

Notice of decision – Modification to WestConnex M4-M5 Link (SSI 7485 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 7485 MOD 3 – Modification to WestConnex M4-M5 Link
Applicant	Transport for NSW (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/25861>

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

<https://www.planningportal.nsw.gov.au/major-projects/project/25861>

Date of decision

28 July 2020

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, which include the findings and recommendations in the Planning Secretary's Assessment Report;
- all information submitted to the Department during the assessment of the application;
- the findings and recommendations in the Planning Secretary's Assessment Report;
- the objects of the EP&A Act; 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:

- the amendments to the project would –
 - increase the amount of residual land along Victoria Road at Iron Cove through a decrease in the surface footprint of permanent operational facilities,
 - decrease overshadowing impacts on residences to the west of Victoria Road at Iron Cove through a reduction in scale of the operational infrastructure,
 - reduce operational noise impacts by placing the ventilation facilities and substation underground, and
 - provide improved construction and operational noise management through noise monitoring against noise management levels.

- the project has been endorsed by the NSW Government by being a key component of –
 - *Future Transport Strategy 2056*,
 - *State Infrastructure Strategy 2018-2038*, and
 - *Central City District Plan and Eastern City District Plan*.
- the impacts on the community and the environment can be appropriately minimised and managed to an acceptable level, in accordance with applicable NSW Government policies and standards. The key impacts include –
 - construction ground-borne and airborne noise from tunnelling and operational noise from the high voltage regulators which will be managed by the existing conditions of approval and new noise requirements relating to noise monitoring and mitigation,
 - construction traffic noise impacts generated by heavy vehicles for spoil haulage which will be managed by restricting movements from the proposed Iron Cove tunnelling site to standard daytime hours, and
 - potential visual amenity impacts from the residual surface infrastructure which will be managed through the recommended requirements for improving the exterior aesthetics of the surface operational infrastructure at Iron Cove,
 - groundwater impacts from additional tunnelling which will be managed by existing conditions and inclusion of additional monitoring bores;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through the recommended conditions of approval; and
- weighing all relevant considerations, the proposal is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the modification request from 20 November 2020 until 18 December 2020 (29 days) and received 32 submissions from the public including 27 objections, primarily from residents living within close proximity to the project site. The Department also undertook a site visit of the proposed construction ancillary facility and surrounds at Iron Cove.

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 construction and operational noise and vibration, urban design and visual amenity, use of residual land, traffic and access, and settlement. Other issues include potential electromagnetic radiation impacts, groundwater impacts and nuisance dust. These are addressed in the Planning Secretary’s Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Noise and Vibration</i></p> <ul style="list-style-type: none"> • Concern over noise and vibration from tunnelling under homes, including potential sleep disturbance from tunnelling being undertaken 24 hours a day, seven days a week. • Operational noise and vibration from underground ventilation facilities and lack of assessment of worst-case operational scenario. • Inadequate noise and vibration modelling, monitoring and mitigation measures. • Noise from construction heavy vehicles and construction workers, especially of a night time. • Provision of noise walls on residual land to reduce operational traffic noise impacts. • Operational noise and sleep disturbance from surface infrastructure. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • Use of the Iron Cove site for tunnelling is expected to result in some noise exceedances for nearby residents even though tunnelling will be undertaken within a converted acoustic shed. Impacts would be relatively short term and mitigation, including at-property treatment, is required to be implemented under the existing Infrastructure Approval. • The proposal introduces new noise sources during construction (tunnelling and spoil haulage) and operation (high voltage regulators) to receivers, which are predicted to meet the relevant noise management levels. • The Department is satisfied that potential noise impacts associated with the proposed modified works can be managed through the existing Infrastructure Approval and recommended conditions (refer below) to ensure that the acoustic amenity of residents is not significantly impacted. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • The existing Infrastructure Approval requires the implementation of a construction Noise Insulation Program (which includes residents adjacent to the Iron Cove construction ancillary facility), periods of respite, and construction and operational noise and vibration goals to ensure effective management of noise and vibration impacts. However, the Department considers that additional measures could be implemented to enhance noise management and has recommended that noise monitoring be undertaken at the beginning of operation to confirm the predicted noise levels, as this would identify if further noise mitigation is necessary. • To reduce construction noise impacts, the Department has also recommended that tunnelling and excavation works from the Iron Cove civil site (C8) must not commence until the chamber beneath the roof of the cut and cover structure has been converted into a temporary acoustic shed and fitted with a roller door. • Further, spoil haulage from the Iron Cove civil site has been limited to standard construction hours as set out in the Infrastructure Approval.

Overshadowing, Urban Design and Visual Amenity

- Concerns regarding the proportions, aesthetics and character of the proposed above ground facilities.
- The need for community input into the final design.
- Consequential impacts on new receivers from relocation of the facilities, such as visual impact and overshadowing.
- Visual impact of noise walls and site boundary walls, and the potential for these to be made “green walls”.
- Request for mature vegetation and dense plantings adjacent to Victoria Road.

Assessment

- A reduction in the scale of built form on the surface would provide a decrease in the extent of overshadowing compared with the approved project (three residences compared to the six residences under the approved EIS design). However, the modification proposes to construct surface infrastructure in a location different to that approved (between Toelle and Callan Street at Rozelle instead of between Springside Street and Callan Street as proposed in the EIS), resulting in a different set of properties being overshadowed.
- The relocation of the surface operational facilities would also result in a different group of residences having their visual amenity affected by the proposed operational infrastructure.
- Under the Infrastructure Approval, the final form and design of these buildings would be subject to the Urban Design and Landscape Plan (UDLP) process under the guidance of a Design Review Panel. However, to deter bulky, blank structures that do not complement the residential character of the neighbourhood it is considered that additional design objectives are required.

Conditions

- To improve visual amenity, the Department has recommended articulation of the façade of the high voltage switch room facing Victoria Road and the provision of landscaping along this frontage as a minimum, unless a better outcome is achieved through the UDLP process.
- To reduce potential visual impacts, the Department has also recommended that all façades of operational buildings and walls adjacent to or adjoining residential properties must be designed and have finishes sympathetic with surrounding residential neighbourhood.
- In terms of improved place making, the Department has recommended that the stair access to the underground ventilation facility be designed and sited to optimise the extent of useable surplus land along Victoria Road.
- The Infrastructure Approval sets out requirements relating to overshadowing including the preparation of a Solar Access and Overshadowing Report which details the measures that would be implemented where overshadowing exceeds the specified minimum hours of direct sunlight. It is considered that the conditions adequately provide for the management of overshadowing.

Residual Land

- Request for residual land along Victoria Road to be used for community-based amenities such as parks and playgrounds.
- Concern that there is no guarantee that the residual land will be returned as community land rather than developed for commercial or residential purposes.

Assessment

- Open space in this location is likely to have poor amenity, be isolated with relatively poor accessibility and not necessarily attractive to users.
- Inner West Council has indicated that it does not want to own and/or maintain land that is not useful to the community, even though the community has expressed a preference for the residual land to become open space.
- The most appropriate use/s for the site should be determined in consultation with Inner West Council and finalised under the Residual Land Management Plan required by the Infrastructure Approval.
- If it is identified that the residual land is to be returned as open space, it would be subject to the UDLP requirements in the Infrastructure Approval. This process includes consultation with Inner West Council and the community.

	<p><i>Conditions</i></p> <ul style="list-style-type: none"> The Infrastructure Approval requires the preparation of a Residual Land Management Plan for all land considered surplus to the needs of the operation of the CSSI. It also includes requirements relating to the state of residual lands if they are to be invested with a public authority and the time of such investments if they are to be used for open space. Therefore, no additional conditions are recommended for determining the use of residual land.
<p><i>Traffic, Parking and Access</i></p> <ul style="list-style-type: none"> Associated impacts (noise, dust, safety, disruption) with an increase in heavy vehicle movements for spoil haulage. Spoil haulage through residential streets. Traffic congestion and increased journey times in the surrounding locality. Reduction in the availability of on-street parking resulting from additional workers. Traffic impacts from the operational aspects and maintenance of the project. Adequacy of dedicated parking allocation provided for maintenance vehicles. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The traffic assessment indicates that the increased construction traffic volumes would not impact on the operational performance of Victoria Road or the levels of service at surrounding/nearby intersections. Spoil haulage will not be through residential streets and the existing Approval places restrictions on the use of local roads. An estimated additional 6-10 construction workers would work from the site. An interim Construction Parking and Access Strategy has been prepared for the Rozelle Interchange to address impacts to on-street parking, including worker parking. The final strategy will take into account the management of any additional parking requirements associated with the modified proposal. The modification would not result in any significant operational traffic impacts with operational traffic in the order of up to two vehicle movements per day for routine works. Maintenance traffic would primarily access the underground ventilation fans and substation from within the tunnel. Furthermore, adequate parking is considered to be provided for operational and maintenance activities at the surface. <p><i>Conditions</i></p> <ul style="list-style-type: none"> The existing Infrastructure Approval includes conditions for managing construction traffic, including spoil haulage movements and construction parking and access. Therefore, no further conditions are proposed.
<p><i>Settlement and subsidence</i></p> <ul style="list-style-type: none"> Information on settlement levels is provided to impacted residents. Concern that sub-stratum acquisition may negatively affect property values. Potential property damage arising from construction vibration and settlement due to the shallow depth of the ventilation tunnels and cavern. Request for the ventilation tunnels and caverns to be made significantly deeper to minimise settlement and noise and vibration impacts during construction and operation. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> There is the potential for settlement due to tunnel excavation and groundwater drawdown above the ventilation tunnels. The proposed modification has identified a number of properties above the ventilation tunnel and caverns that could be affected by settlement (up to 20 millimetres). These properties are located above areas where tunnelling is at its shallowest (around eight metres near Victoria Road). <p><i>Conditions</i></p> <ul style="list-style-type: none"> The Infrastructure Approval includes a suite of conditions to ensure a conservative approach in managing settlement. These include the preparation of a geotechnical model to assess potential settlement, settlement criteria, monitoring requirements, pre- and post-construction dilapidation surveys, requirements for rectifying any damage to property and infrastructure arising from settlement, and establishment of an Independent Property Impact Assessment Panel. These conditions are considered adequate for managing potential settlement impacts from the proposed tunnelling.