

# Notice of decision

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

<b>Application type</b>	State significant infrastructure
<b>Application number and project name</b>	SSI 8931 F6 Extension Stage 1 from New M5 at Arncliffe to President Avenue at Kogarah
<b>Applicant</b>	Transport for NSW (the former Roads and Maritime Services)
<b>Consent Authority</b>	Minister for Planning and Public Spaces

### Decision

The Minister for Planning and Public Spaces has, under section 5.19 of the *Environmental Planning and Assessment Act 1979* (**the Act**) approved the infrastructure application subject to the recommended conditions.

A copy of the infrastructure approval and conditions is available [here](#).

A copy of the Planning Secretary's Assessment Report is available [here](#).

### Date of decision

18 December 2019

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

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

The key reasons for approving the application are as follows:

- the project would:
  - provide more efficient and economic transport connections for freight vehicles, workers and other commercial operators travelling to Sydney Airport and other industrial and commercial areas in southern Sydney;
  - facilitate improved connectivity for inter-regional traffic;
  - facilitate more efficient journeys to and from southern Sydney;
  - improve local amenity and traffic relief on the surface road network; and
  - deliver new and upgraded active transport infrastructure in the project area.
- the project has been endorsed by the NSW Government and is a key component of:
  - *Future Transport Strategy 2056*;
  - *Greater Sydney Services and Infrastructure Plan*;
  - *NSW Long Term Transport Master Plan*;
  - *NSW Freight and Ports Plan 2018-2023*;
  - *State Infrastructure Strategy 2018-2038: Building Momentum*; and
  - *A Metropolis of Three Cities – the Greater Sydney Region Plan, Eastern City District Plan and South District Plan* (Greater Sydney Commission, 2018).
- the impacts on the community and the environment can be appropriately managed, minimised, or offset to an acceptable level, in accordance with applicable NSW Government policies and standards. Additionally, conditions relating to construction and operational traffic and noise, biodiversity impacts and offsetting, impacts on recreational open space and facilities and offsetting, contamination, groundwater management and enhancement of active transport have been imposed;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of approval (where applicable); and
- weighing all relevant considerations, the project is in the public interest.

## Attachment 1 – Consideration of Community Views

The Environmental Impact Statement (EIS) was publicly exhibited from Wednesday 7 November 2018 until Friday 14 December 2018 (a total of 37 days) and received submissions from seven State government agencies, five local government councils and 487 community submitters. The community submitters comprised 471 individuals and 16 special interest groups and organisations.

Based on proposed changes to the project following the exhibition of the EIS, the Proponent prepared a Preferred Infrastructure Report (PIR) and this was publicly exhibited from 17 April 2019 until 8 May 2019 (a total of 21 days) and received submissions from 105 community submitters, including four special interest groups. In addition, a submission was received from Bayside Council.

The Department also undertook the following consultation activities:

- three site visits prior to and during the EIS exhibition and assessment process;
- attendance at six community engagement sessions organised by the Proponent, prior to and during the EIS exhibition;
- attendance at a community consultation workshop on the access into and egress out of the Moorefield Estate at Kogarah, organised by the Proponent;
- held two meetings with Bayside Council; and
- held two meetings with community members that lodged submissions.

The key issues raised by the community (including in submissions) and considered in the Planning Secretary's Assessment Report include project need and justification, construction and operational noise, place making, construction and operational traffic, air quality, biodiversity and community consultation.

<i>Issue</i>	<i>Consideration</i>
<i>Strategic Context and Project Need</i>	<i>Assessment</i>
<ul style="list-style-type: none"><li>• Lack of demonstrated project need and justification</li><li>• High project cost</li><li>• No certainty on proposed tolling costs</li><li>• Uncommitted timing or route of future stages of the F6 Extension</li><li>• Suggested alternatives and options to the provision of a motorway, particularly, the provision of public transport</li></ul>	<ul style="list-style-type: none"><li>• The project is consistent with strategic land use and transport documents.</li></ul> <i>Conditions/Response</i> <p>No conditions are required in relation to this matter.</p>
<i>Construction and Operational Noise</i>	<i>Assessment</i>
<ul style="list-style-type: none"><li>• Construction noise associated with tunnelling, heavy vehicle movements and out-of-hour works</li><li>• Operational traffic noise impacts to residents along President Avenue</li></ul>	<ul style="list-style-type: none"><li>• The construction noise assessment predicted exceedances of the noise management levels at sensitive receivers adjacent to the project. The closest receivers are predicted to exceed the Interim Construction Noise Guideline's highly noise affected noise management level.</li><li>• Noise mitigation is required for construction and operation. Where residents are eligible for both construction and operational mitigation measures, early installation of operation mitigation measure must be considered.</li><li>• Works required to be undertaken outside of construction hours will be subject to noise goals to minimise the chance of sleep disturbance criteria being exceeded. Respite periods must be implemented.</li></ul> <i>Conditions/Response</i> <ul style="list-style-type: none"><li>• Preparation and Implementation of Noise and Vibration Construction Environmental Management Plan (CEMP) Sub-plan, detailing how construction noise and vibration impacts will be minimised and managed.</li><li>• Restricted work hours when highly noise intensive work can occur and provision of periods of respite.</li><li>• At-property noise treatment must be offered to various sensitive noise receivers through a Noise Insulation Program before commencement of works to minimise noise impacts.</li><li>• An Operational Noise and Vibration Review must be undertaken to monitor whether the mitigation measures are achieving the desired outcome, assess compliance with the predicted noise levels and determine whether any additional mitigation measures are required to address non-compliances.</li></ul>

Issue	Consideration
<p><i>Traffic and Transport</i></p> <ul style="list-style-type: none"> <li>• Concern over the volume of heavy vehicles traversing through residential areas and increased traffic during construction</li> <li>• Operation of the project will increase traffic volumes on President Avenue and surrounds and increase rat running through local streets</li> <li>• Local traffic access issues in areas adjacent to President Avenue, Kogarah, especially for residents in Moorefields Estate</li> <li>• Pedestrian safety around construction ancillary facilities</li> <li>• Construction worker parking on local streets</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• Heavy vehicle movements are largely restricted to arterial roads.</li> <li>• In response to Department, council and community concerns the access and egress arrangements to Moorefield Estate have been altered to provide improved access for residents.</li> <li>• The Department acknowledges there will be traffic impacts during construction, however these impacts can be mitigated through the implementation of management measures.</li> </ul> <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> <li>• Provision of safe pedestrian and cyclist access around sites, access to bus stops, access to utilities and private property during construction.</li> <li>• Restrictions on the use of local roads by spoil haulage vehicles.</li> <li>• Real-time monitoring of spoil haulage vehicles.</li> <li>• The infrastructure approval sets out requirements relating to road dilapidation surveys and repairs.</li> <li>• Preparation and implementation of a Construction Parking and Access Strategy to manage impacts from on and off-street parking changes and construction worker parking.</li> <li>• Review of operational road network performance at 12 months and five years.</li> </ul>
<p><i>Air Quality</i></p> <ul style="list-style-type: none"> <li>• Adequacy of the air quality assessment</li> <li>• Adverse construction (dust and odour) and operational air quality impacts (emissions from ventilation outlets)</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• A review of the air quality assessment was undertaken by the NSW Chief Health Officer and considered advice from the Office of the NSW Chief Scientist and Engineer and the Advisory Committee for Tunnel Air Quality. The Chief Health Officer noted that any potential air pollution related health effects would be primarily due to traffic on surface roads and not as a result of the tunnel ventilation outlets.</li> <li>• The Proponent has demonstrated that the in-tunnel, ambient and ventilation outlet air quality criteria can be achieved.</li> <li>• The modelled regulatory worst-case scenario for air pollutant emissions from ventilation outlets at ground level and at various elevated points is considered acceptable.</li> <li>• The EPA will be responsible for the regulation of the tunnel ventilation outlets.</li> </ul> <p><i>Conditions/Response</i></p> <ul style="list-style-type: none"> <li>• Imposition of limits to the level of air pollutants discharged from the ventilation outlets.</li> <li>• Appointment of an Air Quality Independent Reviewer to review and endorse the adequacy of the in-tunnel ventilation and ventilation outlet design, air quality monitoring design and air quality reporting.</li> <li>• Establishment of a regime of air quality monitoring and reporting with operating procedures, monitoring equipment and monitoring data reviewed by an independent auditor.</li> </ul>
<p><i>Biodiversity</i></p> <ul style="list-style-type: none"> <li>• Impacts on endangered ecological communities and threatened plant species</li> <li>• Impacts on wetlands and groundwater dependent ecosystems</li> <li>• Lack of consideration of ecological connectivity and migratory species</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• Impacts on biodiversity were undertaken in accordance with the Biodiversity Assessment Method (BAM) under the <i>Biodiversity Conservation Act 2016</i>.</li> <li>• The project will impact on three threatened ecological communities and one threatened plant species. The offset of impacts through the retirement of biodiversity credits prior to the commencement of construction is considered acceptable and in accordance with the BAM.</li> </ul> <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> <li>• The Proponent will be required to offset impacts to threatened ecological communities and species in accordance with specified retirement credits.</li> <li>• Pre-clearing surveys are required prior to construction along with other management measures specified in a Construction Flora and Fauna Construction Management Plan.</li> <li>• Monitoring of the status of wetlands is to be undertaken during construction</li> </ul>

<i>Issue</i>	<i>Consideration</i>
<i>Land Use and Place Making</i>	<i>Assessment</i>
<ul style="list-style-type: none"> <li>• Temporary loss of public spaces and recreational facilities including a playground and skate park in Rockdale Bicentennial Park during construction</li> <li>• Permanent loss of some public open spaces once the project is operational</li> <li>• Extent and location of the shared pedestrian and cycle pathway through Scarborough Park and the preference to relocate a portion of the cycleway off the street network</li> </ul>	<ul style="list-style-type: none"> <li>• In response to community feedback, the shared pedestrian and cycle pathway has been extended further south through Scarborough Park North.</li> <li>• The increase in active transport facilities through the transport corridor is supported however the Department considers that these facilities can be enhanced.</li> <li>• The Proponent has committed to provide offset recreational facilities prior to the commencement of construction.</li> </ul>
	<i>Conditions/Response</i>
	<ul style="list-style-type: none"> <li>• Preparation of a Recreation Facilities Replacement Plan to ensure that the impacts to recreational and community facilities by the project are minimised.</li> <li>• Replacement recreational facilities must meet the functionality of the impacted facilities, with consideration of the capacity and accessibility from increased demand due to consolidation and intensification of uses.</li> <li>• The on-road portion of the active transport corridor is increased so that the separation of the cycleway from the existing road network is achieved.</li> <li>• The Proponent must provide a net increase in the number of trees and target an increase in tree canopy.</li> <li>• The Proponent must investigate the feasibility of installing an east-west at-grade footpath along the northern side of President Avenue.</li> </ul>
<i>Consultation</i>	<i>Assessment</i>
<ul style="list-style-type: none"> <li>• Inadequate consultation prior to and during the public exhibition of the EIS</li> <li>• Concern regarding the level of future community consultation during latter stages of the assessment process and after the application is approved</li> </ul>	<ul style="list-style-type: none"> <li>• The Proponent has conducted an appropriate level of consultation prior to and during the application assessment process.</li> <li>• The EIS and PIR have been exhibited in accordance with the requirements of the <i>Environmental Planning and Assessment Act 1979</i> and the Department's protocols.</li> </ul>
	<i>Conditions/Response</i>
	<ul style="list-style-type: none"> <li>• Preparation and implementation of a Communication Strategy to facilitate communication between the Proponent with the community and relevant councils and government agencies.</li> <li>• Establishment and maintenance of an ongoing Complaints Management System and Complaints Register.</li> <li>• Appointment of a Community Complaints Mediator.</li> </ul>