for the proposal and the justification
- Alternatives to light rail considered and the location of the alignment and stops
- Proposal design features
- Operation and construction of the proposal
- Consultation and communication
- Assessment and approvals
- Traffic, transport and access impacts
- Noise and vibration impacts

- Heritage impacts
- Socio-economic impacts
- Land use and property impacts
- Other environmental impacts including biodiversity, green space and tree impacts, electromagnetic radiation and remediation

Some additional mitigation measures and Conditions of Approval relating to sustainability, heritage, consultation and traffic transport and access have been included as a result of the submissions received.

**Design changes:**

- Revised light rail track alignment at Worth Place
- Revised track bed material between Stewart Avenue and Worth Place
- Increased area for stabling and maintenance facilities,
- New pedestrian crossing at Market Street
- Removal of Queens Wharf pedestrian footbridge
- New pedestrian crossing at Cottage Creek
- Relocation of the eastern construction compound
- Augment electrical supply in Tyrrell/ Darby Streets to supply light rail

The raised track is no longer being considered in project design.

**Current Position:**

The Proposed Activity is ready to be approved, subject to mitigation measures contained in the REF (April 2016), Submissions Report (July 2016) and Conditions of Approval at Appendix 3 to the Determination Report (July 2016).

**Recommendation:**

It is open to TfNSW to determine that the Proposed Activity is not likely to significantly affect the environment and may approve the Proposed Activity in accordance with the provisions of Part 5 of the *Environmental Planning and Assessment Act 1979*. If you form that view, you may sign the Approval in the attached Determination Report.



Louise Sureda,

**A/Director,  
Planning and Environment Services**

# Memorandum

**Infrastructure and Services**

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<b>To</b>	Wes Heron	<b>Document Ref:</b>	5276649
<b>From</b>	Louise Sureda		
<b>Date</b>	25 July 2016		
<b>Copied to</b>	Anand Thomas, Ian Taylor, Josh Hartcher		
<b>Subject</b>	<b>Decision to Proceed Newcastle Light Rail</b>		

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**Issue:**

Decision to proceed with Newcastle Light Rail (Proposed Activity), as determined herein and assessed by the Review of Environmental Factors (REF) prepared by GHD (April 2016), the Submissions Report and the Conditions of Approval prepared by Transport for NSW (July 2016).

**Background:**

The Proposed Activity is now approved, subject to mitigation measures contained in the REF, the Submissions Report and Conditions of Approval.

**Recommendation:**

The Decision to Proceed with the construction of the Proposed Activity may now be commenced, consistent with the proposal described in the REF, Submissions Report and the Conditions of Approval.



Louise Sureda  
**A/Director,  
Planning and Environment Services**

Date: 25.7.16



Wes Heron  
**Executive Director,  
Program Delivery**

Date: 25 July 2016



Anand Thomas  
**Project Director  
Newcastle Light Rail**

Date: 25/7/16