

## WORKS AND INFRASTRUCTURE

### WORKS AND INFRASTRUCTURE NO. WI16/2023

**SUBJECT:** RICHMOND VALE RAIL TRAIL - STOCKRINGTON TO KURRI KURRI  
REVIEW OF ENVIRONMENTAL FACTORS

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**MOTION**      **Moved:** Councillor Hill      **Seconded:** Councillor Grine  
494

#### **RESOLVED**

1. That Council endorse the Richmond Vale Rail Trail – Stockrington to Kurri Kurri Review of Environmental Factors.
2. That Council endorse the Richmond Vale Rail Trail – Stockrington to Kurri Kurri Determination Report.
3. That Council notifies those who made submissions, along with key stakeholders, of Council’s decision.
4. That Council continues to investigate external funding opportunities to support the construction phase of the project including the development of detailed designs.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

Works and Infrastructure  
Report No. WI16/2023  
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**SUBJECT:** *RICHMOND VALE RAIL TRAIL - STOCKRINGTON TO KURRI KURRI REVIEW OF ENVIRONMENTAL FACTORS*

**RESPONSIBLE OFFICER:** *Open Space and Community Facilities Manager - Kate Harris*

### **SUMMARY**

This report seeks Council's endorsement of the Richmond Vale Rail Trail – Stockrington to Kurri Kurri Review of Environmental Factors and the associated Determination Report.

### **RECOMMENDATION**

1. That Council endorse the Richmond Vale Rail Trail – Stockrington to Kurri Kurri Review of Environmental Factors.
2. That Council endorse the Richmond Vale Rail Trail – Stockrington to Kurri Kurri Determination Report.
3. That Council notifies those who made submissions, along with key stakeholders, of Council's decision.
4. That Council continues to investigate external funding opportunities to support the construction phase of the project including the development of detailed designs.

### **BACKGROUND**

At its meeting of 20 April 2022, Council resolved:

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.

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.

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

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 metres 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).

Public Exhibition

The REF was publicly exhibited for 8 weeks from 12 May 2022 to 3 July 2022 and was accessible on Council's website, at Council's Administration Building and Cessnock and Kurri Kurri Libraries.

Council received 127 submissions during the exhibition period including one submission each from National Parks and Wildlife Service, Richmond Vale Rail Trail Inc., and the Donaldson Conservation Trust and 124 from the community. Based on their intricate knowledge of the project and to assist in evaluating responses, Council engaged planning consultants GHD to prepare a Formal Submissions Report where each submission is addressed (please refer to **Enclosure 2**). Note, submissions in full can be found under separate cover.

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Of the 124 community responses provided, 121 were in support of the proposal and three were in opposition. The three submissions from an organisation are all in support, albeit raising several issues for further investigation and consideration. The issues raised and responses to these issues are provided in Section 3.2 of the Formal Submissions Report.

A summary of issues raised is outlined below:

- Amenities (supporting infrastructure)
- Trail width greater than three metres
- Retain railway infrastructure in the trail
- Anti-social behaviour and security
- Noise
- Flooding
- Additional approvals and NPWS Policies
- Cumulative impacts
- E-bikes and scooters
- Dogs
- Dedicated regional planning and management committee
- Bush fire risk
- Permissibility of the trail
- Operational Issues
- Slope Stability
- Outside the scope of the REF
- Cost of Construction
- Loss of potential for working railway
- Design features
- Property impacts
- Ecology
- Ongoing consultation
- Proposal Objective and road networks reference

Additional/modified Environmental Safeguards and Measures

Prior to Public Exhibition, the REF identified a range of environmental outcomes and management measures that would be required to avoid or reduce the environmental impacts. After consideration of the issues raised in the public submissions, the environmental management measures for the proposal (refer to Chapter 7 of the REF) have been revised. Should the proposal proceed, the environmental management measures will guide the subsequent phases of the proposal.

Additional and/or modified environmental safeguards and management measures to those presented in the REF are provided in Table 1 below:

Table 1 – Additional Safeguards and Environmental Measures

<b>Impact</b>	<b>Environmental Safeguards</b>
Noise and vibration	Additional measures to reduce the potential for noise impacts at key locations, such as landscaped barriers, would be investigated during detailed design
Traffic and access	The location of e-bike infrastructure would be investigated during development of the detailed design
Biodiversity	Once the footprint and construction methodology are confirmed during detailed design, the need for additional ecological survey will be determined. Appropriate measures in response to the outcomes of additional investigations will be incorporated into the detailed design, and construction and operation of the proposal as relevant



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Socio-economic	<p>Measures to manage issues raised by impacted landowners during consultation would be incorporated into the detailed design where relevant. This could include security, fencing, lighting, signage, provision of water for stock, illegal dumping, illegal access (in particular Lot 103 DP810221) etc.</p> <p>An agreement will be entered into between Council and affected landowners to ensure the onus of fencing repairs etc. is borne by Council.</p>
Cultural Heritage	<p>Further investigation of the sites located at the carpark between tunnels 1 &amp; 2 (within the Lake Macquarie LGA) will be undertaken. This would include additional heritage survey and assessment as required and could include relocation of the car park.</p>
Cumulative impacts	<ul style="list-style-type: none"> <li>• Construction planning would consider avoiding known heavy tourism periods, such as school holidays.</li> <li>• Ongoing coordination and consultation would be undertaken with stakeholders (including internally in Council) to ensure cumulative amenity impacts are appropriately assessed, avoided where possible and managed. The Construction Environmental Management Plan would be revised to consider potential cumulative impacts from surrounding development activities if and as they become known.</li> <li>• Traffic management measures would consider other traffic generating developments and activities where relevant.</li> <li>• Noise management measures would consider the cumulative noise impacts from other construction activities occurring in the vicinity of the proposal.</li> </ul> <p>• An operational management plan and/ or procedures would be developed for the proposal to manage ongoing maintenance and day-to-day management of the proposal following construction. This would be prepared in consultation with relevant stakeholders such as landowners and managers.</p>

Based on the assessments in the REF and a review of the submissions received from the community and stakeholders, it is recommended that the Proposed Activity be approved, subject to the mitigation measures included in the REF, amended measures in the Formal Submissions Report and the proposed Conditions of Approval outlined within the Determination Report (**Enclosure 3**). Council will continue to liaise with the community and other stakeholders as the Proposed Activity progresses through detailed design and into the construction phase.

**OPTIONS**

Nil

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**CONSULTATION**

The REF prepared for the proposal was placed on public display for eight weeks between 12 May 2022 and 3 July 2022 at Cessnock City Council administration building and Cessnock and Kurri Kurri libraries. The REF was also placed on the Council website via a dedicated 'Have Your Say' page and made available for download.

The public display period was advertised in the following publications:

- Cessnock Advertiser – 25 May 2022, 15 June 2022, 29 June 2022
- Greta Branxton News – 26 May 2022, 9 June 2022, 23 June 2022
- Newcastle Herald – 21 May, 25 June

A copy of the REF was sent to the following key stakeholders in March 2021 prior to the public display:

- Landowners - Lot 32 DP1085798, Lot 103 DP810221, Lot 4 DP1000943, Lot 18 & 19 DP1061633
- Mindaribba Local Aboriginal Land Council
- Yancoal
- Crown Lands
- National Parks and Wildlife Service (NPWS)

A reminder email was also sent to the above stakeholders just prior to the public display period in May 2022.

Council has undertaken a range of engagement activities following preparation of the REF which has included:

- A presentation and meeting of affected landowners.
- Individual site meetings with a number of landowners.
- Regular liaison with RVRT Inc.
- Briefing to the Buttai Quarry Consultative Committee.

**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 2041
- Greater Newcastle Metropolitan Plan 2036
- Cessnock Community Strategic Plan 2036
- Cessnock Local Strategic Planning Statement 2020
- Cessnock Trails Strategy 2020
- Recreation and Open Space Strategic Plan 2019
- Cessnock Cycling Strategy 2016

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**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. Design costs at that time were 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 was 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 will be addressed during detailed design.

**d. Risk Implications**

Land Tenure

Outlined within **Enclosure 4** 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.

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Delivery of the Project

As illustrated within **Enclosure 4**, there are three land parcels located within the Lake Macquarie LGA. These 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.

**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;
- Impacts to a small number of landowners due to temporary or long-term use or acquisition of property for the proposal.

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**f. Other Implications**

As outlined within the Hunter Regional Plan 2041, the Richmond Vale Rail Trail forms a critical component of the 'Shiraz to Shore' project. Endorsement of the REF for the Stockrington to Kurri portion of the trail as outlined within this report, will assist in seeing this significant trail established.

Whilst the REF incorporates sections of the trail within the Lake Macquarie and Cessnock LGA's, it is important to note that Council's endorsement is only being 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.

**CONCLUSION**

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

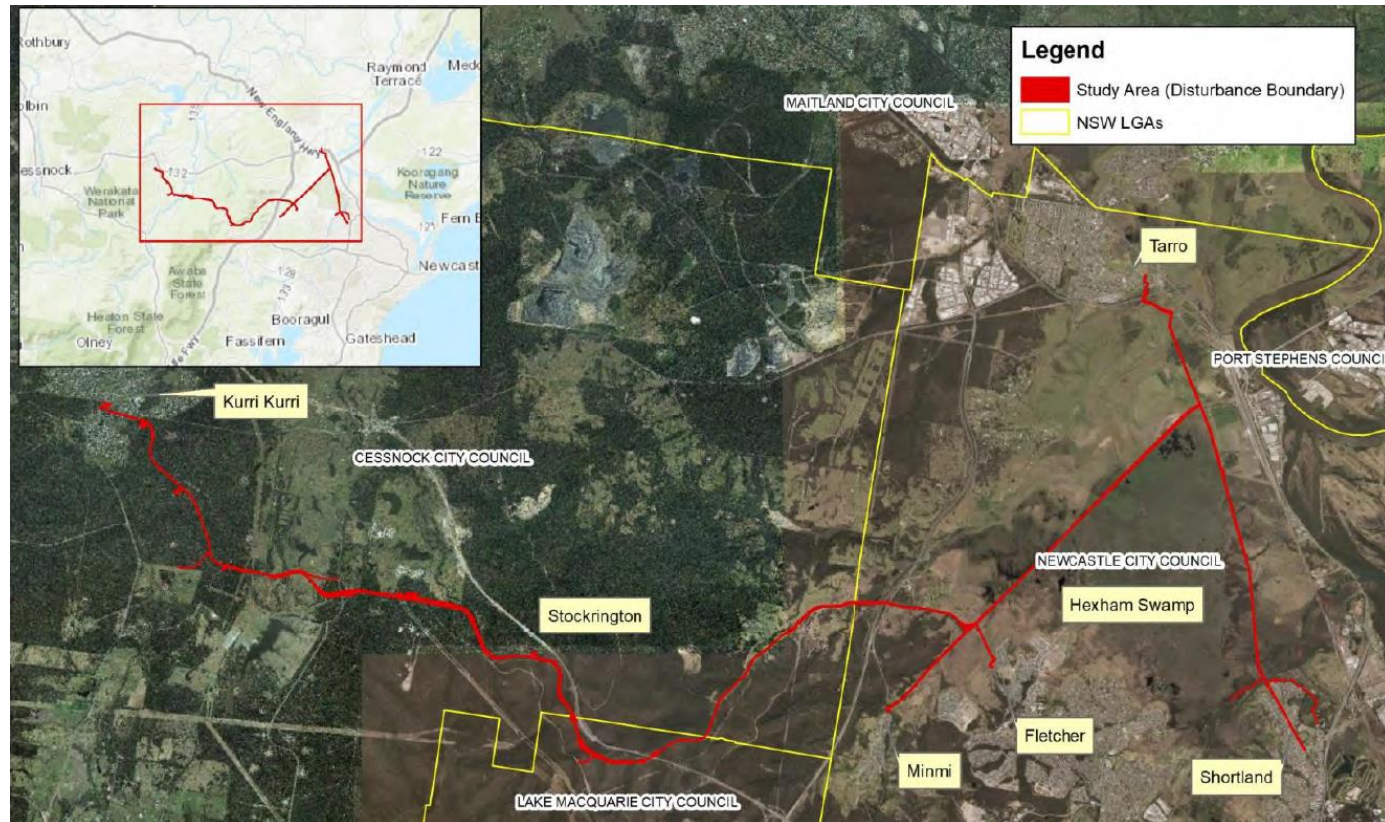
**ENCLOSURES**

- 1 ➡ Richmond Vale Rail Trail Route
- 2 ➡ Formal Submissions Report
- 3 ➡ Richmond Vale Rail Trail Stockrington to Kurri Kurri Determination Report
- 4 ➡ Map of Impacted Property Owners
- 5 ➡ Richmond Vale Rail Trail \_ Public Submissions \_ Provided under Separate Cover

## **WORKS AND INFRASTRUCTURE**

### **WI16/2023 Richmond Vale Rail Trail - Stockrington to Kurri Kurri Review of Environmental Factors**

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# Richmond Vale Rail Trail

## Response to Submissions Report



Cessnock City Council

5 April 2023



→ The Power of Commitment



<b>Project name</b>		Richmond Vale Rail Trail Submissions Report					
<b>Document title</b>		Response to Submissions Report					
<b>Project number</b>		12599644					
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			Name	Signature	Name	Signature	Date
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
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 **The Power of Commitment**

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# **1. Introduction**

## **1.1 The proposal**

The proposal involves the establishment of approximately 17 kilometres of recreational pathway, constructed for the most part within existing cleared road corridors or the former Richmond Vale railway alignment. The proposal would enable active transport between the suburbs of Kurri Kurri, Pelaw Main, Buchanan, Richmond Vale, Seahampton and Stockrington.

The proposal would generally comprise the following construction activities:

- Removal of unsuitable subgrades and construction of pavements using imported gravel, asphalt and concrete.
- Restoration and repair, as required, of three existing railway tunnels.
- Installation of at-grade crossings of the following roads:
  - Dog Hole Road, Stockrington
  - Quarry access road, Richmond Vale
  - Hunter Expressway construction yard off George Booth Drive, Richmond Vale
  - Pokolbin Street, Kurri Kurri
- Construction of a 15 metre two-span concrete bridge at Surveyors Creek and demolition of the existing timber bridge at this location.
- Construction of a new 70 metre single span bridge at Wallis Creek, and demolition of the existing timber bridge at this location.
- Construction of a new, short bridge at Werekata Creek, with removal of the existing bridge abutments as the bridge structure having been removed previously.
- Construction of new parking facilities at various access points along the proposal route.

The key features of the proposal are shown in Figure 1.1.

A more detailed description of the proposal is found in the Review of Environmental Factors (REF) prepared for Cessnock City Council (Council) by GHD Pty Ltd (GHD) in March 2022.

## **1.2 Purpose of the report**

This Response to Submissions Report relates to the REF prepared for the proposal and should be read in conjunction with that document.

The REF was placed on public display and submissions relating to the proposal and the REF were received by Council. This report summarises the issues raised and provides responses to each issue (Chapter 3).

Council has also undertaken additional engagement activities with key stakeholders. These activities are described in Section 2.2, with response raised during discussion and Council's response summarised in Table 2.1.

Where required, additional safeguards and management measures to address issues raised are provided in Chapter 4.

## **1.3 Scope and limitations**

This report: has been prepared by GHD for Cessnock City Council and may only be used and relied on by Cessnock City Council for the purpose agreed between GHD and Cessnock City Council as set out in Section 1.2 of this report.

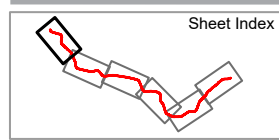
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Paper Size ISO A4  
 0 70 140 210 280  
 Metres  
 Map Projection: Transverse Mercator  
 Horizontal Datum: GDA 1994  
 Grid: GDA 1994 MGA Zone 56



Cessnock City Council  
 Richmond Vale Rail Trail  
 Review of Environmental Factors

Proposal area  
 Sheet 1 of 6

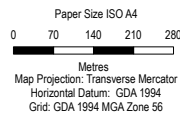
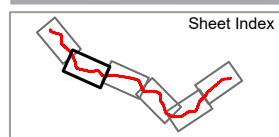
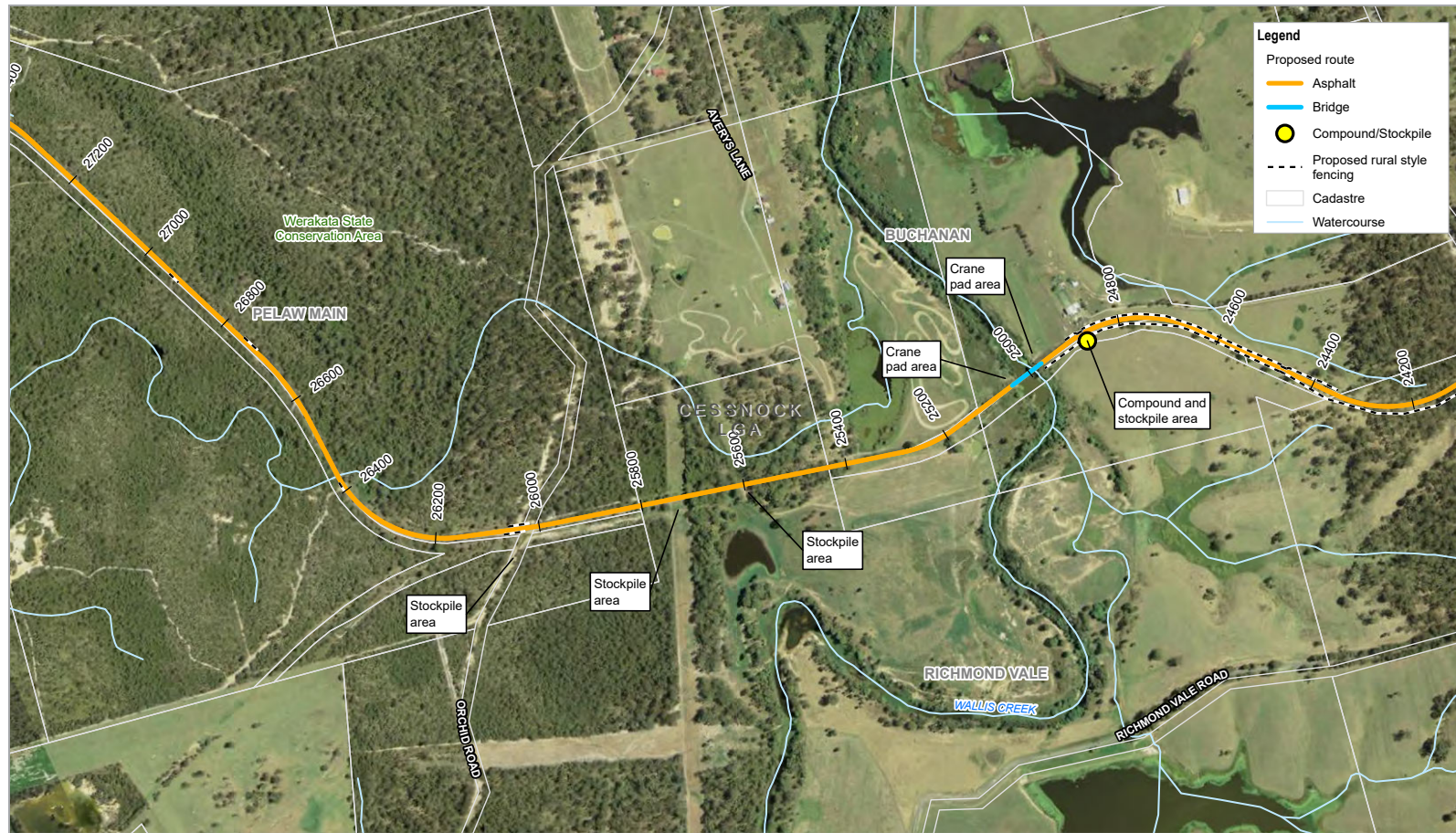
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 Revision No. 0  
 Date 03/07/2020

Figure 1-1a

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Data source: DPE: Coastal Management SEPP 2016; DSWEPA: IBRA Bioregions, 2013; OEH: ASS Risk, 2017; DPI: Soil Landscapes, 2008 LPI; DTDB / DCDB 2017; slimaps/LPI Imagery; Beet: © Department of Finance, Services & Innovation 2017. Created by: kpsroba





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Richmond Vale Rail Trail  
Review of Environmental Factors

Proposal area  
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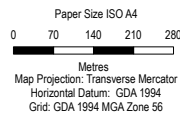
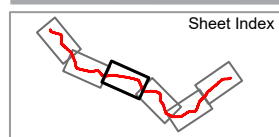
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Figure 1-1b

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Review of Environmental Factors

Proposal area  
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Figure 1-1c

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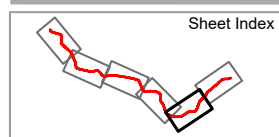
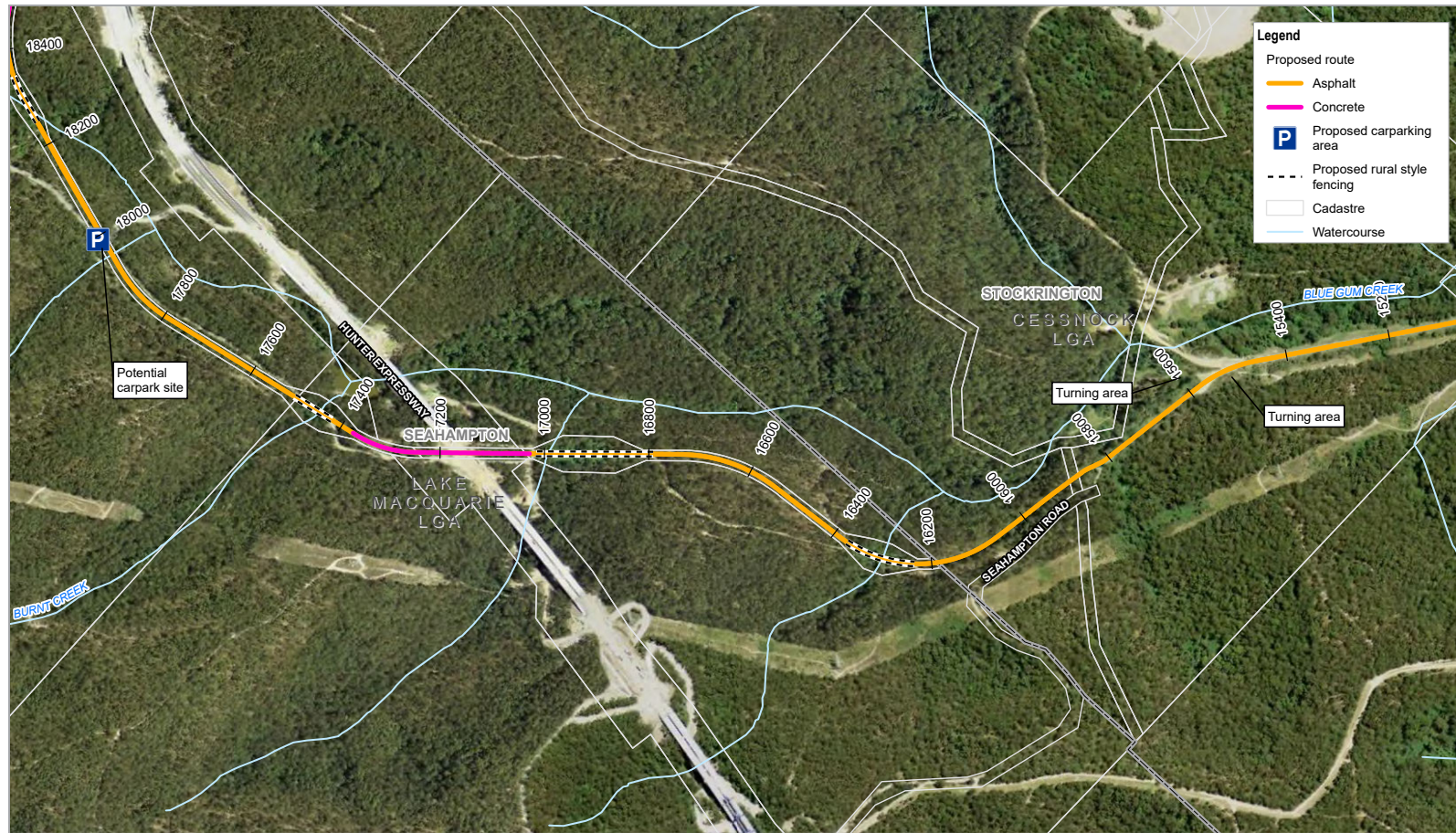


<p>Sheet Index</p>	<p>Paper Size ISO A4</p> <p>0 70 140 210 280</p> <p>Metres</p> <p>Map Projection: Transverse Mercator Horizontal Datum: GDA 1994 Grid: GDA 1994 MGA Zone 56</p>			<p>Cessnock City Council Richmond Vale Rail Trail Review of Environmental Factors</p>	<p>Project No. 12529257 Revision No. 0 Date 03/07/2020</p>
<p>Proposal area Sheet 4 of 6</p>				<p>Figure 1-1d</p>	

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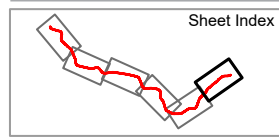
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 Revision No. 0  
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Figure 1-1e

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Figure 1-1f

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## 2. Stakeholder engagement since preparation of the REF

### 2.1 REF display

The REF prepared for the proposal was placed on public display for eight weeks between 12 May 2022 and 3 July 2022 at three locations, as follows:

- Cessnock City Council administration building
- Cessnock and Kurri Kurri libraries

The REF was also placed on the Council website and made available for download.

The public display period was advertised in the following publications:

- Cessnock Advertiser – 25 May, 15 June, 29 June
- Greta Branxton News – 26 May, 9 June, 23 June
- Newcastle Herald – 21 May, 25 June

A copy of the REF was sent to the following key stakeholders in March 2021 prior to the public display:

- Landowners - Lot 32 DP1085798, Lot 103 DP810221, Lot 4 DP1000943, Lot 18 & 19 DP1061633
- Mindaribba Local Aboriginal Land Council
- Yancoal
- Crown Lands
- National Parks and Wildlife Service (NPWS)
- Richmond Vale Rail Trail Inc. (RVRT Inc.)

A reminder email was also sent to above stakeholders just prior to the public display.

### 2.2 Other engagement activities

Council has undertaken a range of engagement activities following preparation of the REF. This has included:

- A presentation and meeting of affected landowners on 31 March 2021. A copy of the information material tabled at the meeting and the meeting minutes is provided in Appendix A.
- Individual site meetings with a number of landowners.
- Regular liaison with RVRT Inc.
- Briefing to the Buttai Quarry Consultative Committee.

A number of issues were raised during these discussions. These, and Council's responses, are summarised in Table 2.1. Where relevant, additional management measures are provided in Section 4.3.

Table 2.1 Issues raised during stakeholder meetings

Property	Issue	Response
Lot 4 DP1000943	Rural fencing is not adequate and there is a preference for this to be replaced with 1.8m high man proof fencing (as indicated in other sections of the concept designs).	The exact fencing types and gating arrangements would be confirmed with adjacent landowners during the detailed design process. However Council is committed to including a 1.8m fence in the design. It would consider, as relevant, requirements for security, visual screening and fauna movement.
Lot 4 DP1000943	Access to water must be provided for stock on the southern side of the trail – discussions were held at the meeting regarding potential design solutions including bridges and cattle tunnels.	An additional management measure to address this issue during detailed design is provided in Table 4.2.

Property	Issue	Response
Lot 4 DP1000943	There are significant concerns regarding the proximity of the trail to the boundary of the property and privacy implications associated with this.	Privacy and security issues will be further investigated during detailed design.
Lot 18 & 19 DP1061633	The intersection of the trail at the northern end of the lot essentially makes this portion of land redundant.	Property impacts will be further defined and addressed during detailed design.
Lot 18 & 19 DP1061633	The trail has significant implications on a current development approval provided for a 10 lot subdivision – particularly in regards to ensuring lot sizes are maintained. 'Land swaps' were discussed at the meeting, however further options need to be discussed.	Property impacts will be further defined and addressed during detailed design.
Lot 501 DP1200716, Lot7016 DP1021277, Lot 33 DP1085798	It was noted that more discussions and time was needed to discuss the impacted lots and the proposed infrastructure, e.g. fencing.	Council will continue to engage with stakeholders during detailed design.
Lot 501 DP1200716, Lot7016 DP1021277, Lot 33 DP1085798	It was confirmed that 1.8m high man proof fencing was preferred across impacted lots, similarly to other sections of the concept design drawings.	The exact fencing types and gating arrangements would be confirmed with adjacent landowners during the detailed design process. However Council is committed to including a 1.8m fence in the design. It would consider, as relevant, requirements for security, visual screening and fauna movement.
Lot 501 DP1200716, Lot7016 DP1021277, Lot 33 DP1085798	Dog Hole Road carpark contains a number of significant Aboriginal sites, and a carpark in this location would not be supported. Council staff are aware of significant sites located at the carpark between tunnels 1 & 2 (within the Lake Macquarie LGA) however reports have not identified sites at the Dog Hole Road carpark.	Council will seek clarification from the Local Aboriginal Land Council on the sites discussed and further investigation will be undertaken during detailed design. This could include relocation of the car park. An additional management measure to address this issue during detailed design is provided in Table 4.2.
Lot 501 DP1200716, Lot7016 DP1021277, Lot 33 DP1085798	Discussions were held around potential rezoning of land to allow for additional opportunities (aside from E2).	Outside the scope of the REF.
General	It was discussed whether the trail could be diverted at George Booth Drive as opposed to continuing through private land.	The intent of the trail is to follow the rail corridor and keep cyclists/walkers off busy roads. The trail is also mapped and identified within regional and local planning documents. There are no plans at this stage to divert the trail at George Booth Drive however Council staff will continue to engage with landowners to ensure impacts are minimised.
General	Maintenance of the track including fencing – as well as a public liability.	Council will be responsible for public liability within the track as well as the ongoing management of the track including the infrastructure. An agreement will be entered into with Council and landowners to ensure the onus of fencing repairs etc. is borne by Council. An additional management measure to address this issue is provided in Table 4.2.
General	Illegal dumping was raised as an issue with all landowners.	Passive surveillance opportunities offered by the proposal could counteract the increased accessibility that it may bring. An additional management measure to address this issue is provided in Table 4.2.



Property	Issue	Response
General	Landowners agreed the next step from here would be for Council staff to visit impacted properties so issues can be discussed further.	Site visits where appropriate were completed in March 2021.
Lot 1 DP1140694, Lot 9 DP1241636, Lot 1 DP438379	Property interactions	Property impacts will be further defined and addressed during detailed design.
Lot 103 DP810221	There is currently an issue with people accessing the trail from the other side, off George Booth Drive, to the rear of this property (1332 George Booth Drive). Access has been fenced off previously however fencing continues to be removed with four wheel drives and passing tourists being the main offenders.	Accessing (or viewing) the rail trail via this informal access was not supported by Council and the concept designs will note that adequate measures be included to prevent vehicular and pedestrian access. An additional management measure to address this issue is provided in Table 4.2.
Lot 103 DP81022	A visual barrier is preferred at the property boundary, at the southern end, so privacy is protected.	The exact fencing types and gating arrangements would be confirmed with adjacent landowners during the detailed design process. It would consider, as relevant, requirements for security, visual screening and fauna movement.
Lot 103 DP81022	Following the roadworks completed on George Booth Drive (near the intersection of Richmond Vale Road and George Booth Drive) there is now a substantial amount of water running through your property after rain events.	Outside the scope of the REF.
Lot 32 DP1085798	Security and illegal dumping are ongoing issues at the site.	Privacy and security issues, and issues such as illegal dumping, will be further investigated during detailed design.
Lot 32 DP1085798	Currently traffic in and out of the site is approximately 12 trucks per day.	Interaction with cyclists/pedestrians at this location will be considered at the detailed design stage. An additional management measure to address this issue is provided in Table 4.2.
Lot 32 DP1085798	The location of the carpark adjacent to the property is not ideally located within the concept drawings.	The final location, layout and inclusions at each car parking area would be determined during detailed design. Council will engage further with landowners and stakeholders to identify relevant issues.
Lot 32 DP1085798	What is the process for property acquisition?	Council's Senior Property Officer confirmed there are a number of avenues that could be taken in regards to progressing the Richmond Vale Rail Trail. A lease would not be suitable based on the need to have tenure over the land, however an easement or acquisition are methods to be further discussed. Further details around this process will be investigated and discussed at the detailed design stage, following the completion of surveys and additional detailed documents.
Lot 32 DP1085798	It was noted there needs to be recognition of existing approvals in place for existing compound areas.	The final location, layout and inclusions at each compound would be determined during detailed design. Council will engage further with landowners and stakeholders to identify relevant issues.
Lot 32 DP1085798	Battery Hen Farm within the Richmond Vale Rail Trail documentation to be replaced with Pace Farm facility.	Noted.

## 3. Response to issues

### 3.1 Submissions received following public display

Council received 127 submissions, accepted up until 9 August 2022, including one submission each from the NPWS, RVRT Inc., and the Donaldson Conservation Trust and 124 from the community.

Of the 124 community responses:

- 121 were in support of the proposal
- Three were in opposition

The three submissions from an organisation are all in support, albeit raising several issues for further investigation and consideration. Council will continue to engage with these stakeholder organisations to identify issues and provide appropriate solutions.

Each submission has been examined individually to understand the issues being raised. Submissions were numbered and entered into a register. The issues raised in each submission were extracted and collated, and corresponding responses to the issues formulated by the Council team. Where similar issues have been raised in different submissions, only one response has been provided. The issues raised and the Council response to these issues are provided in Section 3.2.

Submission numbers are also provided so respondents can check the response to their submissions. Submission numbers and respondent details are provided in Appendix B. Most submissions simply expressed support for the proposal in various forms and are therefore not addressed further in Section 3.2.

Where required, additional safeguards and management measures to address issues raised are provided in Chapter 4.

### 3.2 Overview of issues raised

#### 3.2.1 Issue 1 – Amenities

##### Submission number

6, 15

##### Issue description

Three community submissions, two in support of the proposal and one opposed, provided suggestions for provision of toilets, bins, water stations etc. along the route. The RVRT Inc. provided feedback regarding the type and location of amenities.

##### Response

A detailed assessment of location and design options for amenities was undertaken during development of the concept design. The locations chosen for the concept design were considered best for project.

Nevertheless, as described in the REF, Council will revisit the type and location of amenities during detailed design in consultation with relevant stakeholders. The intent is to provide amenities at suitable locations.

#### 3.2.2 Issue 2 – Trail width greater than three metres

##### Submission number

8, 119



**Issue description**

Two community submissions that were in support of the proposal, requested that the width of the trail be greater than the proposed three metres.

**Response**

The width of the trail meets design requirements and has been optimised to enable adequate access and use while reducing environmental and property impacts. A trail wider than the three metres proposed is not recommended.

**3.2.3 Issue 3 – E-bikes and scooters**

**Submission number**

14, 120

**Issue description**

Two community submissions that were in support of the proposal, requested that e-bike infrastructure be included along the trail.

**Response**

Council will consider the inclusion of e-bike infrastructure during the development of the detailed design. An additional management measure is provided in Table 4.2.

**3.2.4 Issue 4 – Dogs**

**Submission number**

120

**Issue description**

One community submission in support of the proposal requested that dogs be permitted on leash on the trail.

**Response**

Much of the proposal is located within and near conservation areas, within which dogs are prohibited due to their impact on native fauna. The NPWS has reiterated in their submission that dogs should be excluded from the trail. As such, dogs will not be permitted on the trail.

**3.2.5 Issue 5 – Cost**

**Submission number**

30

**Issue description**

One community submission, that opposed the proposal, raised the issue of the cost of the construction and operation of the trail being an impost on rate payers. The submission asserts that retaining the railway would cost the council much less.

**Response**

The REF outlines the immense benefits of this project, including:

- Improved facilities linking local communities via a safe, accessible and amenable route.

- A commuter and recreational transport corridor for tourists and locals to make journeys without having to use existing road networks (in particular the M1 Pacific Motorway and New England Highway).
- Improved access for tourists and locals to enjoy heritage (such as passing through old railway tunnels) and environmental attractions, including the Pambalong Nature Reserve and Werakata State Conservation Area.
- Opportunities for healthier, active lifestyles for both residents and tourists allowing users to experience the amenity of the route as it travels through various landscapes and environments.
- Opportunities for development of the key economic growth areas of tourism and recreation, while providing social, health and conservation benefits for users and the region.

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

### **3.2.6 Issue 6 – Loss of potential for working railway**

#### **Submission number**

30

#### **Issue description**

One community submission, that opposed the proposal, did not support the loss of the potential of reinstating the railway.

#### **Response**

Due to the state of disrepair of large sections of the existing railway infrastructure, it is likely that the cost to reinstate the line would be far in excess of that for the proposal. In addition, the proposal provides a range of other community benefits that the rail line does not, including:

- Improved access for tourists and locals to enjoy heritage (such as passing through old railway tunnels) and environmental attractions, including the Pambalong Nature Reserve and Werakata State Conservation Area (SCA).
- Opportunities for healthier, active lifestyles for both residents and tourists allowing users to experience the amenity of the route as it travels through various landscapes and environments.

On balance, the proposal is considered the best use of the currently unused public asset.

### **3.2.7 Issue 7 – Retain railway infrastructure in the trail**

#### **Submission number**

91

#### **Issue description**

One community submission in support of the proposal requested that the proposal enhance the trail and repair/rebuild any infrastructure such as bridges.

#### **Response**

Investigation into retaining and incorporating existing rail infrastructure into the proposal was undertaken during development of the concept design. Some features will be enhanced and retained while others are in such a state of decline that the cost to retain them and maintain safety for trail users is prohibitive.

This issue will be further revisited during detailed design, as described in the REF, with the intent to retain as much rail heritage as possible.

### 3.2.8 Issue 8 – Dedicated regional planning and management committee

#### Submission number

126

#### Issue description

One community submission in support of the proposal suggested a representative regional planning and management committee be established to oversee the next stages of the project.

#### Response

Council acknowledges the value of this suggestion and will discuss this with the other stakeholder agencies involved.

### 3.2.9 Issue 9 – Design features

#### Submission number

109, 111, 126

#### Issue description

One community submission, that opposed the proposal, did not support the location and design of the carpark at Stockrington due to the potential for noise and impacts on water quality in Blue Gum Creek. The respondent also did not support any lighting of the trail.

The RVRT Inc. made suggestions regarding the type and location of carparks and shelters.

The NPWS has requested that the Surveyors Creek bridge and the bridge near Dog Hole Road abutments be retained and interpretation of its heritage value be provided. They have also requested more detail of the proposed fencing.

#### Response

A detailed assessment of location and design options for carparks and shelters was undertaken during development of the concept design. The locations chosen for the concept design were considered best for project.

Nevertheless, as stated in the REF, Council will revisit the type and location of all design features during detailed design in consultation with relevant stakeholders, including, as stated in Section 3.2.7, consideration to retain as much rail heritage as possible.

Lighting is only proposed in the tunnels.

### 3.2.10 Issue 10 – Anti-social behaviour and security

#### Submission number

109, 126

#### Issue description

Two community submissions, that opposed the proposal, raised the issue of the potential for antisocial or illegal activities on the trail and security issues at night.

## **Response**

Safeguards and management measures to reduce the potential for antisocial/ illegal behaviour are provided in Section 6.8.3 of the REF and include:

- Vandal resistant materials and appropriate signage would be used to outline expectations of users and other safety information and prevent damage.
- Council would continue to engage with affected stakeholders during proposal operation to enable identification and management of any issues as they arise.

An additional management measure to further investigate possible solutions for addressing this issue during detailed design is provided in Table 4.2.

### **3.2.11 Issue 11 – Bush fire risk**

#### **Submission number**

126

#### **Issue description**

One community submission, that opposed the proposal, raised the issue of the risk of bush fire.

#### **Response**

The bush fire risk is assessed in Section 6.12 of the REF. The safeguards proposed to manage the bush fire risk include:

- The detailed design would address all relevant requirements of AS 3959 – 1999 Construction of Buildings in Bush Fire-prone Areas.
- Council would engage with NPWS to ensure requirements for operational access and restriction of access, including during bush fire and other emergencies, is incorporated into the detailed design.
- An emergency response plan would be prepared to include a procedure for managing bush fires. This would include an emergency procedure for ensuring the health and safety of construction workers.
- No hot works would be undertaken during periods of high fire danger.
- Operational procedures would include measures to restrict access to the trail (such as gates that can be closed) to ensure safety of users during proposal operation. Other measures would be development in accordance with the Werakata SCA Fire Management Strategy, where relevant.
- Instructional signage would include safety procedures for trail users to follow in the case of bush fire. This would include emergency contact details and assembly points.

It is submitted that these measures adequately manage the risk of bush fire.

### **3.2.12 Issue 12 – Property impacts**

#### **Submission number**

111, 126

#### **Issue description**

One community submission, that opposed the proposal, identified that the proposal would have unacceptable property impacts and a negative impact on his property value.

The NPWS has raised the noted that identification of NPWS managed lands is not correct in the REF.

## **Response**

Confirmation of property impacts (and subsequent agreements) will be completed at the detailed design stage when impacts are fully understood, as described in the REF. This includes the updating of lots that have now been gazetted as NPWS managed lands but were not at the time of REF preparation.

Property acquisition or temporary use will be negotiated by Council with affected landowners in order to reach fair compensation and access arrangements as required under the *Land Acquisition (Just Terms Compensation) Act 1991*.

The respondent states that forced acquisition is suggested, however this is not referred to anywhere in the REF.

Negative impacts on property values are not considered likely.

### **3.2.13 Issue 13 – Noise**

#### **Submission number**

109, 126

#### **Issue description**

Two of the opposing submissions raised noise generated by the proposal as a significant impact.

One respondent requested the inclusion of a landscaped mound to reduce visual impacts at Stockrington.

#### **Response**

An assessment of potential noise impacts of the proposal was undertaken in Section 6.4 of the REF. The assessment found that properties within 1000 metres of the proposed works would be subject to exceedances of the noise affected noise management level during certain construction activities. A suite of safeguards and management measures are provided in Section 6.4.3 to reduce this impact.

The REF found the proposal is not expected to generate significant noise or vibration during operation. Proposed instructional signage would inform users of the need to consider noise impacts for residences when using the trail. Noise mounds or barriers are not proposed. However additional landscaping to provide a visual and noise barrier will be investigated during the detailed design. An additional management measures is provided in Table 4.2.

### **3.2.14 Issue 14 – Permissibility**

#### **Submission number**

111, 126

#### **Issue description**

One community submission, opposing the proposal, raises several issues relating to the legislative assessment within the REF:

- The REF incorrectly refers to Clause 2.108 under SEPP Transport and Infrastructure, the correct reference for permissibility is Clause 2.109.
- The proposed development does not appear to meet the definition of road infrastructure facility (see under) as there is no reference to pedestrian and bike paths. In addition, the reference to road related area under the Road Transport Act (see below) requires that any footpath be adjacent a road, which is not the case.
- The EIS advises that the proposed development is in keeping with the relevant zones, yet no assessment of the zone objectives has been made.
- The REF concludes that no EIS is required on the grounds that the proposal does not represent a significant impact. This is not agreed with. The proposal is to introduce thousands of people a year into and across properties (including currently private property) that are zoned for rural and conservation use. It is considered that an EIS is required for this project and that SEARs should be obtained to inform this.

The NPWS also raised the issue of the definition of road infrastructure facility.

### Response

The reference to Clause 2.108 of State Environmental Planning Policy (Transport and Infrastructure) 2021 is incorrect and should be, as suggested, Clause 2.109. This does not affect the assessment within the REF in any way but is a drafting error.

The proposal meets the definition of a road infrastructure facility under Clause 2.108 which states:

*road infrastructure facilities includes—*

*(a) tunnels, ventilation shafts, emergency accessways, vehicle or pedestrian bridges, causeways, road-ferries, retaining walls, toll plazas, toll booths, security systems, bus lanes, transit lanes, transitways, transitway stations, rest areas and **road related areas (within the meaning of the Road Transport Act 2013), and***

Road related areas under the *Road Transport Act 2013* are defined as:

*(a) an area that divides a road, or*

*(b) a footpath or nature strip adjacent to a road, or*

***(c) an area that is open to the public and is designated for use by cyclists or animals, or***

*(d) an area that is not a road and that is open to or used by the public for driving, riding or parking vehicles, or*

*(e) a shoulder of a road, or*

*(f) any other area that is open to or used by the public and that has been declared under section 18 to be an area to which specified provisions of this Act or the statutory rules apply.*

As development permissible without consent, the development control provisions of the local environmental plan do not apply. Therefore assessment against the objectives of the land use zone is not required.

As required under Section 5.5 of the *Environmental Planning and Assessment Act 1979*, the REF has examined and taken into account, to the fullest extent possible, all matters affecting or likely to affect the environment by reason of the proposal. The REF has found that the likely impact on the environment would not be significant and therefore an environmental impact statement is not required. The assessment takes into account all matters for the whole of the community. Individual property impacts are not considered in isolation.

## 3.2.15 Issue 15 – Ecology

### Submission number

111, 126

### Issue description

One community submission, opposing the proposal, states that the ecological surveys for the REF should be undertaken again due to the time elapsed.

The NPWS has raised the following ecological issues:

- The REF currently does not clearly identify where vegetation (including total vegetation and native vegetation) will be removed from NPWS managed land.
- Survey methodologies supporting the flora and possibly fauna assessment have not complied with standard guidelines.
- More detailed justification is required in the '5-part test of significance' to support the conclusion that the proposal is not likely to significantly affect threatened species.

### **Response**

The Flora and Fauna Assessment for the REF (Appendix F) was completed in accordance with industry accepted practice for such assessments and in accordance with all relevant legislative considerations. Surveys were conducted by GHD ecologists in September, October and November 2016, January 2017 and May 2020 for a total of 13 days overall. This is considered an adequate survey effort for the area of impact and the findings remain current. Council will work with NPWS to provide additional information if required during the detailed design stage of the proposal.

Vegetation impacts will be confirmed at the detailed design stage when impacts are fully understood (i.e. final design footprint is determined). This has been included as an additional management measures in Table 4.2.

## **3.2.16 Issue 16 – Flooding**

### **Submission number**

111

### **Issue description**

The NPWS has requested a detailed flood assessment.

### **Response**

As detailed in the REF, a flood assessment will be undertaken during development of the detailed design.

## **3.2.17 Issue 17 – Operational issues**

### **Submission number**

111

### **Issue description**

The NPWS has raised a number of operational considerations in their submission:

- The potential impacts for the proposal to restrict NPWS access, management and operations during construction and operational phases.
- Suitable management plans and agreements that clarify how Council intend to operate and maintain the proposal on NPWS estate.

### **Response**

As stated in the REF, Council will prepare an operational management plan and/ or procedures for the proposal to manage ongoing maintenance and day-to-day management of the proposal following construction. This would be prepared in consultation with relevant stakeholders such as landowners and the NPWS.

## **3.2.18 Issue 18 – Ongoing consultation**

### **Submission number**

111

### **Issue description**

Ongoing consultation with NPWS is requested.

## Response

As stated in the REF and in Section 3.1, Council will continue to engage with NPWS, as a major stakeholder, during all future stages of the proposal.

### 3.2.19 Issue 19 – Additional approvals and NPWS policies

#### Submission number

111

#### Issue description

NPWS have advised that Council must obtain the necessary licence(s) to authorise the development under Section 151 of the *National Parks and Wildlife Act 1974* (NPW Act):

- Prior to the issue of any Construction Certificate, Council must obtain approval from the NPWS for any rest areas located within lands managed by the NPWS.
- Prior to the commencement of works, Council must obtain the necessary licence(s) to authorise the development under Section 151 of the NPW Act.

In addition, the final design and management of the proposal on NPWS managed lands is required to comply with the following NPWS policies, as relevant:

- Boundary fencing policy
- Cycling policy
- Events, functions and venues policy
- No smoking in parks policy
- Pets in parks policy
- Tree risk management policy
- Vehicle access policy
- Visitor safety policy

## Response

As stated in the REF, approval is required for the proposal under the NPW Act and Council will work with NPWS to provide the information required to seek that approval.

The detailed design will be prepared with consideration of all relevant NPWS policies.

### 3.2.20 Issue 20 – Slope stability

#### Submission number

111

#### Issue description

The NPWS has raised concerns about the stability of the slopes in the cuttings and embankments (e.g. from chainages 16800 to 17000) and some areas where there are erosion gullies through embankments with evident undermining (e.g. chainages 23000-23100).

## Response

As stated in the REF, Geotechnical issues will be further investigated during detailed design.



### 3.2.21 Issue 21 – Proposal objective and road networks reference

#### Issue description

The NPWS states:

- The REF states: "The rail trail would provide a safe cycling and walking experience between Kurri Kurri and Newcastle that does not utilise existing road networks." Amend statement to consider Seahampton Road, Dog Hole Road and any other existing road networks the RVRT appears to traverse.
- The third objective of the proposal is to "Provide better recreational access to Pambalong NR and Werakata SCA". Provision for visitor or tourist use is not a management principle of nature reserves unlike other types of reserve managed by NPWS (see Part 4 [Division 2] of the NPW Act). The promotion of public appreciation, enjoyment and understanding of the nature reserve's natural and cultural values is however a management principle of nature reserves.

#### Response

The reference to road networks in the REF refers to all roads including those mentioned in the NPWS submission.

The objective to improve access to the conservation areas of the region is retained as it is a key driver for the proposal, even though it is not a management principle for a nature reserve or SCA. Providing better access will promote public appreciation, enjoyment and understanding of the natural and cultural values of these areas.

### 3.2.22 Issue 21 – Cumulative impacts

#### Submission number

111

#### Issue description

The NPWS submission has requested assessment of the cumulative impacts of the proposal, when considered together with the section of the trail within the Newcastle local government area (LGA).

#### Response

The potential cumulative impacts of the proposal are assessed as follows:

##### Construction

Potential cumulative impacts could occur during construction of the proposal if works are undertaken simultaneously with the construction of other projects in the locality (including other sections of the trail). Impacts would predominately be short term and include impacts to biodiversity, as well as amenity impacts due to increased traffic and activity, visual changes, noise and dust.

Cumulative impacts would be reduced through the application of individual proposal specific environmental safeguards and management measures. Consultation with relevant stakeholders, such as landowners, development proponents (if relevant), Transport for NSW, the City of Newcastle and other stakeholders, would be undertaken during construction planning to ensure that potential cumulative impacts are effectively managed. Any additional mitigation measures from that consultation would be included in the Construction Environmental Management Plan (CEMP) for the proposal.

##### Operation

The long term cumulative impact of the proposal is anticipated to be predominately positive due to improved access to non-motorised travel, road safety and efficiency. The proposal would potentially reduce the number of non-motorised commuters (e.g. cyclists) on busy public roads such as the M1 Pacific Motorway and the New England Highway, improving safety for both cyclists and motorists. It would also contribute to the health and wellbeing of the residents of the Lower Hunter region by offering an additional recreational facility to encourage exercise through outdoor pursuits.

Potential cumulative impacts during operation could also include:

- Permanent removal of native vegetation comprising threatened or protected vegetation as well as foraging and roosting habitat for threatened and/or migratory fauna species.
- Potential for injury, mortality and disturbance of native fauna.
- Potential introduction and spread of weeds and pathogens.
- Impacts to fauna due to artificial lighting and increased use.
- Permanent visual changes and impacts due to increased visitation. Impacts could include noise, inappropriate use and loss of privacy.
- Potential impacts to Aboriginal and non-Aboriginal cultural heritage values.
- Impacts to landowners due to temporary or long term use or acquisition of property for the proposal.

### **Mitigation measures**

#### **Construction**

- Construction planning would consider avoiding known heavy tourism periods, such as school holidays.
- Ongoing coordination and consultation would be undertaken with stakeholders (including internally in Council) to ensure cumulative amenity impacts are appropriately assessed, avoided where possible and managed.
- The CEMP would be revised to consider potential cumulative impacts from surrounding development activities if and as they become known.
- Traffic management measures would consider other traffic generating developments and activities where relevant.
- Noise management measures would consider the cumulative noise impacts from other construction activities occurring in the vicinity of the proposal.

#### **Operation**

An operational management plan and/ or procedures would be developed for the proposal to manage ongoing maintenance and day-to-day management of the proposal following construction. This would be prepared in consultation with relevant stakeholders such as landowners and managers.

## **3.2.23 Issue 22 – Outside the scope of the REF**

### **Submission number**

10, 85, 109, 111, 125, 126

### **Issue description**

Some issues were raised in submissions that are outside of the scope of the REF. These include:

- The need for road upgrades across the Cessnock LGA
- The establishment of a 'mid-trail precinct' at a suitable location along the proposal
- The establishment of additional destination points along the trail

### **Response**

The comment relating to road upgrades has been forwarded to the appropriate department within Council.

Council recognises the merits of the proposed 'mid-trail precinct' and destination points. However this is not part of the proposal to which the REF applies. It is acknowledged that the proposal does not capture all of the opportunities for the trail and that future projects will inevitably be developed. These will require additional assessment and approval.

The proposal does include a picnic site, carparks with reduced mobility spaces and drop off areas, rest areas, amenities including toilets, seating, water fountains and taps, bike facilities and shelter areas.

## 4. Environmental management

### 4.1 Environmental management plans

The REF for the proposal title identified the framework for environmental management, including safeguards and management measures that would be adopted to avoid or reduce environmental impacts (Chapter 7 of the REF).

A number of safeguards and management measures have been identified in order to minimise adverse environmental impacts, including social impacts, which could potentially arise as a result of the proposal. Should the proposal proceed, these management measures would be incorporated into the detailed design and applied during the construction and operation of the proposal.

A CEMP will be prepared to include the safeguards and management measures identified. The CEMP will provide a framework for establishing how these measures will be implemented and who would be responsible for their implementation.

The CEMP will be prepared prior to construction of the proposal and will be reviewed and approved by Council and other stakeholders, prior to the commencement of any on-site works. The CEMP will be a working document, subject to ongoing change and updated as necessary to respond to specific requirements.

### 4.2 Licensing and approvals

The REF identified additional approvals required for the proposal. These are provided in Table 4.1.

Table 4.1 Summary of licensing and approvals required

Legislation	Approval required	Administering authority	When approval required
<i>Roads Act 1993</i>	Section 138 permit	Transport for NSW/ Council	Prior to any works on public roads
<i>Fisheries Management Act 1994</i>	Part 7 permit	Department of Primary Industries	Prior to any works in waterways
<i>National Parks and Wildlife Act 1974</i>	Section 151 Licence	NPWS	Prior to any works on NPWS managed land
<i>Water Management Act 2000</i> <i>Water Act 1912</i>	Licence	WaterNSW	If significant dewatering required
<i>Crown Land Management Act 2016</i>	Acquisition, lease or licence	Crown Lands	Prior to any works commencing on Crown land
<i>Aboriginal Land Rights Act 1983</i>	Approval/agreement	Crown Lands	Prior to any works commencing on land claim areas
<i>Coal Mine Subsidence Compensation Act 2017</i>	Approval	Subsidence Advisory NSW	Prior to any works commencing within the mine subsidence district

### 4.3 Summary of safeguards and management measures

The REF for the proposal title identified a range of environmental outcomes and management measures that would be required to avoid or reduce the environmental impacts.

After consideration of the issues raised in the public submissions, the environmental management measures for the proposal (refer to Chapter 7 of the REF) have been revised. Should the proposal proceed, the environmental management measures in Table 4.2 will guide the subsequent phases of the proposal. Additional and/or modified environmental safeguards and management measures to those presented in the REF are provided in **red**.

Table 4.2 Summary of safeguards and management measures

Impact	Environmental safeguards	Responsibility	Timing
Air quality	All plant and machinery would be fitted with emission control devices complying with relevant Australian Standards.	Contractor	Construction
	Machinery would be turned off when not in use and not left to idle for prolonged periods.	Contractor	Construction
	Construction plant and equipment would be maintained in good working condition.	Contractor	Construction
	Vehicle movements would be limited to designated entries and exits, haulage routes and parking areas.	Contractor	Construction
	Areas of clearing would be limited to only those that are required to reduce fugitive dust emissions.	Contractor	Construction
	Stockpiles would be stabilised to minimise wind erosion and the generation of dust (e.g. covered or watered).	Contractor	Construction
	Dust generation would be monitored visually, and where required, dust control measures such as water spraying would be implemented to control the generation of dust. If air quality monitoring is considered warranted, it would be undertaken in accordance with Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (Department of Environment and Conservation, 2005).	Contractor	Construction
	Materials transported to and from the site would be covered to reduce dust generation in transit.	Contractor	Construction
	No burning of any materials would be undertaken.	Contractor	Construction
	Access points would be inspected to determine whether sediment is being transferred to the surrounding road network. If required, sediment would be promptly removed from roads to minimise dust generation.	Contractor	Construction
	Shade cloth would be fastened to site fencing at construction compounds if required to minimise dust transported from the site during construction.	Contractor	Construction
	Daily inspections and regular surveillance would be undertaken to identify any vehicle, plant or equipment that is causing visible emissions. If any defective vehicles, plant or equipment are identified, operation of this machinery would cease and service/maintenance would be undertaken.	Contractor	Construction
	Any exposed surfaces would be stabilised, and final landscaping implemented, as soon as practicable following completion of construction.	Contractor	Construction
	Any dust complaints would be investigated as soon as possible and measures taken to manage any impacts identified.	Contractor	Construction
Hydrology, groundwater and water quality	The detailed design process should include hydraulic modelling of the proposal in order to design crossing structures (such as culverts, bridges, fences etc.) that, as far as reasonably practical, match the existing hydraulic response. This will minimise the potential indirect impacts on the hydrology.	Contractor	Detailed Design
	Selection of materials would consider the potential for leaching of pollutants or other offsite impacts. Environmental sensitive materials would be chosen where available and cost effective.	Contractor	Detailed Design
	An erosion and sedimentation control plan would be prepared for the proposal in accordance with the requirements of The NSW Soils and Construction – Managing Urban Stormwater Volume 1 ‘the Blue Book’ (Landcom, 2004) and Volume 2 (Department of Environment and Climate Change, 2008).	Contractor	Construction

Impact	Environmental safeguards	Responsibility	Timing
	If required, a dewatering procedure would be prepared to identify controls and management measures for dewatering including monitoring, testing, containment and disposal. If dewatering is required, the need for a water licence should be confirmed with WaterNSW.	Contractor	Construction
	Operational procedures would include measures to restrict access to the trail (such as gates that can be closed during inundated periods) and ensure safety of users during proposal operation.	Council	Operation
Geology and soils	Consultation would be undertaken with Subsidence Advisory NSW to determine the need for development approval or input for works within the mine subsidence district.	Council	Detailed Design
	Further geotechnical investigation will be undertaken prior to detailed design to confirm geotechnical requirements if required. The investigations would include further soil sampling and analysis to confirm the location of acid sulfate soils and soil contamination.	Contractor	Construction
	An acid sulfate soil management plan would be prepared for the proposal in accordance with the Acid Sulfate Soil Laboratory Methods and Manual (ASSMAC, 1998).	Contractor	Construction
	An unexpected finds protocol would be developed and implemented to manage potentially contaminated soils (if encountered), including landfill or anthropogenic waste and potential asbestos containing material.	Contractor	Construction
Noise and vibration	<b>Additional measures to reduce the potential for noise impacts at key locations, such as landscaped barriers, would be investigated during detailed design.</b>	<b>Council</b>	<b>Detailed Design</b>
	All employees, contractors and subcontractors are to receive an environmental induction, which would include: <ul style="list-style-type: none"> <li>- All relevant project specific and standard noise and vibration mitigation measures.</li> <li>- Relevant licence and approval conditions.</li> <li>- Permissible hours of work.</li> <li>- Location of nearest sensitive receivers.</li> <li>- Construction employee parking areas.</li> <li>- Designated loading/unloading areas and procedures.</li> <li>- Site opening/closing times (including deliveries).</li> <li>- Environmental incident procedures.</li> </ul>	Contractor	Construction
	No swearing or unnecessary shouting or loud stereos/radios would be allowed on site. Dropping of materials from height, throwing of metal items and slamming of doors would be avoided.	Contractor	Construction
	Contact would be established with local residents and the construction program and progress communicated on a regular basis, particularly when noisy or vibration-generating activities are planned. Affected receivers (i.e. those within 1000 metres, see Figure 1.1) would be notified of the intended work, its duration and times of occurrence.	Contractor	Construction
	A contact number would be provided for complaints. All complaints would be logged and responded to as soon as practicable.	Contractor	Construction
	On receipt of a noise complaint, construction activities would be reviewed to identify reasonable and feasible mitigation strategies to reduce noise. Noise monitoring would be considered if appropriate.	Contractor	Construction

Impact	Environmental safeguards	Responsibility	Timing
	All work would be undertaken within standard construction hours, unless out of hours work has been approved.	Contractor	Construction
	Work generating high noise and/or vibration levels should be scheduled during less sensitive time periods.	Contractor	Construction
	Broadband reverse warnings should be used in preference over 'beeper' style warnings.	Contractor	Construction
	Simultaneous operation of noisy plant within discernible range of a sensitive receiver would be avoided.	Contractor	Construction
	The offset distance between noisy or vibration generating plant and adjacent sensitive receivers is to be maximised. Noise-emitting plant to be directed away from sensitive.	Contractor	Construction
	Plant used intermittently would be throttled down or shut down in between uses.	Contractor	Construction
	Traffic flow, parking and loading and unloading areas would be planned to minimise reversing movements within the site.	Contractor	Construction
	Loading and unloading of materials/deliveries is to occur as far as possible from sensitive receivers.	Contractor	Construction
	Site access points and roads would be selected as far as possible away from sensitive receivers.	Contractor	Construction
	Loading and unloading of vehicles to consider noise generation for nearby residents i.e. no dropping of loads, consider straps instead of chains to secure loads etc.	Contractor	Construction
	Instructional signage would inform users of the need to consider noise impacts for residences when using the trail.	Contractor	Operation
Resource use and waste	The following resource management hierarchy principles would be followed: <ul style="list-style-type: none"> <li>- Avoid unnecessary resource consumption as a priority.</li> <li>- Avoidance would be followed by resource recovery (including reuse of materials, reprocessing, recycling and energy recovery).</li> <li>- Disposal would be undertaken as a last resort (in accordance with the Waste Avoidance and Resource Recovery Act 2001).</li> </ul>	Contractor	Construction
	A site waste minimisation and management plan would be prepared for the proposal in accordance with relevant EPA and Council guidelines. The plan would be prepared and approved by Council prior to construction commencing.	Contractor	Construction
	Procurement would endeavour to use materials and products with a recycled content where that material or product is cost and performance effective.	Contractor	Construction
	Excess excavated material would be reused appropriately for fill or disposed of at an appropriate facility. Excess material requiring waste disposal would first be assessed against the Waste Classification Guidelines (Environmental Protection Agency, 2014).	Contractor	Construction
	Additional fill material would be sourced from appropriate local sources.	Contractor	Construction
	Cleared weed-free vegetation would be chipped and reused on-site as part of the proposed landscaping and to stabilise disturbed soils where possible. Weed vegetation would be disposed of appropriately off-site in accordance with its classification status under the Biosecurity Act 2015, where relevant.	Contractor	Construction

Impact	Environmental safeguards	Responsibility	Timing
	Garbage receptacles would be provided at the site compound and recycling of materials encouraged. There would be no disposal or re-use of construction waste on to other land.	Contractor	Construction
	Waste would not be burnt on-site.	Contractor	Construction
	Waste material, other than vegetation and tree mulch, would be removed from site once the works have been completed.	Contractor	Construction
	Portable toilets would be provided for construction workers and would be managed by the service provider to ensure the appropriate disposal of sewage.	Contractor	Construction
	Site inductions would ensure staff are aware of waste disposal protocols and attendance would be recorded by the site supervisor.	Contractor	Construction
	All working areas would be maintained, kept free of rubbish and cleaned up at the end of each working day.	Contractor	Construction
	Any hazardous waste material stockpiles would be fenced and sign posted for public safety.	Contractor	Construction
	Dedicated concrete washout facilities would be provided during construction so that runoff from the washing of concrete machinery and equipment can be collected and disposed.	Contractor	Construction
	Waste would be disposed of appropriately with supporting waste classification documentation, if required.	Contractor	Construction
	Regular maintenance of the pathway, as part of Council's ongoing regime, would identify and control waste.	Contractor	Operation
	Waste management and resource use would be in accordance with Council's existing operational procedures.	Contractor	Operation
	Waste receptacles would be provided at car parks and signage would encourage all users to take waste with them from the trail.	Contractor	Operation
Traffic and access	Upgrades to intersections would be investigated during detailed design in particular at George Booth Drive.	Council	Detailed design
	The location of e-bike infrastructure would be investigated during development of the detailed design.	Council	Detailed design
	Construction traffic management plans (CTMPs) would be prepared and approved by the appropriate roads authority prior to works commencing. The CTMPs would include specific temporary traffic management measures to support construction activities at key locations including: <ul style="list-style-type: none"> <li>- Former Hunter Expressway construction access roads at Blue Gum Creek and Surveyors Creek.</li> <li>- Quarry Access Road.</li> <li>- Private access to Wallis Creek.</li> <li>- Leggits Drive.</li> <li>- Pokolbin Street.</li> </ul>	Contractor	Construction
	Worker parking would be constrained to within the compound site as far as is practicable.	Contractor	Construction
	Carpooling and other methods would be investigated to limit the number of vehicles coming to site, as far as practicable.	Contractor	Construction
	The queuing and idling of construction vehicles in residential streets would be minimised to reduce nuisance.	Contractor	Construction



Impact	Environmental safeguards	Responsibility	Timing
	An emergency response plan would be developed for construction traffic incidents and/ or accidents. During site inductions, all heavy vehicle drivers would be provided with the emergency response plan for construction traffic incidents.	Contractor	Construction
	The community and local residents would be notified in advance of vehicle movements and anticipated effects on the local road network relating to site works. This would aim to reduce delays and access impacts for residents, public transport, pedestrians and cyclists.	Contractor	Construction
	Access to all private properties adjacent to the works would be maintained during construction, unless otherwise agreed by relevant property owners.	Contractor	Construction
	Council would monitor the use of car parks over time to determine if parking provided is sufficient.	Council	Operation
	In order to manage the potential conflict between light and heavy vehicle traffic at the Quarry Access Road and the access to the Pace Farm, the following measures are recommended: <ul style="list-style-type: none"> <li>– Provision of truck warning signage on the access road.</li> <li>– Management of roadside vegetation to maintain forward sight lines for traffic moving along the access road.</li> </ul>	Contractor	Operation
	Signage would be installed at all locations where the proposal interacts at grade with a road or other road safety issues (such as a school zone), providing a clear delineation between the proposal and the road. Trail users would be warned of the approaching road, via 'Road Ahead' signage. Road and other users would be warned of the approaching trail using appropriate signage in accordance with Australian Standards (see Section 3.2.7).	Contractor	Operation
Biodiversity	Once the footprint and construction methodology are confirmed during detailed design, the need for additional ecological survey will be determined. Appropriate measures in response to the outcomes of additional investigations will be incorporated into the detailed design, and construction and operation of the proposal as relevant.	Council	Detailed design
	Artificial lighting sensitive to microbat habitat would be installed and would consider: <ul style="list-style-type: none"> <li>– Incorporating design features to minimise light spill onto the roof of the tunnels where there are substantial numbers of bat roosts, such as constructing 'shields' or false ceilings around roost sites to maintain darkness within roosts.</li> <li>– Incorporating variable lighting regimes along the alignment and in the tunnels to reduce the potential for light spill impacting foraging habitat, and minimise the chance of roost abandonment. This could involve switching off or dimming lights for part of the night, or use of movement sensor lights along the alignment and in the tunnels that switch on upon approach and turn off after people pass.</li> <li>– Incorporating design features to limit light spill into areas of adjoining sensitive habitat along the alignment, as far as practicable, to minimise the impacts of lighting to foraging habitat along the alignment. This could include the use of low intensity lamps to reduce the spread of illumination, directed lighting or light shields to create dark refuges between lamps.</li> <li>– Use of certain light types such as long wavelength 'warm white' lights rather than short wavelength 'blue' lights.</li> </ul>	Contractor	Detailed design
	Bridge design would reduce impacts to aquatic habitat by including: <ul style="list-style-type: none"> <li>– Design elements such as height, orientation, construction materials to minimise shading of marine vegetation such as mangroves and saltmarshes.</li> </ul>	Contractor	Detailed design

Impact	Environmental safeguards	Responsibility	Timing
	<ul style="list-style-type: none"> <li>– Instream structures to avoid impact to river flow and fish passage.</li> <li>– Bat habitat boxes to the underside of new bridges.</li> </ul>		
	Aboricultural assessment would be completed of all trees in close proximity to final design to determine potential impacts to mature tree health and identify appropriate management measures.	Contractor	Detailed design
	Fence design would be of suitable height above ground level and material to enable fauna movement.	Contractor	Detailed design
	General minimisation of clearing areas as far as practicable. Delineating a vegetation buffer with a high visibility barrier to prevent accidental clearing or disturbance of adjacent vegetation or aquatic habitat.	Contractor	Construction
	Demarcation of adjoining sensitive areas through temporary fencing to prevent impacts during construction and/or inclusion of a tree retention plan or similar to protect these biodiversity resources where possible.	Contractor	Construction
	No stockpiling of materials adjacent to native vegetation wherever possible and locating stockpiles within existing cleared areas.	Contractor	Construction
	Management of noxious and environmental weeds during construction, with weed material to be cleared and stockpiled separately to all other vegetation, removed from site and disposed of at an appropriately licenced disposal facility. When transporting weed waste from the site to the waste facility, trucks must be covered to avoid the spread of weed-contaminated material.	Contractor	Construction
	No parking of vehicles or machinery in areas of native vegetation.	Contractor	Construction
	All machinery brought to site will be washed down and inspected to be free of soils, seeds and other organic material.	Contractor	Construction
	Implementation of procedures for clearing habitat where required, including pre-clearing surveys and clearing supervision of hollow-bearing trees and logs, to minimise fauna injury or mortality.	Contractor	Construction
	Implementation of fauna handling and release protocols where required.	Contractor	Construction
	Implementation of remediation activities where native vegetation clearing is required including soil stabilisation and planting of native endemic species characteristic of the vegetation types identified within the study area.	Contractor	Construction
	Implementation of erosion and sediment control measures to minimise pollution and sediment impacts on waterways and downstream aquatic environments, including estuarine communities. This could include measures such as the use of silt curtains during substrate disturbance activities (e.g. pile driving) to minimise the potential for migration of turbid plumes outside of the immediate construction footprint.	Contractor	Construction
	Implementation of measures to manage fuels, chemicals, and liquids required for construction.	Contractor	Construction
	<p>The proposal would increase the risk of injury or mortality of native fauna during the construction phase due to vehicle strike by increasing the rate of vehicle visitation to the site. This risk would be reduced by:</p> <ul style="list-style-type: none"> <li>– Restricting vehicle movements to operational (daylight) hours.</li> <li>– Implementing and enforcing appropriate speed limits for vehicles traversing the site.</li> <li>– Establishment of ‘no-go’ areas, which are demarcated with high visibility barrier tape to prevent accidental impacts to vegetation and other biota adjacent to the disturbance footprint.</li> </ul>	Contractor	Construction
	Appropriate signage would be installed which states that dogs should be kept on a lead or are prohibited.	Contractor	Operation

Impact	Environmental safeguards	Responsibility	Timing
	Appropriate signage would be installed which states that trail bikes (off-road motorcycles), which are known to disturb wildlife, are not permitted within the trail.	Contractor	Operation
	Interpretive signage educating users on the importance of the surrounding wetlands and the species and ecological communities that occur there, as well as the importance of habitat within the nearby tunnel for roosting bats.	Contractor	Operation
	Ongoing management of retained native vegetation to reduce impacts of human activities and weed infestation (noting that herbicides should be avoided near wetland areas).	Council	Operation
	Ongoing maintenance of fencing to ensure its effectiveness at restricting access to wetland habitat.	Council	Operation
Socio-economic	Rest areas and trail interpretation locations and content be developed in consultation with relevant stakeholders.	Contractor	Detailed Design
	Detailed design would consider lighting of the route (particularly in tunnels and in heavily forested areas) to enhance safety.	Contractor	Detailed Design
	Heritage considerations identified to date and in future investigations would be reflected in the detailed design.	Contractor	Detailed Design
	Adequate waste facilities would be provided to avoid nuisance to other users in rest areas and at stopping points.	Contractor	Detailed Design
	Property impacts would be confirmed and verified by survey where required.	Contractor	Detailed Design
	Property acquisition or temporary use would be negotiated by Council with affected landowners where relevant in order to reach fair compensation and access arrangements.	Council	Detailed Design
	Measures to manage issues raised by impacted landowners during consultation would be incorporated into the detailed design where relevant. This could include security, fencing, lighting, signage, <b>provision of water for stock, illegal dumping, illegal access (in particular Lot 103 DP810221)</b> etc.	Contractor	Detailed Design
	The use of motorised cycles/scooter/chairs and hiring facilities for these at some access points would be considered.	Contractor	Detailed Design
	Emergency access would be provided at suitable locations along the trail.	Contractor	Detailed Design
	Vandal resistant materials and appropriate signage would be used to outline expectations of users and other safety information and prevent damage.	Contractor	Detailed Design
	Safety requirements at road intersections and other crossings would be further investigated.	Contractor	Detailed Design
	Fencing and/ or screening near private properties close to the route would be implemented as required to minimise overlooking and privacy impacts.	Contractor	Construction
	Residents, businesses and organisations located close to the proposal would be consulted in advance of construction to ascertain any specific times/events that should be considered in construction programming (e.g. school or cultural events).	Contractor	Construction
Construction scheduling would consider other major projects in the locality to avoid the potential for cumulative impacts.	Contractor	Construction	

Impact	Environmental safeguards	Responsibility	Timing
	Residents living near the proposal and the local community would be provided with timely and relevant information to enable them to understand the likely nature, extent and duration of vibration, dust and noise impacts and access changes.	Contractor	Construction
	Communication methods would be chosen to ensure any vulnerable community members are appropriately engaged with during the consultation period.	Contractor	Construction
	Communications would include, as relevant, roadside signage, newsletters, newspaper advertisements, web based information, a complaints line, and advice to specific service providers, such as community transport and seniors organisations.	Contractor	Construction
	All works would be undertaken during standard construction hours.	Contractor	Construction
	Council would continue to engage with affected stakeholders during proposal operation to enable identification and management of any issues as they arise.	Council	Operation
	An agreement will be entered into between Council and affected landowners to ensure the onus of fencing repairs etc. is borne by Council.	Council	Operation
Visual amenity	All parking and site equipment associated with construction should be appropriately screened as required.	Contractor	Construction
	All construction sites are to be maintained daily and decommissioned after completion of the works.	Contractor	Construction
	Rehabilitation of the construction site should be undertaken upon completion of the works.	Contractor	Construction
Cultural heritage	The footprint of the proposal and the construction methodology would be developed so as to minimise impacts in the vicinity of RVRT PAD 1.	Contractor	Detailed design
	Further investigation of the sites located at the carpark between tunnels 1 & 2 (within the Lake Macquarie LGA) will be undertaken. This would include additional heritage survey and assessment as required and could include relocation of the car park.	Council	Detailed design
	The detailed design should include heritage interpretation and signage to be installed in conjunction with shared pathway amenities. Liaison with Aboriginal stakeholders is recommended for designing interpretation and signage content.	Contractor	Detailed design
	If impacts cannot be avoided to RVRT PAD 1, an Aboriginal heritage impact permit (AHIP) under Section 90 of the NPW Act would be required prior to construction commencing. This AHIP application would be submitted with an Aboriginal Cultural Heritage Assessment Report (ACHAR) completed in accordance with the Guide to Investigation, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (Office of Environment and Heritage, 2011). Full consultation with Aboriginal stakeholders, in accordance with Aboriginal Cultural Heritage Consultation Requirements for Proponents (OEH 2010), and archaeological test excavation would be required. Existing AHIPs that may overlap the site should also be confirmed at this time.	Contractor	Detailed design
	All workers would complete a specific heritage induction providing information on the Aboriginal heritage of the study area and details of how aboriginal heritage sites and items should be protected from inadvertent and indirect impacts by construction crews during works.	Contractor	Construction
	An unexpected finds procedure would be developed and implemented in the event unknown heritage items are uncovered during works.	Contractor	Construction

Impact	Environmental safeguards	Responsibility	Timing
	<p>Consideration should be given to preserve as much original heritage fabric as practical, including timber bridges and residual rail infrastructure, located along the route of the former Richmond Vale Railway (Item No. I214). In particular the following items should be retained, where considered feasible for safety, cost and environmental reasons:</p> <ul style="list-style-type: none"> <li>- Tunnel No. 1</li> <li>- Tunnel No. 2</li> <li>- Tunnel No. 3 in particular the brick portals of the tunnel</li> <li>- Surveyors Creek Bridge</li> <li>- Wallis Creek Bridge</li> <li>- The existing profile of the original railway cuttings</li> <li>- Surveyor marked tree</li> <li>- Brick platforms and retaining walls</li> </ul>	Contractor	Detailed design
	Shotcreting of cuttings should be avoided as it would have a major visual impact on the Richmond Vale Railway.	Contractor	Detailed design
	Stabilisation of Tunnel 3 would be undertaken in such a way as to reduce impacts to the eastern portal and retain, as far as practicable, the inherent heritage value.	Contractor	Detailed design
	The selection of new materials and finishes should be as sympathetic as possible to the existing character of the railway, with the aim of minimising visual impacts.	Contractor	Detailed design
	Heritage interpretation and signage would be installed in conjunction with shared pathway amenities. Liaison with local historical societies, including the University of Newcastle's Coal River Working Party and the Richmond Vale Railway Society and Museum is recommended for designing interpretation and signage content.	Contractor	Detailed design
	Detailed assessment, including assessment of the significance and location of any potential remains (such as worker's camps), would be undertaken during detailed design. The detailed archaeological assessment would assess the impact of any proposed excavation works and provide recommendations for appropriate management of the archaeological resource. Dependant on the assessed level of impact, this may necessitate application for an excavation permit under Section 140 or exception notification under Section 139(4) of the Heritage Act.	Contractor	Detailed design
	Prior to construction commencing, all heritage significant elements of the former Richmond Vale Railway that would be impacted should be subject to archival recording. This would involve accurate surveying and planning, as per guidelines set out by the NSW Heritage Office (1998 and 2006).	Contractor	Construction
	All workers would complete a specific heritage induction providing information on the Aboriginal heritage of the study area and details of how aboriginal heritage sites and items should be protected from inadvertent and indirect impacts by construction crews during works.	Contractor	Construction
	An unexpected finds procedure would be developed and implemented to outline measures in the event that unknown heritage items are uncovered during works.	Contractor	Construction
Bush fire	The detailed design would address all relevant requirements of AS 3959 – 1999 Construction of Buildings in Bush Fire-prone Areas.	Contractor	Detailed design



Impact	Environmental safeguards	Responsibility	Timing
	Council would engage with NPWS to ensure requirements for operational access and restriction of access, including during bush fire and other emergencies, is incorporated into the detailed design.	Council	Detailed design
	An emergency response plan would be prepared to include a procedure for managing bush fires. This would include an emergency procedure for ensuring the health and safety of construction workers.	Contractor	Construction
	No hot works would be undertaken during periods of high fire danger.	Contractor	Construction
	Operational procedures would include measures to restrict access to the trail (such as gates that can be closed) to ensure safety of users during proposal operation. Other measures would be development in accordance with the Werakata SCA Fire Management Strategy, where relevant.	Contractor	Operation
	Instructional signage would include safety procedures for trail users to follow in the case of bush fire. This would include emergency contact details and assembly points.	Contractor	Operation
Cumulative impacts	<ul style="list-style-type: none"> <li>- Construction planning would consider avoiding known heavy tourism periods, such as school holidays.</li> <li>- Ongoing coordination and consultation would be undertaken with stakeholders (including internally in Council) to ensure cumulative amenity impacts are appropriately assessed, avoided where possible and managed.</li> <li>- The CEMP would be revised to consider potential cumulative impacts from surrounding development activities if and as they become known.</li> <li>- Traffic management measures would consider other traffic generating developments and activities where relevant.</li> <li>- Noise management measures would consider the cumulative noise impacts from other construction activities occurring in the vicinity of the proposal.</li> </ul>	Contractor/ Council	Construction
	An operational management plan and/ or procedures would be developed for the proposal to manage ongoing maintenance and day-to-day management of the proposal following construction. This would be prepared in consultation with relevant stakeholders such as landowners and managers.	Council	Operation

# Appendix A

**Minutes and information material from  
landowner meeting**

## GENERAL MEETING MINUTES



<b>Meeting Purpose</b>	Richmond Vale Rail Trail – Meeting with Landowners	<b>Date</b>	31-3-2021
<b>Location</b>	Cessnock Performing Arts Centre – Conference Room	<b>Time</b>	3.00pm
<b>Minuted By</b>	Kate Harris		

Attendee		Present/Apology
Kate Harris	Cessnock City Council	Present
Michael Rathborne	Cessnock City Council	Present
Michael Ulph	GHD	Present
Kirk Rowe	GHD	Present
[REDACTED]	Private Landowner	Present
[REDACTED]	Private Landowner	Present
[REDACTED]	Private Landowner	Present
[REDACTED]	Private Landowner	Present

Item	Discussion	Action	Action Owner	Action Due Date	Action Status
<b>1.</b>	<b>Lot 4 DP1000943 ([REDACTED])</b>				
1.1	Rural fencing is not adequate and there is a preference for this to be replaced with 1.8m high man proof fencing (as indicated in other sections of the concept designs).	Rural fencing to be replaced with man proof fencing within concept designs.	CCC	Prior to public exhibition of documents	In progress
1.2	Access to water must be provided for stock on the southern side of the trail – discussions were held at the meeting regarding potential design solutions including bridges and cattle tunnels.	Options will be discussed and confirmed following further site meetings with Council staff.	CCC	Prior to public exhibition of documents	Not yet commenced
1.3	There are significant concerns regarding the proximity of the trail to the boundary of the property and privacy implications associated with this.	Options to be discussed and confirmed following further site meetings with Council staff.	CCC	Prior to public exhibition of documents	Not yet commenced
<b>2.</b>	<b>Lot 18 &amp; 19 DP1061633 ([REDACTED])</b>				
2.1	The intersection of the trail at the northern end of the lot essentially makes this portion of land redundant.	Access to this portion of the trail needs to be considered.	CCC	Prior to public exhibition of documents	Not yet commenced
2.2	The trail has significant implications on a current development approval provided for a 10 lot subdivision – particularly in regards to ensuring lot sizes are maintained. ‘Land swaps’ were discussed at the	Council’s Senior Property Officer to follow up current development approval and concerns discussed at the meeting. Further site meetings to be held	CCC	07-05-21	In Progress

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### GENERAL MEETING MINUTES

Item	Discussion	Action	Action Owner	Action Due Date	Action Status
	meeting, however further options need to be discussed.	with Council Officers to discuss options.			
<b>3.</b>	<b>Lot 502 DP1200716, Lot7016 DP1021277, Lot 33 DP1085798 ( )</b>				
3.1	It was noted that more discussions and time was needed to discuss the impacted lots and the proposed infrastructure, e.g. fencing.	Noted, No Action.			
3.2	It was confirmed that 1.8m high man proof fencing was preferred across impacted lots, similarly to other sections of the concept design drawings.	Rural fencing to be replaced with 1.8m high man proof fencing.	CCC	Prior to public exhibition of documents	In progress
3.3	Dog Hole Road carpark contains a number of significant Aboriginal sites, and a carpark in this location would not be supported. Council Staff are aware of significant sites located at the carpark between tunnels 1 & 2 (within the Lake Macquarie LGA) however reports have not identified sites at the Dog Hole Road carpark.	Further discussions to be held with Mindaribba LALC and Council Staff to better understand the locations of any/all artefact and cultural heritage sites.	CCC	Carparks to be discussed prior to public exhibition of documents. Discussions to be ongoing.	Not yet commenced
3.4	Discussions were held around potential rezoning of land to allow for additional opportunities (aside from E2)	Further discussions with Council staff to be held in regards to the rezoning of land.	CCC	Discussions to commence prior to public exhibition of documents.	Not yet commenced
3.5	More consideration needs to be given as to what opportunities the proposed trail can provide for Aboriginal people such as employment, co-design of heritage interpretation/education, etc.	Further discussions are to be held with Council staff to identify options and opportunities that can be included within the proposal, such as employment, co-design of heritage interpretation/education, etc.	CCC	Discussions to commence prior to public exhibition of documents.	Not yet commenced
<b>4.</b>	<b>General Discussion Items</b>				
4.1	<p>Concerns were raised as to why Council is not required to lodge a Development Application, similarly to Newcastle City Council. It was confirmed that as the scope of the project falls within the State Environmental Planning Policy (Infrastructure) 2007, it needs to be assessed via this approval pathway. Further context from that provided at the meeting:</p> <p>(a) The proposal is defined as a 'road infrastructure facility' under clause 93 of the ISEPP. Clause 94(1) of the ISEPP permits development for the purpose of a road infrastructure facility to be carried out by or on behalf of a public authority without consent on any land except land reserved under the NPW Act unless the development:</p> <ul style="list-style-type: none"> <li>- is authorised by or under the National Parks and Wildlife Act 1974, or</li> <li>- is, or is the subject of, an existing interest within the meaning of section 39 of that Act, or</li> <li>- is on land to which that Act applies over which an easement has been granted and is not contrary to the terms or nature of the easement.</li> </ul> <p>(b) As none of the above apply to the proposal, it can be undertaken without development consent.</p> <ul style="list-style-type: none"> <li>- Assessment, in the form of this REF, is required under Division 5.1 of the EP&amp;A Act.</li> </ul>				

**GENERAL MEETING MINUTES**

Item	Discussion	Action	Action Owner	Action Due Date	Action Status
	(c ) It is important to note that a high level of transparency will be applied to the project including a report to Council, a public exhibition period, and a further report to Council following the assessment of submissions.				
4.2	It was discussed whether the trail could be diverted at George Booth Drive as opposed to continuing through private land. It was confirmed that the intent of the trail is to follow the rail corridor and keep cyclists/walkers off busy roads. The trail is also mapped and identified within regional and local planning documents. There are no plans at this stage to divert the trail at George Booth Drive however Council staff will continue to engage with landowners to ensure impacts are minimised.				
4.3	Maintenance of the track including fencing – as well as a public liability: It was confirmed that Council will be responsible for public liability within the track as well as the ongoing management of the track including the infrastructure. A ‘contract’ per say will be entered into with Council and landowners to ensure the onus of fencing repairs etc. is borne by Council.				
4.4	Illegal dumping was raised as an issue with all landowners. It was discussed that passive surveillance opportunities offered by the RVRT could counteract the increased accessibility that it may bring. It was also discussed that measures will need to be consider during detailed design to mitigate illegal dumping.				
4.5	Landowners agreed the next step from here would be for Council staff to visit impacted properties so issues can be discussed further.				

Meeting Closed: 4:45pm





# **Richmond Vale Rail Trail Stockrington to Kurri Kurri Determination Report**

### **Purpose of this report**

The purpose of this Determination Report is for Cessnock City Council, as the Proponent of the Richmond Vale Rail Trail (Stockrington to Kurri Kurri), to determine whether or not to proceed with the Proposed Activity. Cessnock City Council must make a determination in accordance with the provisions of Part 5 of the *Environmental Planning & Assessment Act 1979*.

### **Background**

The proposed Richmond Vale Rail Trail (RVRT) is a 32 kilometre cycling and walking track along the former Richmond Vale railway between Kurri Kurri and Hexham/Shortland.

The Richmond Vale railway is a former rail line that runs from Hexham to Pelaw Main in the Lower Hunter region of NSW. Industrial operation of the railway ceased in 1987 following the closure of the collieries in the region. An opportunity now exists to establish a multi-use recreational trail for active transport by utilising the disused sections of the former rail line. The trail would be located within the Newcastle, Cessnock and Lake Macquarie local government areas.

The rail trail would provide a safe cycling and walking experience between Kurri Kurri and Newcastle that does not utilise existing road networks and would attract both local and regional users to enjoy the environmental and heritage attractions along the route. The Richmond Vale Rail Trail provides an opportunity for the communities of the Lower Hunter region to develop the key economic growth areas of tourism and recreation while providing social, health and conservation benefits for users and the region.

To seek relevant development approvals, the Richmond Vale Rail has been divided into two sections, Shortland to Tarro and Pambalong, and Stockrington to Kurri Kurri. The Stockrington to Kurri Kurri section of the rail trail is addressed in this review of environmental factors (REF), apart from a small area adjacent to the Pambalong Nature Reserve where development consent has previously been provided.

The Shortland to Tarro, and the Pambalong section, are subject to assessment and approval under Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act). Environmental impact statements (EIS) have been prepared for both projects (GHD, 2019; GHD, 2020) to accompany a development application to the City of Newcastle. These areas are not addressed in the REF.

### **Review of Environmental Factors**

A Review of Environmental Factors (REF) was prepared by GHD Pty Ltd on Behalf of Cessnock City Council in accordance with sections 5.5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), to ensure that Cessnock City Council takes into account to the fullest extent possible, all matters affecting or likely to affect the environment as a result of the Proposed Activity.

The Richmond Vale Rail Trail Stockrington to Kurri Kurri REF provides information on the scope of works and environmental impacts associated with the Proposed Activity. The REF concluded that the Proposed Activity would not have a significant impact on the environment and that, should the Proposed Activity proceed, the likely impacts would be appropriately managed in accordance with the mitigation measures outlined in the REF.

The Richmond Vale Rail Trail Stockrington to Kurri Kurri REF was placed on public display from 12 May 2022 to 3 July 2022, with 127 submissions received. Issues raised in these submissions are addressed in the Formal Submissions Report (Appendix A)

### Changes to Environmental Safeguards & Management Measures

Prior to Public Exhibition, the REF identified a range of environmental outcomes and management measures that would be required to avoid or reduce the environmental impacts. After consideration of the issues raised in the public submissions, the environmental management measures for the proposal (refer to Chapter 7 of the REF) have been revised. Should the proposal proceed, the environmental management measures will guide the subsequent phases of the proposal.

Additional and/or modified environmental safeguards and management measures to those presented in the REF are provided below.

Impact	Environmental Safeguard
Noise and vibration	Additional measures to reduce the potential for noise impacts at key locations, such as landscaped barriers, would be investigated during detailed design.
Traffic and access	The location of e-bike infrastructure would be investigated during development of the detailed design.  In order to manage the potential conflict between light and heavy vehicle traffic at the Quarry Access Road and the access to the Pace Farm, the following measures are recommended: – Provision of truck warning signage on the access road. – Management of roadside vegetation to maintain forward sight lines for traffic moving along the access road.
Biodiversity	Once the footprint and construction methodology are confirmed during detailed design, the need for additional ecological survey will be determined. Appropriate measures in response to the outcomes of additional will be incorporated into the detailed design and construction and operation of the proposal as relevant.
Socio-economic	Measures to manage issues raised by impacted landowners during consultation would be incorporated into the detailed design where relevant. This could include security, fencing, lighting, signage, provision of water for stock, illegal dumping, illegal access (in particular Lot 103 DP810221) etc.  An agreement will be entered into between Council and affected landowners to ensure the onus of fencing repairs etc. is borne by Council.
Cultural Heritage	Further investigation of the sites located at the carpark between tunnels 1 & 2 (within the Lake Macquarie LGA) will be undertaken. This would include additional heritage survey and assessment as required and could include relocation of the car park.

Cumulative impacts	<ul style="list-style-type: none"> <li>• Construction planning would consider avoiding known heavy tourism periods, such as school holidays.</li> <li>• Ongoing coordination and consultation would be undertaken with stakeholders (including internally in Council) to ensure cumulative amenity impacts are appropriately assessed, avoided where possible and managed.</li> <li>• The Construction Environmental Management Plan would be revised to consider potential cumulative impacts from surrounding development activities if and as they become known.</li> <li>• Traffic management measures would consider other traffic generating developments and activities where relevant.</li> <li>• Noise management measures would consider the cumulative noise impacts from other construction activities occurring in the vicinity of the proposal.</li> </ul> <p>An operational management plan and/ or procedure would be developed for the proposal to manage ongoing maintenance and day-to-day management of the proposal following construction. This would be prepared in consultation with relevant stakeholders such as landowners and managers.</p>
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**Description of Proposed Activity in the REF**

The Proposal involves the establishment of approximately 17 kilometres of recreational pathway, constructed for the most part within existing cleared road corridors or the former Richmond Vale railway alignment. The proposal would enable active transport between the suburbs of Kurri Kurri, Pelaw Main, Buchanan, Richmond Vale, Seahampton and Stockrington.

The proposal would generally comprise the following construction activities:

- Removal of unsuitable subgrades and construction of pavements using imported gravel, asphalt and concrete.
- Restoration and repair, as required, of three existing railway tunnels.
- Installation of at-grade crossings of the following roads:
  - Dog Hole Road, Stockrington,
  - Quarry access road, Richmond Vale,
  - Hunter Expressway construction yard off George Booth Drive, Richmond Vale, and
  - Pokolbin Street, Kurri Kurri.
- Construction of a 15 metre two-span concrete bridge at Surveyors Creek and demolition of the existing timber bridge at this location.
- Construction of a new 70 metre single span bridge at Wallis Creek, and demolition of the existing timber bridge at this location bicycle racks installed on both sides of the station.
- Construction of a new, short bridge at Werekata Creek, with removal of the existing bridge abutments as the bridge structure having been removed previously.
- Construction of new parking facilities at various access points along the proposal route.

A more detailed description of the proposal is found in the REF prepared for Cessnock City Council by GHD Pty Ltd in March 2022.

### **Consultation Undertaken Prior and During the Display of the REF**

Details of consultation undertaken with the community and stakeholders as a part of the public exhibition period can be found within the Formal Submissions Report in Appendix A.

### **REF Submissions**

A total of 127 submissions on the REF were received. Submissions included feedback on a range of issues in relation to the Proposed Activity. Feedback was reviewed and categorised into the following key issues:

- Amenities (supporting infrastructure)
- Trail width greater than three metres
- Design features
- Noise
- Operational Issues
- Proposal Objective and road networks reference
- E-bikes and scooters
- Dogs
- Anti-social behaviour and security
- Permissibility of the trail
- Ongoing consultation
- Cumulative impacts
- Cost of Construction
- Loss of potential for working railway
- Bush fire risk
- Ecology
- Additional approvals and NPWS Policies
- Outside the scope of the REF
- Retain railway infrastructure in the trail
- Dedicated regional planning and management committee
- Property impacts
- Flooding
- Slope Stability

The analysis and response to submissions can be found within the Formal Submissions Report (Appendix A).

### **Future consultation**

Should Cessnock City Council proceed with the Proposed Activity, consultation activities would continue, including consultation with impacted landowners and key stakeholders regarding design development. In addition, Cessnock City Council would notify residents, businesses and community members in the lead up to and during construction. The consultation activities would help to ensure that:

- Impacted landowners 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,
- accurate and accessible information is made available,

- a timely response is given to issues and concerns raised by the community, and
- feedback from the community is encouraged, considered and responded to.

Targeted consultation methods, such as use of letters, notifications, signage and verbal communications, will occur. Council's website will also include updates on the progress of construction.

### **Consideration of Environmental Impacts**

The proposal is development permissible without consent in accordance with Division 5.1 of the EP&A Act. This REF fulfils the requirements of section 5.5 of the EP&A Act, which requires that Council examine and take into account to the fullest extent possible, all matters affecting or likely to affect the environment by reason of activity.

The REF and Determination Report have been prepared with regard to all relevant Commonwealth and NSW legislation. Statutory considerations for the Proposed Activity are discussed in more detail in Chapter 4 of the REF.

### **Conditions of Approval for Richmond Vale Rail Trail - Stockrington to Kurri**

If approved, the Proposed Activity will be allowed to proceed subject to compliance with the Conditions of Approval provided in this report.

### **Conclusion**

Cessnock City Council is the Proponent for the Richmond Vale Rail Trail – Stockrington to Kurri Kurri. Based on the assessments in the REF it is concluded that the Proposed Activity is not likely to significantly affect the environment (including critical habitat) or threatened species, populations of ecological communities, or their habitats. Additionally, the proposed Conditions of Approval within this Determination Report would further strengthen the mitigation and management of key impacts of the Proposed Activity.

Based on the assessments in the REF and a review of the submissions received from the community and stakeholders, it is recommended that the Proposed Activity be approved, subject to the mitigation measures included in the REF and the proposed Conditions of Approval. Cessnock City Council will continue to liaise with the community and other stakeholders as the Proposed Activity progresses through detailed design and into the construction phase.



## **Conditions of Approval**

### **For Richmond Vale Rail Trail – Stockrington to Kurri Kurri**

Note: The Conditions of Approval must be read in conjunction with the final mitigation measures in the REF as well as the Formal Submissions Report.

## **No. Type**

### **General**

#### **1. Terms of Approval**

The Project shall be carried out generally in accordance with the:

- a) Review of Environmental Factors (including all identified mitigation measures),
- b) Formal Submissions Report, and
- c) Conditions of Approval.

The approved plans and documents for this Project comprises the following:

<b>Document</b>	<b>Author</b>	<b>Date</b>
Richmond Vale Rail Trail – Stockrington to Kurri Kurri Review of Environmental Factors	GHD	March 2022
Richmond Vale Rail Trail – Stockrington to Kurri Kurri Formal Submissions Report	GHD	April 2023
Richmond Vale Rail Trail– Stockrington to Kurri– Determination Report	Cessnock City Council	May 2023

### **CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION**

#### **2. Project Modifications**

Any modification to the Project as approved in the REF 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 by a person with delegated authority in Council.

#### **3. Statutory Requirements**

These conditions do not relieve the Proponent of the obligation to obtain all other licences, permits, approvals and land owner consents from all relevant authorities and land owners as required under any other legislation for the Project. The Proponent shall comply with the terms and conditions of such licences, permits, approvals and permissions (as outlined within the REF).

Prior to the commencement of works, the Applicant must obtain the necessary licence(s) to authorise the development under section 151 of the National Parks and Wildlife Act 1974 (NPW Act)

Prior to the commencement of construction, the Applicant must obtain approval from the National Park and Wildlife Service (NPWS) for any rest areas located within lands managed by the National Park and Wildlife Service (NPWS).

#### **4. Pre-Construction Environmental Compliance Matrix**

A pre-construction environmental compliance matrix (PECM) for the Project shall be

prepared detailing compliance with all relevant conditions prior to commencement of construction. The PECM shall also include details of approvals, licences and permits required to be obtained under any other legislation for the Project.

**5. Operational Management Plan**

The proponent shall prepare an Operational Management Plan.

The Operational Management Plan for the cycleway is to be prepared in consultation with National Parks and Wildlife Service and other relevant stakeholders which identifies the key management and maintenance considerations (e.g. weed control, restriction on domestic animals including dogs and horses) for the cycleway and allocates responsibility for matters to ensure the cycleway is managed and maintained appropriately.

The Plan must be approved prior to construction and all requirements of the approved Operational Management Plan must be implemented during the operation of the proposed development.

**6. Photographic Archival Recording**

Prior to the commencement of any works, including the dismantling of fabric or demolition, a Photographic Archival Recording must be undertaken.

Written confirmation must also be obtained from Council's Heritage Advisor, attesting that the Photographic Archival Recording is of an acceptable quality and satisfies the requirements of this condition.

The Photographic Archival Recording shall be prepared in accordance with the guidelines "Archival Recording of Heritage Items Using Film or Digital Capture" published by Heritage NSW. A complete copy of the Photographic Archival Recording must be submitted to Council and contain (for digital projects):

- a) A brief report or introduction which explains the purposes of the Photographic Archival Recording and gives a brief description of the subject site, as well as details of the sequence in which the images were taken. The report may also address the limitations of the photographic record and may make recommendations for future work,
- b) Measured plans of the building at 1:100 scale,
- c) A site plan of the building at min. 1:200 scale,
- d) Plans of the building marked up to indicate where the photographs were taken and the direction of the photograph,
- e) The report should include all technical details including camera and lenses, image file size and format, technical metadata associated with the images, and colour information,
- f) Catalogue sheets, photographic plan, supplementary maps,
- g) Colour thumbnail image sheets (eg. A4 page with six (6) images by six (6) images) showing images and reference numbers. The thumbnail sheets should be processed with archivally stable inks on archivally acceptable photographic paper and cross referenced to catalogue sheets,
- h) A full set of 10.5x14.8cm (A6) colour prints OR, if a large project, a representative set of selected images processed with archivally stable inks on archivally acceptable photographic paper,

- i) Photographic images are to include:
- View to and from the site (possible from four (4) compass points),
  - Views showing relationships to other relevant structures, landscape features and moveable items,
  - All external elevations,
  - Views of all external and internal spaces (eg. courtyards, rooms, roof spaces etc.) and,
  - External and internal detail (eg. joinery, construction joints, decorative features, paving types etc.)
- j) A CD, DVD or USB containing Electronic image files saved as RAW files with associated metadata, and cross-referenced to catalogue sheets.

The report should be presented on archival quality paper in a suitable archival binder and slipcase, and all storage of individual components must be in archival quality packaging suitable for long term storage.

One (1) complete copy of the Photographic Archival Recording shall be submitted to Council for accession to the Local Studies library collection.

#### **7. Archaeological Survey Required**

An Archaeological Survey of the site must be conducted. This survey shall be carried out by a suitably qualified and experienced heritage consultant, archaeologist or the like, and shall identify the likelihood of remains and/or artefacts, whether European or Aboriginal, being present on site.

Three (3) copies of the survey must be submitted to Council. A written acknowledgement from Council must be obtained (attesting to this condition being appropriately satisfied)

In the event that remnants or artefacts are found during the progression of works on the site, all works are to cease until the full requirements of this condition have been addressed. Remnants and artefacts discovered during demolition, earthworks or excavation shall be photographed, catalogued by location and description, and stored and preserved in a place agreed to by Council. Disposal of the remnants and artefacts shall only occur in consultation with, and subject to, the agreement of Council.

#### **8. Waste Management Plan**

A Waste Management Plan is to be prepared in accordance with the following: a) Estimated quantities of materials that are reused, recycled, removed from the site b) On site material storage areas during construction c) Materials and methods used during construction to minimise waste d) Nomination of end location of all waste generated. All requirements of the approved Waste Management Plan must be implemented during the construction of the development.

#### **9. Interpretation & Signage Strategy**

The Interpretation Strategy must detail how information on the history and significance of the site will be provided for the public, and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, or the display of selected artefacts are some means that can be used. The Interpretation & Signage Strategy is to be completed by a suitably qualified consultant with experience in

undertaking these Strategies. Two copies of the strategies are to be submitted to Council.

Instructive signage is to be developed in consultation with NPWS regarding style and content.

**10. Fencing**

All boundary fencing, and fencing within National Parks & Wildlife Service's lands, is to be subject of a final fencing plan. The final fencing design within the plan is to be undertaken in consultation with the respective landowners (e.g. National Parks & Wildlife Service).

**11. Heritage Interpretation Plan**

A Heritage Interpretation Plan must be submitted to Council. The Heritage Interpretation Plan to nominate the interpretive measures to be implemented, to provide for the interpretation of the heritage item. The Heritage Interpretation Plan to include details/drawings/specifications on the proposed location, medium, format, content and ongoing maintenance/management of interpretive measures for the Richmond Vale Railway.

**12. Waste Receptacles**

waste receptacles are only located to trailheads of the cycleway and users are otherwise required to carry out any waste/items they take into the cycleway area covered these approval conditions.

**13. Acid Sulphate Soil Management Plan**

If the development is likely to result in:

- a) the disturbance of more than 1 tonne of soil, or
- b) the disturbance of soils that are situated lower than the water table.

An Acid Sulphate Soil Management Plan must to be provided prior to the commencement of works. The Acid Sulphate Soil Management Plan is to be prepared in accordance with the Acid Sulfate Soil Laboratory Methods and Manual (ASSMAC, 1998).

All requirements of the approved Acid Sulphate Soil Management Plan must be implemented during the construction of the development.

**14 Crime Prevention Through Environmental Design**

It is recommended that the following Crime Prevention Through Environmental Design (CPTED) principles be incorporated into the detailed design (but are not limited to):

- a) The lighting and landscaping of carparks, rest areas, tunnels and crossing points along the trail.
- b) Signage at key entry points to the trail that clearly indicates user expectations and safety information.
- c) Ongoing maintenance and responses to damaged fencing, graffiti, illegal dumping and property damage.
- d) Fencing to restrict access to private property and minimise unauthorised entry.

- e) Directional signage that is clear and assist in way finding. In the event these recommendation/s are implemented, plans and details submitted in association with the CC application are to reflect this.

The plans and details must be approved as satisfying this requirement prior to construction.

## **Communications**

### **15. Community Liaison Plan**

The Proponent shall develop and implement a community liaison plan (CLP) to engage with government agencies, relevant councils, landowners, community members and other relevant stakeholders (such as impacted landowners and utility/service providers etc). The CLP shall provide a single, consistent consultation framework for proactive communications management for the duration of the construction period. The CLP shall comply with the obligations of these conditions and should include, but not necessarily be limited to:

- a) details of the protocols and procedures for disseminating information and liaising with the community and other key stakeholders about construction activities (including timing and staging) and any associated impacts during the construction period,
- b) details of the community liaison team appointed to manage and implement the plan,
- c) stakeholder and issues identification and analysis,
- d) identification of opportunities where community feedback will be sought throughout the project (including sustainability initiatives),
- e) procedures for dealing with complaints or disputes and response requirements, and
- f) details (including a program) of training for all employees, contractors and sub-contractors on the requirements of the CLP.

Sub-plans to the CLP will be developed as required. These sub-plans will detail site-specific consultation and communication requirements for construction works that impact residents, other stakeholders and businesses. They will also identify further mitigation measures and processes to reduce construction impacts.

### **16. 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)

### **17. Website**

The Proponent shall provide electronic information (or details of where hard copies of this information may be accessed by members of the public) related to the Project, on dedicated pages within its existing website, including:



- 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, and
- c) details of construction information

Detailed updates of work progress and construction activities shall be regularly provided on the website.

## **Environmental Management**

### **18. Environmental Induction**

Prior to the commencement of construction, all contractors shall be inducted by the Proponent on the key Project interfaces and associated environmental risks and procedures.

### **19. Environmental Management System**

Construction works shall be undertaken in accordance with the Proponent's environmental management system (EMS) which has been accredited as ISO14001 compliant.

### **20. Environmental Management Representative**

Prior to the commencement of construction, the PM shall appoint an EMR who is independent of the design and construction personnel of the Project, for the duration of the construction period for the Project.

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

- considering and advising the Proponent on matters specified in these conditions and compliance with such
- reviewing and where required by the PM, providing advice on the Project's induction and training program for all persons involved in the construction activities and monitoring implementation
- 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 PM;
- reporting weekly to the Proponent (unless otherwise requested by the PM)
- issuing a recommendation to the Proponent 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
- requiring reasonable steps to be taken to avoid or minimise unintended or adverse environmental impacts reviewing corrective and preventative actions to ensure the implementation of recommendations made from the audits and site inspections
- providing reports to the Proponent on matters relevant to the carrying out of the

EMR role as necessary

- where required by the PM, providing advice on the content and implementation of the CEMP in accordance with the conditions.

The EMR shall be available during construction activities to inspect the site(s).

## **21. National Park and Wildlife Requirements**

The use of the cycleway shall occur in accordance with the Operational Management Plan prepared to the satisfaction of National Parks & Wildlife Service (NPWS), for the sections of the cycleway on NPWS managed lands.

The Proponent is required to manage and maintain that part of the cycleway on NPWS managed lands.

All events proposed to occur on the cycleway which traverse National Parks & Wildlife Service lands will require a consent under the NPW Regulation and are to be undertaken in accordance with the NPWS Events, functions and venues policy at all times.

Domestic animals (including, but not limited to horses and dogs) are to be excluded along the full extent of the cycleway at all times. The Operational Management Plan is to detail the methods of exclusion for these animals, including but not limited to signage at all trailheads to the cycleway.

## **22. Construction Environmental Management Plan**

The Proponent shall prepare a CEMP prior to commencement of construction which addresses the following matters:

- a) Traffic and pedestrian management (in consultation with the relevant roads authority),
- b) noise and vibration management,
- c) water and soil management,
- d) air quality management (including dust suppression),
- e) indigenous and non-indigenous heritage management,
- f) flora and fauna management,
- g) storage and use of hazardous materials,
- h) contaminated land (including acid sulphate soils),
- i) weed management,
- j) waste management,
- k) light spill,
- l) sustainability initiatives,
- m) environmental incident reporting and management procedures, and
- n) non-compliance and corrective/preventative action procedures.

The CEMP shall:

1. 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.

The Proponent shall:

1. Consult with government agencies and relevant service/utility providers, impacted landowners (NPWS etc) as part of the preparation of the CEMP,
2. submit a copy of the CEMP 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 CEMP,
3. submit a copy of the CEMP to the PM (or nominated delegate) for approval upon completion of the EMR review period, at least 14 days prior to commencement of construction (or such time as is otherwise agreed to by the PM),
4. review and update the CEMP at minimum 6-monthly intervals, and in response to any actions identified as part of the EMR's audit of the document, and
5. ensure updates to the CEMP are made within 7 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 PM prior to the commencement of construction work associated with the Project.

### **PC Signage and Contact Details**

23. Prior to the commencement of works, a sign must be erected in a prominent position on the site on which the proposal is being carried out. The sign must state:
  - a) Unauthorised entry to the work site is prohibited.
  - b) The name of the principal contractor (or person in charge of the site) and a telephone number on which that person may be contacted at any time for business purposes and including outside working hours.
  - c) The name, address and telephone number of the PC for the work. Any such sign must be maintained while the work is being carried out, but must be removed when the work has been completed.

### **Traffic and Access**

#### **24. Traffic Management Plan**

The Proponent shall prepare a construction traffic management plan (TMP) as part of the CEMP which addresses, as a minimum, the following:

- a) A plan view of the entire site and frontage roadways indicating:
  - i. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
  - ii. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
  - iii. The locations of proposed work zones in the frontage roadways.
  - iv. Location of any proposed crane, concrete pump, truck standing areas on and off the site.

- v. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
  - vi. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
  - vii. An onsite parking area for employees, tradespersons and construction vehicles as far as possible.
  - viii. The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
  - ix. How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
  - x. The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a Chartered Civil Engineer.
- b) During excavation, demolition and construction phases, noise generated from the site must be controlled.
  - c) All site works must comply with the work health and safety requirements of SafeWork NSW.
  - d) During excavation, demolition and construction phases, toilet facilities are to be provided on site, at the rate of one (1) toilet for every twenty (20) persons or part of twenty (20) persons employed at the site.
  - e) All traffic control plans must be in accordance with the TfNSW publication Traffic Control Worksite Manual and prepared by a suitably qualified person (minimum 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of six (6) weeks prior to the proposed activity being undertaken.

The Proponent shall consult with the relevant road's authority during preparation of the TMP, as required. The performance of all Project traffic arrangements must be monitored during construction.

### **Contaminated Soil Management Plan**

- 25.** The applicant must prepare a Contaminated Soil Management Plan incorporating the following matters. The plan must be prepared or reviewed and approved by an appropriately qualified and certified environmental consultant accredited under a scheme, and approved by the PC as satisfying these matters prior to the commencement of works.
- a) Provision for further detailed assessment where appropriate to confirm the conclusions of any preliminary assessment and to determine whether any specific remediation or management of areas is required. The further assessment should be based on the following:
    - potential areas and types of contamination identified in this assessment; and

- the potential for exposure to workers and to end-users based respectively on the nature of the proposed construction works and the final design of the RVRT.

- b) Appropriate management controls to minimise the potential for exposure of contamination to workers and recreational users within the RVRT both during and post construction.
- c) Description of appropriate excavation, validation, management and/or disposal requirements for potentially contaminated materials, if identified by further assessment or encountered during the construction of the RVRT.
- d) Sampling and analysis requirements for assessment of potentially contaminated soils for re-use or for waste classification prior to offsite disposal.
- e) Contingency plans including unexpected finds protocols for potentially contaminated soils (if encountered) including landfill or anthropogenic waste and Potential Asbestos Containing Material (PACM)

## **26. Road Condition Reports**

Prior to construction commencing, the Proponent shall prepare road condition surveys and reports on condition of roads and footpaths affected by Construction. 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.

## **Lighting**

### **27. Outdoor Lighting**

Must be satisfied that any outdoor lighting is designed and positioned to minimise any detrimental impact upon the amenity of other premises, adjacent dwellings and the road reserve, and that the outdoor lighting complies with the relevant provisions of AS 1158.3:2005 Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282:1997 Control of the obtrusive effects of outdoor lighting.

## **Erosion and Sediment Control**

### **28. Erosion and Sediment Control**

Soil and water management measures shall be prepared and implemented as part of the CEMP for the mitigation of water quality and hydrology impacts during construction of the Project. The management measures shall be prepared in accordance with Managing Urban Stormwater: Soils and Construction 4th Edition (Landcom, 2004).

## **Heritage**

### **29. Indigenous and Non-Indigenous Heritage**

If previously unidentified indigenous or non-indigenous heritage/archaeological items are uncovered during construction works, all works in the vicinity of the find shall cease and appropriate advice shall be sought from a suitably qualified heritage consultant (and in consultation with the OEH Heritage Branch where appropriate). Works in the vicinity of the find shall not re-commence until clearance has been received from the heritage consultant.

### 30. Heritage Site Induction

Prior to the commencement of any works, all contractors, tradesmen and the like, shall be given a heritage site induction ('toolbox talk'). The heritage site induction shall be delivered by a suitably qualified Heritage Consultant and shall ensure that all contractors, tradesmen and the like, are made aware that: a) The site contains an item of heritage significance; b) A summary overview of why the place is identified as an item of heritage significance; c) All works involving heritage fabric are to be undertaken by suitably qualified trades with demonstrated experience relevant to the field; d) There are statutory obligations under the *National Parks and Wildlife Act 1974* and the *Heritage Act 1977* regarding Indigenous and built archaeology.

## CONDITIONS DURING WORKS

### Hour of Work & Site Security

31. Excavation, building or subdivision work must be restricted to the hours of 7.00am and 5.00pm on Monday to Saturday inclusive. Work is not to be carried out on Sundays and public holidays.

The site must be appropriately secured at all times

A copy of the approved plans must be kept on site for the duration of site works and be made available upon request.

### Complaints Management

32. 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 2 hours during all times construction is being undertaken and within 24 hours during non-construction times (unless the complainant agrees otherwise). A detailed written response is to be provided to the complainant within 7 calendar days. Responses to written complaints (email/letter) should be provided within 48 hours of receipt of the communication.

### Noise and Vibration

#### 33. 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 only be scheduled between the following hours unless otherwise agreed to by the PM (or nominated delegate), or as approved by EPA (where relevant to the issuing of an EPL), unless inaudible at nearby residential properties and/or other noise sensitive receivers:

- a) 8:00am to 12:00pm, Monday to Saturday, and

2:00pm to 5:00pm Monday to Friday.

#### 34. Construction Noise and Vibration

Construction noise and vibration mitigation measures shall be implemented through the CEMP, in accordance with the EPA's *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009). The



mitigation measures shall include, but not be 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. This includes further assessment of airborne noise impacts associated with tunnel construction,
- c) detail what reasonable and feasible actions and measures shall be implemented to minimize noise impacts (including those identified in the REF),
- 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 complaints, and

a description of how the effectiveness of actions and measures shall be monitored during the proposed works, clearly indicating 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.

### **Erosion & Sediment Controls**

35. The control of erosion, and the prevention of silt discharge into drainage systems and waterways, will be necessary in accordance with Council's 'Engineering Requirements for Development', and Landcom's Soils and Construction Manual - April 2004. Erosion control measures are to be implemented prior to the commencement of any earthworks, and shall be maintained until satisfactory completion and restoration of site earthworks, including revegetation of all exposed areas

### **Removal of Contaminated Soil**

36. Any soil proposed to be disposed of off-site must be classified, removed and disposed of in accordance with the New South Wales Environmental Protection Authority Waste Classification Guidelines 2014 and the Protection of the Environment Operations Act 1997.

Any soil which fails to meet the criteria is not to be disposed of off-site unless agreed to in writing by the Environment Protection Authority. Results of testing are to be forwarded to Cessnock Council for acknowledgement before any off-site disposal, and before proceeding with any construction works.

### **Acid Sulphate Soils**

37. The excavation and treatment of all potential and actual acid sulfate soils must be carried out in strict accordance with the provisions of the approved Acid Sulfate Soils Management Plan prepared for the site (where a plan has been required).

### **Waste Management**

38. Rubbish generated from the development is to be suitably contained on site at all times. No rubbish shall be stockpiled in a manner which facilitates the rubbish to be blown off site

## Graffiti and Advertising

39. Hoardings, site sheds, fencing, acoustic walls around the perimeter of the site, and any structures built as part of the Project are to be maintained free of graffiti and advertising not authorised by the Proponent during the construction period. Graffiti and unauthorised advertising will 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, and
- any unauthorised advertising material will be removed or concealed within 24 hours.

## Conditions prior to first use

### 40. Environmental Management Plan

An Environmental Management Plan is to be provided to prior to the first use of the development. The Environmental Management Plan is to include, but not limited to, the mitigation and management measures as outlined within the REF – Prepared by GHD – Dated March 2022, and is to take into consideration the entire length of the proposed trail. The Environmental Management Plan may form part of the Operational Management Plan. All requirements of the Environmental Management Plan must be implemented during the operation of the proposed development.

### 41. Implementation of Operational Management Plan

Prior to the first use, the recommendations and initiatives of the approved Operational Management Plan are to be fully implemented and completed. Evidence of compliance with this condition shall be submitted to NPWS and Council.

### 42. Fencing

Prior to the first use, fencing shall be provided in accordance with the Operational Management Plan.

### 43. Implementation of Heritage Interpretation Plan

Prior to the first use, the recommendations and initiatives of the approved Heritage Interpretation Plan are to be fully implemented and completed. Evidence of compliance with this condition shall be submitted to the satisfaction of Council's Heritage Advisor.

### 44. Retention of Railway Relics In-situ

All extant railway relics and infrastructure, (including but not limited to, railway track (sleepers, rails), points, platforms, signals, embankments, culverts, bridges, sidings) shall be retained and conserved in-situ, unless the modification, removal, relocation or adaptive re-use of such relics and infrastructure has explicitly been consented to under the terms of this approval.



Legend

- Proposed route
- Local Government Area
- Cadastre

Paper Size ISO A4  
 0 0.3 0.6 0.9 1.2 1.5  
 Kilometres



Cessnock City Council  
 Richmond Vale Rail Trail - Cessnock

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

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

Site location

**FIGURE 1**

G:\2\12529257\GIS\Map\12529257\_RVRT\_Lots\_LGA\_0.aprx\12529257\_M001\_SiteLocations\_LGA\_CessLMac\_0  
 Print date: 08 May 2020 - 16:13

Data source: LPI, DCDB, 2017. LPI\_Imagery\_Best: © Department of Finance, Services & Innovation 2017. Created by: TMorton

# Placeholder for Enclosure 5

Works and Infrastructure No. WI16/2023

Richmond Vale Rail Trail \_ Public Submissions \_  
Provided under Separate Cover

0 Pages