

Transport Access Program | May 2022

# Beverly Hills Commuter Car Park Determination Report



Artist's impression of the proposed commuter car park, subject to Planning Approval and detailed design



# **Beverly Hills Commuter Car Park – Determination Report**

**Commuter Car Park Program**

**Ref – 6660716**

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## Glossary and abbreviations

Term	Meaning
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016 (NSW)</i>
<b>BDAR</b>	Biodiversity Development Assessment Report
<b>CBD</b>	Central Business District
<b>CEMP</b>	Construction Environmental Management Plan
<b>CLMP</b>	Community Liaison Management Plan
<b>Construction Contractor</b>	The Construction Contractor for the Proposed Activity would be appointed by TfNSW to undertake the detailed design and construction of the Proposed Activity.
<b>CPTED</b>	Crime Prevention Through Environmental Design
<b>DDA</b>	<i>Disability Discrimination Act 1992 (Cwlth)</i>
<b>Detailed design</b>	Detailed design broadly refers to the process that the Construction Contractor undertakes (should the Proposed Activity proceed) to refine the concept design to a design suitable for construction (subject to TfNSW acceptance).
<b>Determination Report</b>	This document – a report prepared by TfNSW to assess and address certain matters to allow for a determination of the Proposed Activity under, and in accordance with Division 5.1 of the EP&A Act.
<b>DSAPT</b>	<i>Disability Standards for Accessible Public Transport (2002)</i>
<b>EIS</b>	Environmental Impact Statement
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979 (NSW)</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2021 (NSW)</i>
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999 (Cwlth)</i>
<b>Transport and Infrastructure SEPP</b>	<i>State Environmental Planning Policy (Transport and Infrastructure) 20021 (NSW)</i>
<b>LEP</b>	Local Environmental Plan
<b>LGA</b>	Local Government Area
<b>NES</b>	Matters of 'National Environmental Significance' under the EPBC Act
<b>NSW</b>	New South Wales
<b>Proponent</b>	A person or body proposing to carry out an activity under Division 5.1 of the EP&A Act – in this instance, TfNSW.
<b>Proposed Activity</b>	The construction and operation of the Beverly Hills Commuter Car Park
<b>REF</b>	Review of Environmental Factors
<b>SIS</b>	Species Impact Statement
<b>TfNSW</b>	Transport for NSW (the Proponent)



# Executive summary

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## Overview of Proposed Activity

Transport for NSW recognises the critical role commuter car parks play in improving the quality of access to public transport in the customer's first and last mile, particularly in middle and outer metropolitan areas. Transport for NSW is committed to delivering accessible public transport infrastructure, which is why Transport for NSW is providing more commuter car parks through the Commuter Car Park Program. The Commuter Car Park Program is a NSW Government initiative to provide a better experience for public transport customers by delivering accessible, modern, secure and integrated transport infrastructure.

The delivery of commuter car parks at key transport interchanges provides a range of benefits, including:

- improved customer access to the public transport network
- encouraging mode shift away from private vehicles
- improving the flexibility and reliability of customer's 'first and last mile' of their journey
- contributing to reducing congestion on our road network.

The Proposed Activity would include the following key elements:

- removal of the existing Georges River Council's at grade 3 hour timed public car park off Edgbaston Road
- construction and operation of a multi-storey car park which would likely comprise up to five levels of commuter car parking within the Project Extent including:
  - approximately 200 commuter car parking spaces
  - access to each level of the car park via lifts and stair wells as required to meet the National Construction Code (NCC) fire egress requirements
  - internal vehicle circulation ramps connecting each level of the car park
  - potential installation of rooftop solar panels
  - provision for future electric vehicle charging points (for 15% of car parking spaces)
  - Transport Park&Ride infrastructure (Opal card operated boom gates)
  - reconfiguration of the existing access and egress from Edgbaston Road, including vehicle and pedestrian access
- ancillary work including installing, relocating or adjustments to services, drainage work, foundations, power supply, installation of lighting, installation of handrails and balustrades, wayfinding signage, landscaping work, with new infrastructure (including CCTV cameras)
- vegetation removal within the footprint of the proposed commuter car park and planting of new landscaping and vegetation to offset vegetation removal
- upgrade existing stairs that link the existing carpark to King Georges Road including fixing treads, nosings and balustrades to be code compliant
- provision of four new DDA compliant accessible commuter parking spaces at Tooronga Terrace adjacent to Beverly Hills Station and removal of six existing parking spaces to allow for the work.

- upgrade of the footpath on the southern side of Tooronga Terrace connecting the four new DDA compliant commuter parking spaces to the King Georges Road intersection and then along King Georges Road to the existing lift to Beverly Hills Station

Subject to planning approval, it is intended to commence a Design and Construct tender process to determine the most appropriate manner to construct and operate a multistorey car park on the site within the bounds of Transport for NSW's mitigation measures and conditions of approval. Construction is expected to commence in late 2022 and take around 18 months to complete.

Transport for NSW, as the Proponent for the Proposed Activity, has undertaken a Review of Environmental Factors (REF) that details the scope of works and environmental impacts associated with the Proposed Activity. The REF was prepared by pitt&sherry on behalf of Transport for NSW in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and section 171 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation). A supplementary assessment was prepared considering the two additional factors under section 171 of the EP&A Regulations. This determination considers both the REF and the supplementary assessment in concluding there are no significant impacts.

No modifications have been made to the Proposed Activity since the REF was prepared, however modifications may be considered during the detailed design phase. Should design modifications be identified as a result of the detailed design process, these modifications would be assessed to determine consistency with the Proposed Activity (as approved), including significance of impact on the environment. Additional mitigation measures and/or assessment and consultation would be undertaken where necessary.

## Public display of the REF

The Beverly Hills Commuter Car Park REF was placed on public display from 4 February to 27 February 2022 on the Transport for NSW corporate website<sup>1</sup> and NSW government [Have Your Say website](#)<sup>2</sup>. Transport for NSW's Community and Place staff door knocked 82 residences and 15 businesses adjacent and in the immediate vicinity of the site.

A total of 91 community submissions were received via letter, email, telephone and online submissions during the exhibition period. 59 of these submissions were made in response to Transport for NSW's door knocking of premises and 27 submissions were comments made on Facebook concerning the proposed multi-level commuter car park.

A submission was also received from Georges River Council as part of the display process.

The key issues raised in submissions related to the following general topics:

- public car parking within the proposed commuter car park. (58 submissions)
- design of the Project Extent relative to the site and in relation to the draft Beverly Hills Town Centre Masterplan (29 submissions)
- traffic congestion during the construction and operation of the proposed commuter car park (26 submissions)
- impacts on adjoining dwellings and businesses (16 submissions)
- loss of parking during construction and operation (13 submissions)

The response to these submissions is detailed in Section 2.3 of this Determination Report.

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<sup>1</sup> <https://www.transport.nsw.gov.au/projects/current-projects/beverly-hills-commuter-car-park>

<sup>2</sup> <https://www.nsw.gov.au/have-your-say/beverly-hills-station-commuter-car-park>

## **Purpose of this report**

The purpose of this Determination Report is for Transport for NSW, as the Proponent of the Beverly Hills Commuter Car Park, to comply with its obligations under Division 5.1 of the EP&A Act and determine whether or not to proceed with the carrying out of the Proposed Activity. Transport for NSW must make a determination in accordance with the provisions of Division 5.1 of the EP&A Act.

This report also presents a summary of the submissions provided during the public display of the REF, and Transport for NSW's response to the issues and comments raised in these submissions.

## **Conclusion**

Based on the assessments in the REF and consideration of the submissions received during the public display of the REF, it is recommended that the Proposed Activity be approved, subject to the mitigation measures included in the REF and the proposed Conditions of Approval (refer Appendix B). Transport for NSW shall continue to liaise with the community and other stakeholders as the Proposed Activity progresses through detailed design and into the construction phase.



# 1 Introduction

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## 1.2 Background

Transport for NSW recognises the critical role commuter car parks play in improving the quality of access to public transport in the customer's first and last mile, particularly in middle and outer metropolitan areas. Transport for NSW is committed to delivering accessible public transport infrastructure, which is why Transport for NSW is providing more commuter car parks through the Commuter Car Park Program. The Commuter Car Park Program is a NSW Government initiative to provide a better experience for public transport customers by delivering accessible, modern, secure and integrated transport infrastructure.

The delivery of commuter car parks at key transport interchanges provides a range of benefits, including:

- improved customer access to the public transport network
- encouraging mode shift away from private vehicles
- improving the flexibility and reliability of customer's 'first and last mile' of their journey
- contributing to reducing congestion on our road network.

Approximately 73 per cent of workers from the middle and outer urban sectors of Sydney predominantly drive the whole distance to work, with around 46 per cent of those workers commuting 20 kilometres to 60 kilometres daily (Australian Bureau of Statistics, 2016).

Transport for NSW is the Proponent for the Beverly Hills Commuter Car Park (referred as the 'Proposed Activity' for the purposes of this document). Also refer to Section 1.5 for a description of the Proposed Activity.

The Proposed Activity is designed to improve customer experience, deliver improved travel to and between modes, encourage greater public transport use and better integrate interchanges with the role and function of town centres. The Proposed Activity would also assist in responding to forecasted growth in the region and as such would support growth in commercial and residential development.

## 1.3 Review of Environmental Factors

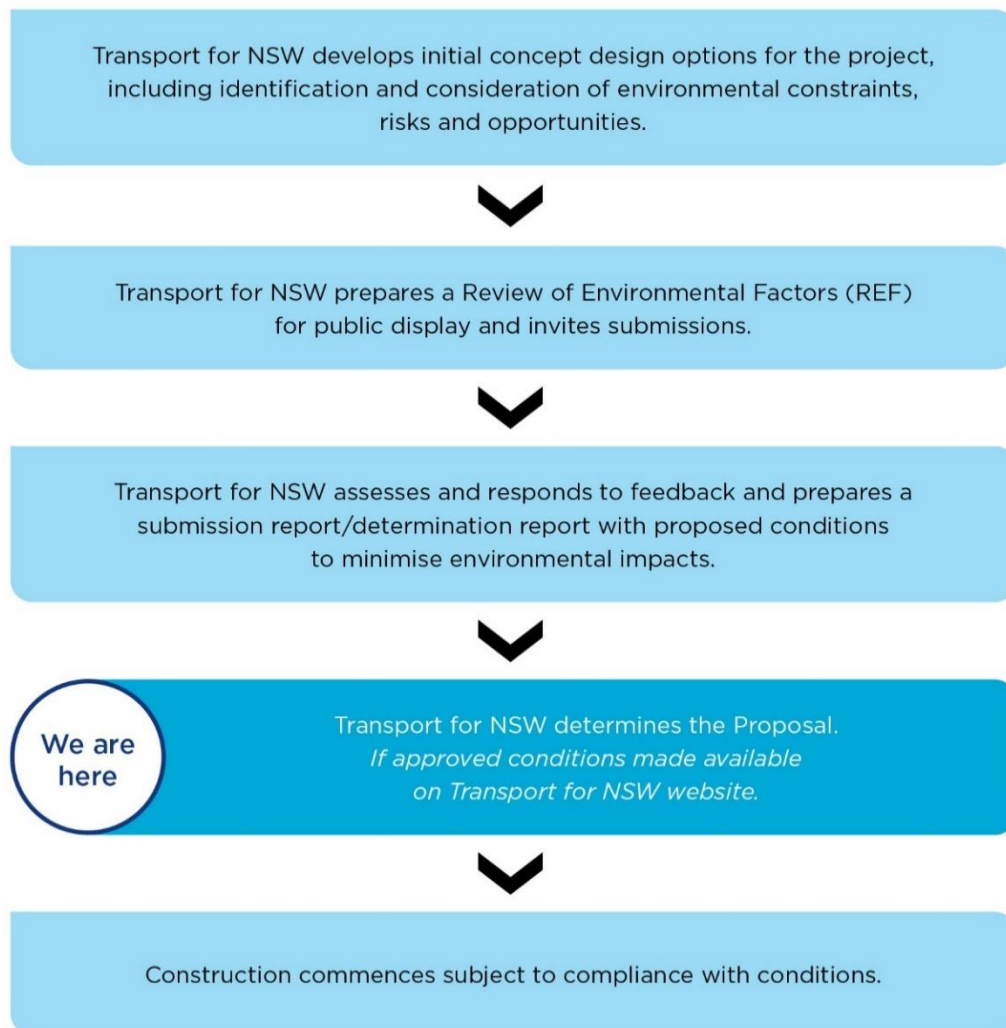
A Review of Environmental Factors (REF) has been prepared by pitt&sherry on behalf of Transport for NSW in accordance with Sections 5.5 and 5.7 of the *Environmental Planning and Assessment 1979* (EP&A Act), and section 171 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation), to ensure that Transport for NSW takes into account to the fullest extent possible, all matters affecting or likely to affect the environment as a result of the Proposed Activity. A supplementary assessment was prepared considering the two additional factors under section 171 of the EP&A Regulations. This determination considers both the REF and the supplementary assessment in concluding there are no significant impacts.

The REF is included at Appendix A.

The Beverly Hills Commuter Car Park REF was placed on public display from 4 February to 27 February 2022 with 93 submissions received. Issues raised in these submissions are addressed in Section 2.4 of this report.

## 1.4 Determination Report

Prior to proceeding with the Proposed Activity, the Secretary for Transport for NSW must make a determination in accordance with Division 5.1 of the EP&A Act (refer Figure 1).



**Figure 1 Planning approval process**

The purpose of this Determination Report is to address the following to allow for a determination of the Proposed Activity:

- present a summary of the submissions received during the public display of the REF and Transport for NSW's response to the issues and comments raised in these submissions
- assess the environmental impacts with respect to the Proposed Activity, which are detailed in the environmental impact assessment (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 and Biodiversity Conservation Act 1999* (EPBC Act) apply to the Proposed Activity.

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

- a) to provide an efficient and accountable framework for the governance of the delivery of transport services
- b) to promote the integration of the transport system
- c) to enable effective planning and delivery of transport infrastructure and services
- d) to facilitate the mobilisation and prioritisation of key resources across the transport sector
- e) to co-ordinate the activities of those engaged in the delivery of transport services
- f) to maintain independent regulatory arrangements for securing the safety of transport services.

## **1.5 Description of the Proposed Activity in the REF**

The Proposed Activity is in the suburb of Beverly Hills in the Georges River Local Government Area (LGA), approximately 14 kilometres south west of Sydney's central business district.

The location of the proposed commuter car park is approximately 70 metres south west of Beverly Hills Station off Edgbaston Road. Beverly Hills Station is on the Airport and South Line and is serviced by T8 Line services. The Proposed Activity is also located immediately west of King Georges Road and forms part of the Beverly Hills town centre.

The Proposed Activity is designed to improve customer experience, deliver improved travel to and between modes, encourage greater public transport use and better integrate interchanges with the role and function of town centres. The Proposed Activity would also assist in responding to forecasted growth in the region and as such would support growth in commercial and residential development.

The Proposed Activity fulfils the program objectives by proposing to provide:

- improved customer access to the public transport network
- mode shift away from private vehicles
- reduced congestion on our road network.

A detailed description of the Proposed Activity is provided in Chapter 3 of the Beverly Hills Commuter Car Park REF (Transport for NSW, January 2022), and would:

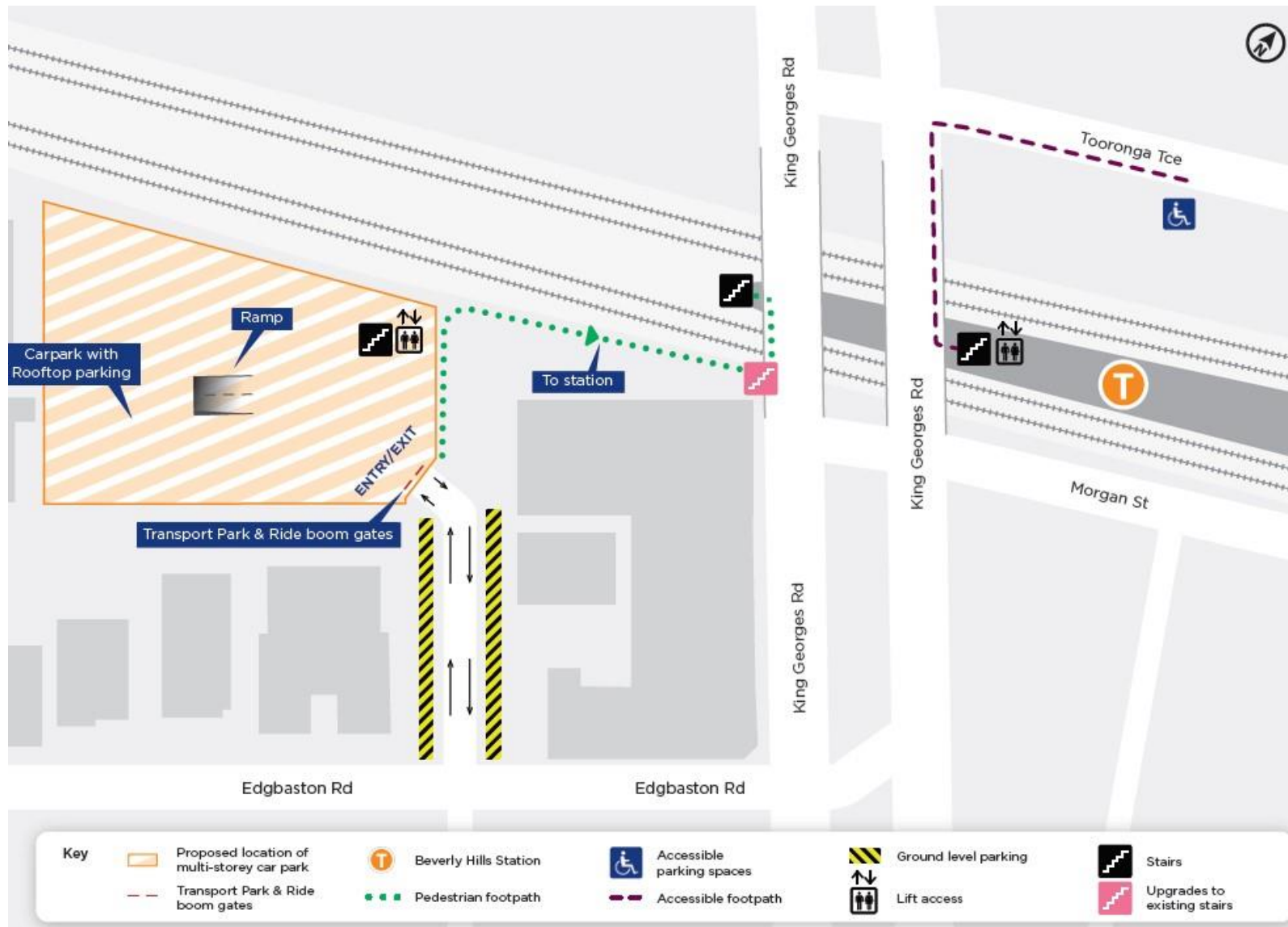
- require removal of the existing Georges River Council's at grade 3 hour timed public car park off Edgbaston Road
- provide construction and operation of a multi-storey car park which would likely comprise up to five levels of commuter car parking within the Project Extent including:
  - approximately 200 commuter car parking spaces
  - access to each level of the car park via lifts and stair wells as required to meet the National Construction Code (NCC) fire egress requirements
  - internal vehicle circulation ramps connecting each level of the car park
  - potential installation of rooftop solar panels
  - provision for future electric vehicle charging points (for 15% of car parking spaces)
  - Transport Park&Ride infrastructure (Opal card operated boom gates)
  - reconfiguration of the existing access and egress from Edgbaston Road, including vehicle and pedestrian access

- ancillary work including installing, relocating or adjustments to services, drainage work, foundations, power supply, installation of lighting, installation of handrails and balustrades, wayfinding signage, landscaping work, with new infrastructure (including CCTV cameras)
- vegetation removal within the footprint of the proposed commuter car park and planting of new landscaping and vegetation to offset vegetation removal
- upgrade existing stairs that link the existing carpark to King Georges Road including fixing treads, nosings and balustrades to be code compliant
- provision of four new DDA compliant accessible commuter parking spaces at Tooronga Terrace adjacent to Beverly Hills Station and removal of six existing parking spaces to allow for the work
- upgrade of the footpath on the southern side of Tooronga Terrace connecting the four new DDA compliant commuter parking spaces to the King Georges Road intersection and then along King Georges Road to the existing lift to Beverly Hills Station

The key features of the Proposed Activity are illustrated in Figure 2.

The need for, and benefits of the Proposed Activity are outlined in Chapter 2 of the REF.

Subject to planning approval, it is intended to commence a Design and Construct tender process to determine the most appropriate manner to construct and operate a multistorey car park on the site within the bounds of Transport for NSW's mitigation measures and conditions of approval. Construction is expected to commence in late 2022 and take around 18 months to complete.



**Figure 2 Key features of the Proposed Activity (indicative only, subject to detailed design)**

## 2 Consultation and assessment of submissions

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### 2.2 REF public display

The REF was placed on public display for 24 days, from 4 February to 27 February 2022 on the Transport for NSW corporate website<sup>3</sup> and [NSW Have our Say Website](https://www.nsw.gov.au/have-your-say/beverly-hills-station-commuter-car-park)<sup>4</sup>.

Community consultation activities undertaken for the public display included:

- dedicated project webpage on the Transport for NSW website with contact phone and email address for feedback
- Have Your Say – Beverly Hills Commuter Car Park community notification distributed to 2,200 letterboxes on Friday 4 February 2022 including 191 businesses, outlining the Proposal and inviting feedback on the REF Report
- installation of information posters with contact phone and email address, at the following locations:
  - fences at the proposed site and footpath/stairs leading to King Georges Road (four posters)
  - fences at the commuter car park along Tooronga Terrace and Morgan Street (four posters)
  - fences along the footpath on King Georges Road leading to Beverly Hills Station (three posters)
- advertisement of the REF public display in the St George & Sutherland Shire local newspaper, on Wednesday 9 February 2022
- email to the Georges River Council and other key stakeholders
- a geo-targeted Facebook post during the public display period
- doorknocking at 82 residences and 15 businesses around the car park site on Wednesday 16 February 2022 to inform the residents about the planned commuter car park and answer questions or concerns

### 2.3 REF submissions

A total of 91 submissions were received via letter, email, telephone and online submissions including the posted comments on the project website and Facebook.

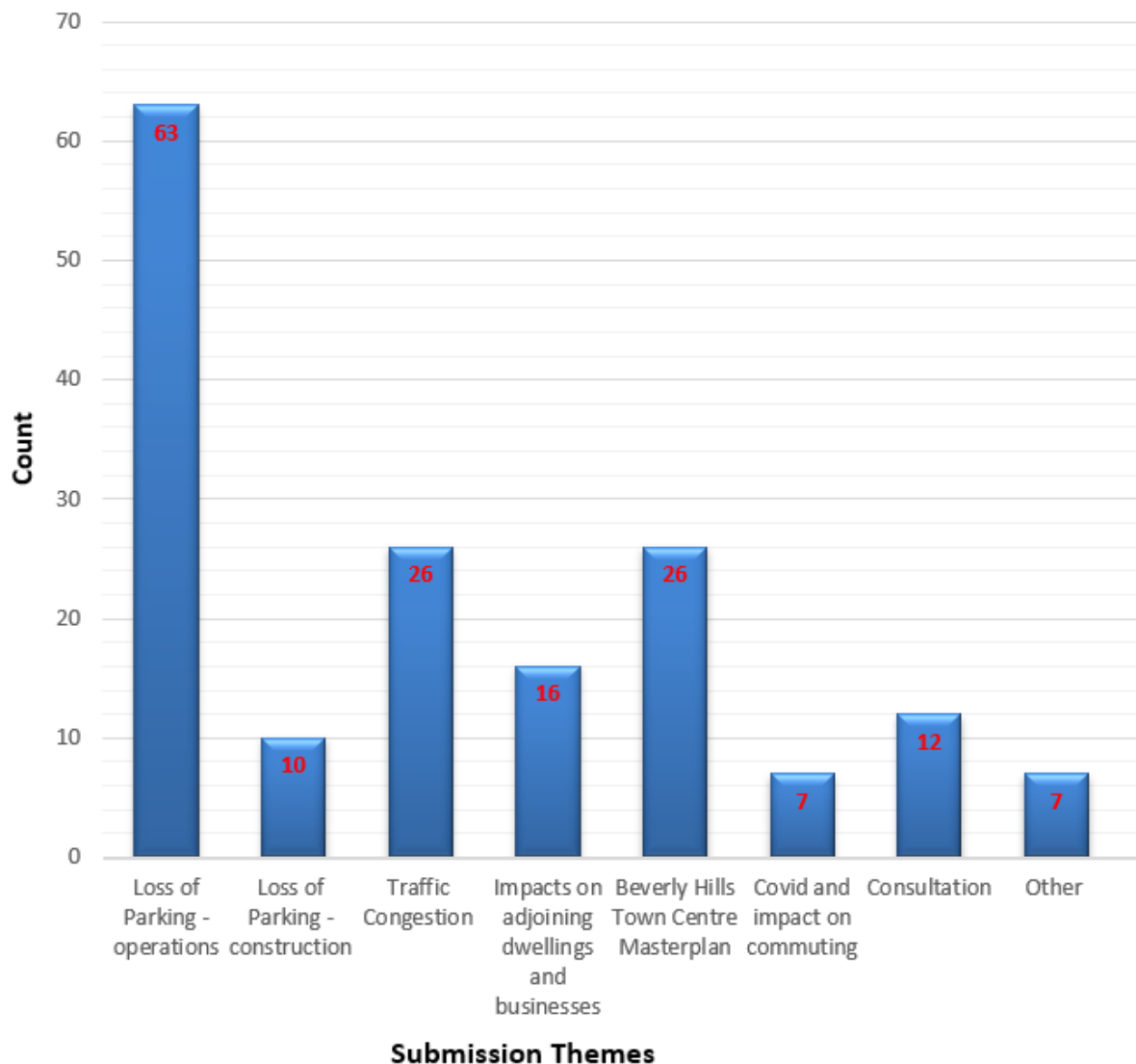
Each submission was reviewed and the dominant themes of the submission were grouped with other similar themed submissions. Some submissions contained more than one dominant theme. This led to the categorisation of each submission into 8 themes as shown in Figure 3.

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<sup>3</sup> <https://www.transport.nsw.gov.au/projects/current-projects/beverly-hills-commuter-car-park>

<sup>4</sup> <https://www.nsw.gov.au/have-your-say/beverly-hills-station-commuter-car-park>





**Figure 3 Categorisation of the dominant themes from each submission.**

The top five themes raised by the submission were:

- The loss of car parking during operation of the proposed commuter car park and the provision of public car parking within the proposed commuter car park (63 submissions)
- traffic congestion during the construction and operation of the proposed commuter car park (26 submissions)
- the design of the Project Extent relative to the site and in relation to the draft Beverly Hills Town Centre Masterplan (26 submissions)
- impacts on adjoining dwellings and businesses (16 submissions)
- adequacy of consultation (12 submissions)

Submissions that did not fit into an apparent theme were then categorised as “*Other*” and referred to matters which were not linked to other submissions.

A summary of the number of times each issue raised in the submissions is shown in Table 1.

The submission received from Georges River Council is addressed in Table 2 whilst issues raised by the State Emergency Service are addressed in Table 3.

## 2.4 Consideration and response to submissions

### Community submissions

Table 1 Response to community submissions

No.	Submission No.	Issue/s raised	Transport for NSW response
<b>1 Support</b>			
1.1	R2, R3, R8, R10, R12, R17, R21, R28, R36, R39, R43, R58, R62, R69, R70, R71, R72, R75, R76, R77, R82, R83, R87, R89, R91, R93, R94.	27 submissions supported or provided qualified support for the Proposed Activity.	Support for the Proposed Activity is noted.
<b>2 Loss of parking during operation</b>			
2.1	R55	One submission stated use of the car park by commuters will cost more money which commuters cannot afford and so will park in the street if parking is unrestricted.	The existing Council car park is restricted to 3 hour parking and therefore would not be appropriate for commuters to use. The proposed commuter car would enable commuters to park for free for up to 18 hours with the use of an Opal card or contactless debit/credit card which has been used for a trip on public transport that day. This system would encourage use by commuters and would encourage non-commuters to park on street, however, it will not preclude non-commuters from using the car park by paying a fixed fee during the peak commuter hours.
2.2	R17	One submission suggested that street parking should be for residents with permits only.	Permits for residents to park on the street would require implementation of on-street parking restrictions. This is the responsibility of Georges River Council. This feedback would be forwarded to Georges River Council for their consideration.
2.3	R4, R13, R25, R26, R27, R33, R36, R37, R39, R40, R41, R42, R43, R44, R45, R47, R48, R50, R51, R52, R53, R54, R55, R56, R57, R58, R59, R60,	35 submissions requested that the Proposed Activity include untimed public parking to replace the car parking spaces currently provided on the site and raised concerned with the impacts loss of timed parking would have upon the streets around the site and the impacts upon businesses and residents.	Transport for NSW is currently investigating the operations and fee structure for the car park to be made available for use by non-commuters during evenings and weekends (off-peak commuter parking hours) as part of the Proposal and detailed design.  Further, the Georges River Council Car Parking Strategy 2020 acknowledges development of a commuter car park on site. It notes that Council would need to consider extending parking restrictions on streets near the shops and station to

No.	Submission No.	Issue/s raised	Transport for NSW response
	R61, R62, R65, R66, R72, R78, R94		<p>encourage use of the car park for commuters and provide replacement short term parking in the town centre.</p> <p>Transport for NSW is also investigating the operations and fee structure for the car park to be made available for use by non-commuters during evenings and weekends (off-peak commuter parking hours) as part of the Proposal and detailed design.</p>
2.4	R13, R23, R39, R41 R56, R57, R58, R58, R59, R60, R61, R62, R66	13 submissions stated the proposed Community Car Park shouldn't be limited to opal card users including one submission suggesting Opal cards be set different for local residents.	<p>The commuter car park is proposed to be operated under Transport Park&amp;Ride which would enable commuters to park for free for up to 18 hours with the use of an Opal card or contactless debit/credit card which has been used for a trip on public transport that day. This system would encourage use by commuters and would encourage non-commuters to park on street, however, it will not preclude non-commuters from using the car park by paying a fixed fee during the peak commuter hours.</p> <p>Transport for NSW is also investigating the operations and fee structure for the car park to be made available for use by non-commuters during evenings and weekends (off-peak commuter parking hours) as part of the Proposal and detailed design.</p> <p>The Proposed Activity would alleviate the current overflow of commuter parking on local streets surrounding the site. As a result, it is expected that more nearby timed and unrestricted parking would be available for the community.</p>
2.5	R60	One submission stated they use the existing council car park when commuting to work and strongly disagree with making the car park a paid facility.	The existing council car park is restricted to 3 hour parking duration. The commuter car park is proposed to be operated under Transport Park&Ride which provides up to 18 hours free parking with the use of an Opal card or contactless debit/credit card which has been used for a trip on public transport that day. This system would encourage use by commuters and would encourage non-commuters to park on street, however, it will not preclude non-commuters from using the car park by paying a fixed fee during the peak commuter hours.
2.6	R22	One submission was concerned about the loss of parking during construction for customers with mobility issues.	Provision of temporary accessible car parks would be considered in the Construction Traffic Management Plan.

No.	Submission No.	Issue/s raised	Transport for NSW response
2.7	R36, R42, R45	Three submissions questioned why the car park can only achieve 200 spaces on site when the current car park has over 90 spaces.	The site specific constraints such as existing utilities and solar access considerations for the neighbouring properties would determine the actual number of storeys and number of car spaces that can be accommodated within the site.
2.8	R52, R70, R75, R87, R89 R36, R42, R45	Eight submissions stated that more commuter car parking spaces are required and asked why can only 200 spaces on site can be provided when the current car park has over 90 spaces.	<p>The REF states the proposed commuter car park would likely comprise five levels and around 200 commuter car parking spaces. Subject to addressing Mitigation Measures in the REF in Appendix A and Conditions of Approval in Appendix B , the detailed design process may increase the number of car parking spaces that can be provided.</p> <p>The site specific constraints such as existing utilities and solar access considerations for the neighbouring properties would determine the actual number of storeys and number of car spaces that can be accommodated within the site.</p>
<b>3 Loss of car parking during construction</b>			
3.1	R14, R18, R19, R20, R21, R22, R23, R28, R29	Nine submissions raised concerns that construction would impact upon existing on street parking near the site.	While some temporary impacts during construction works are expected, a Construction Traffic Management Plan would be prepared in consultation with Georges River Council to mitigate impacts. It would include measures to manage car parking by construction workers and pedestrian and traffic safety during construction.
3.2	R35	One submission asked how the direction of staff to park on local roads west of Melvin Street would be implemented, monitored and enforced	Mitigation Measure 16 directs construction staff to park west of Melvin Street to reduce parking demands within the immediate locality of the local centre. Mitigation Measure 13 requires this to be addressed as part of the detailed design and controls/recommendations included in a Construction Traffic Management Plan to be prepared by the construction contractor.
<b>4 Traffic congestion</b>			
4.1	R1, R9, R10, R13, R31, R32, R34, R38, R63, R64, R68, R69, R72	14 submissions raised concerns about traffic congestion around the site and believe the Commuter Car Park may exacerbate congestion.	As detailed in Section 6.1 of the REF , Edgbaston Road is a collector street that has a capacity of 900 vehicles per hour (vph). Existing daily traffic flows on Edgbaston Road recorded in a traffic study (SECA, 2021) are an average of 300 vph (around 3,600 vehicles per day). The Proposal would likely generate approximately 75 additional vehicle movements during the morning peak, 55 additional movements in the evening peak and in the order of 150 additional trips per day compared to the existing car park.

No.	Submission No.	Issue/s raised	Transport for NSW response
			<p>The existing traffic volumes on Edgbaston Road together with additional traffic associated with the Proposal would be well below the indicated capacity of Edgbaston Road of 900 vph, and therefore the proposed commuter carpark would have an acceptable impact upon the operation of this road.</p> <p>The traffic assessment acknowledged that 70-80% of cars using the new carpark are expected to have an origin / destination west of King Georges Road (i.e. would not use King Georges Road) and hence there would be minimal additional traffic on King Georges Road.</p> <p>Consistent with Mitigation Measures 4,10, 11, 12 and 19 provided as part of the REF; safe entry and egress from the new car park will be designed in consultation with Georges River Council and changes to Edgbaston Road will be subject to their approval. Mitigation measure 19 seeks to reduce traffic friction at the car park entrance by placing restrictions on the street parking on Edgbaston Road to enable through traffic flow. This may include the implementation of keep clear zones at the driveway to the new carpark, and no standing zones between King Georges Road and the new carpark entry along both sides of Edgbaston Road. Implementation of no standing zones would require the removal of up to 11 on street parking spaces on Edgbaston Road and relocation of a loading zone to ensure safety of all road users and reduce traffic queuing. Further consultation with the community would be undertaken as required.</p>
4.2	R1, R10, R13,	Three submissions requested improvement to the phasing of traffic lights at the Edgbaston Road and King Georges Road intersection.	Section 6.1 of the REF and associated Traffic and Transport Impact Assessment found that the existing traffic network, from a traffic flow and intersection performance basis, operates generally satisfactorily in the local area surrounding the site for the Proposed Activity. This assessment concluded that the proposed carpark can be supported by the various intersections along King Georges Road with satisfactory levels of service during both peak periods at Edgbaston Road.
4.3	R31	One submission requested a study of the traffic impacts from removal or reduction of tolls on M5 and M8 should be undertaken	The operation of the M5 and M8 is outside the scope of the Proposed Activity.
4.4	R11, R8, R35	Three submissions requested another entry point for the proposed Commuter Car Park, with two specifically	The site only has one formal vehicular access point off Edgbaston Road and another access point is not available. Public vehicular access via the existing

No.	Submission No.	Issue/s raised	Transport for NSW response
		suggesting access be provided from Melvin Street South.	<p>corridor at Melvin Street is not available as this is within the rail corridor and is required for ongoing operational and maintenance use by Sydney Trains.</p> <p>Creating a new access point from either Edgbaston Road or Melvin Street would require acquisition of private properties that in turn would generate additional environmental impacts. The financial costs and impacts of achieving a new access point are not justified given existing site access is sufficient for the proposed activity and is unlikely to significantly impact existing traffic flow and intersection performance of the Edgbaston Road and King Georges Road intersection.</p>
4.5	R12, R31	Two submissions raised concerns that existing congestion will be exacerbated during construction especially during school pick up hours.	<p>Section 6.1 of the REF and associated Traffic and Transport Impact Assessment found that the existing traffic network, from a traffic flow and intersection performance basis, operates generally satisfactorily in the local area surrounding the site for the Proposed Activity.</p> <p>Beverly Hills Girls High School is north of the site and separated by the East Hills Railway. Investigations in preparing the REF did not find evidence the existing at grade car park is used for school drop off and pick up.</p>
4.6	R32, R34	Two submissions stated increased traffic will increase risk of accidents and potential danger to the public.	Safety and risk management issues of the detailed design of the Proposal would be considered in the Road Safety Audit – refer to Condition of Approval of 35.
4.7	R35	One submission stated Melvin Street does not have the capacity to handle 50 trucks per day	<p>Melvin Street has been identified as a potential construction access primarily for the removal of spoil from the site during excavation. Section 6.1.2 of the REF and the associated Traffic and Transport Impact Assessment stated if Melvin Street were to be used it would be over a likely 12-16 week timeframe and would utilise empty trucks only along this road.</p> <p>Melvin Street is a no through-road with very low traffic demands. The empty trucks travelling along this road would likely have a negligible impact upon the operation of this road and minor delays for the existing road users. This and the amount of movements are subject to further investigations in the detailed design and the extent if any, of excavation to achieve basements for the commuter car park.</p>
<b>5. Impacts on adjoining dwellings and businesses</b>			
5.1	R9, R41	Two submissions raised concerns the project will create noise impacts that will devalue property prices and have	The construction of the Proposed Activity is likely to result in some temporary, generally short-term noise impacts during construction. Where exceedances are anticipated, a combination of implementing the mitigation identified in Section



No.	Submission No.	Issue/s raised	Transport for NSW response
		adverse amenity and social impacts on Beverly Hill residents.	6.3.3 of the REF and consultation with receivers would be undertaken to manage and minimise impacts as far as practicable. Further, as identified in Section 6.3.2 of the REF, the assessment noted that the potential noise impacts associated with operation of the Proposed Activity (such as mechanical plant noise associated with rooftop lift motors) were anticipated to comply with required levels. Vehicle operation noise (such as car parking) has the potential to result in minor exceedances of operational noise impacts.  As noted, to reduce operational noise impacts associated with the new car park, reasonable and feasible mitigation options would be considered during detailed design.
5.2	R35	One submission raised concerns that noise levels would not be within acceptable limits during construction and that the noise assessment underestimates the noise and disruption that will be caused by heavy vehicle movements along Melvin Street.	Melvin Street has been identified as a potential access for the construction period and subject to a need to remove spoil from the site. Recommended Condition of Approval 8 requires a Construction Traffic Management Plan to be prepared prior to construction. Concerns raised about Melvin Street would be considered as part of the detailed design process that would in turn inform the Construction Traffic Management Plan.
5.3	R9, R41, R53	Three submissions raised concerns about privacy and sunlight being cut off by the multi storey car park.	The site specific constraints including solar access for the neighbouring properties would be considered when determining the final design that can be accommodated within the site, as required by the Mitigation Measures included in the REF. The following Mitigation Measures require the detailed design of the likely five level car park to ensure the car park maintains adequate privacy and solar access to adjoining dwellings:  <i>29. The design of the car park would incorporate screening at each level to contain the break out of headlights to surrounding properties.</i>  <i>30. The detailed design of the multi storey car park shall include solar access diagrams demonstrating that living rooms and private open spaces of adjoining dwellings and apartments receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.</i>  <i>35. Southern and western facades are to be designed to minimise overlooking on private residences.</i>

No.	Submission No.	Issue/s raised	Transport for NSW response
5.4	R35, R36, R47	Three submissions requested that the architects and design team should consider the impact the building will have on adjoining one and two-storey medium density dwellings in Edgbaston Road and Melvin Street. This includes visual impact, car noise and fumes.	The following Mitigation Measures require the detailed design of the likely five level car park to ensure the car park minimises visual impacts, car noise and fumes on adjoining dwellings: <ul style="list-style-type: none"> <li>- Mitigation Measure 21 which requires the preparation of an Urban and Landscape Design Plan</li> <li>- Mitigation Measure 32 which requires vertical and horizontal articulation be included in the building design</li> <li>- Mitigation Measure 54-64 requires various measures be included in the building design to reduce noise impacts</li> </ul>
5.5	R9	One submission raised concerns the proposal would not be in keeping with the current environment.	The draft Beverly Hills Town Centre Masterplan has identified significant increases in building height and massing for the site for the purposes of a multi-storey car park along with increased heights and massing for other buildings across the town centre. The Proposal is consistent with the draft Plan and therefore would be consistent with the desired future character of the area.
5.6	R15, R16	Two submissions asked if the existing gate would be maintained	The pedestrian gate on the western boundary of the site is informal access constructed by the residents of those properties. Hence the gate will not be maintained during construction and operation.
5.7	R35	One submission disagreed with the assessments in the REF including that the impact on the environment, visual effects, traffic flow and social amenity will be within acceptable limits.	The assessment of impacts of the proposed commuter car park are based upon NSW government environmental legislation and policies, those of Transport for NSW and the investigations and advice of experienced and professional consultants engaged by Transport for NSW. This has led to a range of mitigation measures to better manage the impacts of the construction and operation of the commuter car park.
5.8	R35	One submission asked what arrangements are in place to measure and rectify any structural or cosmetic damage to properties surrounding the construction area	As described in Condition 52 of this Determination Report, property condition surveys within 50 metres of the works are required. These surveys would be part of a Construction Noise and Vibration Management Plan required under Conditions 43-45 of this Determination Report. Where it is found that impacts are caused by the project, this would be appropriately addressed.
5.9	R46	One submission stated the existing low level/density buildings in the area was	The site for the proposed multi-storey car park is constrained by existing infrastructure and surrounding development. The Project Extent above ground is five levels and three basement levels and presents a worst case scenario within

No.	Submission No.	Issue/s raised	Transport for NSW response
		preferable and that the proposed six level proposal was not desirable	which a likely five level car park would be designed. Whilst five levels above ground is generally consistent with the proposed building heights under the Beverly Hills Town Centre Masterplan, (and therefore would be reasonable and appropriate against future building heights and massing), the detailed design of the proposal would be subject to achieving the relevant mitigation measures and conditions of approval in order to ensure adequate amenity is maintained to the surrounding sites.
5.10	R29	One submission by a business raised concerns construction access and noise may disrupt their business and want to work closely with Transport for NSW.	While some temporary impacts during construction works are expected, a Construction Traffic Management Plan would be prepared in consultation with Georges River Council to mitigate impacts. It would include measures to manage car parking access and noise management to businesses adjacent to the site. Access to businesses would be maintained throughout operation and, where a disruption may occur, the project team would provide advanced notification and alternate access arrangements for the business.
<b>7 Beverly Hills Town Centre Masterplan</b>			
7.1	R8	One submission requested that the project connect Melvin Street South and North over the rail corridor so traffic can be redirected along Broad Arrow Road, relieving traffic on Edgbaston Road.	Connecting Melvin Street North and South - roads under the care and control of Georges River Council - would require a bridge over the rail corridor and is outside the scope of the Proposed Activity. This submission will be provided to Georges River Council for consideration.
7.2	R8	One submission stated that a better planning outcome would be achieved if the car park was constructed in conjunction with other infrastructure works within Beverly Hills.	The project, as part of the Commuter Car Park Program, is the responsibility of Transport for NSW and is based upon significant growth in population and employment in the catchment of the Beverly Hills Station. Implementation of the Beverly Hills Town Centre Masterplan is the responsibility of Georges River Council and private landowners. Accordingly, the project is facilitating the implementation of the desired future character of the Masterplan.
7.3	R13	One submission stated the stairs from car park to King Georges Road are not accessible.	The stairs connecting the western side of King Georges Road to the site are being upgraded for compliance and are likely to include new nosings, tactiles and handrails. These stairs however would not be accessible and as such new parking that would comply with the Disability Discrimination Act - would be provided on Toorong Terrace as it is not possible to provide an accessible path of travel to the new car park due to the existing stair access.

No.	Submission No.	Issue/s raised	Transport for NSW response
7.4	R17	One submission asked about the status of the rezoning of the area.	Implementation of the Beverly Hills Town Centre Masterplan is the responsibility of the Georges River Council and private landowners. This comment would be forwarded to Georges River Council for their attention.
7.5	R30	One submission raised concerns on the cost and timing of the Beverly Hills Town Centre Masterplan	Concerns on land use planning and implementation of the Beverly Hills Town Centre Master Plan would be forwarded to Georges River Council for their attention.
7.6	R30, R32, R33	Three submissions stated the Beverly Hills Town Centre Masterplan consultation process raised need for a community car park with some commuter parking and not just a commuter car park.	<p>Section 2.2.3 of the REF discusses the <i>draft Beverly Hills Town Centre Masterplan 2020</i> and its recognition of the site for a commuter car park.</p> <p>Section 2.2.4 discusses the <i>Georges River Council Car Parking Strategy 2020</i> and its recognition of the site for a multi-level commuter car park. This strategy also identified that the current car park was under-utilised and there was a higher demand for all day commuter car parking within the area.</p> <p>Transport for NSW is also investigating the operations and fee structure for the car park to be made available for use by non-commuters during evenings and weekends (off-peak commuter parking hours) as part of the Proposal and detailed design.</p>
7.7	R11, R30, R32, R33, R79	<p>Two submissions stated the proposed Commuter Car Park needs to be part of an integrated complex incorporating retail and high density residential.</p> <p>One submission suggested including adjoining land to achieve better design including alternative entry and exit locations.</p> <p>Two submissions requested consideration of another location for the proposed Commuter Car Park, with one identifying use of the vacant space between the cinema and Eat Greek restaurant as an alternate site for a car park.</p>	<p>Section 2.5 of the REF discusses the site selection process between a site at Frederick Avenue and the Edgbaston Road site. The Edgbaston Road site was identified as the preferred site because it:</p> <ul style="list-style-type: none"> <li>• is within easy walking distance of the Station, being 80 metres from the entrance of Beverly Hills Station</li> <li>• increases accessibility to Beverly Hills Station for commuters</li> <li>• provides more parking spaces than the site off Frederick Avenue</li> <li>• the site at Frederick Avenue is not large enough to accommodate the required number of spaces</li> <li>• is land that contains an existing car park</li> <li>• is property publicly owned by Council.</li> </ul>

No.	Submission No.	Issue/s raised	Transport for NSW response
			Subsequently, Transport for NSW progressed design of a multi-storey car park at Edgbaston Road. Acquisition of privately owned commercial land was not pursued due to the opportunity to acquire government (Council) land instead.
7.8	R33	One submission stated the car park design was not what the community expected as part of the Masterplan.	<p>The proposed activity in the REF is for a Project Extent and not for a proposed design.</p> <p>The masterplan does not recognise the presence of Sydney Water's easement through the site nor the gas pipeline easement and setback requirements from the northern boundary of the site.</p> <p>Page 49 of the REF identifies these and other site constraints that informed the Project Extent. As a result of site constraints, a podium design is not feasible.</p>
7.9	R35	One submission stated it doesn't agree with the Masterplan proposing to rezone Melvin Street land to R4 High Density Residential	The Beverly Hills Town Centre Masterplan was prepared by Georges River Council and is a matter for Council and Department of Planning and Environment. This is outside the scope of the Proposed Activity. This feedback would be forwarded to Georges River Council for their attention.
7.10	R74, R86	Two submissions suggested the project be located over the rail line and utilise unused rail corridor space like at Hurstville.	Building over an operational rail corridor has numerous engineering and technical challenges and would not be an economically viable solution as suitable land is available adjacent to the railway station. Accordingly, the current proposal utilises the existing at-grade car park land for a multi-storey commuter car park.
7.11	R84	One submission asked why using an existing car park wasn't taken for Riverwood car park, rather than acquiring houses	This comment is not relevant for the assessment, consideration and determination of the Beverly Hills Commuter Car Park REF.
7.12	R36, R42, R47, R48, R50, R52, R53	Seven submissions raised concerns that the loss of car parking would put local shops and services out of business and commuters would not bring economic benefits to the town centre.	<p>Commuters would likely access goods and services on the way to and from the proposed commuter car park to the station, providing for a new group of retail and service customers in the area. In addition, the provision of commuter parking would alleviate pressure for on-street parking, which in turn would allow for more opportunity for on-street parking for locals wishing to access shops and services (see Section 6 of this table for further discussion on community timed parking).</p> <p>Transport for NSW is also investigating the operations and fee structure for the car park to be made available for use by non-commuters during evenings and weekends (off-peak commuter parking hours) as part of the Proposal and detailed design.</p>

No.	Submission No.	Issue/s raised	Transport for NSW response
7.13	R35	One submission stated that developer speculation was occurring on land in Melvin Street during the preparation of the draft Beverly Hills Town Centre Masterplan.	Comments on land speculation during the preparation of the Beverly Hills Town Centre Masterplan will be referred to Georges River Council for their consideration.
<b>8</b>	<b>Covid impact on commuting</b>		
8.1	R9, R36, R46, R50, R52, R53, R54	Seven submissions stated that Covid has significantly affected work patterns and reduced the need for commuting and requested this be considered in justifying the need for the proposed Commuter Car Park, with one submission stating there was no need for another commuter car park.	Whilst COVID has significantly affected the economy and commuting travel patterns in the short term; long term data forecasts indicate there would be significant growth in population and employment from 2006 up to 2036 within the Station catchment and that existing travel patterns would return to some degree over the next few years. The Proposal accommodates the forecast Sydney Trains patronage growth (an increase of 15 per cent to 2036) and changing travel patterns. Accordingly, there is still a need for a commuter car park in Beverly Hills.
<b>9</b>	<b>Consultation</b>		
9.1	R35	One submission viewed the consultation period as short.	<p>Transport for NSW typically provides two weeks for consultation on proposed commuter car parks. For the Beverly Hills Commuter Car Park REF, Transport for NSW provided 24 days (being over three weeks) consultation for this project. All documentation was uploaded to the project webpage and was available for the public to view (and is still available). This submission period allowed for comment on all these documents.</p> <p>This Determination Report has identified and considered all the submissions made to Transport for NSW. Should Transport for NSW determine to proceed with the Proposal, the project team would keep the community, Council and other key stakeholders informed of the process, identify any further issues as they arise, and develop additional mitigation measures to minimise the impacts of the Proposal. The interaction with the community would be undertaken in accordance with a Community Liaison Plan to be developed prior to the commencement of construction.</p>



No.	Submission No.	Issue/s raised	Transport for NSW response
9.2	R5, R36, R37, R41, R50, R52, R53, R54	Eight submissions raised concerns that the consultation process was a “box ticking exercise” with three submissions requesting more consultation.	Should Transport for NSW determine to proceed with the Proposal, the project team would keep the community, Council and other key stakeholders informed of the process, identify any further issues as they arise, and develop additional mitigation measures to minimise the impacts of the Proposal. The interaction with the community would be undertaken in accordance with a Community Liaison Plan to be developed prior to the commencement of construction.
9.3	R86	One submission asked if Council was consulted on the commuter car park.	Consultation with Georges River Council has been ongoing for more than 12 months concerning property acquisition and developing the site. This would continue as the project moves into detailed design.
9.4	R5, R81	Two submissions asked when the Project would be commencing and would like to contribute further feedback.	Construction of the proposed car park is likely to commence late 2022 and take approximately 18 months to complete. Should Transport for NSW determine to proceed with the Proposal, the project team would keep the community, Council and other key stakeholders informed of the process, identify any further issues as they arise, and develop additional mitigation measures to minimise the impacts of the Proposal. The interaction with the community would be undertaken in accordance with a Community Liaison Plan to be developed prior to the commencement of construction.
<b>10. Other</b>			
10.1	R36, R53	Two submissions requested consideration be given to providing a kiss and ride bay.	Existing kiss and ride bays are provided at the eastern side of the station and are associated with previous accessibility upgrades. Additional kiss and ride facilities are not within the scope of the proposed activity.
10.2	R3, R6	Two submissions requested bicycle lockers/parking be included. One submission stated the absence of cycling infrastructure lead to them not supporting the project.	Bicycle racks are currently provided at the eastern entrance to Beverly Hills Station. Additional bicycle racks would be provided as part of the Proposal.
10.3	R63	One submission raised concerns that the proposed Commuter Car Park would increase anti-social behaviour	The Project Detailed Design would be developed by following Crime Prevention through Environmental Design (CPTED) Guidelines and would consider mitigation measures such as lighting, landscaping, passive surveillance, selection of materials and security features (i.e. CCTV) to discourage antisocial behaviour within and around the proposed commuter car park.

No.	Submission No.	Issue/s raised	Transport for NSW response
10.4	R6	One submission asked how the cycle routes in the REF were determined	Transport for NSW's Cycleway Finder was utilised to determine cycle routes in the REF. The Finder revealed the closest cycleway is 370 metres to the north on Broadarrow Road via King Georges Road. The closest cycleway to the south is under a kilometre away on Penshurst St.

## Other stakeholder submissions

**Table 2 Response to Georges River Council submission**

Issue No.	Issue raised	Transport for NSW response
1	The proposed commuter carpark and upgrade works is supported in principle.	Transport for NSW notes Council's in principle support.
2	The REF identifies options and states the preferred option will comprise up to five above ground levels and up to three basement levels.	<p>The REF identifies the preferred approach is to combine the above and below ground concepts to create a Project Extent, as such, the Proposal is not for either option, but rather an approach that facilitates a new design located within the Project Extent. The Project Extent is defined in the REF as follows:</p> <p><i>“The Project Extent is the maximum building envelope of the Proposal and has been developed based on the previous concept designs. The Project Extent describes the greatest 3-dimensional envelope of the Proposal and is assessed in this REF. The Project Extent would be used as the limits for development and would be refined by the Contractor (should the Proposal proceed) to a design suitable for construction (subject to Transport for NSW acceptance).”</i></p> <p>Subject to satisfying the Mitigation Measures listed in the REF, the detailed design process would determine how the likely five level commuter car park would be positioned within the Project Extent.</p>
3	It is unclear if carpark will include rooftop parking or any rooftop structures	<p>The Project Extent is sufficiently sized to accommodate roof top structures including lift overruns and any required services. The potential for solar panels on the roof would also be explored as part of the Proposal. To ensure rooftop services do not result in any adverse amenity impacts, the detailed design is required to consider Mitigation Measure 39 as follows:</p> <p><i>The location of any structures on the top level of the Project Extent, including the lift over run, would be located to minimise the potential for an overshadowing effect on adjacent residences to the south and west of the site</i></p>
4	The REF states a total of 70 trees would be planted on site to offset the proposed removal of 22 existing trees. However, details of the location and species of new tree plantings has not been provided.	<p>The proposal would require the removal of 15 native trees as per Figure 6-21 in the REF. The proposed plantings would be required as part of Transport for NSW's Vegetation Offset Guide requirements and seeks to ensure any trees removed are adequately replaced. The location and species of new trees would be determined in consultation with Council during detailed design and would likely include new trees within the site and within the suburb of Beverly Hills.</p> <p>To ensure adequate replacement plantings are included the following Mitigation Measures have been included in the REF:</p> <ul style="list-style-type: none"> <li>• Mitigation Measure 91: <i>Offsets and landscaping would be undertaken in accordance with Transport for NSW's Vegetation Management (Protection and Removal) Guideline (2019) in consultation with</i></li> </ul>

*the relevant council, and/or the owner of the land upon which the vegetation is to be planted. Any additional clearing would also require tree offset planting.*

- Mitigation Measure 92: *The 15 trees earmarked for removal would be offset with in accordance with Transport for NSW's Vegetation Offset Guide. Any additional clearing would also require tree offset planting*

5	Massing of proposed car park is ambiguous and therefore it is difficult to assess the impacts.	The massing and design of the proposed commuter car park within the Project Extent is subject to a detailed design process that would require addressing the Mitigation Measures listed in the REF. Council would continue to be consulted during design development.
6	A carpark comprising five above-ground levels would be likely to result in significant adverse impacts to neighbouring properties and would be inappropriate for the site.	<p>Mitigation Measures 21 to 64 in the REF have been included to ensure the future detailed design minimises impacts upon adjoining properties. A summary of some of the Mitigation Measures is as follows:</p> <ul style="list-style-type: none"> <li>• permanent lighting be designed and installed in accordance with AS 1158 Road Lighting and AS 4282 Controlling the Obtrusive Effects of Outdoor Lighting</li> <li>• incorporate screening at each level to contain the break out of headlights to surrounding properties</li> <li>• include solar access diagrams demonstrating that living rooms and private open spaces of adjoining dwellings and apartments receive minimum of 2 hours direct sunlight between 9am and 3pm in mid-Winter</li> <li>• consider louvres or architectural screen on façades to provide texture and shadow to reduce visual scale of the structure</li> <li>• vertical and horizontal articulation to reduce perceived mass and scale and green infrastructure such as trellises incorporated into the building facades</li> <li>• incorporate a stepped form to respond to the natural landform of the site where possible to minimise building height</li> <li>• inclusion of absorptive internal linings, sealed facades and ramps, acoustic louvers and increased barrier heights</li> <li>• acoustically absorbent material be installed on soffit of each level of the car park for at least 5 metres around the perimeter to the south and west. This would achieve approximately a 2-3 dBA reduction in noise at receivers in these directions</li> <li>• reduce size of opening at edge of car park, using acoustic louvres or sealing some or all facades facing residential receivers, particularly at closest locations to bedrooms (this would also reduce light spill from cars and car park lighting and reduce opportunities for overlooking into adjacent properties). Fully</li> </ul>

enclosing southern and western walls on levels two and above could result in reductions of up to 8 dB at nearest receivers.

- the attenuated noise levels at the receiver would comply with the intrusiveness noise trigger level
- if mechanical ventilation is proposed, then outlet louvres should be located towards the north-east as to be as far away from the residential receivers as possible
- lift and lift overrun on the roof would be located away from southern and western façades so lift noise would be shielded by car park structure and most likely be inaudible and satisfy recommended criterion.

Accordingly, the outcome of the detailed design process of a likely five above ground levels would be possible if the mitigation measures in the REF concerning above ground impacts are addressed.

7	Masterplan identifies site for a multi-level carpark comprising a two storey podium and tower of up to six storeys. The Proposal is inconsistent with massing envisaged by the masterplan.	The masterplan recommends the site be rezoned to B2 Local Centre and include a maximum building height of 21 metres. (the proposed maximum height of the Project Extent is 16 metres). However, the masterplan does not recognise the presence of Sydney Water's easement containing a water main running north south through the site.  Whilst it may be reasonable for a masterplan for the town centre to not consider such detail, page 49 of the REF identifies this and other site constraints that have informed the footprint of the Project Extent. As a result of site constraints a podium is not feasible and the Project Extent has been created to take into consideration all relevant setbacks to easements and services on site.
8	Consider 'future proofing' carpark which may include increased ground floor to ceiling heights to allow conversion to retail, commercial, or community uses in the future.	Whilst Transport for NSW generally considers increased ceiling heights for the ground floor of multi storey car parks for future adaptability, this Proposal is subject to site constraints including solar access to the neighbouring properties and relevant mitigation measures to achieve the target number of car spaces. The proposed height of the ground floor ceiling would be determined in the Detailed Design and would be considered in conjunction with consideration of resulting amenity impacts and the details would be shared with Council.
9	Consult Heritage NSW to determine if a Statement of Heritage Impact is required.	Mitigation Measure 76 of the REF requires consultation with Heritage NSW to determine if a Statement of Heritage Impact is required for works within the heritage curtilage and/or if the works within the curtilage are deemed to be exempt from approval.
10	Consideration of the EP&A Regulation 2021 should be undertaken.	Transport for NSW have considered the changes to the EP&A Regulation 2021 which came into effect between preparation of the REF and this Determination Report. New sections of the EP&A Regulation are addressed in Section 1.2 and Appendix C.

The following site constraints should be considered and responded to:

11	The high pressure gas main on the northern boundary and water easement located to the eastern side of the site	Sections 1.3 and 3.1.1 of the REF identify the gas pipeline easement north of the site and consequently sets the Project Extent back by 3 metres from the easement and northern property boundary in accordance with the APA Group Australia Pty Ltd <i>Site Planning +Landscape National Guidelines</i> (2019) requirements. The Project Extent is also setback from Sydney Water's watermain and easement and limits the Project Extent to the boundary of the easement in accordance with Sydney Water requirements. Consultation with both authority agencies would be undertaken as part of detail design and construction.
12	The proximity of R4 High Density zoned land south and west of the site	The Project Extent considered current and future proposed zoning and building heights on land south and west of the site. This informed the Mitigation Measures in the REF and includes requirements to maintain solar access, reduce potential for overlooking and reduce noise impacts (see point 6 of this table).
13	The proximity (i.e. less than 90 metres) to King Georges Road (i.e. State Road).	<p>Consistent with Mitigation Measures 4, 10, 11, 12 and 19 provided as part of the REF; safe entry and egress from the new car park will be designed in consultation with Georges River Council and changes to Edgbaston Road will be subject to their approval.</p> <p>Mitigation measure 19 seeks to reduce traffic friction at the car park entrance by placing restrictions on the street parking on Edgbaston Road to enable through traffic flow. This may include the implementation of keep clear zones at the driveway to the new carpark, and no standing zones between King Georges Road and the new carpark entry along both sides of Edgbaston Road. Implementation of no standing zones would require the removal of up to 11 on street parking spaces on Edgbaston Road and relocation of a loading zone to ensure safety of all road users and reduce traffic queuing.</p>

### Access and Connectivity

14	The proposal should include connection between the proposed carpark and Beverly Hills station as it is not accessible for cyclists or people with a disability.	<p>Transport for NSW has deemed that it is not reasonably practicable to make the path from the proposed commuter car park to the Beverly Hills railway station DDA compliant. Consequently, the DDA compliant car parking spaces would be located at Tooronga Terrace. These spaces are adjacent and closer to Beverly Hills Station and the existing lift to the station compared with the proposed car park. It is proposed to increase the number of DDA parking spaces on Tooronga Terrace.</p> <p>Whilst bicycle racks would be installed in the proposed commuter car park, the need to provide a cycle path between the car park and the station would not be practical and is outside of the project scope.</p>
15	The proposal should include the addition of a lift adjacent to the existing steps and a second lift on the western side of King Georges Road onto the station platform. In addition, construction of ramp/ bridge from a carpark level to King Georges Road should be provided.	The stairs which connect the site to King Georges Road are located on a narrow section of land which is constrained by a large existing tree, an existing privately owned building and the rail corridor. These features all limit the opportunities for a lift to be installed in the position of the existing stairs. As DDA and DSAPT compliant access is therefore not feasibly possible from this side of King Georges Road all DDA parking is proposed on Tooronga Terrace. The proposal includes upgrading existing stairs, including fixing treads, nosings and balustrades to be compliant.

Those using the proposed car park would be accessing Beverly Hills Train Station. Existing pedestrian access is available on the western side of King Georges Road directly to the Station and therefore a new overpass ramp/bridge would not be required for patrons to safely access the Station.

### Building Setbacks and Separation

16	<p>Proposed setbacks are inadequate as they do not allow for boundary tree plantings.</p> <p>The Proposal should be redesigned to set back upper storeys and provide larger setbacks to achieve greater separation from residential properties.</p> <p>APA Guidelines recommends gas pipelines are protected by easements of 7 metres to 35 metres wide. Siting of Proposal must be reconsidered with regard to easement and setback requirements of gas pipeline. Basement levels should be located within building footprint to allow for deep soil planting and horizontal separation, minimise bulk and scale and preserve sky views.</p> <p>Substantial planting should be incorporated within the upper-level setback to minimise visual impact and maintain predominant low scale residential character of locality.</p>	<p>The setbacks shown are for the Project Extent only. Mitigation Measures 21 to 64 in the REF have been included to ensure the future detailed design minimises impacts upon adjoining properties. Accordingly, the detailed design may include ground and upper level setbacks within the Project Extent subject to satisfying all other site constraints identified in the REF.</p> <p>Transport for NSW have liaised with APA, the asset owner for the ethane gas pipeline which runs adjacent to the northern site boundary who have confirmed a 3 metre setback above, below and at ground level is required from the gas pipeline. The Project Extent has considered this and does not propose any works within this area. Further consultation with APA would be undertaken as part of detail design and construction.</p> <p>The Project Extent is to be read in conjunction with the Mitigation Measures in the REF that include addressing privacy, overshadowing, noise and light impacts upon adjoining dwellings. To comply with these Mitigation Measures it may be necessary to provide upper level setbacks.</p> <p>Mitigation Measure 36 requires green infrastructure such as trellises (or green walls) be investigated for use on the car park facades to minimise potential visual impact of the building from the south and west. Replacement trees would also be planted on the site where feasible and in the surrounding community in accordance with the Transport for NSW Vegetation Offset Guide. Transport for NSW would prioritise replanting on site where possible and can investigate opportunities for incorporating plantings on upper-levels (refer Condition of Approval 36).</p>
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### Architectural Expression

17	<p>Insufficient information has been provided with regard to the architectural detailing of the Proposal and requires:</p> <ul style="list-style-type: none"> <li>a high degree of architectural innovation</li> </ul>	<p>Mitigation Measures 28 to 40 detail façade matters that must be addressed in the Detailed Design of the proposed Commuter Car Park, with key measures summarised as follows:</p> <ul style="list-style-type: none"> <li>finishes and materials be complementary to locality and landscape and reflective surfaces minimised with a preferred use of muted colours</li> <li>louvres or architectural screens along the western and southern façade be designed to provide texture to reduce the visual scale</li> </ul>
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- a well-integrated design that demonstrates a unity of style, rhythm, and balance
- design elements such as materials and colours should be carefully considered
- northern façade would have maximum visibility from public domain and should incorporate features (i.e. public art) to provide visual interest
- vertical detailing should be incorporated within the design to break up scale (e.g. vertical gardens)
- incorporate vertical and horizontal articulation to reduce the perceived mass and scale of the built form in views from adjacent residential properties (south and west) and rail corridor (to the north)
- ventilation grills or screening devices integrated into the facade and landscape design
- green infrastructure such as trellises would be investigated for the building facades to minimise the potential visual impact of the building from the south and west
- incorporate a stepped form to respond to natural landform where possible to minimise building height
- locate site equipment and facilities away from adjacent residential properties
- architectural features incorporated into façade to highlight pedestrian entry to the car park building.

### Bulk and Scale

18	The large floorplate and minimal setbacks may result in an overly bulky building which is not viewed as in keeping to the existing context. The siting of the proposed carpark may also constrain future redevelopment of adjoining residential properties.	The massing of the above ground component of the Project Extent is within the context of the desired future character of the locality as identified by the draft Beverly Hills Town Centre Masterplan (Figure 6-4 in the REF). Transport for NSW also notes the development scenarios that adjoining landowners to the southwest and west of the site submitted to Council during the exhibition of the draft Masterplan which show a redevelopment of these sites is envisaged.  The massing of the proposed Commuter Car Park would be informed by the Mitigation Measures required to be complied with during the detailed design process. This process may lead to an entire five levels above ground commuter car park or three basement levels and two above ground levels or another combination within the Project Extent. Therefore, application of the mitigation measures concerning solar access, acoustic and visual privacy would not necessarily constrain future redevelopment of adjoining residential properties.
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### Visual Amenity

19	The massing of the carpark will obscure private and public views of surrounding built and natural environment.	The indicative massing illustrated in the Draft Masterplan - including that shown for the site of the proposed Commuter Car Park - would alter the existing private and public views of the surrounding built and natural environment. The Landscape and Visual Impact Assessment report by Iris Visual Planning + Design concluded that the Proposal would have negligible to moderate visual impacts on existing private and public views.
20	It is recommended landscaped setbacks, be provided to south and west boundaries to achieve visual and acoustic separation	Visual and acoustic separation between the proposed Commuter Car Park and residential dwellings to the south and west of the site would be required to be addressed during the detailed design process as required

to residential properties and the proposal be designed to minimise visual impacts to neighbouring properties by stepping back upper storeys and larger setbacks to achieve greater separation.

in Mitigation Measures 21 to 64 with key measures relating to visual and acoustic amenity summarised as follows:

- permanent lighting be designed and installed in accordance with AS 1158 Road Lighting and AS 4282 Controlling the Obtrusive Effects of Outdoor Lighting
- vertical and horizontal articulation to reduce perceived mass and scale and green infrastructure such as trellises incorporated into the building facades
- incorporate a stepped form to respond to the natural landform of the site where possible to minimise building height
- inclusion of absorptive internal linings, sealed facades and ramps, acoustic louvers and increased barrier heights
- acoustically absorbent material be installed on the soffit of each level of the car park for at least five metres around the perimeter to the south and west. This would achieve approximately a 2-3 dBA reduction in noise at receivers in these directions
- attenuated noise levels at the receiver would need to comply with the intrusiveness noise trigger level
- if mechanical ventilation is proposed, then outlet louvres would be located towards the north-east as to be as far away from the residential receivers as possible
- the lift and lift overrun on the roof would be located away from the southern and western façades so lift noise would be shielded by the car park structure and most likely be inaudible and satisfy recommended criterion.

21	Screening devices should be used in the façade to provide visual interest, screen vehicles and movements, and headlights/light spill.	Mitigation Measures 22, 28, 29, 31 - 36, require the detailed design of the likely five level car park within the eight level Project Extent to consider: <ul style="list-style-type: none"> <li>• incorporate screening at each level to contain the breakout of headlights to surrounding properties</li> <li>• consider louvres or architectural screen along façades to provide texture and shadow to reduce visual scale of the structure</li> <li>• reduce size of opening at edge of car park, using louvres or sealing some or all facades facing residential receivers, particularly at closest locations to bedrooms.</li> </ul>
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**Noise Impacts**

22	The submitted Noise and Vibration Impact Assessment identifies that construction and operational noise may exceed the relevant	The exceedances in relevant trigger levels in the Noise and Vibration and Impact Assessment refer to the results of noise modelling of the construction and operation of three basement levels and up to five above
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trigger levels, however justification of these exceedances has not been provided.

ground levels within the Project Extent without attenuation. For construction, the assessment assumed that all noisy works are occurring simultaneously as a worst-case scenario.

Mitigation Measures 43 to 71 require the detailed design of the commuter car park to mitigate construction and operational noise and vibration in accordance with the requirements of the Interim Construction Noise Guideline (DECC, 2009) and Construction Noise and Vibration Strategy (TfNSW, 2019).

A Construction Noise and Vibration Management Plan would include measures to manage excessive noise and vibration and would include measures such as respite periods, provision of alternative accommodation for adjoining residents etc.

### Overshadowing

23	<p>A five storey carpark is likely to result in overshadowing of neighbouring properties.</p> <p>Noting the northern aspect of site, the residential flat building to the south will experience significant overshadowing.</p>	<p>Whilst not applicable for EP&amp;A Act Part 5 activities, Transport for NSW has deemed the appropriate guidance for solar access to surrounding residences is the Apartment Design Guide under SEPP 65 - Design Quality of Residential Apartment Development.</p> <p>Mitigation Measure 30 requires the detailed design of the Proposed Activity to demonstrate that living rooms and private open spaces of adjoining dwellings and apartments receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter (which is aligned with SEPP 65 requirements). This may be achieved through stepping back of upper levels, additional setbacks or through a reduced number of floor levels.</p>
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### Construction Impacts

24	<p>Excavation works to accommodate basement parking may result in adverse impacts to the stability of adjoining residential properties noting minimal setbacks are proposed to site boundaries.</p>	<p>Subject Mitigation Measure 52 of the REF construction that requires piling, excavation of bulk fill or any vibratory work, would require property condition surveys within 50 metres of the works. These surveys would be part of a Construction Noise and Vibration Management Plan required under Mitigation Measures 43-45 of the REF. Where it is found that impacts are caused by the project, this would be appropriately addressed.</p>
25	<p>Temporary access south of the rail line during construction is likely to adversely impact adjoining residential properties.</p>	<p>Melvin Street is identified as a potential construction access route for the removal of spoil from the site if excavation is required. This has been assessed in the REF based upon a maximum volume of excavation for three basement levels. This and the number of movements are subject to further investigations in the detailed design. Any vehicular movements through this area would be subject to noise monitoring and as associated noise mitigation required.</p>

### Traffic

26	<p>Boom gate queueing calculations should be undertaken to ensure no queueing on</p>	<p>Mitigation Measure 17 states: <i>The car park and the site access shall be designed in accordance with Australian Standard AS2890 (Parking Facilities) to allow for safe entry and exit movements.</i></p>
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	Edgbaston Road or obstruction of the footpath occurs during peak times	In addition, Condition of Approval 41 has been included in this Determination Report and requires additional traffic monitoring following operation to establish traffic impacts to the Edgbaston Road and King Georges Road intersection and would propose mitigation measures as required should traffic or queuing become unsatisfactory.
27	Analysis of 'rat run' impact on local roads, particularly from the west approach, should be undertaken	The REF undertook a traffic assessment and results are presented in Section 6.1 of the REF and associated Traffic and Transport Impact Assessment (SECA, 2021). In general, the assessment found the existing traffic network, from a traffic flow and intersection performance basis, operates generally satisfactorily in the local area surrounding the site for the Proposed Activity. The proposal would result in 75 additional traffic movements in the peak am period and 55 additional traffic movements in the peak pm period, of which 70% of these movements (53 or 39 vehicles) would be coming from west of the site.
28	It has not been demonstrated if the driveway can accommodate anticipated traffic flows. Alternative access, (e.g via creating a new road connecting Melvin Street to the site) should be considered	<p>The existing car park access is via the existing two way driveway from Edgbaston Road. The basement and above ground options both demonstrate capacity to use the existing access as a two way access. Mitigation Measures 17 and 18 requires the configuration of the driveway to satisfy AS2890.</p> <p>The Draft Beverly Hills Masterplan shows a concept road from Melvin Street to the site. This road would be across private land under multiple Strata Title ownerships. As access to the car park would comply with AS2890 and the Melvin Street concept road land is not owned by Transport for NSW, another access to the site cannot be considered.</p>
29	Further assessment of construction impacts should be undertaken at worst case 100% capacity. The submitted analysis only indicates assessment of 56% capacity	<p>Table 2-2 of the Traffic Impact Assessment report identified the average occupancy rate of the existing council car park is at 56% using Nearmap aerial photographs of the site captured over numerous days dating back to March 2015 (noting, this did not include the last 2 years due to the impact of Covid restrictions on car parking). Accordingly, the average occupancy/vacancy of the existing car park has been reasonably established to support the conclusion that the existing car park is underutilised.</p> <p>Consistent with the Georges River Car Parking Strategy 2020, Transport for NSW would consult with Council during the preparation of the Construction Traffic Management Plan on how to best manage the displacement of community car parking during construction and integrate this with the construction parking mitigation measures and required Traffic Management Plan listed in the REF - Mitigation Measures 8 - 20.</p>
30	Swept path diagrams should be prepared for ingress and egress.	Mitigation Measure 12 requires swept path diagrams to be prepared for all vehicles accessing the construction site, including on Melvin Street if temporary access is required. Temporary no-parking zones would be established to accommodate swept paths if required.
31	It should be demonstrated that the carpark is designed to relevant Austroads and Australian Standards for car parking.	Mitigation Measure 17 and 18 both require the design and operation of the proposed activity to be consistent with AS2890.

32	Separation of pedestrian and vehicles in site access should be provided.	Mitigation Measure 20 requires the detailed design to provide suitable pedestrian connections within the site to the pedestrian stairs at King Georges Road and the existing footpath on Edgbaston Road.
33	Council resolved on 28 February 2022 that the facility provide at least 169 public parking spaces from 6pm - midnight weekdays and 9am - midnight weekends to support local businesses and offset the loss of public parking resulting from re-development of the site and the introduction of clearways on King Georges Road.	Transport for NSW is currently investigating the operations and fee structure for the car park to be made available for use by non-commuters during evenings and weekends (off-peak commuter parking hours) as part of the Proposal and Detailed Design. Transport for NSW notes Council's Car Parking Strategy 2020 that acknowledges the development of a commuter car park on site and that Council would need to consider extending parking restrictions on streets next to the shops and station to encourage use of the car park and provide replacement parking in the town centre.

**Table 3 Response to State Emergency Service submission**

<b>Issue No.</b>	<b>Issue/s raised</b>	<b>Transport for NSW response</b>
1	Consider ways to minimise the risk of people entering floodwater when the adjacent roads and access are flooded, including emergency signage.	Appropriate signage for flood risk would be investigated as part of the Detailed Design in accordance with Condition of Approval 35.
2	Pursue site design and stormwater management that minimises any risk to community, particularly in relation to the basement car parking.	Stormwater and drainage infrastructure would be designed in accordance with the relevant standards and requirements including those from Georges River Council. The implementation of these standards and recommendations is expected to ensure the works do not adversely impact upon existing drainage infrastructure and to minimise and manage potential flood impacts.  Detailed investigation and design would include consideration of the potential for flood waters in a 1% Annual Exceedance Probability Flood and would be designed to prevent flood waters from entering the basement car park (if a basement is proposed in the Detailed Design).
3	Develop an appropriate business emergency plan to assist in being prepared for, responding to and recovering from flooding.	The Construction Contractor would prepare an emergency plan (see Condition of Approval 37) for the construction and operational phases of the Proposed Activity. The plan would address the risk of flooding of the site. Where relevant, the community would be made aware of the existing flood risk at the commuter car park and any change to this risk as a result of the construction work and operation of the car park.  Appropriate signage for flood risk would also be investigated as part of the Detailed Design.

## **2.5 Future consultation**

Should Transport for NSW proceed with the Proposed Activity, consultation activities would continue, including consultation with Georges River Council (and other stakeholders) regarding detailed design and construction process. In addition, Transport for NSW would notify residents, businesses and community members in the lead up to and during construction. The consultation activities would help to ensure that:

- local council and other stakeholders have an opportunity to provide feedback on the Detailed Design
- the community and stakeholders are notified in advance of any upcoming works, including changes to pedestrian or traffic access arrangements and out of hours construction activities
- accurate and accessible information is made available
- a timely response is given to issues and concerns raised by the community
- feedback from the community is encouraged and considered.

The [Transport for NSW email address](mailto:projects@transport.nsw.gov.au)<sup>5</sup> and Transport for NSW Infoline (1800 684 490) would continue to be available during the construction phase. Targeted consultation methods, such as use of project updates, letters, notifications, signage and verbal communications, would continue to occur.

The Transport for NSW project website<sup>6</sup> would also include updates on the progress of construction.

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<sup>5</sup> [projects@transport.nsw.gov.au](mailto:projects@transport.nsw.gov.au)

<sup>6</sup> <https://www.transport.nsw.gov.au/projects/current-projects/beverly-hills-commuter-car-park>



### **3 Changes to the Proposed Activity**

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There have been no design changes proposed to the Proposed Activity following the public display of the REF.

However, opportunities for further refinement of the Proposed Activity would be considered during the competitive tender for the detailed design contract and the subsequent detailed design process with the selected contractor.

## 4 Consideration of the environmental impacts

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### 4.2 NSW Environmental Planning and Assessment Act 1979

The REF addresses the requirements of Section 5.5 of the EP&A Act. In considering the Proposed Activity, all matters affecting or likely to affect the environment are addressed in the REF and the Determination Report and associated documentation.

In accordance with the checklist of matters pursuant to section 171 of the EP&A Regulation, an assessment is provided in Chapter 6 and Appendix B of the REF. A supplementary assessment was prepared considering the two additional factors under section 171 of the EP&A Regulations. This determination considers both the REF and the supplementary assessment in concluding there are no significant impacts. The supplementary assessment is provided in Appendix C.

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 5.7 of the EP&A Act.

The likely significance of the environmental impacts of the Proposed Activity has been assessed in accordance with the then NSW Department of Planning's 1995 best practice guideline [\*Is an EIS Required?\*](#)<sup>7</sup> It is concluded 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 Division 5.2 of the EP&A Act is not required.

### 4.3 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

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, shall have, or is likely to have a significant impact. A summary of the evaluation is provided in Chapter 6 and Appendix A of the REF.

It is considered 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.

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<sup>7</sup> Refer to the National Library of Australia's 'Trove' website  
<http://trove.nla.gov.au/work/7003034?selectedversion=NBD11474648>

# 5 Conditions of Approval

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

## 6 Conclusion

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Having regard to the assessment in the REF, consideration of the submissions received during the public display of the REF, it can be concluded 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 (EIS) is not required to be prepared under Division 5.2 of the EP&A Act.

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

The environmental impact assessment (REF and Determination Report) is recommended to be approved subject to the proposed mitigation and environmental management measures included in the Conditions of Approval (refer to Appendix B).

# Determination

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## Beverly Hills Commuter Car Park

### APPROVAL

I, Alex Campbell, as delegate of the Secretary, Transport for NSW:

Have examined and considered the Proposed Activity in the *Beverly Hills Commuter Car Park Review of Environmental Factors* (February 2022) and the *Beverly Hills Commuter Car Park Determination Report* (April 2022) in accordance with Section 5.5 of the *NSW Environmental Planning and Assessment Act 1979*.

Determine on behalf of Transport for NSW (the Proponent) that the Proposed Activity may be carried out in accordance with the Conditions of Approval in this Determination Report (April 2022), consistent with the Proposed Activity described in the *Beverly Hills Commuter Car Park Review of Environmental Factors* (February 2022).



Alex Campbell  
Director Central River City  
Greater Sydney  
**Transport for NSW**

Date: 12/05/2022

## References

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- APA Group Australia Pty Ltd (2019) *Site Planning +Landscape National Guidelines*
- Australian Standard AS2890.1:2004 Off-street Car Parking*
- Australian Standard 1158 Road Lighting*
- Australian Standard 4282 Controlling the Obtrusive Effects of Outdoor Lighting*
- Georges River Council (2020) *Draft Beverly Hills Town Centre Masterplan*
- Georges River Council (2020) *Georges River Car Parking Strategy*
- NSW Department of Planning (1995) *Is an EIS Required?*
- SECA Solution (2021) *Beverly Hills Multi-Storey Commuter Car Park Traffic, Transport & Access Impact Assessment*
- TEF Consulting (2018) *Beverly Hills Station Commuter Car Park Traffic Study*
- Transport for NSW (2019) *Vegetation Offset Guide*
- Transport for NSW, (January 2022) *Beverly Hills Commuter Car Park REF*

## Appendix A Review of Environmental Factors

Please refer to the Transport for NSW website to access the Beverly Hills Commuter Car Park – REF (Desksite: #6641665):

<https://www.transport.nsw.gov.au/projects/current-projects/beverly-hills-commuter-car-park>



# Appendix B Conditions of Approval

## CONDITIONS OF APPROVAL

### Beverly Hills Commuter Car Park

Note: these Conditions of Approval must be read in conjunction with the final mitigation measures in the Beverly Hills Commuter Car Park Review of Environmental Factors (February 2022 – Desksite: #6641665).

#### Schedule of acronyms and definitions used:

Acronym	Definition
AFC	Approved For Construction
CECR	Construction Environmental Compliance Report
CEMP	Construction Environmental Management Plan
CIR	Contamination Investigation Report
CLMP	Community Liaison Management Plan
CMP	Contamination Management Plan
CoA	Condition of Approval
dBA	Decibels (A-weighted scale)
DDVR	Detailed Design Validation Report
DES	TfNSW Director Environment & Sustainability (Rail Development & Delivery) (or nominated delegate)
ECM	Environmental Controls Map
EIA	Environmental Impact Assessment
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPL	Environment Protection Licence issued by the Environmental Protection Authority under the <i>Protection of the Environment Operations Act 1997</i> .
EMR	Environmental Management Representative
EMS	Environmental Management System
HIS	Heritage Interpretation Strategy
ISCA	Infrastructure Sustainability Council of Australia
ISO	International Standards Organisation
OEH	Former NSW Office of Environment and Heritage
ONVMP	Operational Noise and Vibration Management Plan
OOHWP	Out of Hours Works Protocol
PECM	Pre-Construction Environmental Compliance Matrix
POCR	Pre-Operational Compliance Report
RBL	Rating Background Level
REF	Review of Environmental Factors
SMP	Sustainability Management Plan
TfNSW	Transport for NSW
TMP	Traffic Management Plan
UDLP	Urban Design and Landscaping Plan

<b>Term</b>	<b>Definition</b>
<b>Construction</b>	Includes all work in respect of the Project, other than survey, acquisitions, fencing, investigative drilling or excavation, building/road dilapidation surveys, or other activities determined by the Transport for NSW DES to have minimal environmental impact such as minor access roads, minor adjustments to services/utilities, establishing temporary construction compounds (in accordance with this approval), or minor clearing (except where threatened species, populations or ecological communities would be affected, unless otherwise agreed by the DES).
<b>Contamination</b>	The presence in, on or under land of a substance at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment.
<b>Designated Works</b>	Includes tunnelling, blasting, piling, excavation or bulk fill or any vibratory impact works including jack hammering and compaction, for Construction.
<b>Emergency Work</b>	Includes works to avoid loss of life, damage to external property, utilities and infrastructure, prevent immediate harm to the environment, contamination of land or damage to a heritage (Aboriginal or non-Aboriginal) item.
<b>Environmental Impact Assessment (EIA)</b>	The documents listed in Condition 1 of this approval.
<b>Environmental Management Representative (EMR)</b>	An independent environmental representative appointed to the Project or a delegate nominated by Transport for NSW.
<b>Feasible</b>	A work practice or abatement measure is feasible if it is capable of being put into practice or of being engineered and is practical to build given project constraints such as safety and maintenance requirements.
<b>Noise Sensitive Receiver</b>	In addition to residential dwellings, noise sensitive receivers include, but are not limited to, hotels, entertainment venues, pre-schools and day care facilities, educational institutions (e.g. schools, TAFE colleges), health care facilities (e.g. nursing homes, hospitals), recording studios, places of worship/religious facilities (e.g. churches), and other noise sensitive receivers identified in the Environmental Impact Assessment.
<b>Project</b>	The construction and operation of the Beverly Hills Commuter Car Park as described in the Environmental Impact Assessment.
<b>Proponent</b>	A person or body proposing to carry out an activity under Division 5.1 of the EP&A Act – in the case of the Project, Transport for NSW.
<b>Reasonable</b>	Selecting reasonable measures from those that are feasible involves making a judgment to determine whether the overall benefits outweigh the overall adverse social, economic and environmental effects, including the cost of the measure.

CoA	Condition
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<b>General</b>	
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**1 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:

- a) *Beverly Hills Commuter Car Park – Review of Environmental Factors* (Transport for NSW, February 2022)
- b) *Beverly Hills Commuter Car Park – Determination Report* (Transport for NSW, April 2022).

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

**2 Project Modifications**

Any modification to the Project as approved in the EIA would be subject to further assessment. This assessment would need to demonstrate that any environmental impacts resulting from the modifications have been minimised. The assessment shall be subject to approval under delegated authority by TfNSW, and any additional requirements from the assessment of the Project modification must be complied with.

**3 Statutory Requirements**

These conditions do not remove any obligation to obtain all other licences, permits, approvals and landowner consents from all relevant authorities and land owners as required under any other legislation for the Project. The terms and conditions of such licences, permits, approvals and permissions must be complied with at all times.

**4 Graffiti and Advertising**

Hoardings, site sheds, fencing, acoustic walls around the perimeter of the site, and any structures built as part of the Project shall be maintained free of graffiti and advertising not authorised by TfNSW during the construction period. Graffiti and unauthorised advertising shall be removed or covered within the following timeframes:

- a) offensive graffiti will be removed or concealed within 24 hours
- b) highly visible (yet inoffensive) graffiti will be removed or concealed within a week
- c) graffiti that is neither offensive or highly visible will be removed or concealed within a month
- d) any unauthorised advertising material will be removed or concealed within 24 hours.

<b>Communications</b>	
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**5 Community Liaison Management Plan**

A Community Liaison Management Plan (CLMP) shall be prepared and implemented to engage with government agencies, relevant councils, landowners, community members and other relevant stakeholders (such as utility and service providers, bus companies, Taxi Council and businesses). The CLMP shall comply with the obligations of these conditions and should include, but not necessarily be limited to:

- a) a comprehensive, project-specific analysis of issues and proposed strategies to manage issues through the duration of the Project
- b) details of the communication tools (traditional and digital) and activities that will be used to inform and engage the community and stakeholders
- c) details of the procedure for consulting with the community on changes to the scope of work as a result of detailed design development
- d) a program for the implementation of community liaison activities relating to key construction tasks with strategies for minimising impacts and informing the community

## CoA Condition

- e) policies and procedures for handling community complaints and enquiries, including the Contractor's nominated 24 hour contact for management of complaints and enquiries
- f) analysis of other major projects/influences in the area with the potential to result in cumulative impacts to the community and strategies for managing these.

The CLMP shall be prepared to the satisfaction of the Senior Manager Place, Central River City South (or nominated delegate) prior to the commencement of construction and implemented, reviewed and revised as appropriate during the construction of the Project.

### 6 Community Notification and Liaison

The local community shall be advised of any activities related to the Project with the potential to impact upon them.

Prior to any site activities commencing and throughout the Project duration, the community is to be notified of works to be undertaken, the estimated hours of construction and details of how further information can be obtained (i.e. contact telephone number/email, website, newsletters etc.) including the 24 hour construction response line number.

Construction-specific impacts including information on traffic changes, access changes, detours, services disruptions, public transport changes, high noise generating work activities and work required outside the nominated working hours shall be advised to the local community at least seven days prior to such works being undertaken or other period as agreed to by the Senior Manager Place, Central River City South or as required by the Environment Protection Authority (EPA) (where an Environment Protection Licence (EPL) is in effect).

### 7 Website

Project information shall be made available to members of the public, either on dedicated pages on the TfNSW/Project website or details provided as to where hard copies of this information may be accessed. Project information to be provided includes:

- a) a copy of the documents referred to under Condition 1 of this approval
- b) a list of environmental management reports that are publicly available
- c) 24 hour contact telephone number for information and complaints.

All documents uploaded to the website must be compliant with the *Web Content Accessibility Guidelines Version 2.0*.

### 8 Complaints Management

A 24 hour construction response line number shall be established and maintained for the duration of construction.

Details of all complaints received during construction are to be recorded on a complaints register. A verbal response to phone enquiries on what action is proposed to be undertaken is to be provided to the complainant within two hours during all times construction is being undertaken and within 24 hours during non-construction times (unless the complainant agrees otherwise). A verbal response to written complaints (email/letter) should be provided within 48 hours of receipt of the communication. A detailed written response is to be provided to the complainant within seven calendar days for verbal and/or written complaints.

Information on all complaints received during the previous 24 hours shall be forwarded to the Environmental Management Representative (EMR) each working day.

## Environmental Management

### 9 Construction Environmental Management Plan

A Construction Environmental Management Plan (CEMP) shall be prepared prior to the commencement of construction which addresses the following matters, as a minimum:

- a) traffic and pedestrian management (in consultation with the relevant roads authority)
- b) noise and vibration management
- c) water and soil management

## CoA Condition

- d) air quality management (including dust suppression)
- e) Aboriginal and non-Aboriginal heritage management
- f) biodiversity management
- g) storage and use of hazardous materials
- h) contaminated land management (including acid sulphate soils)
- i) weed management
- j) waste management
- k) bushfire risk
- l) environmental incident reporting and management procedures
- m) non-compliance and corrective/preventative action procedures
- n) details of approvals, licences and permits required to be obtained under any other legislation for the Project.

The CEMP shall:

- i. comply with the Conditions of Approval, conditions of any licences, permits or other approvals issued by government authorities for the Project, all relevant legislation and regulations, and accepted best practice management
- ii. comply with the relevant requirements of *Guideline for Preparation of Environmental Management Plans* (Department Infrastructure, Planning and Natural Resources, 2004)
- iii. include a pre-construction environmental compliance matrix for the Project (or such stages of the Project as agreed to by the EMR) that details compliance with all relevant conditions and mitigation measures
- iv. include an Environmental Policy.

In preparing the CEMP the following shall be undertaken:

- 1. consultation with government agencies and relevant service/utility providers (as required)
- 2. a copy of the CEMP submitted to the EMR for review
- 3. a copy of the CEMP submitted to the Director Environment & Sustainability (DES) for approval upon completion of the EMR review period
- 4. review and update the CEMP at regular intervals, and in response to any actions identified as part of the EMR's audit of the document
- 5. ensure updates to the CEMP are made within seven days of the completion of the review or receipt of actions identified by any EMR audit of the document and be submitted to the EMR for approval.

The CEMP must be approved by the DES prior to the commencement of construction work associated with the Project.

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### 10 Environment Personnel

Suitably qualified and experienced environmental management personnel shall be available and be responsible for implementing the environmental objectives for the Project, including undertaking regular site inspections, preparation of environmental documentation and ensuring the Project meets the requirements of the Environmental Management System (EMS).

Details of the environmental personnel, including relevant experience, defined responsibilities and resource allocation throughout the project (including time to be spent on-site/off-site) are to be submitted for the approval of the DES, at least 21 days prior to commencement of construction of the Project (or such time as otherwise agreed by the DES).

Any adjustments to environmental resource allocations (on-site or off-site) are to be approved by the DES.

**11 Environmental Management Representative**

Prior to the commencement of construction, the DES shall appoint an EMR for the duration of the construction period for the Project.

The EMR shall provide advice to the DES in relation to the environmental compliance and performance of the Project. The EMR shall have responsibility for:

- a) considering and advising TfNSW on matters specified in these conditions and compliance with such
- b) reviewing and where required by the DES, providing advice on the Project's induction and training program for all persons involved in the construction activities and monitoring implementation
- c) periodically auditing the Project's environmental activities to evaluate the implementation, effectiveness and level of compliance of on-site construction activities with authority approvals and licences, the CEMP and associated plans and procedures, including carrying out site inspections weekly, or as required by the DES
- d) reporting weekly to TfNSW, or as required by the DES
- e) issuing a recommendation for work to stop immediately, if in the view of the EMR circumstances so require. The stop work recommendation may be limited to specific activities if the EMR can easily identify those activities
- f) requiring reasonable steps to be taken to avoid or minimise unintended or adverse environmental impacts
- g) reviewing corrective and preventative actions to ensure the implementation of recommendations made from the audits and site inspections
- h) providing reports to TfNSW on matters relevant to the carrying out of the EMR role as necessary
- i) where required by the DES, providing advice on the content and implementation of the CEMP and Environmental Controls Map (ECM) in accordance with the conditions
- j) reviewing and approving updates to the CEMP.

The EMR shall be available during construction activities to inspect the site(s) and be present on-site as required.

**12 Environmental Controls Map**

An Environmental Controls Map (ECM) shall be prepared and implemented in accordance with TfNSW's *Guide to Environmental Controls Map (SD-015)* prior to the commencement of construction for implementation for the duration of construction. The ECM is to be endorsed by the EMR and may be prepared in stages, as set out in the CEMP.

A copy of the ECM shall be submitted to the EMR for review and endorsement. The EMR is to be given a minimum period of seven days to review and endorse the ECM. Following receipt of the EMR's endorsement, the ECM shall be submitted to the DES for approval, at least 14 days prior to commencement of construction (or such time as is otherwise agreed by the DES).

The ECM shall be prepared as a map – suitably enlarged (e.g. A3 size or larger) for mounting on the wall of a site office and included in site inductions, supported by relevant written information.

Updates to the ECM shall be made within seven days of the completion of the review or receipt of actions identified by any EMR audit of the document and submitted to the EMR for approval.

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Hours of Work	
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**13 Standard Construction Hours**

Construction activities shall be restricted to the hours of 7:00 am to 6:00 pm (Monday to Friday); 8:00 am to 1:00 pm (Saturday) and at no time on Sundays and public holidays except for the following works which are permitted outside these standard hours:

- a) any works which do not cause noise emissions to be more than 5dBA higher than the rating background level (RBL) at any nearby residential property and/or other noise sensitive receivers
- b) out of hours work identified and assessed in the EIA or the approved Out of Hours Work Protocol (OOHWP)
- c) the delivery of plant, equipment and materials which is required outside these hours as requested by police or other authorities for safety reasons and with suitable notification to the community as agreed by the DES
- d) Emergency Work to avoid the loss of lives, property and/or to prevent environmental harm
- e) any other work as agreed by the DES and considered essential to the Project, or as approved by EPA (where an EPL is in effect).

**14 High Noise Generating Activities**

Rock breaking or hammering, jack hammering, pile driving, vibratory rolling, cutting of pavement, concrete or steel and any other activities which result in impulsive or tonal noise generation shall not be undertaken for more than three hours, without a minimum one hour respite period unless otherwise agreed to by the DES, or as approved by EPA (where relevant to the issuing of an EPL).

Noise and Vibration
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**15 Construction Noise and Vibration**

Construction noise and vibration mitigation measures shall be implemented through the CEMP, in accordance with TfNSW's *Construction Noise and Vibration Strategy* (ST-157) and the EPA's *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009). The mitigation measures shall include, but not limited to:

- a) details of construction activities and an indicative schedule for construction works
- b) identification of construction activities that have the potential to generate noise and/or vibration impacts on surrounding land uses, particularly sensitive noise receivers
- c) detail what reasonable and feasible actions and measures shall be implemented to minimise noise impacts (including those identified in the EIA)
- d) procedures for notifying sensitive receivers of construction activities that are likely to affect their noise and vibration amenity, as well as procedures for dealing with and responding to noise and vibration complaints
- e) an Out of Hours Work Protocol (OOHWP) for the assessment, management and approval of works outside the standard construction hours identified in Condition 13 of this approval, including a risk assessment process which deems the out of hours activities to be of low, medium or high environmental risk, is to be developed. All out of hours works are subject to approval by the EMR and/or DES or as approved by EPA (where relevant to the issuing of an EPL). The OOHWP should be consistent with the TfNSW *Construction Noise and Vibration Strategy* (ST-157)



CoA	Condition
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|  | <p>f) a description of how the effectiveness of actions and measures shall be monitored during the proposed works, identification of the frequency of monitoring, the locations at which monitoring shall take place, recording and reporting of monitoring results and if any exceedance is detected, the manner in which any non-compliance shall be rectified.</p> |
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**16 Vibration Criteria**

Vibration (other than from blasting) resulting from construction and received at any structure outside of the Project shall be limited to:

- a) for structural damage vibration German Standard *DIN 4150: Part 3 – 1999: Structural Vibration in Buildings: Effects on Structures*
- b) for human exposure to vibration – the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: A Technical Guideline* (Department of Environment and Conservation, 2006) which includes British Standard *BS 7385-2:1993 Guide to Evaluation of Human Exposure to Vibration in Buildings (1 Hz to 80 Hz)*.

These limits apply unless otherwise approved by the DES through the CEMP.

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**17 Non-Tonal Reversing Beepers**

Non-tonal reversing beepers (or an equivalent mechanism) shall be fitted and used on all construction vehicles and mobile plant regularly used on-site (i.e. greater than one day) and for any out of hours work.

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**18 Piling**

Wherever practical, piling activities shall be completed using non-percussive piles. If percussive piles are proposed to be used, approval of the DES shall be obtained prior to commencement of piling activities.

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**19 Operational Noise and Vibration**

Prior to commencement of construction (or as otherwise agreed with the DES), an operational noise and vibration management plan (ONVMP) shall be prepared to confirm the final mitigation measures for operational noise and vibration that would be implemented.

The ONVMP shall be prepared by a suitably qualified and experienced Acoustic Advisor, in consultation with the relevant stakeholders. The ONVMP shall:

- a) confirm that the findings of the EIA noise and vibration assessment are still valid, based on the detailed design and/or operations plan, and update the assessment as required
- b) examine all reasonable and feasible noise and vibration mitigation measures consistent with the *Noise Policy for Industry* (EPA, 2017) and *NSW Road Noise Policy* (DECCW, 2011)
- c) identify specific physical and other mitigation measures for controlling noise and vibration at the source and at the receiver (if relevant) including location, type and timing of implementation of the proposed operational noise and vibration mitigation measures
- d) identify how the detailed design process has incorporated measures and/or design solutions to minimise the occurrence of operational noise from typical use of the car park such as wheel squeal
- e) seek feedback from directly affected receivers on the final mitigation measures proposed in the review.

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A copy of the ONVMP shall be submitted to the EMR for review and endorsement. The EMR is to be given a minimum period of seven days to review and endorse the ONVMP. Following receipt of the EMR's endorsement, the ONVMP shall be submitted to the DES for approval, at least one (1) month prior to commencement of construction of the infrastructure that will generate the operational noise or the construction of physical noise mitigation structures (or such time as is otherwise agreed by the DES).

The approved physical mitigation measures are to be installed prior to the commencement of operations, unless otherwise agreed by the DES.

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- 20** In order to validate the predicted noise levels identified in the ONVMP, monitoring shall be undertaken within three (3) months of commencement of operation. The noise and vibration monitoring shall be undertaken to confirm compliance with the predicted noise and vibration levels, or as modified by the reasonable and feasible review.

Should the results of monitoring identify exceedances of the predicted noise and vibration levels, additional reasonable and feasible mitigation measures would be implemented in consultation with the affected property owners.

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### Contamination and Hazardous Materials

**21 Unidentified Contamination (Other Than Asbestos)**

If previously unidentified contamination (excluding asbestos) is discovered during construction, work in the affected area must cease immediately, and an investigation must be undertaken and report prepared to determine the nature, extent and degree of any contamination. The level of reporting must be appropriate for the identified contamination in accordance with relevant EPA guidelines, including the *Guidelines for Consultants Reporting on Contaminated Sites* (Office of Environment and Heritage, 2011).

A copy of any contamination report shall be submitted to the EMR for review. The EMR is to be given a minimum period of seven days to review.

A revised copy of the report shall be submitted to the DES for consideration upon completion of the EMR review period. The DES shall determine whether consultation with the relevant council and/or EPA is required prior to continuation of construction works within the affected area.

**Note:** *In circumstances where both previously unidentified asbestos contamination and other contamination are discovered within a common area, nothing in these conditions shall prevent the preparation of a single investigation report to satisfy the requirements of both Condition 21 and Condition 22.*

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**22 Asbestos Management**

If previously unidentified asbestos contamination is discovered during construction, work in the affected area must cease immediately, and an investigation must be undertaken and a report prepared to determine the nature, extent and degree of the asbestos contamination. The level of reporting must be appropriate for the identified contamination in accordance with relevant EPA, Safe Work Australia and SafeWork NSW guidelines and include the proposed methodology for the remediation of the asbestos contamination. Remediation activities must not take place until receipt of the investigation report.

Works may only recommence upon receipt of a validation report from a suitably qualified contamination specialist that the remediation activities have been undertaken in accordance with the investigation report and remediation methodology.

**Note:** *In circumstances where both previously unidentified asbestos contamination and other contamination are discovered within a common area, nothing in these conditions shall prevent the preparation of a single investigation report to satisfy the requirements of both Condition 21 and Condition 22.*

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23	<b>Storage and Use of Hazardous Materials</b>
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Construction hazard and risk issues associated with the use and storage of hazardous materials shall be addressed through risk management measures, which shall be developed prior to construction as part of the overall CEMP, in accordance with relevant EPA guidelines, TfNSW's *Chemical Storage and Spill Response Guidelines* (SD-066) and Australian and ISO standards. These measures shall include:

- a) the storage of hazardous materials, and refuelling/maintenance of construction plant and equipment are to be undertaken in clearly marked designated areas designed to contain spills and leaks
- b) spill kits, appropriate for the type and volume of hazardous materials stored or in use, to be readily available and accessible to construction workers. Kits are to be kept at hazardous materials storage locations, in site compounds and on specific construction vehicles. Where a spill to a watercourse is identified as a risk, spill kits are to be kept in close proximity to potential discharge points in support of preventative controls
- c) all hazardous materials spills and leaks to be reported to site managers and actions to be immediately taken to remedy spills and leaks
- d) training in the use of spill kits to be given to all personnel involved in the storage, distribution or use of hazardous materials.

<b>Erosion and Sediment Control</b>	
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24	<b>Erosion and Sediment Control</b>
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Soil and water management measures shall be prepared, implemented and maintained as part of the CEMP for the mitigation of water quality impacts during construction of the Project. The management measures shall be prepared in accordance with *Managing Urban Stormwater: Soils and Construction Volume 1 4<sup>th</sup> Edition* (Landcom, 2004).

<b>Heritage Management</b>	
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25	<b>Aboriginal and Non-Aboriginal Heritage</b>
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If previously unidentified Aboriginal or non-Aboriginal heritage/archaeological items are uncovered during construction works, the procedures contained in the TfNSW *Unexpected Heritage Finds Guideline* (SD-115) shall be followed and all works in the vicinity of the find shall cease. The EMR shall be immediately notified to co-ordinate a response, which may include seeking appropriate advice from a suitably qualified and experienced Heritage Advisor (in consultation with Heritage NSW, and/or the Energy, Environment and Science Group of the Department of Planning, Industry and Environment, as applicable). Works in the vicinity of the find shall not re-commence until clearance has been received from TfNSW and/or the Heritage Advisor.

<b>Flora and Fauna</b>	
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26	<b>Removal of Trees or Vegetation</b>
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Separate approval, in accordance with TfNSW's *Removal or Trimming of Vegetation Application* (FT-078), is required for the trimming, cutting, pruning or removal of trees or vegetation where the impact has not already been identified in the EIA for the Project. The trimming, cutting, pruning or removal of trees or vegetation shall be undertaken in accordance with the conditions of that approval.

27	<b>Replanting Program</b>
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All cleared vegetation shall be offset in accordance with TfNSW's *Vegetation Offset Guide* (ST-149). All vegetation planted on-site is to consist of locally endemic native species, unless otherwise agreed by the DES, following consultation with the relevant council, where relevant, and/or the owner of the land upon which the vegetation is to be planted.

**CoA Condition****Lighting****28 Lighting Scheme**

A lighting scheme for the construction and operation of the Project is to be developed by a suitably qualified lighting designer and prepared in accordance with *AS 1158 Lighting for Roads and Public Spaces* and *AS 4282 Control of the Obtrusive Effects of Outdoor Lighting*. The lighting scheme shall address the following as relevant:

- a) consideration of lighting demands of different areas
- b) strategic placement of lighting fixtures to maximise ground coverage
- c) use of LED lighting
- d) minimising light spill by directing lighting into the car park
- e) control systems for lighting that dim or switch-off lights settings according to the amount of daylight the zone is receiving
- f) motion sensors to control low traffic areas
- g) avoid car headlights being directed into nearby residents
- h) allowing the lighting system to use low light or switch off light settings while meeting relevant lighting Standards requirements, and
- i) ensuring security and warning lighting is not directed at neighbouring properties.

The proposed lighting scheme is to be submitted to TfNSW's technical (design) team for acceptance.

**Property****29 Property Condition Surveys**

Subject to landowner agreement, property condition surveys shall be completed prior to piling, excavation or bulk fill or any vibratory impact works including jack hammering and compaction (Designated Works) in the vicinity of the following buildings/structures:

- a) all buildings/structures/roads within a plan distance of 50 metres from the edge of the Designated Works
- b) all heritage listed buildings and other sensitive structures within 150 metres from the edge of the Designated Works.

Property condition surveys need not be undertaken if a risk assessment indicates that selected buildings/structures/roads identified in (a) and (b) will not be affected as determined by a qualified geotechnical and construction engineering expert with appropriate registration on the National Professional Engineers Register prior to commencement of Designated Works.

Selected potentially sensitive buildings and/or structures shall first be surveyed prior to the commencement of the Designated Works and again immediately upon completion of the Designated Works.

All owners of assets to be surveyed, as defined above, are to be advised (at least 14 days prior to the first survey) of the scope and methodology of the survey, and the process for making a claim regarding property damage.

A copy of the survey(s) shall be given to each affected owner. A register of all properties surveyed shall be maintained.

Any damage to buildings, structures, lawns, trees, sheds, gardens, etc. as a result of construction activity direct and indirect (i.e. including vibration and groundwater changes) shall be rectified at no cost to the owner(s).

CoA	Condition
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**Sustainability**

**30 Sustainability Officer**

A suitably qualified and experienced Sustainability Officer shall be appointed who is responsible for implementing the sustainability objectives for the Project.

Details of the Sustainability Officer including defined responsibilities, duration and resource allocation throughout the appointment are to be submitted to the satisfaction of the DES prior to the preparation of the Sustainability Management Plan.

The responsibilities of the Sustainability Officer will not be shared with other positions on the Project unless approved by the DES.

**31 Sustainability Management Plan**

A Sustainability Management Plan (SMP) which details the approach to managing sustainability requirements and opportunities during design and construction shall be prepared. The SMP shall include the following as a minimum:

- a) a completed electronic checklist demonstrating compliance with *the TfNSW Sustainable Design Guidelines Version 4.0 (ST-114)*
- b) a statement outlining the Construction Contactor's own corporate sustainability policies, obligations, goals, targets and commitments
- c) a description of the processes and methodologies for encouraging and identifying innovative sustainability outcomes on the Project, and the areas targeted for innovative sustainable solutions to be explored and/or implemented on the Project
- d) the approach to the identification of opportunities to reduce carbon emissions, energy use and embodied lifecycle impacts of the Project. This should include a summary of initiatives proposed for implementation to meet energy and carbon management objectives and targets
- e) the approach to sustainable procurement including how procurement processes have taken in to account the principles of *ISO 20400: 2017 – Sustainable Procurement* in the selection of all materials, products and services
- f) a description of the processes, standards and procedures for undertaking climate change risk assessments and strategies for mitigation of risks associated with climate change and extreme weather events.

A copy of the SMP shall be submitted to the DES for review and approval, within 30 days of the date of contract award (or such time as is otherwise agreed by the DES).

**32 Sustainable Design Guidelines**

The project shall comply with the requirements of the TfNSW Sustainable Design Guidelines Version 4.0 (ST-114) ratings methodologies, including achieving a final Sustainable Design Guidelines Version 4.0 (ST-114) Silver rating to be applied throughout the design and construction stages of the project.

**Traffic, Transport and Access**

**33 Traffic Management Plan**

A construction Traffic Management Plan (TMP) shall be prepared as part of the CEMP which addresses, as a minimum, the following matters:

- a) ensuring adequate road signage at construction work sites to inform motorists and pedestrians of the work site ahead to ensure that the risk of road accidents and disruption to surrounding land uses is minimised
- b) maximising safety and accessibility for pedestrians and cyclists
- c) ensuring adequate sight lines to allow for safe entry and exit from the site

**CoA Condition**

- d) ensuring access to railway stations, businesses, entertainment premises and residential properties (unless affected property owners have been consulted and appropriate alternative arrangements made)
- e) managing impacts and changes to on and off street parking and requirements for any temporary replacement provision
- f) parking locations for construction workers away from stations and busy residential areas and details of how this will be monitored for compliance
- g) routes to be used by heavy construction-related vehicles to minimise impacts on sensitive land uses and businesses
- h) details for relocating kiss-and-ride, taxi ranks and rail replacement bus stops if required, including appropriate signage to direct customers, in consultation with the relevant bus operator. Particular provisions should also be considered for the accessibility impaired
- i) measures to manage traffic flows around the area affected by the Project, including as required regulatory and direction signposting, line marking and variable message signs and all other traffic control devices necessary for the implementation of the TMP.

Consultation with the relevant roads authority must be undertaken during the preparation of the TMP, as required. The performance of all Project traffic arrangements must be monitored during construction.

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**34 Road Condition Reports**

Prior to construction commencement, road condition surveys and reports on the condition of roads and footpaths to be affected by construction shall be prepared. Any damage resulting from the construction of the Project, aside from that resulting from normal wear and tear, shall be repaired at the Proponent's expense.

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**35 Road Safety Audit**

A Road Safety Audit shall be undertaken as part of the detailed design process and on completion of construction. The Road Safety Audit shall include but not be limited to detailed assessment of sight distances for vehicles accessing and entering the car park and mitigation measures proposed.

The Road Safety Audit is to be submitted to and accepted by TfNSW. The findings of the Road Safety Audit shall be provided to Georges River Council for information.

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**Urban Design and Landscaping****36 Urban Design and Landscaping Plan**

The following mitigation measures shall be implemented to reduce the visual impacts of the Proposal:

An Urban Design Plan and Landscaping Plan is to be submitted to TfNSW and endorsed by the Place and Urban Design team. The Urban Design Plan is to address the fundamental design principles as outlined in 'Around the Tracks' – urban design for heavy and light rail, TfNSW, Interim 2016. The Urban Design Plan and Landscaping Plan shall:

- a) Demonstrate a robust understanding of the site through a comprehensive site analysis to inform the design direction, demonstrate connectivity with street networks, transport modes, active transport options, and pedestrian distances
- b) Identify opportunities and challenges
- c) Establish site specific principles to guide and test design options
- d) Demonstrate how the preferred design option responds to the design principles established in 'Around the Tracks', including consideration of Crime Prevention through Environmental Design Principles



## CoA Condition

The Urban Design Plan and Landscaping Plan is to include the Public Domain Plan for the chosen option and will provide analysis of the:

- A. Landscape design approach including design of pedestrian and bicycle pathways, street furniture, interchange facilities, new planting and opportunities for public art
- B. Materials Schedule including materials and finishes for proposed built works, colour schemes, paving and lighting types for public domain, fencing and landscaping
- C. An Artist's Impression or Photomontage to communicate the proposed changes to the precinct

The following design guidelines are available to assist and inform the Urban Design Plan and Landscaping Plan for the Proposal:

- i. *TAP Urban Design Plan, Guidelines*, TfNSW, Draft 2018
- ii. *Commuter Car Parks, Urban Design Guidelines*, TfNSW, Interim 2017
- iii. *Managing Heritage Issues in Rail Projects Guidelines*, TfNSW, Interim 2016
- iv. *Creativity Guidelines for Transport Systems*, TfNSW, Interim 2016
- v. *Water Sensitive Urban Design Guidelines for TfNSW Projects*, TfNSW 2016

Endorsement of the Urban Design Plan and Landscaping Plan will demonstrate compliance with the Conditions of Approval in the Review of Environmental Factors (REF) Determination Report.

The Urban Design Plan and Landscaping Plan shall be:

- I. Prepared prior to concept design and finalised
- II. Prepared in consultation with Local Council and relevant stakeholders
- III. Prepared by a registered Architect and/or Landscape Architect

### Site Specific Conditions

#### 37 Detailed Design Validation

A detailed design validation report (DDVR) for the Project shall be prepared and submitted at each design stage to detail how compliance is achieved with all design mitigation measures detailed in the REF for the project. A final DDVR would accompany the Approval for Construction (or equivalent) submission.

The Proponent shall:

- a) submit a copy of the DDVR to the EMR for review. The EMR is to be given a minimum period of 7 days to review and provide any comments to the Proponent in relation to the DDVR.

Upon completion of the EMR review period a copy of the DDVR will be submitted to the DES (or nominated delegate) for approval. The DDVR is to be provided to the DES at least one month prior to the scheduled commencement of construction of the Project (or such time as otherwise agreed to by the DES).

#### 38 Construction Environmental Compliance Report

A Construction Environmental Compliance Report (CECR) for the Project shall be prepared which addresses the following matters:

- a) compliance with the Construction Environmental Management Plan (CEMP) and these conditions
- b) compliance with any approvals or licences issued by relevant authorities for the construction of the Project
- c) implementation and effectiveness of environmental controls (the assessment of effectiveness should be based on a comparison of actual impacts against performance criteria identified in the CEMP)
- d) environmental monitoring results, presented as a results summary and analysis
- e) details of the percentage of waste diverted from landfill and the percentage of spoil beneficially reused

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|  | <ul style="list-style-type: none"><li>f) number and details of any complaints, including summary of main areas of complaint, actions taken, responses given and intended strategies to reduce recurring complaints (subject to privacy protection)</li><li>g) details of any review and amendments to the CEMP resulting from construction during the reporting period</li><li>h) any other matter as requested by the DES.</li></ul> |
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The CECR shall:

- i. be submitted to the EMR for review. The EMR is to be given a minimum period of seven days to review and provide any comments to TfNSW in relation to the CECR
- ii. be submitted to the DES for approval upon completion of the EMR review period.

The first CECR shall report on the first three months of construction and be submitted within four weeks of expiry of that period (or at any other time interval agreed to by the DES). CECRs shall be submitted no later than three months after the date of submission of the preceding CECR (or at other such periods as requested by the DES) for the duration of construction.

The final CECR shall detail compliance with all Conditions of Approval, mitigation measures, licences and permits required to be obtained under any other legislation for the Project.

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<b>39</b>	<b>Building setbacks and separation</b>
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Transport for NSW would investigate opportunities for plantings on upper levels should the final design include upper level setbacks.

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<b>40</b>	<b>Flooding</b>
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- a) If the detailed design proposes to include basement levels, consideration shall be given to, and subsequent measures taken, to reduce the potential for floodwater entering the basement for events up to and including 1% AEP
- b) The Construction Contractor is to prepare an emergency plan for the construction and operational phases of the Proposed Activity with particular reference to flooding of the site access on Edgbaston Road affected by 1% AEP flood events at depths between 0.3 to 0.5 metres
- c) Where relevant, users of the commuter car park are to be made aware of the existing flood risk at the commuter car park via appropriate signage, and any change to this risk as a result of the construction work and operation of the car park.

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<b>41.</b>	<b>Entry and Egress into the Car Park</b>
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Consistent with Mitigation Measures 4, 10, 11, 12 and 19 provided as part of the REF; safe entry and egress from the new car park will be designed in consultation with Georges River Council and changes to Edgbaston Road will be subject to their approval.

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END OF CONDITIONS



## Appendix C Consideration of additional clause 171 requirements

An assessment under Clause 228 of the (former) *NSW Environmental Planning & Assessment Regulation 2000* was undertaken as part of the REF and included as Appendix B of the REF. Subsequent to public display of the REF, *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) came into force.

To ensure that Transport for NSW takes into account to the fullest extent possible, all matters affecting or likely to affect the environment as a result of the Proposed Activity, a supplementary assessment has prepared considering the two additional factors that have been included as part of the revised EP&A Regulation (now section 171).

The table below demonstrates Transport for NSW's consideration of the additional two specific factors under section 171 of the EP&A Regulation.

Factor	Impacts
<p><b>(q) applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1</b></p> <p>The local strategic planning statements, regional strategic plans and district strategic plans applicable to the Proposed Activity were discussed in Section 2.1 of the REF for the Proposed Activity (refer to Appendix A of this Determination Report).</p> <p>This included consideration of the following key NSW Government policies and strategies which were considered to be applicable to the Proposal:</p> <ul style="list-style-type: none"> <li>• <i>Georges River Local Planning Statement 2020 Future Transport Strategy 2056</i> (TfNSW, 2018)</li> <li>• <i>A Metropolis of Three Cities - Greater Sydney Region Plan</i> (Greater Sydney Commission, 2018a)</li> <li>• <i>South District Plan</i> (Greater Sydney Commission, 2018)</li> </ul> <p>Overall, the REF concluded that the Proposed Activity was considered to be consistent with the relevant sections of these various planning and strategic plans and policies.</p>	<p>Positive</p>
<p><b>(r) other relevant environmental factors</b></p> <p>This REF was prepared taking into account to the fullest extent possible, all matters affecting or likely to affect the environment as a result of the Proposal. These matters were presented and discussed in Chapter 6 of the REF (refer to Appendix A of this Determination Report).</p> <p>Based on this assessment, it was considered that the Proposal is not likely to have a significant impact upon the environment or any threatened species, populations or communities.</p>	<p>Minor to moderate</p>