



Newcastle Inner City Bypass Rankin Park to Jesmond – Modification 1

Three additional construction ancillary sites
State Significant Infrastructure Modification Assessment
(SSI 6888 MOD 1)

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Glossary

Abbreviation	Definition
BAM	Biodiversity Assessment Method
BC Act	<i>Biodiversity Conservation Act 2016</i>
BCD	DPE Biodiversity and Conservation Division
BDAR	Biodiversity Development Assessment Report
Department	Department of Planning and Environment
DPIE	Department of Planning, Industry and Environment (former)
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
Heritage NSW	Heritage NSW, Department of Premier and Cabinet
Minister	Minister for Planning and Public Spaces
NML	Noise management level
PCT	Plant community type
Planning Secretary	Planning Secretary of the Department of Planning and Environment
Proponent	Transport for NSW
Relevant councils	City of Newcastle Council, Lake Macquarie City Council
RMS	Former Roads and Maritime Services, now TfNSW
SPIR	Submissions and Preferred Infrastructure Report
SPRAG	Save Peatties Road Action Group
SSI	State Significant Infrastructure
TfNSW	Transport for NSW

Executive Summary

The Newcastle Inner City Bypass – Rankin Park to Jesmond (SSI 6888) (the Project) was approved on 15 February 2019 by the then NSW Minister for Planning. The Project comprises the construction of 3.4 kilometres of new four-lane divided road between Lookout Road, New Lambton Heights and Newcastle Road, Jesmond. The project is located in the Newcastle local government area, about 11 kilometres west of the Newcastle central business district. It is the fifth and final section of the Newcastle Inner City Bypass (NICB), which would ultimately provide improved connectivity between key regional destinations such as Bennetts Green, Charlestown and Jesmond shopping centres, John Hunter Hospital, The University of Newcastle, and the Pacific Highway at Sandgate. The approved Project includes the establishment and operation of temporary construction ancillary facilities (ancillary facilities) at six locations, including a main ancillary facility to the west of the existing carpark at the northern end of the John Hunter Health and Innovation Precinct.

Transport for NSW (the Proponent) has submitted a request to modify the project approval for the establishment and use of three additional ancillary facilities to support construction of the Project:

- Lookout Road site - a 0.1 hectare site located at 136 Lookout Road, New Lambton Heights and currently a residential dwelling
- Cardiff Road site - a 0.4 hectare site located on disturbed vacant land at 10 and 12 Main Road, Cardiff Heights and 60 Marshall Street, New Lambton Heights. The site is owned by the Proponent
- Peatties Road site - a 1.7 hectare site located at 1/6 Peatties Road, Kotara that is a former quarry site. The northern part of the site is owned by the City of Newcastle and the southern part by Sydney Trains.

These ancillary facilities are required as the site of the approved main ancillary facility is no longer available. Peatties Road will be used as the main ancillary facility and will primarily be used to support the Project and is where the majority of the Project offices and staff facilities (bathrooms, staff rooms, parking) will be located. Cardiff Road will be used for longer-term storage and the Lookout Road site will support Peatties Road and will contain additional offices and staff facilities.

In addition to the proposal to establish the ancillary facilities, the Proponent seeks to amend Condition A1 (which identifies the documents the Project must be carried out in accordance with), and Condition E63 (which requires that local roads that have not been assessed in the Environmental Impact Statement (EIS) or Submissions and Preferred Infrastructure Report (SPIR) be approved by the Planning Secretary through the Construction Traffic and Transport Management Sub-plan).

The modification also includes minor administrative changes to other conditions to reflect changes in agency names, current standard terminology and Departmental procedures.

Assessment process and community engagement

The Modification Report was publicly exhibited from 16 to 30 June 2021 (15 days). During the exhibition period, the Department received a total of 41 submissions on the proposal. Of the submissions received, two were from Councils, one from a special interest group and 38 were from community members (35 unique submitters). Thirty of the submissions (27 unique submitters) and the special interest group

objected to the proposal, and eight community member submissions provided comments. Four government agencies provided advice on the proposal.

Neither the City of Newcastle nor Lake Macquarie City Council made a formal submission objecting to the modification proposal. However, on 28 September 2021, the City of Newcastle Council passed a motion to refuse to lease their land at Peatties Road to the Proponent. On 25 October 2021, Lake Macquarie City Council passed a motion which, in effect, supports City of Newcastle's refusal to lease the land at the Peatties Road site.

Key assessment issues

Traffic and access

The establishment and use of the ancillary facilities would not generate significant traffic volumes. The greatest number of movements would be at the Peatties Road ancillary facility, where a 15% increase in vehicle movements is predicted (worst-case modelling scenario). However, construction vehicles would not pass residences and Peatties Road has sufficient capacity to accommodate increased traffic movements.

The Department considers that the existing conditions of approval effectively manage potential traffic and access impacts associated with the construction and operation of the proposed ancillary facilities. To safeguard pedestrian and cyclist access on Peatties Road, the Department has recommended the Proponent provide a temporary footpath on Peatties Road and traffic controllers during peak periods on school days.

Biodiversity

A Biodiversity Development Assessment Report (BDAR) has been prepared and assessed the impact of the proposal on the biodiversity values of the proposed ancillary facility sites. The assessment concluded that the use of the sites would not have any direct or indirect impacts on threatened species, populations, or communities. In addition, no impacts to threatened species habitat for aquatic species or matters of national environmental significance were identified. Subsequently, no offset credit requirements are required. At the Peatties Road ancillary facility site, 0.2 hectares of low condition native vegetation associated with an artificial wetland would be removed. This vegetation does not meet the definition of any threatened ecological communities.

A minimum buffer distance of three metres will be provided between the ancillary facility site boundary and adjacent areas of native vegetation at Peatties Road. The Proponent has committed to identify and demarcate tree exclusion zones in accordance with its Biodiversity Guidelines. The Department has also recommended a condition requiring street trees on Peatties Road (which are to be retained) be protected due to their importance to the local community (several trees were planted by the community in the early 2000's) and their ability to act as a visual and noise barrier.

Noise and vibration

The proposed modification will result in noise impacts to residences adjacent to the proposed ancillary facilities. Impacts are unavoidable, due to the proximity of residents to the facilities. The Proponent identified a range of measures to assist in mitigating noise impacts. In addition, the Project 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.

The majority of site establishment works and activities at the ancillary facilities would be carried out during standard hours from 7:00 am to 6:00 pm Monday to Friday, and from 8:00 am to 5:00 pm on Saturdays, limiting night-time noise impacts. However, the Peatties Road and Lookout Road ancillary facilities would be used periodically to support work on the alignment undertaken outside standard hours. In these circumstances, the Proponent would engage with the community as part of the management of associated noise impacts.

The Department considers that the Proponent's mitigation measures, and the conditions of approval, would reduce noise impacts on neighbouring residents.

Conclusion and recommendation

The Department has reviewed the Modification Report, community and council submissions, government agency advice, and the Submissions Report, and assessed the key issues arising from the proposed changes to the approved project.

Overall, the environmental impacts associated with the modification are manageable with the Proponent's mitigation measures and the recommended conditions of approval, including the construction of a temporary footpath along Peatties Road, and protection of street trees on Peatties Road. The Department recommends the modification be approved, subject to recommended conditions.

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1 Introduction

This report provides an assessment of an application by Transport for NSW (TfNSW) (the Proponent) to modify the State Significant Infrastructure (SSI) approval for the Newcastle Inner City Bypass – Rankin Park to Jesmond (SSI-6888) (the Project).

The Proponent's modification application seeks approval for establishment and use of an additional three temporary construction ancillary facilities (ancillary facilities) at Peatties Road in Kotara, Cardiff Road in Cardiff Heights and Lookout Road in New Lambton Heights.

The application was lodged on 28 May 2021 pursuant to section 5.25 *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background

The Newcastle Inner City Bypass – Rankin Park to Jesmond comprises the construction of 3.4 kilometres of new four-lane divided road between Lookout Road, New Lambton Heights and Newcastle Road, Jesmond. The project is located in the Newcastle local government area, about 11 kilometres west of the Newcastle central business district (**Figure 1**). It is the fifth and final section of the Newcastle Inner City Bypass and will ultimately provide improved connectivity between key regional destinations such as Bennetts Green, Charlestown and Jesmond shopping centres, John Hunter Hospital, The University of Newcastle, and the Pacific Highway at Sandgate.

The approved project includes the establishment and use of construction ancillary facilities at six locations, including a main facility (Construction Compound A in **Figure 2**) to the west of the existing carpark at the northern end of the John Hunter Health and Innovation Precinct. Since approval of the project, Health Infrastructure NSW and Hunter New England Health District advised the Proponent that the construction of the John Hunter Health and Innovation Precinct project (hospital project) will occur sooner than anticipated and coincide with construction of the bypass. This results in a major reduction to the area of Compound A and renders it unusable. Consequently, alternative ancillary facilities were investigated by the Proponent.

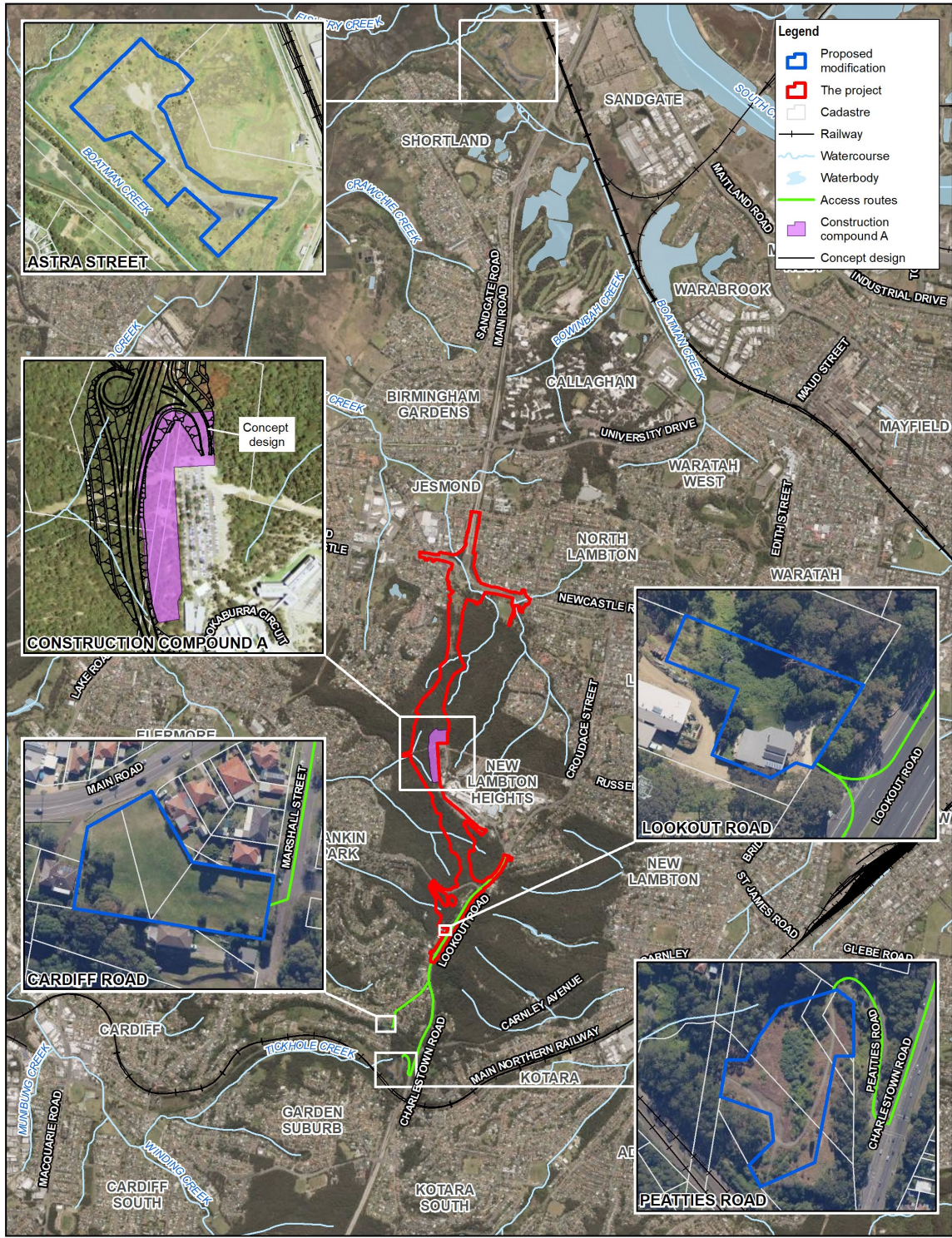
Condition A14 of the Project approval allows for the establishment of additional ancillary facilities not specified in the *Newcastle Inner City Bypass – Rankin Park to Jesmond Environmental Impact Statement* (RMS, 2016) (EIS) and the *Submissions and Preferred Infrastructure Report Newcastle Inner City Bypass Rankin Park to Jesmond* (SPIR), only if they satisfy a number of criteria. The proposed ancillary facilities do not meet the criteria, and hence a modification to the approved project is sought.

The application sought approval for a fourth ancillary facility at Astra Street in Shortland; however, City of Newcastle Council advised that the site (which it owns) is not available based on its proposed remediation program for the former landfill site. As such, the Proponent withdrew the proposal for Astra Street in the Submissions Report. The Proponent also originally requested that Conditions A29-A33 be removed to align with recent approvals and the latest DPIE guidelines on compliance monitoring and reporting. However, this request was withdrawn in the Submissions Report following objections raised in submissions.



Rankin Park to Jesmond

Figure 1 | Regional Context Map (Source: Modification Report)



Rankin Park to Jesmond

Project and proposed modification overview

Figure 2 | Location of ancillary facilities (Source: Modification Report)

1.2 Approval history

The Newcastle Inner City Bypass – Rankin Park to Jesmond (SSI 6888) was approved on 15 February 2019 by the then NSW Minister for Planning. The approved project included the following key infrastructure:

- a northern interchange providing access to Newcastle Road and the existing Jesmond to Shortland section of the Newcastle Inner City Bypass
- a full interchange providing access between the John Hunter Hospital precinct and the Newcastle Inner City Bypass
- a southern interchange providing access to Lookout Road, McCaffrey Drive and the Kotara to Rankin Park section of the Newcastle Inner City Bypass
- structures along the road to allow for drainage, animal and pedestrian access
- pedestrian and cycling facilities, including a shared path bridge over Newcastle Road and grade separation of the existing east-west Jesmond Park shared path at the northern interchange
- permanent operation water quality treatment measures.

The Proponent completed the replacement of a pedestrian crossing of Newcastle Road near Jesmond Park with a shared path bridge. Main line construction is expected to commence in 2022.

The project approval has not been previously modified.

2 Proposed modification

The Proponent is seeking approval for the establishment and use of three additional ancillary facilities to support construction of the Project (**Figure 2**):

- Lookout Road site – this 0.1 hectare site is located at 136 Lookout Road, New Lambton Heights, the site has been acquired by the Proponent (**Figure 3**)
- Cardiff Road site – this 0.4 hectare site is located on disturbed vacant land at 10 and 12 Main Road, Cardiff Heights and 60 Marshall Street, New Lambton Heights. The site is owned by the Proponent (**Figure 4**)
- Peatties Road site – this 1.7 hectare site is located at 1/6 Peatties Road, Kotara and was a former quarry site (**Figure 5**). The northern part of the site is owned by the City of Newcastle and the southern part by Sydney Trains.



Figure 3 | Lookout Road ancillary facility boundary
(Source: Modification Report)



Figure 4 | Cardiff Road ancillary facility boundary
(Source: Modification Report)

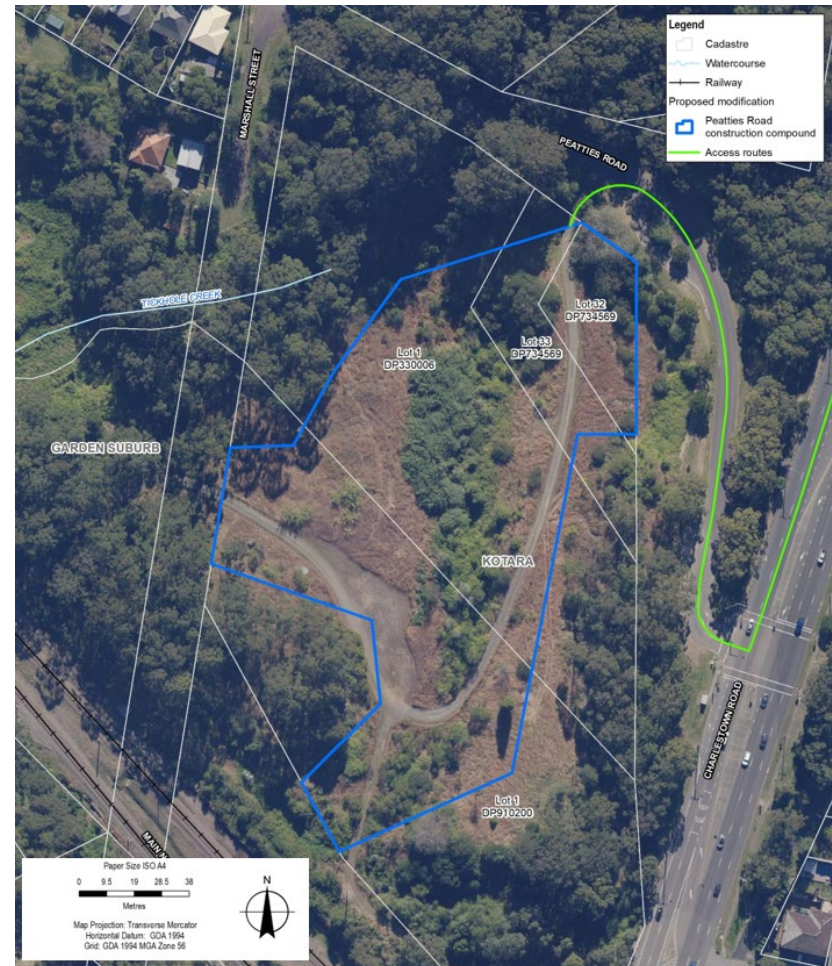


Figure 5 | Peatties Road ancillary facility boundary
(Source: Modification Report)

The sites were selected based on their proximity to the main work areas, and because they would not result in significant environmental or social impacts. In addition, the sites provide separation between office-based light vehicles and heavy vehicle movements for construction, and enable office staff to safely enter and leave the road network.

Consequent to the proposal to establish the ancillary facilities, the Proponent also seeks to amend the following conditions:

- Condition A1 – this identifies the documents the SSI must be carried out in accordance with
- Condition E63 – this requires that local roads that have not been assessed in the EIS or SPIR be approved by the Planning Secretary through the Construction Traffic and Transport Management Sub-plan.

Following concerns over pedestrian, cyclist and motorist safety arising from the use of the Peatties Road site, the Proponent agreed there is a need to provide safe access in this location. Provision of this access has the potential to impact on adjacent vegetation and street trees. Use of the site also has the potential to impact on the adjoining Tickhole Creek, if not managed appropriately. Consequently, the Department has recommended that the approval be amended to include conditions that address these issues.

In addition, Condition E68 has been amended to make it clear that the requirement for Road Dilapidation Reports includes roads used during the establishment of ancillary facilities.

The modification also includes minor administrative changes to reflect recent changes in Departmental process, agency names and standard terminology. The recommended changes are listed in **Table 1**.

Table 1 | Modifications to the Conditions of Approval

Condition	Approved Condition Intent	Proposed Change	Justification
A1	Condition A1 lists the documents that the SSI must be carried out in accordance with.	Modify the condition to include the Modification Report and the Modification Submissions Report.	The project must be carried out in accordance with these two documents.
A15	Requires the preparation of an Ancillary Facility Establishment Management Plan.	Change the requirement for consultation with City of Newcastle to Relevant Councils. Figures required must now illustrate parking.	The modification includes land within the Lake Macquarie local government area, and therefore that council should be consulted. Illustration of on-site parking to confirm that there will be no on-street parking along Peatties Road.
A18A	<i>New Condition</i>	To restrict the type of material that may be stored/stockpiles at the Peatties Road ancillary facility.	To ensure that noise and dust impacts to local residents and heavy vehicle movements on Peatties Road are reduced.

Condition	Approved Condition Intent	Proposed Change	Justification
A21A	<i>New Condition</i>	The Peatties Road ancillary facility must not extend beyond the boundary line marked in blue in Figure 1 of Appendix A of the approval.	To ensure that vegetation on the boundary of Peatties Road is protected.
A37	Incident notification and reporting	Modified to refer to the Major Projects Portal and remove the compliance email address.	To reflect the change to incident reporting which now requires notification via the Major Projects Portal. Appendix B (formerly A) has also been modified to reflect this approach.
E3-E4	Impacts to plant community types and the Biodiversity Offset Strategy	Change references from the SPIR to Condition A1.	To ensure that all relevant planning assessment reports are considered.
E11A	<i>New Condition</i>	<p>Impacts to street trees in the Peatties Road reservation between Charlestown Road and five metres passed the Peatties Road ancillary facility entry/exit point are not permitted, except for the construction of the footpath required under Condition E71A, vehicular access to the Peatties Road ancillary facility, bushfire requirements, and traffic safety requirements.</p> <p>Where trees are to be removed, the Proponent must provide a net increase in the number of replacement trees. The replacement trees must be planted along or adjoining Peatties Road in consultation with City of Newcastle.</p>	<p>To preserve the existing street trees on Peatties Road.</p> <p>To ensure that any trees that are removed are replaced.</p>
E63	Local roads to be used by heavy vehicles not assessed in the EIS and SPIR must be approved by the planning secretary.	Changes the reference to the EIS and SPIR to Condition A1.	To enable the use of local roads for the additional ancillary facilities to be approved by the Planning Secretary via approval of this proposed modification.
E68	A Road Dilapidation Report must be prepared before any local road is used by a heavy vehicle.	Include reference to the establishment of ancillary facilities.	To ensure that a dilapidation report is prepared before the proposed ancillary facilities are established.

Condition	Approved Condition Intent	Proposed Change	Justification
E70A-70B	<i>New Condition</i>	A traffic controller must be present at the entry/exit point of the Peatties Road facility on school days between 7:00 am to 9:00 am and 2.30 to 4.00pm, any time heavy vehicles are entering and leaving the Peatties Road ancillary facility, and near the intersection of Peatties Road and Charlestown Road when heavy vehicles enter/exit Peatties Road.	To ensure pedestrian, cyclist and motorist safety.
E71A	<i>New Condition</i>	A temporary footpath must be constructed between Charlestown Road and five metres passed the Peatties Road ancillary facility entry/exit point along Peatties Road before the establishment of the Peatties Road ancillary facility commences.	To ensure that pedestrians and cyclists can safely pass the Peatties Road ancillary facility.
E87-E89	<i>New Conditions</i>	Conditions to ensure that no water flows into Tickhole Creek, a buffer is provided between the Peatties Road facility and the top of the bank at Tickhole Creek, and the design of the access road does not impact the existing Tickhole Creek culvert.	To ensure the stability of the creek banks and protect water quality.
General Housekeeping		<p>The Department has recommended a number of minor changes be made to reflect new agency, Council and Department names.</p> <p>A new definition has been added “Relevant councils”. Due to the inclusion of Cardiff Road, the project is now located in Lake Macquarie City Council in addition to City of Newcastle.</p> <p>Where required, references to “Newcastle City Council” have been updated to “relevant council”.</p> <p>References to “Newcastle City Council” not changed to “relevant council” have been changed to “City of Newcastle.”</p>	
Appendices		<p>Insert a new Appendix A</p> <p>Insert existing Appendix B into Appendix A</p> <p>Change existing Appendix A to Appendix B</p>	

3 Strategic context

The Department notes that some of the strategic plans that underpinned the original approval have been superseded. However, the Department is satisfied that the proposed modification does not alter the strategic need for the project, which remains consistent with the current NSW strategic planning policy framework as follows:

- *State Infrastructure Strategy 2018 – 2038*, as it provides sufficient road capacity to meet traffic demand and provide travel time savings for traffic, including freight movements, to provide safer road conditions to support future growth and tourism
- *Future Transport 2056 Strategy*, as it supports improving accessibility within Newcastle and the Hunter region by providing a more efficient freight route through Newcastle, and would address existing road safety issues along the existing route
- *Regional NSW Services and Infrastructure Plan (2018)* which identified the Newcastle Inner City Bypass – Rankin Park to Jesmond as a committed initiative within the Hunter region
- *Hunter Regional Plan 2036*, as Direction 4 specifically recognises the need to complete the Newcastle Inner City Bypass
- *Greater Newcastle Metropolitan Plan 2036*, as the project's central interchange at the John Hunter Hospital is an outcome in the plan for the John Hunter Hospital catalyst area. The Plan also identifies the Project as one of a number within Greater Newcastle to reduce the conflict between freight and residential land uses
- *Greater Newcastle Future Transport Plan (2018)* notes the completion of the Newcastle Inner City Bypass between Rankin Park and Jesmond will support improved access across Greater Newcastle and to the John Hunter Hospital Health Precinct
- *NSW Freight and Ports Strategy (2013)*, as the Project will provide an efficient freight route through Newcastle, reducing traveling times for regional heavy vehicle movements through the Project area.

4 Statutory context

4.1 Scope of modifications

In accordance with section 5.25 of the EP&A Act, a Proponent may request the Minister to modify the approval for State significant infrastructure. The Minister's approval for a modification is not required if the infrastructure as modified will be consistent with the existing approval. The additional ancillary facilities are not consistent with the existing approval. Consequently, modification of the Minister's approval under section 5.25 of the EP&A Act is required.

4.2 Biodiversity Conservation Act 2016

The biodiversity assessment reports prepared to support the EIS and SPIR were prepared in accordance with the *Threatened Species Conservation Act 1995*. This Act has since been replaced by the *Biodiversity Conservation Act 2016* (BC Act).

Section 7.17 of the BC Act applies to an application for the modification of a State significant infrastructure approval that was granted after the commencement of the BC Act. Section 7.17(2)(c) of the BC Act provides that a Biodiversity Development Assessment Report (BDAR) is not required if the person determining the environmental assessment requirements for the application is satisfied that the modification will not increase the impact on the biodiversity values of the project, as modified.

As the proposed modification potentially impacted the biodiversity values of the additional ancillary facilities, the Department required a BDAR be prepared in accordance with the BC Act and the Biodiversity Assessment Method (BAM). A BDAR was submitted as part of the modification application.

5 Engagement

5.1 Department's engagement

Under section 5.28(1)(g) of the EP&A Act, the Planning Secretary is required to make requests for modification of approvals determined by the Minister (or their delegate) publicly available. The Department made the modification request publicly available on its website and exhibited the modification between 16 and 30 June 2021. The Department advertised the exhibition in the Newcastle Herald on 16 June 2021 and referred the modification request to City of Newcastle and Lake Macquarie City Council.

The modification request was referred to the following government agencies for advice:

- DPE Biodiversity and Conservation Division (BCD)
- DPE Water and the Natural Resources Access Regulator
- Environment Protection Authority (EPA)
- Heritage NSW (Aboriginal Cultural Heritage Regulation Branch)

During the Department's assessment of the modification, Department staff met with representatives from the Save Peatties Road Action Group (SPRAG) on 16 September 2021.

5.2 Summary of agency advice and community submissions

During the exhibition period, the Department received a total of 41 submissions on the proposal. Of the submissions received, two were from Councils, one was from a special interest group and 38 were from members of the community (35 unique submitters). Thirty of the submissions (27 unique submitters) and the special interest group objected to the proposal, and eight community member submissions provided comments. Neither City of Newcastle nor Lake Macquarie City Council objected to the proposed modification in their submissions.

In addition, advice on the proposal was provided by four government agencies.

A summary of the advice and submissions is provided in **Table 2** and **Table 3**, and a link to the full copy of the submissions is provided in **Appendix C**.

Table 2 | Summary of agency advice

Agency	Number	Position
DPE Biodiversity and Conservation Division (BCD)	1	Comment
DPE Water and the Natural Resources Access Regulator	1	Comment
EPA	1	Comment
Heritage NSW (Aboriginal Cultural Heritage Regulation Branch)	1	Comment
Total agency advice	4	

Table 3 | Summary of Council, Special Interest Group and Community Submissions

Submitter	Number of submitters	Position
Local council		
City of Newcastle	1	Comment
Lake Macquarie City Council	1	Comment
Special Interest Group		
Save Peatties Road Action Group	1	Object
Community Members		
	27	Object
	0	Support
	8	Comment
TOTAL	38	10 Comment, 28 Object

5.3 Key advice provided by Government agencies

BCD sought clarification on the targeted threatened flora surveys that were undertaken, and questioned whether the freshwater dam on the Peatties Road site was surveyed as suitable habitat for the threatened flora species *Maundia triglochoides*.

EPA advised existing conditions relating to construction noise and construction air quality adequately addressed the management of these issues. EPA noted the assessment does not predict significant water quality impacts and that sediment and erosion controls would be generally consistent with the *Managing Urban Stormwater* (Landcom, 2004).

Heritage NSW advised that it is satisfied with the Aboriginal cultural heritage assessment and had no comments on the modification application.

DPE Water and the Natural Resources Access Regulator had no comments.

5.4 Key issues raised by Councils

Lake Macquarie City Council stated that it remained supportive of the Project. It advised the impact of heavy vehicles to and from the Cardiff Road ancillary facility during peak times should be considered, and made recommendations regarding the repair of local roads used by construction traffic. Council requested details on the measures to be implemented to reduce construction noise impacts and reinforced the need to mitigate impacts associated with stockpiling on the site. It also stressed the importance of informing nearby impacted residents of scheduled activities.

City of Newcastle requested further information on the use of the proposed ancillary facilities. Council advised that the Astra Street site was not available for use by TfNSW based on its proposed remediation program for the site. Council raised no objection to the use of the other sites provided that tree protection plans are prepared and implemented for street and park trees on council land within and adjacent to the ancillary facilities; pre- and post-dilapidation reports are prepared for council's access and local roads used by construction traffic; and squirrel glider habitat trees and habitat features on the Peatties Road site are protected. It also recommended mitigation of light spill, weed management, site decommissioning and rehabilitation requirements, and stormwater and drainage measures.

5.5 Key issues raised in submissions – community and interest group

The Department received 38 submissions from 35 individual community members. Twenty-seven of the 35 submitters objected to the proposal, and eight provided comments. The Department received one objection from an interest group (Save Peatties Road Action Group (SPRAG)).

The main issues raised by the community were:

- traffic impacts at the Peatties Road and Charlestown Road intersection
- existing road infrastructure and the ability to accommodate heavy vehicles
- pedestrian and motorist safety
- noise impacts, particularly operation of the Peatties Road site outside of standard working hours
- stakeholder and community consultation undertaken for the project.

5.6 Response to submissions

Following completion of the public exhibition period, the Department directed the Proponent to respond to the submissions received. The Proponent's Submissions Report was made publicly available on the Department's website on 14 September 2021. A link to the Submissions Report is provided in **Appendix D**.

The Submissions Report was forwarded to government agencies and Councils for feedback.

EPA and **BCD** indicated that the Proponent's response to their submissions was satisfactory, and they had no further comments.

Lake Macquarie City Council indicated that its concerns on traffic and noise were not satisfactorily addressed. Council requested a condition requiring any complaints/issues to be directed to TfNSW and not to Council during the establishment and construction of the Project. Council stated that the proposed noise mitigation measures are not satisfactory for managing noise impacts on surrounding residences.

City of Newcastle responded by recommending conditions to:

- protect street trees and establish vegetation exclusion/buffer zones
- protect residential dwellings from light spill
- nominate a time for the removal and rehabilitation of the ancillary facilities, including a plan on how the sites will be rehabilitated
- implement protocols that prevent the introduction and/or spread of noxious and environmental weeds
- prevent new direct stormwater connections.

The Proponent changed the proposed modification in response to the issues raised in submissions:

- removal of Astra Street as a potential ancillary facility, as City of Newcastle raised concerns in their submission that the site would no longer be available for use, as council could not confirm when remediation of the site would be completed
- discontinuance of proposal to remove the compliance monitoring and reporting conditions.

5.7 Council motions

At the City of Newcastle council meeting on 28 September 2021, councillors voted against the lease of council land at Peatties Road to the Proponent, and to write to the Minister for Transport and Roads seeking his intervention to ensure the Peatties Road site does not proceed, and to write to local Members of Parliament seeking their support to ensure the site is not used.

The Department issued a request for information (RFI) on 29 September 2021 to the Proponent, for a response to the motion. The Proponent advised the Department on 22 October 2021 that it was not seeking to further amend the modification, and requested that the Department continue its assessment of the modification as amended by the Submissions Report (that is, three additional ancillary facilities at Peatties Road, Cardiff Street and Lookout Road only, with Astra Street no longer

being considered). The Proponent advised that it will continue to engage with City of Newcastle Council about the use of the Peatties Road site.

At its Ordinary Council meeting on 25 October 2021, Lake Macquarie Council passed a motion which supported the City of Newcastle's motion to refuse to lease its land at Peatties Road to the Proponent, and similarly write to the Minister for Transport and Roads and local Members of Parliament seeking their support to ensure the site is not used.

5.8 Community Engagement

The Department met with SPRAG on 16 September 2021. The Department and SPRAG discussed biodiversity impacts, increase in vehicle movements and consequent impacts on local traffic and pedestrian safety, parking impacts, potential noise impacts, justification for the proposed modification, consultation undertaken by the Proponent, and the accuracy of the information presented in the Modification Report and Submissions Report.

Subsequent to the meeting, members of SPRAG have corresponded with the Department about their observations on activities at the Peatties Road site and provided additional comments on the proposal and have requested updates on the implications of both councils' motions on the use of the Peatties Road site.

6 Assessment

The Department has reviewed the Proponent's Modification Report, Submissions Report and has considered the submissions and agency advice as part of its assessment. The key issues identified were traffic and access (Section 6.1), biodiversity (Section 6.2), and noise and vibration (Section 6.3). Other issues are discussed in Section 6.4.

6.1 Traffic and access

Issue

The key traffic and access issues associated with the modification proposal are related to the use of the Peatties Road ancillary facility, including:

- heavy and light vehicle movements in and out of the Peatties Road ancillary facility, vehicle queuing, damage to the road, and construction worker parking
- pedestrian, cyclist, and motorist safety along Peatties Road.

In response, the Proponent undertook additional traffic assessments including pedestrian counts, vehicle movement surveys, swept path analysis, traffic detector counts, and a review of traffic light phasing at the Peatties Road and Charlestown Road intersection.

Maximum daily vehicle movements at the Cardiff Road and Lookout Road ancillary facilities are predicted to be low (**Table 4**) and have negligible impacts on traffic movements. Therefore, these facilities are not considered further in this traffic and access assessment.

Table 4 | Predicted maximum daily two-way vehicle movements (TfNSW, 2021)

Daily maximum vehicle movements	Peatties Road	Cardiff Road	Lookout Road
Light vehicles	100	2	10
Heavy vehicles	20	2	2
Total maximum daily two-way movements	120	4	12

There is the potential for conflict between construction traffic and pedestrians along Peatties Road

Peatties Road is a local road, and the only road access for residents on Wimbledon Grove, Garden Suburb. Pedestrians can access Wimbledon Grove via Marshall Street to the north and Peatties Road to the east. Currently, there is no footpath on either side of Peatties Road, requiring pedestrians and cyclists to use the verge or the road. City of Newcastle advised the Proponent that it has no plans for a permanent footpath in the area given the low pedestrian movements.

Construction vehicle movements will increase traffic volumes on Peatties Road

Access to and from the Peatties Road ancillary facility will require the use of Peatties Road. There are four vehicle movements available in and out of Peatties Road onto Charlestown Road - left in, right in, left out and right out, controlled by traffic signals. Traffic counts (taken from traffic detector data between 28 May and 11 June 2021) indicate low incoming and outgoing vehicle numbers, with only one to five vehicles recorded every 15 minutes. The daily average vehicle count for each movement is between 125 to 235 vehicles per day, with a total average vehicle count for the Peatties Road intersection being 800 vehicles per day. Construction would temporarily increase daily traffic movements on Peatties Road by around 15%.

Submissions

Community submissions raised concerns about:

- construction vehicles parking on the street
- 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 from Charlestown Road
- motorist safety due to increases in heavy vehicle numbers
- the increase in vehicle movements along Peatties Road
- the increase in queueing at the Charlestown Road intersection.

Lake Macquarie City Council requested the local road network be returned to an appropriate state after completion of works and repaired where necessary.

City of Newcastle requested dilapidation surveys of local roads in the vicinity of the compounds, and raised concern over potential heavy vehicle movements over the Tickhole Creek culvert and emergency access.

Consideration

The local and regional road network can accommodate construction traffic movements

There will be an increase in two-way traffic of around 120 vehicles per day (100 light and 20 heavy vehicles) at Peatties Road. The Proponent states this is the maximum daily vehicle movements and it will likely be lower during the operation of the ancillary facility as heavy vehicles (up to 20 per day) will primarily be used for site establishment and demobilisation. Use of the Peatties Road site will increase traffic movements by around 15 per cent; however, Peatties Road and the surrounding road network have sufficient capacity to accommodate the moderate increase in vehicle numbers.

Predicted traffic movements are consistent with the intended use of Peatties Road, which will primarily be used as site offices and parking, supporting up to 50 workers at a time. When necessary, some items will be stored at Peatties Road, such as light poles, pre-cast concrete drains and work equipment. The Proponent has advised no stockpiling will be carried out at Peatties Road. The Department has reinforced this commitment in recommended conditions of approval, requiring no

stockpiling of material such as topsoil, quarry materials or waste concrete be undertaken at Peatties Road.

The Peatties Road / Charlestown Road intersection can accommodate increases in traffic

Concerns were made in submissions that an increase in traffic would increase queueing along Peatties Road at its intersection with Charlestown Road. The Proponent advised that the existing intersection and signal operation has sufficient capacity to accommodate the proposed construction traffic volumes. Any delay at the Peatties Road/Charlestown Road intersection is manageable through automatic adjustments to signal phasing. Signal phasing times are incrementally increased/decreased in real-time, based on the number of vehicle movements detected by the sensors. If the sensors detect queueing at the intersection, they will adjust to allow more vehicles through the intersection. In addition, manual operational adjustment can be made if required.

Heavy vehicles can safely access the Peatties Road compound with traffic control

A swept path analysis was conducted for Peatties Road and Charlestown Road following the exhibition of the EIS. This assessment confirmed that heavy vehicles cannot complete the Charlestown Road intersection movements safely without crossing opposing lanes, nor can they enter/exit the Peatties Road ancillary facility without crossing onto the other side of Peatties Road. As a result, traffic control would be required to manage all heavy vehicle movements incoming and outgoing at Peatties Road. The Department has recommended a condition requiring that traffic controllers be present at the eastern end of Peatties Road, near Charlestown Road, when heavy vehicles are accessing or leaving Peatties Road.

Construction worker parking will be accommodated on-site at ancillary facilities

Several submitters raised concerns about workers parking on the streets surrounding the ancillary facilities. The Proponent has advised that all project vehicle and worker parking would be provided within the proposed ancillary facilities, with no on-street parking on local roads or road verges permitted. The Department has recommended that details of parking be included in the Ancillary Facilities Establishment Management Plan.

Measures will be implemented to provide safe access for pedestrians and cyclists along Peatties Road

A number of community submissions raised pedestrian safety at Peatties Road as a concern due to the increase in vehicle movements, in particular heavy vehicles, and no footpath. Community members also requested more information about how pedestrians and cyclists will pass the ancillary facility entrance and requested confirmation that pedestrian access will be maintained.

In response to these concerns, the Proponent completed pedestrian, cyclist and vehicle counts at Peatties Road over two weekday mornings and two weekday evenings during school commuting times. These counts confirmed that pedestrian and cyclist usage at Peatties Road is low, with three to nine pedestrians recorded during each count, one to three of these being school students either commuting to or from school. The Proponent also consulted with City of Newcastle regarding permanent pedestrian facilities on Peatties Road. City of Newcastle indicated they supported the provision of a temporary footpath arrangement during construction, however, they have no plans to install a permanent footpath.

In light of the safety concerns raised by residents, the Department has recommended a condition requiring the Proponent to install a temporary footpath along Peatties Road between Charlestown Road and five metres to the west of the ancillary facility entry/exit to provide safe access for

pedestrians and cyclists. The Department has also recommended traffic controllers be present at the entrance of the Peatties Road ancillary facility at peak times on school days and when heavy vehicles are accessing/leaving the site.

Damage to local roads and infrastructure will be repaired

City of Newcastle and Lake Macquarie City Councils were concerned that local roads being used to establish ancillary facilities would not be captured by the existing conditions of approval which require the Proponent to prepare Road Dilapidation Reports for local roads used by heavy construction traffic and repair any damage. In response to this concern, the Department has recommended that the requirement to prepare a Road Dilapidation Report be amended to include the use of any local road by heavy construction vehicles for the establishment and use of ancillary facilities.

City of Newcastle Council raised concern over potential impacts to the Tickhole Creek culvert under Peatties Road from construction traffic. The culvert is not expected to be impacted by construction traffic, as it is not located on a construction access route. The Department notes that the project approval includes conditions requiring pre- and post-condition surveys to be completed on structures at risk of damage from the construction works by a suitably qualified structural engineer and provided to the owners of potentially impacted structures. In addition, the Proponent is responsible for rectifying any damage caused by the project.

Construction traffic will have no impact on bushfire evacuation and hospital emergency services

A number of community submissions and City of Newcastle raised concern about construction traffic impacting on access for emergency vehicles and residents evacuating Wimbledon Grove. The Department notes that a section of Peatties Road will be shared by project and local traffic. The Department is satisfied that the proposed additional construction traffic is not expected to impact the accessibility and movement of emergency vehicles along Peatties Road. In addition, impacts on bushfire risk, emergency access, and evacuation would be managed through existing mitigation measures, such as the preparation and implementation of a bushfire management plan and ongoing consultation with emergency services, including the Rural Fire Service and Fire and Rescue NSW.

6.2 Biodiversity

Issue

The proposed ancillary facility sites have been heavily modified and are comprised of mainly exotic vegetation. Native vegetation is only present at one site, Peatties Road, consisting of 0.2 hectares of low condition native vegetation associated with an artificial wetland, which would be removed by the proposal. The wetland vegetation does not meet the definition of any threatened ecological communities under the BC Act or EPBC Act.

A Biodiversity Development Assessment Report (BDAR) has been prepared, and the assessment concluded that the proposed modification would not have any direct or indirect impacts on threatened species, populations, or communities. No impacts to threatened aquatic species or threatened species habitat for aquatic species or matters of national environmental significance were identified. As such, no additional biodiversity offset credit requirements were identified for the proposed modification.

Submissions

Key biodiversity issues raised by the community included:

- concern about impacts to local flora and fauna from habitat removal, noise, and light spill
- the cumulative impact on biodiversity with surrounding development
- 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 the site investigations.

City of Newcastle requested biodiversity management measures for the Peatties Road ancillary facility including:

- preparation of an Arboricultural Impact Assessment and Tree Protection Plan for any street and park trees on City of Newcastle land within and adjacent to the Peatties Road ancillary facility and its accessway
- that tree exclusion fencing be installed if recommended in the above assessment
- identification and protection of any squirrel glider habitat trees and habitat features in the vicinity of the ancillary facility
- implementation of protocols to prevent the introduction of weeds
- mitigation of light spill from the facility into adjacent bushland and creek corridor.

BCD asked for clarification on the extent of the flora survey at the Peatties Road ancillary facility and how the vulnerable flora species *Maundia triglochinos* had been considered.

Consideration

Clearing 0.2 hectares of native vegetation from the Peatties Road site will not significantly impact biodiversity values

The 0.2 hectares of artificial wetland to be cleared at the Peatties Road ancillary facility site comprises the plant community type (PCT) PCT 1071- *Phragmites australis and Typha orientalis coastal freshwater wetlands of the Sydney Basin Bioregion (Figure 6)*. The artificial wetland has developed in a low point of the former quarry where water has ponded. The removal of this PCT is not considered significant as it is of low condition, and the mix of native and exotic vegetation provides poor quality habitat for fauna.

A minimum buffer distance of three metres will be provided between the ancillary facility boundary and adjacent areas of native vegetation, and tree exclusion zones will be established in accordance with Australian Standard AS4970-2009 and *Biodiversity Guidelines: Protecting and managing biodiversity on RTA projects* (RTA, 2011). The Department considers these measures appropriate for avoiding impacts to adjacent native vegetation and protecting trees that are to be retained on and adjacent to the ancillary facility.

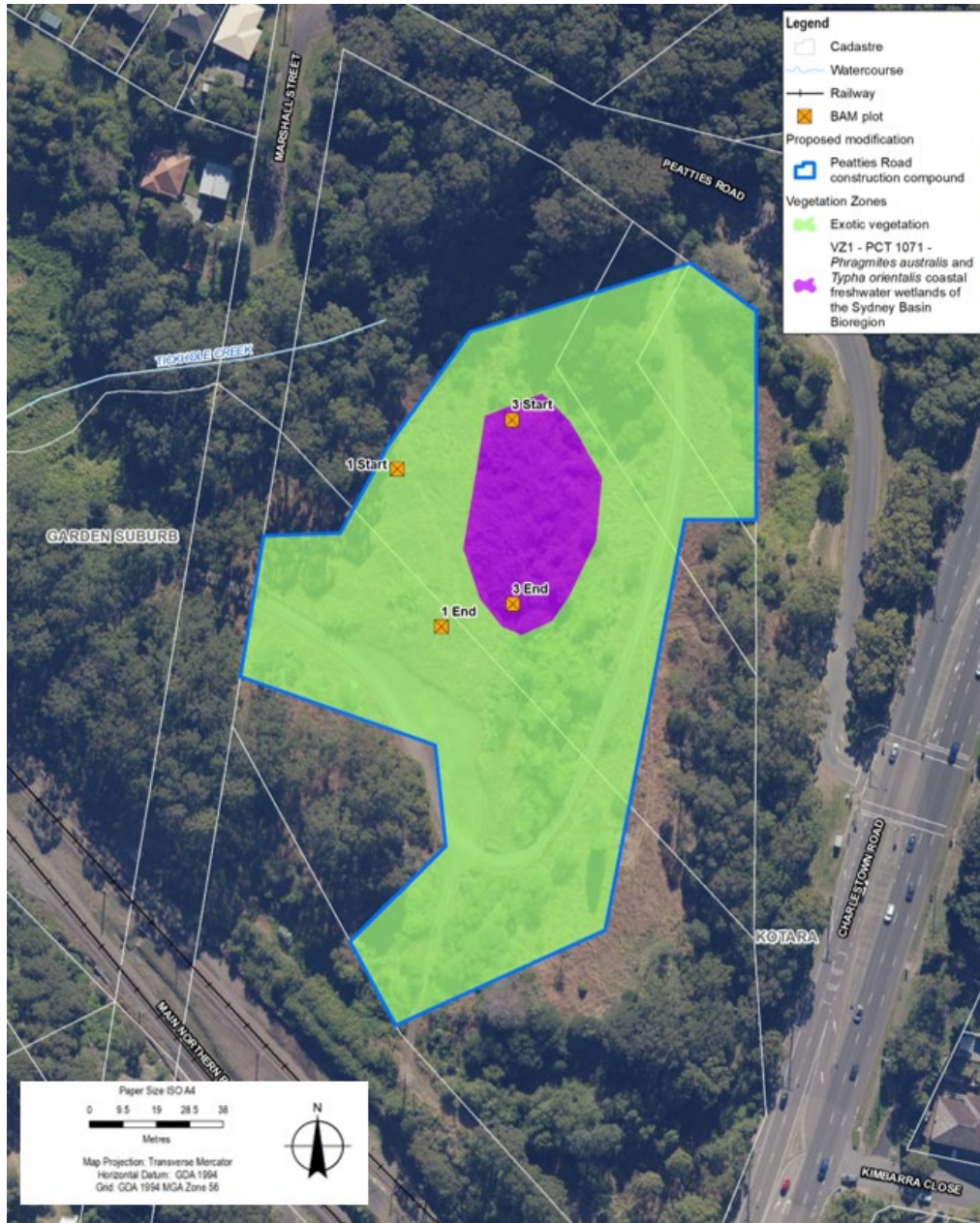


Figure 6 | Extent of the vegetation to be cleared at Peatties Road (Modification Submission Report 2021)

A BDAR was completed in accordance with the BAM

BCD confirmed that the BDAR has been prepared in accordance with the BAM and was satisfied with the survey scope and methodology for *Maundia triglochinos* which involved two surveys completed in accordance with the methods described in *Surveying threatened plants and their habitats NSW survey guide for the Biodiversity Assessment Method* (DPIE, 2020). These surveys did not detect any *Maundia triglochinos* and determined that the site is unlikely to provide habitat for this species.

The proposal will not have a significant impact on threatened species or their habitat

A targeted survey was carried out for the following threatened species identified as having potential to occur within the Peatties Road site:

- Biconvex Paperbark (*Melaleuca biconvexa*)
- *Maundia triglochinosoides*
- Tall Knotweed (*Persicaria elatior*)
- Wallum Froglet (*Crinia tinnula*)
- Green and Golden Bell Frog (*Litoria aurea*)
- Green-thighed Frog (*Litoria brevipalmata*)
- Southern Myotis (*Myotis Macropus*)
- Mahony's Toadlet (*Uperoleia mahonyi*).

The surveys did not detect any threatened species within the Peatties Road site.

A detailed aquatic assessment was not required as no proposed sites contain areas mapped as key fish habitat and no habitat for threatened aquatic species was identified. Although native wetland vegetation is present at the Peatties Road site, this vegetation occurs in such density that there was no standing water present to support the presence of aquatic species, or terrestrial species associated with wetland environments (such as water birds and amphibians).

As none of the sites provide habitat for threatened species and no threatened flora or fauna species were detected, the Department is satisfied that the proposal will not have a significant impact on terrestrial and aquatic ecosystems.

To minimise impacts on native flora and fauna, the Proponent committed to implementing mitigation measures including:

- demarcation of exclusion zones in accordance with *Biodiversity Guidelines: Protecting and managing biodiversity on RTA projects* (Guide 2: Exclusion zones) (RTA, 2011)
- implementation of protocols for preventing or minimising the spread of noxious and environmental weeds in accordance with *Biodiversity Guidelines: Protecting and managing biodiversity on RTA projects* (Guide 6: Weed Management) (RTA, 2011)
- implementation of protocols for preventing the introduction and/or spread of disease causing agents such as bacteria and fungi in accordance with *Biodiversity Guidelines: Protecting and managing biodiversity on RTA projects* (Guide 7: Pathogen Management) (RTA, 2011)
- use of down-lights and motion sensor lighting where possible, to reduce light spill to surrounding habitat.

Street trees on Peatties Road will be retained

City of Newcastle and Lake Macquarie City Council requested that street trees in the proximity of all three ancillary facilities be protected during site establishment and operation. SPRAG advised that several of the street trees along Peatties Road, in front of the proposed ancillary facility, were planted by community members in the early 2000's.

While the Department considers existing mitigation measures and conditions of approval around retaining street trees and trees in Jesmond Park to be adequate, additional requirements are needed at Peatties Road. As such, the Department has recommended that street trees on Peatties Road

must not be impacted, unless they are required to be removed for the construction of the temporary footpath and vehicle access to the ancillary facility, or for road safety and bushfire requirements. This is to ensure that the existing vegetation acts as a screen between the proposed ancillary facility and residents, reducing both visual and noise impacts and preserving locally important trees. The condition also requires that street trees removed from Peatties Road must be replaced in the same general area and there is a net increase in the number of replacement trees.

The City of Newcastle requested that an Arboricultural Impact Assessment and Tree Protection Plan be prepared for the removal of any street and park trees on its land. The Department does not consider such an assessment is necessary and notes no assessment was required for trees that were cleared in Jesmond Park for the pedestrian bridge over Newcastle Road and the supporting ancillary facilities. Recommended conditions protect street trees in Peatties Road, and no street trees adjoining the other two ancillary sites are required to be removed.

6.3 Noise and vibration

Issue

The majority of construction would be carried out during the construction hours of 7:00 am to 6:00 pm Monday to Friday, and 8:00 am to 5:00 pm Saturdays as per the approved project (standard hours). However, the ancillary facilities at Peatties Road and Lookout Road would be used periodically to support work outside standard hours (out-of-hours work (OOHW)).

The worst-case noise assessment indicates that construction noise is predicted to exceed noise management levels (NML) at a number of receivers without mitigation measures during several construction scenarios as follows:

- during standard hours, up to 26 dB(A) above the NML at up to 347 residences at Peatties Road and up to 58 dB(A) above the NML at up to 663 residences at Cardiff Road during vegetation clearing and grubbing (over a two-week period during site establishment)
- up to 22 dB(A) above the NML for stockpiling activities at Peatties Road (noting the Proponent has committed to not undertake stockpiling at Peatties Road), up to 50 dB(A) above the NML at up to 426 residences during stockpiling at Cardiff Road, and 14 dB(A) at one residence at Lookout Road during general compound activities
- up to 31 dB(A) above the NML for construction support activities at up to 637 residences at Peatties Road during the night time period, and up to 21 dB(A) above the NML at up to 159 residences during the night time period at Lookout Road (and 42 dB(A) at one residence) for general compound activities. No OOHW works are proposed to occur at Cardiff Road.

There is one resident near the Lookout Road ancillary facility. Although this resident will experience noise above the NML during standard hours and OOHW, the landowner has entered into an agreement with the Proponent for the use of the site.

No residents are predicted to exceed the 75 dB(A) highly affected level for any of the assessed scenarios at Peatties Road. One residence adjacent to the Lookout Road facility is predicted to experience noise levels above the 75 dB(A) highly affected level (by up to 5 dB(A)) during standard hours without the implementation of mitigation measures.

At Cardiff Road, up to 17 residences were identified to experience noise levels over the 75 dB(A) highly affected level (by up to up to 29 dB(A)). The predicted worst-case activity is vegetation clearing and grubbing. For the main construction period, the worst-case activity in relation to the highly affected noise levels is stockpiling activities with potential exceedances of up to 21 dB(A) at 15 residences without the implementation of mitigation measures. The Proponent has confirmed that it is unlikely that Cardiff Road will be used daily and will likely be used for long-term stockpiling.

Increased road traffic noise from construction vehicles is negligible and will generally be imperceptible. This is primarily due to low number of vehicles accessing sites and the existing high volumes of traffic on roads where access will be gained. Access to the Peatties Road site does not pass any residential properties and as a result would have a negligible effect on traffic noise levels.

Submissions

Key noise issues raised by the community included:

- concern about noise impacts, specifically given the rural nature of Peatties Road and Wimbledon Grove
- concerns that 'construction support activities' and 'general compound activities' are not defined in the modification report
- potential sleep disturbance caused by OOHW
- potential impact of OOHW has not been adequately addressed
- cumulative noise impacts from the Cardiff Road and Peatties Road ancillary facilities
- noise impacts caused by construction vehicle movements, generators and stockpiling.

Community submissions requested noise monitoring and additional mitigation measures be implemented to reduce construction noise levels. Some submissions also requested that activities at the ancillary facilities be limited to 9:30 am to 2:30 pm.

Lake Macquarie City Council noted no noise mitigation measures have been included in the modification report, expressed concern over noise impacts at Cardiff Road, and requested consideration for noise mitigation measures. Council also recommended that, due to the extent of predicted noise impacts at Cardiff Road, this site is unsuitable for the proposed use.

EPA raised concern over the high number of receivers reported to be impacted by the modification and that the predicted noise levels would be unacceptable to the community. However, the EPA noted that standard management and mitigation measures should adequately minimise impacts to an acceptable level for the majority of the community, and that the Proponent has committed to implementing such measures.

Consideration

Mitigation measures will be implemented to reduce noise impacts from the ancillary facilities

While the majority of work will be carried out during standard hours, there is a need to provide flexibility in construction hours as some works need to be completed outside of standard hours for road safety reasons and to minimise disruptions to traffic. The Peatties Road and Lookout Road

ancillary facilities would be used periodically to support work carried out on the bypass alignment outside of standard hours. However, activities would be limited to general compound activities (use of site offices and parking), deliveries and construction support activities. No OOHW would be carried out at the Cardiff Road site.

The project approval requires the Proponent to consult the community prior to carrying out OOHW. This consultation will include providing the community with a schedule of likely OOHW for a period of at least three months and identification of respite periods. Also, the Proponent must prepare a Construction Noise and Vibration Management Plan and undertake construction noise and vibration monitoring and make the monitoring results publicly available.

In addition, the Proponent has committed to implementing a series of environmental management measures to manage OOHW and these are reinforced in the Modification Report, including:

- undertaking OOHW in accordance with an OOHW procedure which includes a commitment to investigate and respond to noise complaints and using equipment and machinery with low noise emissions and in good working order
- implementing measures to shield sensitive receivers from noise such as locating noise sources away from residences and positioning barriers (sheds, containers, etc.) between residences and noise sources, enclosing fixed noise sources, and using site topography as shielding in siting plant.

Several submissions raised concerns about generators running during the night at Peatties Road. The Proponent has advised that Peatties Road will be connected to utilities and not require generators to provide power. If a generator is required to be used at night, the noise impacts are expected to be less than that modelled under the general compound activities scenario.

The Department acknowledges there will be residual noise impacts that cannot be avoided due to the close proximity of residents to the Cardiff Road and Peatties Road ancillary facilities. However, it is considered that the Proponent's proposed measures and existing conditions of approval ensure noise levels are reduced and will be managed with appropriate community engagement.

Construction methods will be further investigated during detailed design to minimise potential vibration impacts to heritage structures

The Kotara (Tickhole) Railway Tunnel (**Figure 7**) is located adjacent to the Peatties Road ancillary facility. This tunnel is listed under section 170 of the *Heritage Act 1977*. While Tickhole Tunnel is outside the proposed 35 metre buffer distance for heritage structures at risk from vibratory rolling, due to the nature of this structure and importance for operation of the Main Northern Rail Line, the Proponent has committed to carry out further investigation during detailed design to confirm appropriate construction buffer distances and any additional mitigation measures to be implemented for Tickhole Tunnel. The Department supports this approach, noting it is consistent with conditions of approval which require the Proponent to conduct vibration testing for vibration-generating activities that have the potential to impact heritage items, identify minimum working distances, and review the construction methodology where vibration levels are likely to be exceeded.

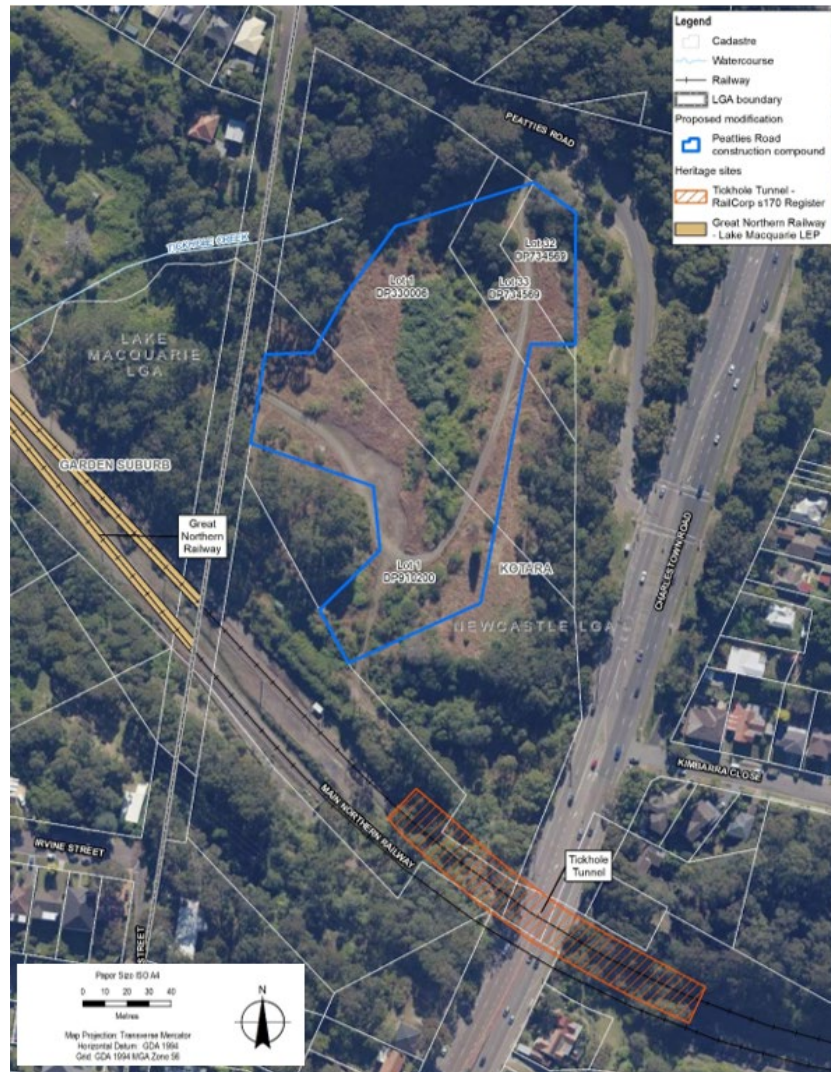


Figure 7 Location of Tickhole Tunnel in relation to the Peatties Road site

6.4 Other issues

The Proponent assessed the potential impacts of the proposed modification in relation to air quality, heritage, socio-economic impacts, hydrology, and visual amenity. The Department considers that the Proponent has adequately assessed these issues and they can be managed through environmental management measures, and the recommended conditions of approval. **Table 5** summarises the Department’s consideration and any recommended conditions.

Table 5 | Department's consideration of other issues

Issue	Findings	Recommendations
<p>Social and land use</p>	<p>Use of the ancillary facilities would reduce acoustic and visual amenity for nearby residents. While there is a residential property next to the Lookout Road site, the ancillary facility would only be used as an office and would not result in any significant amenity impacts.</p> <p>The greatest amenity impacts would occur at the Cardiff Road site where residences adjoin the site. This ancillary facility would be used as a stockpile site but would not involve any work outside standard construction hours.</p> <p>The closest residences to the Peatties Road site are located on Marshall Street and Wimbledon Grove. The Department considers that impacts to these residences are manageable, with the existing vegetation providing a visual buffer. In addition, no construction traffic passes these residences and operation of the ancillary facility outside standard hours would support OOHW on the main project alignment, and generally be associated with office work, parking, and construction support activities.</p> <p>A range of environmental management measures were proposed in the EIS and SPIR to manage impacts during the construction phase and these would be implemented as relevant.</p> <p>While there is the potential for use of the ancillary facilities to have amenity impacts in areas previously not impacted by the approved SSI (such as noise, dust, vibration, and traffic), there are no additional social impacts beyond what was identified in the EIS and SPIR.</p>	<p>The Department is satisfied that conditions of approval and Proponent's mitigation measures relating to noise, air quality and visual amenity are suitable to manage potential social impacts.</p> <p>No additional conditions are recommended.</p>

Issue	Findings	Recommendations
Air Quality	<p>In response to concerns raised in submissions, the Proponent has committed not to stockpile material at the Peatties Road site. However, there will be temporary storage of materials and equipment such as pre-cast concrete drains, light poles, and work equipment. Materials with the potential to produce dust or other environmental impacts would generally not be stored at the Peatties Road site. The Department has reinforced this commitment with a recommended condition which restricts the stockpiling of certain earth and quarry materials at the Peatties Road ancillary facility to reduce potential air quality impacts on surrounding residents.</p> <p>The conditions of approval require the Proponent to prepare a construction air quality monitoring program. The Proponent has committed to monitoring dust at the Peatties Road ancillary facility. The monitoring program at the other ancillary facilities would be based on the activities being carried out at the site and potential air quality impacts.</p> <p>The EPA noted air quality impacts are generally consistent with those described in the EIS and the Proponent can manage impacts through the implementation of standard dust management and mitigation measures.</p>	<p>The Department is satisfied that the current and recommended conditions of approval and Proponent's mitigation measures would limit dust nuisance and other potential air quality impacts.</p>
Heritage	<p>The sites proposed for the ancillary facilities have been disturbed and heavily modified. An Aboriginal Archaeological Assessment was undertaken and no registered Aboriginal archaeological sites or items within the study area were identified.</p>	<p>The Department considers that the conditions of approval and Proponent's proposed mitigation measures are suitable to manage heritage impacts.</p>

Issue	Findings	Recommendations
	<p>There are no listed non-Aboriginal heritage items located within the sites of the proposed ancillary facilities. However, the Peatties Road construction facility is located near the heritage listed Tickhole Tunnel. The Proponent will carry out further investigations during detailed design, to confirm appropriate construction buffer distances and additional mitigation measures to be implemented to ensure that the tunnel is not impacted by vibration-generating activities.</p>	
<p>Hydrology</p>	<p>City of Newcastle recommended no new direct stormwater connections or increase in overland flows into Tickhole Creek be permitted, due to the steep nature of the creek banks below the Peatties Road culvert and potential for erosion if cleared. Council expressed concern that destabilisation may trigger erosion along the creek length, and it does not want to be burdened with works to address erosion to protect civil assets within the riparian zone, such as the Peatties Road culvert.</p> <p>In response to Council’s concern over the location of Tickhole Creek, the Proponent has confirmed that the creek is outside of the boundary of the proposed Peatties Road ancillary facility.</p> <p>DPIE Water and EPA raised no concerns about hydrology, including water quality.</p>	<p>The Department has recommended conditions that prohibit direct flows from the Peatties Road ancillary facility into Tickhole Creek and require a three-metre buffer between the creek and ancillary facility. It has also recommended that the entrance to the Peatties Road ancillary facility be designed and constructed to not impact the Peatties Road culvert and the immediate downstream drainage protection area. This is to reduce the potential for erosion and impacts on the Peatties Road Culvert.</p> <p>The Department is satisfied that the existing and recommended conditions, which include the preparation of a construction soil and water management plan, and the Proponent’s proposed mitigation measures, will minimise the potential for hydrological and water quality impacts.</p>

Issue	Findings	Recommendations
Visual Amenity	<p>The project approval requires boundary screening to be erected around ancillary facilities adjacent to sensitive receivers, for the duration of works.</p> <p>Additionally, native vegetation at the margins of the Peatties Road site has been excluded from the ancillary facility and would be retained to provide a buffer to sensitive receivers near the site and minimise visual amenity impacts.</p>	<p>The Department is satisfied that the current conditions and mitigation measures are suitable to manage potential visual impacts.</p>

7 Evaluation

The Department considers that the proposed modification should be approved subject to conditions, to facilitate the construction of the Newcastle Inner City Bypass as the approved main ancillary facility, adjacent to the John Hunter Hospital Redevelopment site, is no longer available for use.

The Department has reviewed the Modification Report and Response to Submissions, community and Council submissions and government agency advice, and assessed the key issues arising from the proposed changes to the approved project, including traffic and access, biodiversity and noise and vibration impacts. The Department met with Save Peatties Road Action Group in September 2021 and discussed their concerns about the construction and use of the proposed ancillary facility at Peatties Road.

The Department acknowledges that most impacts would be associated with the establishment and use of the Peatties Road ancillary facility. Impacts associated with the use of the Cardiff Road and Lookout Road ancillary facilities would be comparatively less due to the nature of the activities undertaken at those sites, and significantly lower traffic movements to and from the sites. Based on its assessment, the Department has recommended further conditions of approval to address community and Council concerns about tree removal and replacement, water quality, and pedestrian and road user safety, including:

- restrictions on tree removal around the Peatties Road ancillary facility, construction of a temporary footpath along part of Peatties Road, and the provision of traffic controllers at entry/exit points to ensure safe pedestrian and cyclist access past and safe vehicle entry and exit into the Peatties Road site
- restrictions on stormwater discharges to Tickhole Creek at the Peatties Road ancillary facility.

The Department is satisfied that the issues raised in submissions have been appropriately considered and responded to by the Proponent and overall, the merits of the modification have been evaluated and it is concluded that the benefits of the proposed modification outweigh the potential impacts. As such, the Department considers the proposed modification should be approved, subject to conditions.

8 Recommendation

It is recommended that the Minister for Planning:

- **considers** the findings and recommendations of this report
- **determines** that the application SSI 6888 MOD 1 falls within the scope of section 5.25 of the EP&A Act
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to approve the modification application
- **agrees** with the key reasons for approval listed in the notice of decision (**Appendix D**)
- **modifies** the approval SSI 6888
- **signs** the attached Notice of Modification (**Appendix F**).

Recommended by:



Mary Garland
A/Director
Transport Assessments

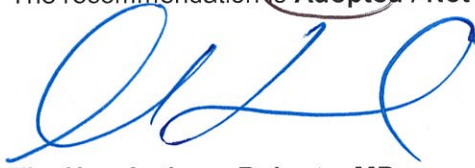
Recommended by:



Glenn Snow
A/Executive Director
Infrastructure Assessments

9 Determination

The recommendation is **Adopted** / ~~Not adopted~~ by:



The Hon Anthony Roberts, MP

Minister for Planning

Appendices

Appendix A – Modification Report

<https://www.planningportal.nsw.gov.au/major-projects/project/40836>

Appendix B – Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/40836>

Appendix C – Submissions Report

<https://www.planningportal.nsw.gov.au/major-projects/project/40836>

Appendix D – Community Views for Draft Notice of Decision

The key issues raised by the community and considered in the Planning Secretary’s Assessment Report and by the decision maker include traffic and access, biodiversity and noise and vibration.

Issue	Consideration
<p><u>Traffic and access</u></p> <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 any 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 passed the ancillary facility • provide traffic controllers during peak periods on school days and when heavy vehicles are accessing the ancillary facility.
<p><u>Biodiversity</u></p> <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 project 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. • BCD reviewed the BDAR and confirmed that it was prepared in accordance with the BAM. • 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

Issue	Consideration
	<p>adjacent areas of 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 OOHV • 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 project 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 project approval and Proponent's environmental mitigation measures approved as part of the original assessment are considered suitable.</p> <p>No further conditions are required.</p>

Appendix E – Consolidated Approval

<https://www.planningportal.nsw.gov.au/major-projects/project/40836>

Appendix F – Notice of Modification

<https://www.planningportal.nsw.gov.au/major-projects/project/40836>