

Notice of decision – Modification of Newcastle Inner City Bypass Rankin Park to Jesmond [SSI 6888 MOD 1]

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 6888 MOD 1 NICB - Rankin Park to Jesmond Bypass – Additional Ancillary Facilities
Applicant	Transport for NSW
Approving authority	Minister for Planning

Decision

The Minister for Planning 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/40836>.

A copy of the Planning Secretary's Assessment Report is available at <https://www.planningportal.nsw.gov.au/major-projects/project/40836>.

Date of decision

7 February 2022

Reasons for decision

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

- the matters listed in the statutory context section of the Planning Secretary's Assessment Report;
- all information submitted to the Department during the assessment of the modification application;
- the Objects of the Act;
- the findings and recommendations in the Planning Secretary's Assessment Report; and
- the views of the community about the project (see **Attachment 1**).

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

The key reasons for approving the modification are as follows:

- additional construction ancillary facilities (herein referred to as ancillary facilities) are required for the approved project to proceed as the site for the approved main ancillary facility (Compound A) is no longer available for use;
- the impacts on the community and the environment can be appropriately minimised and managed through the application of best-practice standard mitigation measures consistent with applicable NSW Government policies and standards;
- the project has been endorsed by the NSW Government by being a key component of the *Future Transport Strategy 2056*, *Regional NSW Services and Infrastructure Plan* (2018), *State Infrastructure Strategy 2018-2038*, *Hunter Regional Plan 2036*, *Greater Newcastle Metropolitan Plan 2036*, *Greater Newcastle Future Transport Plan* (2018) and *NSW Freight and Ports Strategy* (2013);
- the issues raised by the community and public authorities during consultation and in submissions have been considered and addressed through the Proponent's response to submissions and 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 16 June 2021 until 30 June 2021 (15 days) and received 41 submissions. Of the submissions received, 38 were from community members (35 unique submitters), one was from a special interest group (Save Peatties Road Action Group - SPRAG) and two were from local councils (City of Newcastle and Lake Macquarie City Council). Twenty-seven of the community submitters and SPRAG objected to the proposal.

The Department also met with SPRAG to discuss their concerns over the use of the Peatties Road site.

The key issues raised by the community (including in submissions) and considered in the Planning Secretary's Assessment Report and by the decision maker include noise, traffic and access, and biodiversity. Other issues are addressed in the Planning Secretary's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<u>Traffic and access</u> <ul style="list-style-type: none"> Construction vehicles parking on local streets Safety of pedestrians and cyclists along Peatties Road as there is no footpath Heavy construction vehicles being able to safely turn into and out of Peatties Road at Charlestown Road Motorist safety due to increases in heavy vehicle traffic The increase in vehicle movements along Peatties Road Increase in queueing at the Charlestown Road intersection Construction vehicles damaging local roads 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> Construction vehicles will only park in the ancillary facilities. Heavy construction vehicles turning into and out of Peatties Road at Charlestown Road will require traffic controllers to mitigate risks. There will be a small increase in heavy vehicle movements, with most heavy vehicle movements expected during site establishment and demobilisation. Peatties Road will see a temporary and maximum 15 per cent increase in vehicle movements (120 two-way vehicle movements). The traffic light timing at the intersection of Charlestown Road and Peatties Road can be adjusted to accommodate any traffic queueing. Existing conditions include road dilapidation surveys and requirements to rectify damage attributable to the project. <p><i>Recommended Conditions</i></p> <p>The Proponent must:</p> <ul style="list-style-type: none"> install a temporary pedestrian footpath on Peatties Road between Charlestown Road and five metres westwards past the ancillary facility provide traffic controllers during peak periods on school days and when heavy vehicles are accessing the ancillary facility.
<u>Biodiversity</u> <ul style="list-style-type: none"> Impacts to local flora and fauna due to habitat removal, noise, and light spill Lack of detailed information on weed management, which trees are being removed, and measures for protecting fauna and their habitat Concern about the accuracy of the BDAR and the extent of site investigations Removal of street trees on Peatties Road 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The infrastructure approval and Proponent's committed environmental mitigation measures seek to minimise impacts of the project on the surrounding environment. A pre-clearance survey will be undertaken before any clearing is conducted to minimise impacts to fauna. The Proponent's environmental mitigation measures address weed management and biodiversity impacts. DPIE Biodiversity and Conservation Division reviewed the Biodiversity Development Assessment Report and confirmed that it was prepared in accordance with the Biodiversity Assessment Method. Street trees on Peatties Road will be protected with the Proponent committed to identifying and demarcating tree exclusion zones. A minimum buffer distance of three metres will be provided between the ancillary facility site boundary and adjacent areas of

	<p>native vegetation at the Peatties Road ancillary facility.</p> <p><i>Recommended Conditions</i></p> <p>The Department has recommended conditions requiring the Proponent:</p> <ul style="list-style-type: none"> • preserve the street trees on Peatties Road where possible, and replace any trees that have been removed • provide a net increase in replacement trees.
<p><u>Noise and Vibration</u></p> <ul style="list-style-type: none"> • Concern about noise impacts given the rural nature of Peatties Road and Wimbledon Grove • Sleep disturbance caused by out-of-hours work • Cumulative noise and vibration impacts from the Cardiff Road and Peatties Road sites • Noise impacts caused by additional vehicle movements, generators and stockpiling • Request for noise monitoring and additional noise mitigation measures • Request to limit work hours from 9:30 am to 2:30 pm 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • Construction noise impacts are unavoidable due to the close proximity of residences to the proposed ancillary facilities. • The Proponent has committed to a range of management measures to reduce noise impacts as part of the approved project. • The infrastructure approval includes conditions that require the Proponent to proactively manage activities to minimise construction noise. This includes provision of respite periods in consultation with the community, limits on the hours that highly noise intensive work can be undertaken, implementation of a Construction Noise and Vibration Management Plan, and noise monitoring. • The majority of site establishment works and activities at the ancillary facilities would mainly be carried out during standard hours, limiting night-time noise impacts. • The Peatties Road and Lookout Road ancillary facilities would be used periodically to support work outside standard hours. <p><i>Recommended Conditions</i></p> <p>The infrastructure approval and Proponent's environmental mitigation measures approved as part of the original assessment are considered suitable. No further conditions are required.</p>