

Notice of decision – Modification to NorthConnex (SSI 6136 MOD 3)

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant infrastructure modification
Application number and project name	SSI 6136 MOD 3 – Modification to NorthConnex
Proponent	Transport for New South Wales (Roads and Maritime Services)
Approving authority	Minister for Planning and Public Spaces

Decision

The Minister for Planning and Public Spaces has, under s.5.25 of the *Environmental Planning and Assessment Act 1979* (**the Act**) approved the modification subject to the recommended conditions.

A copy of the instrument of modification is available at:

<https://www.planningportal.nsw.gov.au/major-projects/project/13681>

A copy of the Planning Secretary's Assessment Report is available at:

<https://www.planningportal.nsw.gov.au/major-projects/project/13681>

Date of decision

18/12/2019

Reasons for decision

The following matters were taken into consideration in making this decision:

- the matters identified in the statutory context section of the Planning Secretary's Modification Assessment Report;
- all information submitted to the Department of Planning, Industry and Environment during the assessment of the application;
- the findings and recommendations in the Planning Secretary's Modification Assessment Report; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Modification Assessment Report were accepted and adopted as the reasons for making this decision.

The key reasons for approving the modification are as follows:

- the amendments to the project would:
 - replace the approved volatile organic compound (VOC) 1 mg/m³ emission limit with 4 mg/m³; and
 - provide a reasonable margin for compliance in the event that short term incidents such as vehicle break downs or incidents occur.
- the project has been endorsed by the NSW Government by being a key component of:
 - State Infrastructure Strategy 2021 – 2032; and
 - NSW Long Term Transport Masterplan 2012.
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through the existing and recommended conditions of approval; and
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the modification request from 30 August 2019 until 12 September 2019 (14 days) and received 197 public submissions, including 183 objecting to the modification, 12 submissions of comment and two of support.

The key issues raised by the community (including in submissions) and considered in the Planning Secretary's Modification Assessment Report and by the decision maker include air quality and public health and the transcription error resulting in a lack of confidence in other technical reports. Other issues are addressed in detailed in the Planning Secretary's Assessment Report.

Issue	Consideration
<p>Air quality</p> <ul style="list-style-type: none"> • Concern over the proposed increase in VOC limits. • Objection to four-fold increase in toxic VOC levels to 4 mg/m³. • 2 mg/m³ could be a reasonable compromise. 	<p>Assessment</p> <ul style="list-style-type: none"> • The proposed increase in VOC limit from 1 mg/m³ to 4 mg/m³ will manage short term incidents such as break downs or incidents, which may bring traffic to a standstill and trigger a notification as required by condition E11 of the approval. • The proposed increase in VOC limits to 4 mg/m³ will not result in adverse air quality impacts. • The proposed increase in VOC limits to 4 mg/m³ will allow the management of short-term incidents even if the tunnel is at capacity. The increased limit is considered acceptable and is consistent with other motorway projects in NSW. <p>Recommended Conditions</p> <p>Conditions include:</p> <ul style="list-style-type: none"> • The Department recommends condition E11 of the approval be amended to reflect the proposed modification of VOC outlet limit from 1 mg/m³ to 4 mg/m³. • Existing conditions will ensure air quality impacts are managed.
<p>Public health</p> <ul style="list-style-type: none"> • Requested that ventilation outlets be filtered. • No safe levels of exposure to emissions. • Potential human health impacts to surrounding schools and residents. • Relocate the ventilation stacks away from schools and residential areas. 	<p>Assessment</p> <ul style="list-style-type: none"> • The project (as modified) will meet relevant ambient air quality assessment goals within the vicinity of the approved ventilation outlets. • A comprehensive suite of conditions requiring the management of air quality are included in the original approval. • The proposed increase in VOC outlet limits is consistent with other motorway projects in NSW. <p>Response</p> <ul style="list-style-type: none"> • Existing conditions will ensure air quality impacts are managed, and as such, no further conditions are required

on this matter.

Transcription Error

- Lack of confidence in other technical aspects of the project due to proponent identifying the proposal as “transcription error”.
- Possibility that the original assessment was incorrect.

Assessment

- Following the approval of the NorthConnex project, additional modelling was undertaken. The potential for non-compliance with a VOC emission limit of 1 mg/m³ was discovered.
- An amendment to the maximum VOC outlet limit from 1 mg/m³ to 4 mg/m³ is required in order to achieve compliance with condition E13 of the approval.

Response

- No further conditions are required on this matter.