

SUBJECT: *RICHMOND VALE RAIL TRAIL*
RESPONSIBLE OFFICER: *Acting Open Space & Community Facilities Manager – Kate Harris*

SUMMARY

The purpose of this report is to provide an update regarding the Richmond Vale Rail Trail project and to seek Council's endorsement to publicly exhibit the Stockrington to Kurri Kurri Review of Environmental Factors.

RECOMMENDATION

1. That Council place the Richmond Vale Rail Trail – Stockrington to Kurri Kurri Review of Environmental Factors on Public Exhibition for a 6 week period and invite public submissions.
2. That a report on the outcomes of the exhibition period be provided to Council prior to Council endorsing the Richmond Vale Rail Trail – Stockrington to Kurri Kurri Review of Environmental Factors.

BACKGROUND

At its meeting of 16 March 2022, Council resolved:

That the General Manager provide a report and brief to Councillors within three months outlining:

- A. Progress CCC has made in the last 12 months on this project***
- B. Studies needed to be completed so works can commence***
- C. The relevant costs to complete studies and DA***
- D. Commitment to the completion of the environmental assessment and concept design of the trail to ensure we can secure future funding for investigation, design and construction.***

This report addresses each of the items above.

The Review of Environmental Factors (REF) is available on Council's website.

REPORT/PROPOSAL

The proposed Richmond Vale Rail Trail (RVRT) is a 32km cycling and walking track along the former Richmond Vale railway between Kurri Kurri and Hexham/Shortland (**Enclosure 1**). The trail traverses the three Local Government Areas of Newcastle (14.9km), Lake Macquarie (2.7km) and Cessnock with 14.4km of the trail located in the Cessnock City Council area.

To seek relevant development approvals the RVRT has been divided into two sections, Shortland to Tarro and Pambalong (Newcastle LGA), and Stockrington to Kurri Kurri (Lake

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Macquarie and Cessnock LGA). The Stockrington to Kurri Kurri Section of the rail trail is the focus of this report and the enclosed REF.

Key Objectives

The RVRT aims to enhance active transport and create connectivity between communities with the key objectives of the project being:

- To support future growth by connecting local and regional users at key access points including Kurri Kurri, Buchanan and Stockrington;
- Provide commuters and recreational users with a safe alternative route to the local road network, including the New England Highway and the M1 Pacific Motorway;
- Provide better recreational access to the Pambalong Nature Reserve and the Werakata and Stockrington State Conservation Areas;
- Protect and maintain natural conservation values of adjacent lands including conservation areas; and
- Generate healthier, more active lifestyles and opportunities for public appreciation and enjoyment of the local natural environment.

Key Features

The RVRT is a regionally significant infrastructure project and there are numerous key features within the Lake Macquarie and Cessnock sections of the trail. These include:

- Construction of over 17km of shared pathway between three to four meters wide;
- Restoration and repair of three existing railway tunnels (one tunnel is within the Cessnock LGA);
- Construction of a 15m two-span concrete bridge at Surveyors Creek and demolition of the existing timber bridge;
- Construction of a new 70m single span bridge at Wallis Creek and demolition of the existing timber bridge;
- Construction of a new short bridge at Werekata Creek; and
- Construction of four new parking facilities at various access points along the proposal route (three of the parking facilities are within the Cessnock LGA).

Project Progress

Significant milestones have been achieved within the last 12 months and include:

- In April 2021 development consent was provided for 100m of the RVRT within the Cessnock LGA (near the Pambalong Nature Reserve - Lot 21 DP 1195619). A Development Application was required for this small portion of the trail as the area is mapped under the Coastal Management State Environmental Planning Policy;
- Reengagement with each of the impacted landowners along the trail (which had not occurred for a number of years). Amendments were subsequently made to the concept design for the trail based on the landowner feedback received; and
- The final version of the REF has also been completed during the last 12 months which is the final milestone prior to moving to detailed design works.

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Studies Needed

No further studies are required to enable the project to progress (at concept stage). Additional studies will be required should Council endorse the REF following the public exhibition period and the project has progressed to the detailed design stage.

Costs to Complete Studies & DA

The costs associated with the design and construction of the trail are discussed within the financial section of this report.

It is important to note that aside from the 100m of the trail that has previously been provided development consent, the REF is the approval pathway for the project, i.e. a Development Application is not required. The trail is defined as a 'road infrastructure facility' under clause 2.107 of the State Environmental Planning Policy (Transport & Infrastructure) 2021 (Transport and Infrastructure SEPP). Assessment in the form of the enclosed REF is required under Division 5.1 of the EP&A Act.

Commitment to the Completion of Environmental Assessment and Concept Design

As discussed above, the environmental assessment (REF) and concept design (contained within the REF) is complete.

Next Steps

Following the completion of the REF, the project has now progressed to the public exhibition stage.

A minimum exhibition period of 6 weeks is proposed which will allow the community time to review the REF and provide comment. At the conclusion of the exhibition period a further report will be prepared, summarising the details of comments received and any subsequent changes to the REF prior to seeking Council's endorsement.

The REF will be located within Council's Administration Building and on Council's website via a dedicated 'Have Your Say' page.

OPTIONS

Nil

CONSULTATION

The following stakeholders were consulted in 2018 in the preparation of the REF:

Internal Stakeholders

- Principal Recreation Planner
- Heritage Consultant
- Ecologist
- Acting Economic Development & Tourism Manager
- Infrastructure Manager

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- Senior Property Officer
- Community Engagement Officer

External Stakeholders

Engagement with potentially affected property owners, residents, relevant government agencies, and the community has been undertaken for many years and is ongoing.

Property owners that have been specifically engaged with include:

- The State of NSW – Crown Lands (owner of five land parcels);
- Mindaribba Local Aboriginal Land Council (owner of three land parcels);
- National Parks and Wildlife Services (owner of eight land parcels);
- Yancoal (owner of three land parcels); and
- Private landowners (owners of six land parcels).

Ongoing consultation during the detailed design, construction and operation stages will ensure input from affected stakeholders is incorporated where relevant into the proposal.

It is important to highlight that there is no legislative requirement for Council to publicly exhibit the REF. Based on the scale and size of the project and implications on property owners a formal exhibition process is recommended to be undertaken.

STRATEGIC LINKS

a. Delivery Program

This report aligns to Objective 4.1 within the Delivery Program 'Better transport links' and the specific action of 4.1.5 – Contribute to the investigations and planning for the Richmond Vale Rail Trail.

b. Other Plans

- Hunter Regional Plan 2036
- Greater Newcastle Metropolitan Plan 2036
- Cessnock Community Strategic Plan 2027
- Cessnock Local Strategic Planning Statement 2020
- Cessnock Trails Strategy 2020
- Recreation and Open Space Strategic Plan 2019
- Cessnock Cycling Strategy 2016

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

A project budget estimate for design and construction of the RVRT (within the Lake Macquarie and Cessnock LGA's) was last completed in July 2020.

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Design costs are estimated to be \$1,667,847 with construction costs (including property acquisitions) to be \$22,237,958.

The total estimated budget to complete the project is estimated at \$26,193,534. Whilst a contingency of 30% has been added to the design and construct figures provided, these costings do not take into account the current property market and other escalations in costs which may have occurred since the estimate was provided.

There is currently no funding available to continue to progress the project to the detailed design stage. Council staff will continue to investigate external funding opportunities including grants.

c. Legislative Implications

There are a number of legislative implications in regards to the construction of the RVRT which can be viewed within Chapter 4 of the REF. These implications will be addressed during the detailed design stage.

d. Risk Implications

Land Tenure

Outlined within **Enclosure 2** are the 25 parcels of land along the RVRT that are located within the Cessnock LGA (with five of these parcels being private landowners). Council is not the landowner for any of the parcels that intersect the trail and it should be highlighted that some private landowners and stakeholders are not supportive of the project with concerns around privacy, perceived increased access to their properties and safety/vandalism concerns.

Land tenure issues are also required to be resolved during the detailed design stage (following the surveying of the route and further detailed reports being completed). Potential acquisition of land, lease/licence agreements and/or easements could pose a sizeable delay to the delivery of the project.

Time Sensitive Reports

Reports completed to support the REF (e.g. Flora and Fauna Report) can become outdated following legislative changes. Should a substantial period of time lapse prior to the commencement of detailed design, these documents will need to be reviewed and updated with cost implications to Council.

Delivery of the Project

As illustrated within **Enclosure 2**, there are three land parcels located within the Lake Macquarie LGA. These land parcels are a critical component as they contain two out of the three railway tunnels and are located between the Newcastle and Cessnock portions of the trail.

Council's ability to complete the trail (and connect with the Newcastle end) will be dependent upon Lake Macquarie's progress and is a risk to the project.

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e. Environmental Implications

The project as outlined within the REF will provide a continuous shared pathway from Stockrington to Kurri Kurri and is a critical component of the RVRT. The key benefits of the project include improved and more sustainable transport choices, increased visitation to the locality and region, additional recreational opportunities and the growth of bicycle-tourism industries.

The project will also improve the safety of pedestrians and cyclists who currently have to continue their journey from one pathway to the next along busy roads. The proposal will also provide opportunities for healthier active lifestyles for both residents and tourists and allow users to experience the amenity of the route as it travels through various landscapes and environments.

These benefits have been quantified and exceed the cost of the proposal by an estimated two and half times.

The key impacts of the proposal are considered minor in comparison and include:

- Minor amenity impacts during construction due to increased traffic and activity, visual changes, noise and dust;
- Potential water quality impacts due to pollutant runoff, sedimentation, and disturbance of acid sulphate soils;
- Minor changes to surface water flows due to increased permeable surfaces and construction of new bridges and boardwalks;
- Removal of native vegetation, which would result in a negligible loss of habitat for native (and threatened) flora and fauna;
- Potential for injury, mortality and disturbance of native fauna during construction and operation of the proposal;
- Potential introduction and spread of weeds and pathogens;
- Permanent visual changes and impacts to a small number of residents and national park visitors due to increased visitation. Impacts could include noise, inappropriate use and loss of privacy;
- Potential and actual impacts to Aboriginal and non-Aboriginal cultural heritage values; and
- Impacts to a small number of landowners due to temporary or long-term use or acquisition of property for the proposal.

f. Other Implications

Whilst the REF incorporates sections of the trail within the Lake Macquarie and Cessnock LGA's, it is important to note that following the public exhibition period, Council's endorsement will only be sought for the Cessnock component of the trail. Lake Macquarie City Council will be required to determine their own process in regards to approval/endorsement of the REF.

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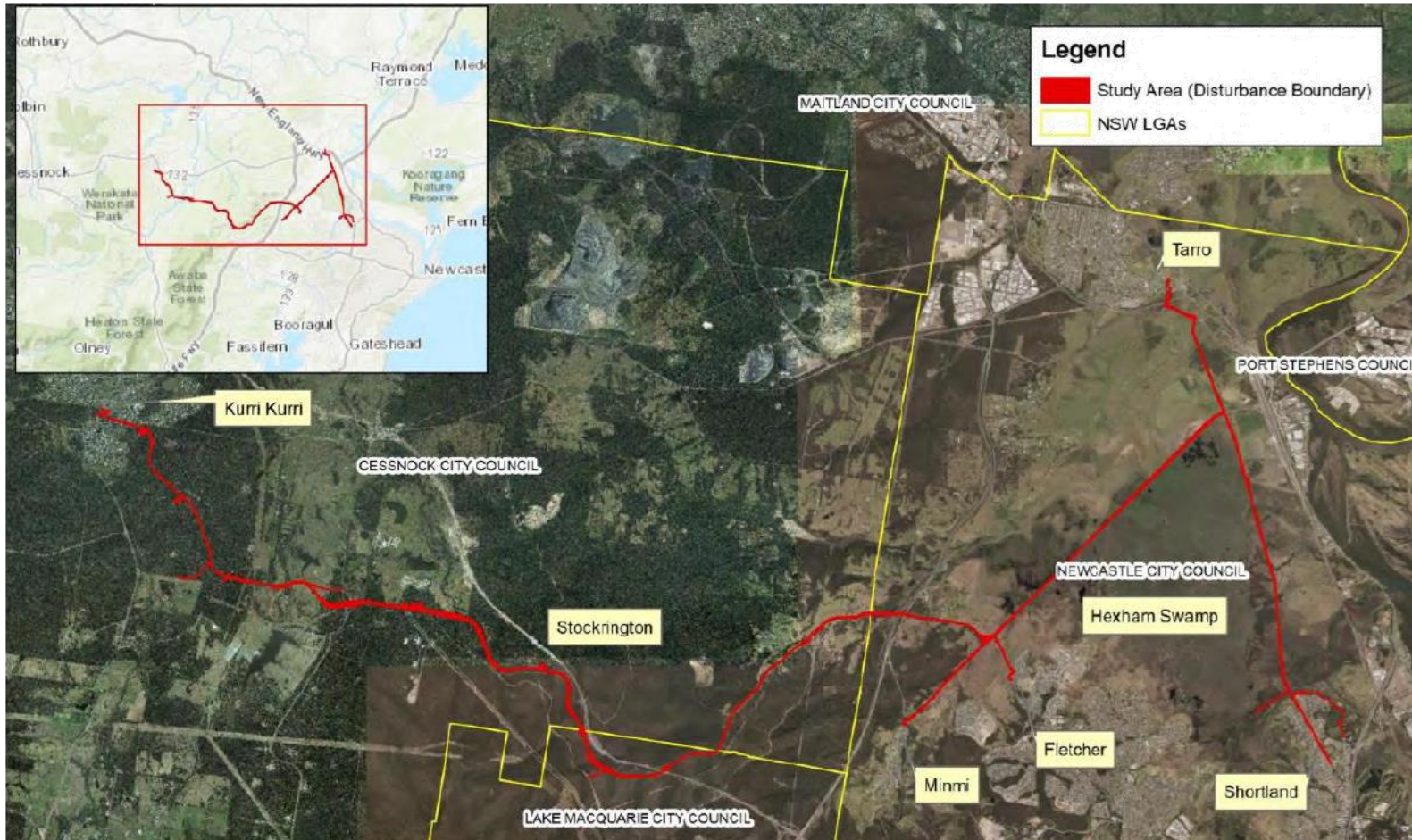


CONCLUSION

The RVRT is a regionally significant infrastructure project traversing three local government areas. The trail will provide numerous benefits to local residents and visitors to the Cessnock LGA.

ENCLOSURES

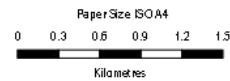
- [1↓](#) Enclosure 1 - Richmond Vale Rail Trail Route
- [2↓](#) Enclosure 2 - Map of Impacted Property Owners





Legend

- Proposed route
- Local Government Area
- Cadastre



Map Projection: Transverse Mercator
 Horizontal Datum: GDA 1994
 Grid: GDA 1994 MGA Zone 56

Cessnock City Council
 Richmond Vale Rail Trail - Cessnock

Project No. 12529257
 Revision No. 0
 Date 08/05/2020

Site location

FIGURE 1

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