



29 November 2019

Qantas Flight Training Centre SSD 10154

1. INTRODUCTION

1. On 11 November 2019, the NSW Independent Planning Commission (**Commission**) received from the NSW Department of Planning, Industry and Environment (**Department**) State significant development (**SSD**) application SSD 10154 (**Application**) lodged by Qantas Airways Ltd (**Applicant**) relating to 297 King Street, Mascot (**Site**).
2. The Application seeks approval for the construction and operation of a flight training centre, a multi-deck car park, landscaping and associated works (**Proposal**).
3. The Site is located within the Bayside local government area (**LGA**) (formerly the Botany Bay LGA).
4. The Commission is the consent authority in respect of the Application under section 4.5(a) of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) and clause 8A of the *State Environmental Planning Policy (State and Regional Development) 2011* (**SEPP SRD**). This is because:
 - on 28 February 2019, the development was declared SSD under Part 4 of the EP&A Act by an order made by the then Minister for Planning, as summarised at paragraph 22; and
 - a reportable political donation has been made by the Applicant.
5. Professor Mary O’Kane AC, Chair of the Commission, nominated John Hann (Chair) to constitute the Commission determining the Application.

1.1 Site and locality

6. The Department’s SSD Assessment Report dated November 2019 (**Department’s AR**), outlines the Site and locality.
7. The Site comprises approximately 3 hectares (ha) of general industrial zoned land located on the eastern side of Qantas Drive, north-east of Sydney Airport and within the 16.5 ha aviation / commercial office precinct known as the Mascot Campus. The majority of the Mascot Campus is owned by the Applicant and this precinct supports the Applicant’s operations.
8. The Site comprises an at-grade car park for Qantas employees providing approximately 810 car parking spaces. The Site also includes an industrial shed used to store spare aviation parts, a substation, a disused gatehouse, a Sydney Water asset (open drain) and scattered tree plantings (**Figure 1**).
9. Vehicular access to the Site is via King Street. Access is also possible through the Mascot Campus from Kent Road and Qantas Drive via Lancastrian Road and the Qantas airbridge. The 810 car parking spaces on the Site form part of a total of 5,480 spaces that the Applicant currently has access to within the Mascot Campus, Qantas Jetbase and Sydney Airport Domestic and International Terminals.

10. The surrounding area to the north, east and south is characterised by a variety of commercial and industrial uses and varying scales of development (**Figure 1**) including:
 - low scale industrial development to the north;
 - Travelodge Hotel, Wilson car park and the AMP/Goodman Corporate Connect Campus to the east;
 - King Street, a number of residential properties and a Qantas owned at-grade car park to the south.
11. To the west and south-west is the Botany Freight Rail Line, Qantas Drive and Sydney Airport (including the Qantas Jet Base and the existing flight training centre).

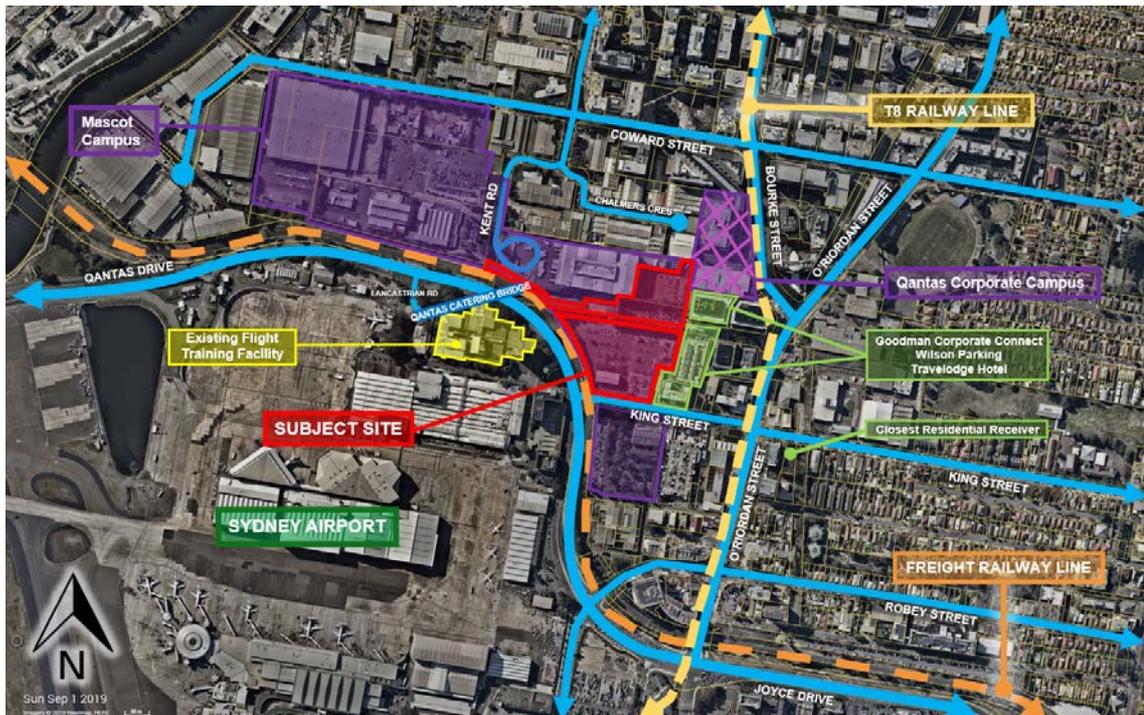


Figure 1 – The Site location and surrounding context (Source Department’s AR)

1.2 Background to the Application

1.2.1 Existing Qantas flight training centre

12. The existing Qantas flight training centre is located within the north-east part of the Sydney Airport (**Figure 1**) on the opposite (western) side of Qantas Drive to the subject Site.
13. The Department’s AR provides a summary of the operation and purpose of the Applicant’s existing flight training centre, confirming it:
 - “... is currently the largest in the Southern Hemisphere;
 - ... supports and trains over 2,500 pilots annually;
 - ... currently houses 12 full-motion flight simulators, one for each aircraft type in the Applicant’s fleet;
 - ... [includes] emergency training facilities; and
 - ... is critical to the Applicant’s operations by ensuring all Qantas pilots and flight crew comply with Civil Aviation Safety Authority (CASA) regulations.”
14. The Department’s AR also states that “Qantas pilots are required to undergo on-going mandatory testing throughout the year to meet these regulatory requirements. Without a functioning flight training centre, the Applicant would not be able to meet the legislated level of continual training and pilots and cabin crew would not be able to fly.”

1.2.2 Sydney Gateway Road Project

15. The Department's AR confirms that in September 2018 Transport for NSW, Roads and Maritime Services (**RMS**) announced the Sydney Gateway Road Project (**Gateway Project**), which is "proposed to improve connections to Port Botany and Sydney Airport by increasing the capacity of the surrounding road and rail network and providing a new alternative route to the domestic and international airport terminals". Furthermore, "The project is a State significant infrastructure project (SSI-9737) for which Secretary's Environmental Assessment Requirements were issued on 15 February 2019".
16. The Department's AR clarifies that "As part of the proposed Gateway Project, Qantas Drive will be widened, which will require the partial demolition of the Applicant's existing flight training centre. To ensure RMS can meet its construction deadlines to deliver the Gateway Project, the existing flight training centre must be vacated by 31 December 2021. Therefore, the Applicant is seeking development consent to construct a new flight training centre to enable the timely delivery of the Gateway Project... The Applicant has advised that due to the specialised nature of the flight training centre, it would take a minimum of 23 months to construct and become operational"
17. In addition to the upgrade works to Qantas Drive proposed as part of the Gateway Project, the Department's AR confirms that "The RMS is currently undertaking or proposing several road upgrades in the surrounding road network to increase traffic capacity and reduce congestion, including but not limited to:
 - the widening of O'Riordan Street to three lanes in each direction between Bourke Road and Robey Street
 - making Robey Street one way eastbound between Qantas Drive and O'Riordan Street
 - providing a new right turn bay from O'Riordan Street into King Street (westbound)."

1.2.3 Existing car parking

18. The Site is currently used for car parking by Qantas staff with up to 810 at-grade car spaces available. These car parks are known as the King Street North and Trigen/Trigen South car parks.
19. The Applicant currently has access to approximately 5,480 car parking spaces across the Mascot Campus, the Qantas Jet Base and the Domestic and International Terminals at Sydney Airport. However, due to the end of lease agreements and redevelopment of existing sites the Applicant will lose access to 2,000 of those spaces as summarised at **Table 1**.

Table 1 - Summary of known changes to Qantas parking provision (source Applicant's EIS)

Precinct	Existing Supply		Difference (+/-)
Corporate Campus	3,900	King Street North	-560
		Trigen & Trigen South	-250
		Coward Street	-380
		L3 Catering	+300
Jet Base	530		-530
Domestic Terminal	580		-580
International Terminal	470		0
Total	5,480		-2,000

20. At its meeting with the Commission (see paragraph 41) the Applicant clarified that the termination of lease agreements for car parking spaces owned by Sydney Airport (being the Domestic Terminal and Jet Base) is to allow for the redevelopment of those sites in association with works to the Sydney Airport terminal(s). Those car parking spaces are therefore not expected to be re-let on an on-going basis.

1.2.4 Relevant Site planning history

21. On 9 January 2019, the Commission provided advice to the Secretary of the Department on an Application for Ministerial Call-In of the Qantas Flight Training Centre (MCI 9793). In this advice, the Commission “formed the opinion that the proposal was SSD and should be declared so accordingly.”
22. The Department’s AR confirms that “The development was declared State Significant Development (SSD) under Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act) by an order made by the then Minister for Planning on 28 February 2019.”
23. The Department’s AR confirms that Bayside Council (**Council**) issued “...development consents apply to the site for commercial and light industrial uses including the trigeneration plant, catering facility and car park [Table 2]. The Applicant is proposing to surrender DA2016/67, which relates to the use of the site as an employee car park.”

Table 2 - Existing Consents that Apply to the Site (source Department’s AR)

Ref	Approved Use	Status
DA2007/038	Addition of shelter for scissor platform lifts over existing flight training facility truck docks	Retain
DA2016/104	Expansion of the existing tri-generation plant	Retain
DA2016/67	Use of the site as an employee car park with the provision of 584 spaces	To be surrendered

1.3 Summary of the Application

24. The Application before the Commission for determination seeks consent for the construction and operation of a flight training centre and multi-deck car park, landscaping and associated works.
25. The key components of the Proposal (as amended by the Applicant’s Response to Submissions (**RtS**) outlined at paragraph 30) are summarised in **Table 3** and shown at **Figure 2** to **Figure 5**.

Table 3 - Key components of the Proposal (source: Department’s AR)

Aspect	Description
Flight training centre	<ul style="list-style-type: none"> • Construction of a flight training centre with an overall building height of 19 m and comprising: <ul style="list-style-type: none"> ○ an Emergency Procedures Hall, which would contain cabin evacuation emergency trainers, evacuation training pool, fire trainers, door trainers, slide descent tower, aviation medicine training and equipment rooms ○ a Flight Training Wing, which would contain 14 simulator bays and associated IT and office rooms, including open plan offices on Level 3, integrated procedures trainers, briefing and de-briefing rooms, spares storage, fatigue room, maintenance workshop and visual repair, pilot and crew lounges and a frequent flyer lounge ○ general teaching facilities including 20 classrooms, computer-based training rooms and an auditorium ○ ancillary uses including a café, meeting rooms, lunch/tea rooms, toilets, plant, loading dock and internal roads.

Aspect	Description
Multi-deck car park and surface parking	<ul style="list-style-type: none"> Construction of 2,097 car parking spaces, comprising; <ul style="list-style-type: none"> 2,059 car parking spaces provided within a 43.8 m tall, (14 level) split-level multi-deck car park building; and 38 surface car parking spaces.
Landscape and vegetation	<ul style="list-style-type: none"> Removal of 86 trees and across the site; Retention of trees along King Street, various trees and tree groups at the eastern boundary of the site, all trees along the western boundary of the site and tree groups either side of the Sydney Water Asset; Landscaping consisting of: <ul style="list-style-type: none"> planting and soft landscaping around the perimeter of the flight training centre installation of a planter and pergola structure at the rooftop level of the car park for trailing and climber plants.
Construction / operation hours	<ul style="list-style-type: none"> Construction hours are proposed as follows: <ul style="list-style-type: none"> external works – 6 am to 8 pm Monday to Friday, 6 am to 5 pm Saturday and 7 am to 5 pm Sunday, inclusive of public holidays; internal (non-noisy) works – 24 hours seven days a week (upon completion of building envelope); and Operational hours comprising 24 hours a day, 7 days a week.
Signage	<ul style="list-style-type: none"> Three building identification signs and wayfinding signage.
Employment	<ul style="list-style-type: none"> 220 jobs during construction and relocation of 149 jobs and providing an additional six jobs during operation.
CIV	<ul style="list-style-type: none"> \$165,371,000

26. The development is proposed to be constructed in three stages:
- Stage 1: construction of flight training centre and internal road network
 - Stage 2: construction of first five storeys of multi-deck car park including 748 spaces and 38 surface spaces
 - Stage 3: construction of remaining nine storeys of the multi-deck car park including 1,311 spaces (total of 2,097 car spaces on site).
27. The Department's AR states that *"The construction of the proposed flight training centre is expected to take 16 months and a further seven months for the installation, commissioning and calibration of the simulators. The multi-deck car park would be constructed over a combined eight months for both stages."*
28. As noted at paragraph 23, the Applicant also proposes to surrender an existing Council-issued consent (DA2016/67), for the use of the site as an employee car park) that applies to the Site.
29. During the preparation of its Environmental Impact Statement (EIS) dated May 2019, the Applicant states on 1 and 11 April 201 it undertook two stakeholder briefings with neighbours including Goodman, Travelodge (and other parties) and AMP.
30. On 13 August 2019, the Applicant provided its RtS, which was further amended by addenda on 26 August and 31 October 2019 (collectively hereafter referred to as the **RtS**). The changes to the Proposal are noted in the Applicant's RtS. The key changes include:
- remove demolition works from the Application – approval to be sought via a separate complying development certificate;
 - revise Site boundary by removing the catering building and Qantas bus refuel area from the land to which the Application applies;
 - revised construction staging and hours of construction;
 - correction of proposed car parking numbers and agreement to a 20 m extension to the right hand turn lane on Qantas Drive at the Qantas Drive / Lancastrian Road intersection

- amendments to the design of the multi-deck car park façade and location of signage
- amendments to, and increase of, landscaping areas;
- increase of replacement trees from 68 to 92 trees;
- increase of bicycle parking spaces to 120 spaces; and
- Agreement to the payment of \$680,612.14 development contributions.

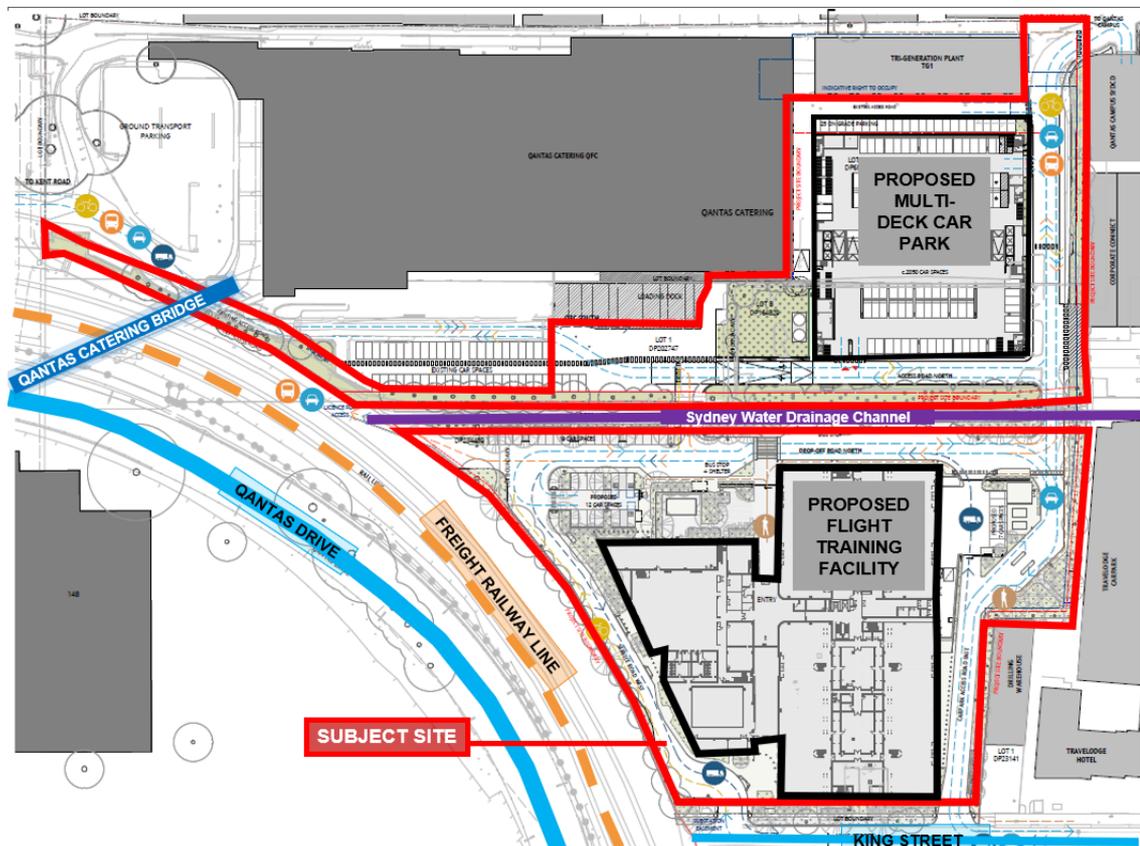


Figure 2 – Proposed development layout (source Department's AR)

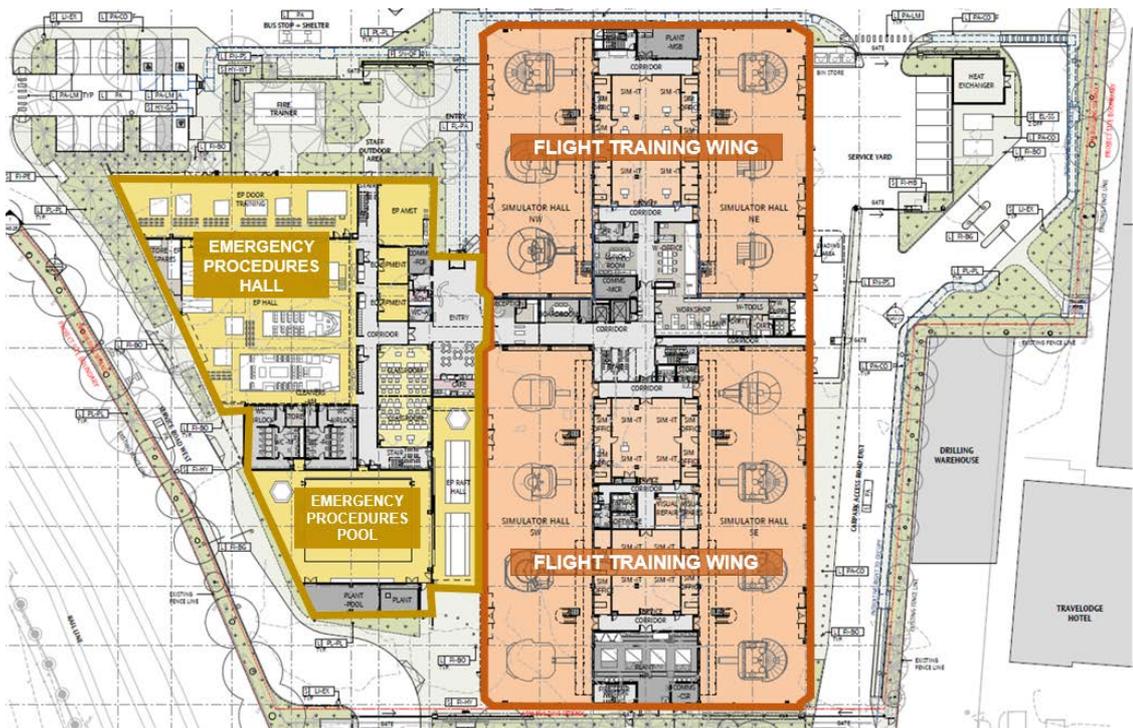


Figure 3 – Flight training centre layout (source Department's AR)



Figure 4 – Perspective of Flight Training Centre looking South-East (source Department's AR)



Figure 5 – Perspective of Multi-Deck Car Park Looking North-East (source Department's AR)

1.4 Stated need for the Proposal

31. In its EIS the Applicant stated *“The need for this Project is a direct result of the Sydney Gateway Project (Gateway) proposed by Roads and Maritime Services (RMS). The existing flight training centre will be directly impacted by this piece of critical road infrastructure, requiring relocation and construction of a new flight training centre.”*
32. In addition, *“As part of Gateway, Qantas Drive will be widened approximately 16 metres which will require the partial demolition of Qantas’ existing flight training centre. The vibrations associated with the construction and operation of Gateway will exceed the Civil Aviation Safety Authority’s (CASA) regulatory requirements in relation to the operation of Qantas’ simulators.”*
33. The Applicant also confirms *“Were the existing flight training centre not being critically impacted by the approximately 16 metre expansion of Qantas Drive as part of Gateway, Qantas would not be moving from its existing facility. This is due to the latent economic value, ongoing functionality and strategic location of the existing flight training centre... In order to meet RMS’ timeframes and to avoid either delaying the construction of Gateway or potential grounding their fleet, Qantas needs to begin construction of its replacement flight training centre by no later than 1 September 2019”.*

2. THE DEPARTMENT’S CONSIDERATION OF THE APPLICATION

2.1 Key steps in Department’s consideration of the Application

34. The Department carried out the following key steps in relation to the Application:
 - on 29 March 2019, issued Secretary’s Environmental Assessment Requirements (SEARs);

- on 31 May 2019, received the Application;
- publicly exhibited the Application between 4 June 2019 and 4 July 2019. The Department received 16 submissions comprising 12 from public agencies and four from the public. The submissions are summarised at **Table 4** and paragraph 36;
- on 13 August 2019, received the Applicant's RtS. The Department made the RtS publicly available on its website and renotified the relevant government agencies. The Department received seven submissions from government agencies and two submissions from the public. The submissions are summarised at **Table 4** and paragraph 36;
- on 26 August and 1 November 2019, received the Applicant's addenda to the RtS in response to concerns and issues raised in submissions and by the Department. The Department made the RtS a publicly available on its website;
- prepared an SSD assessment report dated November 2019; and
- on 11 November 2019, referred the SSD assessment and recommended development consent to the Commission.

2.2 Submissions

35. The Department received a total of 19 submissions from public agencies, including 12 received during the initial exhibition of the Application, of which seven submissions were updated in response to the RtS. The submissions are summarised in **Table 4**.

Table 4 - Summary of public agency submissions (source: Department's AR)

Council
Council supported the Applicant's amendments to the design of the car park and landscaping strategy and recommended conditions relating to stormwater, flooding, traffic, car parking and accepted the Applicant's commitment to pay development contributions.
Transport for NSW (TfNSW)
TfNSW did not object to the Proposal and supported the 20 m extension to the right hand turn lane on Qantas Drive at the Qantas Drive / Lancastrian Road intersection.
Sydney Airport Corporation Limited (SACL)
SACL did not object to the Proposal and recommended the Applicant obtain approval from Sydney Airport prior to operating construction equipment such as cranes.
Australian Rail Track Corporation Ltd (ARTC)
ARTC did not object to the Proposal and encouraged the Applicant to continue to consult with ARTC throughout the construction of the development, should it be approved.
Environment, Energy and Science Group (EES)
ESS did not object to the Proposal and recommended conditions relating to landscaping and fauna management.
Fire and Rescue NSW (FRNSW)
FRNSW did not object to the proposal and recommended compliance with the requirements of the National Construction Code

Lands, Water and the Department of Primary Industries (LWDPI)
LWDPI did not object to the Proposal and requested: <ul style="list-style-type: none"> • a detailed site water balance for construction and operation • a dewatering management plan if excavations are required below the water table • if works are required below the water table, underground service tanks must be sealed against the aquifer.
Sydney Water
Sydney Water did not object to the Proposal.
Water NSW
Water NSW advised the proposed development will not impact its assets and did not provide further comments.
Ausgrid
Ausgrid has no comments as the development is to be supplied by a trigeneration grid.
Transgrid
Transgrid advised the proposed development does not affect its infrastructure and did not provide further comments.
Environment Protection Authority (EPA)
The EPA did not object to the Proposal and stated that the development does not constitute a scheduled activity under the <i>Protection of the Environment Operations Act 1997</i> , therefore an EPL is not required.

36. The Department received a total of six submissions from the public, including four received during the initial exhibition of the Application, of which two submissions were updated in response to the RtS. The submissions are summarised below:
- Travelodge & Wilson Parking (**T&WP**) objected to the proposed construction hours and the 4.5 m setback of the flight training centre from King Street. Following consideration of the RtS, T&WP withdrew its objection to traffic impacts. T&WP made various commercial requests about future operation and development.
 - BIKEast requested active travel links from the Alexandra Canal cycle path to the airport and the Council network;
 - comments were provided in one public submission regarding impacts on the O’Riordan Street and King Street intersection and requested that RMS review the safety and traffic flow of that intersection prior to any development along King Street west being approved; and
 - AMP Capital confirmed its concerns relating to landscaping, car park design and illumination have been addressed by the RtS.

2.3 The Department’s AR

37. The Department’s AR identified traffic, car parking, urban design and noise as the key impacts associated with this proposal.
38. The Department’s AR states that *“The Department acknowledges that a functioning flight training centre is critical to the Applicant’s operations as a national carrier and would ensure pilots and flight crew can meet stringent safety regulations to support the safe and efficient operation of Sydney Airport. The Department also recognises the need for the development is a direct result of the Gateway Project, which would require the existing flight training centre*

be vacated by 31 December 2021.”

39. With regard to the identified key impacts above, the Department’s AR concluded:
- *... the development would be a redistribution of existing trips in and around the Mascot Campus and Sydney Airport;*
 - *The Department considers the Applicant’s proposed parking strategy is adequate...;*
 - *... the proposed extension works [to the right turn bay on Qantas Drive] would be effective in mitigating any potential impacts on the operation of Qantas Drive and the regional road network;*
 - *... there would be minimal traffic impacts during construction...;*
 - *[the design of the flight centre and car park] result in a high-quality urban design outcome for an industrial development that mitigates visual impacts... and the development exhibits design excellence...;*
 - *... the predicted construction noise impacts would be acceptable... The Department accepts the Applicant’s justification for the extended construction hours...;* and
 - *... the impacts of the development are acceptable and can be appropriately managed through implementation of the recommended conditions of consent... the proposal is in the public interest and is approvable”.*

3. THE COMMISSION’S MEETINGS AND SITE VISIT

40. As part of its proposal determination, the Commission met with various persons as set out below. All meeting transcripts and site inspection notes were made available on the Commission’s website.

3.1 Meeting with the Applicant

41. On 19 November 2019, the Commission met with the Applicant to discuss its Application. Key points of discussion included Site context, the Gateway Project, Qantas flight centre operation and requirements, building design, layout, setbacks and materials, landscaping, community engagement, construction requirements and timeframe, traffic, intersection performance, road infrastructure improvements, existing Airport car parking, proposed car parking, hours of construction and noise impact, operational noise and contamination.
42. The Applicant also requested the Commission consider proposed changes to the Department’s recommended conditions B41 and B42, which relate to contamination. The Commission has considered the merits of the proposed changes to these conditions at section 5.12.1.

43. A copy of the meeting transcript was made available on the Commission’s website.

3.2 Meeting with the Department

44. On 19 November 2019, the Commission met with the Department to discuss its assessment of the Application. The key points of discussion included the Gateway Project, traffic, traffic management, road infrastructure improvements, car parking, site context, design and setbacks, contamination, construction noise, hours of construction, Applicant’s suggested timeframe for relocation and construction, employee/pedestrian access from the development to the Airport, impacts on Travelodge and other neighbouring properties, the Department’s recommended conditions and the Applicant’s proposed amendments to the Department’s recommended conditions.

45. A copy of the meeting transcript was made available on the Commission’s website.

3.3 Site inspection

46. On 19 November 2019, the Commission conducted an inspection of the Site and its

surroundings. Four representatives attended the inspection on behalf of the Applicant and assisted in showing the Commission relevant aspects of the Site. Apart from the Commission and Secretariat, the following people attended and observed the site inspection:

- Mr Charlie Westgarth (Qantas);
- Mr Nicholas Lawler (Qantas);
- Mr Tim Harnet (Qantas); and
- Ms Emma Fitzgerald (Urbis).

47. A copy of the site inspection notes was made available on the Commission's website.

4. ADDITIONAL INFORMATION

48. In response to questions raised at the Commission's meeting with the Department, the Commission received letters and attachments from the Department dated 22, 26 and 28 November 2019 providing clarification on matters relating to:

- use and traffic related to the existing car parking spaces the Applicant would lose access to within Sydney Airport;
- the number of existing car parking spaces on the Site;
- the installation of a number plate photo recognition system for the proposed new car park;
- internal pedestrian connections and bus services and routes between the Site and Sydney Airport;
- Council's response to the Construction Environmental Management Plan (**CEMP**);
- consideration of the draft Remediation of Land SEPP;
- the number of Travelodge hotel rooms facing the Site;
- the Applicant's mitigation measures;
- proposed changes to conditions B41 and B42 (now numbered B42, B43 and B44) on the Applicant's request in relation to contamination – unexpected finds and site auditor requirements (see paragraph 131 for further detail).

49. In response to questions raised at the Commission's meeting with the Applicant, the Commission received a letter and attachment from the Applicant dated 22 November 2019 providing clarification on matters relating to:

- the number of existing car parking spaces on the Site;
- consideration of the draft Remediation of Land SEPP; and
- hours of construction.

50. Bayside Council did not object to the proposed development, and did not elect to meet with the Commission to discuss the Application. However, on 26 November 2019 Bayside Council provided written comments to the Commission requesting further conditions be attached to the Department's recommendation in relation to public domain landscaping works, civil public domain works and a peer review of the traffic impacts. This is further discussed at paragraph 108 below.

51. The above correspondence was provided to the Commission after receipt of the Department's AR and was made available on the Commission's website.

5. THE COMMISSION'S CONSIDERATION

5.1 Material considered by the Commission

52. In this determination, the Commission has carefully considered the following material (**Material**):

- the Application
- the SEARs dated 29 March 2019;

- the EIS and its accompanying appendices prepared by Urbis Pty Ltd and dated May 2019;
- all submissions provided to the Department in respect of the Application by the community and government agencies;
- the Response to Submissions and Amended Project Report and its accompanying appendices prepared by Urbis Pty Ltd and dated August 2019;
- the Addendum Response to Submissions Information and its accompanying appendices prepared by Urbis Pty Ltd and dated 26 August 2019;
- Revised Addendum Response to Submissions and Updated Amended Project Report and its accompanying appendices prepared by Urbis Pty Ltd and dated 31 October 2019;
- the Department's AR prepared by the Department dated November 2019;
- the Department's recommended development consent; and
- additional information provided to the Commission described in paragraphs 48, 49 and 50.

5.2 Mandatory considerations

53. In determining this application, the Commission has taken into consideration the following relevant mandatory considerations, as provided in section 4.15 of the EP&A Act (**mandatory considerations**):

- the provisions of all:
 - environmental planning instruments; and
 - proposed instruments that are or have been the subject of public consultation under the EP&A Act and that have been notified to the Commission (unless the Secretary has notified the Commission that the making of the proposed instrument has been deferred indefinitely or has not been approved); and
 - development control plans; and
 - planning agreements that have been entered into under s 7.4 of the EP&A Act, and draft planning agreements that a developer has offered to enter into under s 7.4;
 - the *Environmental Planning and Assessment Regulation 2000 (EP&A Regulation)* to the extent that they prescribe matters for the purposes of s 4.15(1) of the EP&A Act;
 that apply to the land to which the Application relates;
- the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;
- the suitability of the site for development;
- submissions made in accordance with the EP&A Act and EP&A Regulation; and
- the public interest.

5.3 Additional considerations

54. Clause 55 of the EP&A Regulation states that a *“development application may be amended or varied by the applicant (but only with the agreement of the consent authority) at any time before the application is determined.”*

55. During the Department's assessment of the Application, the Applicant submitted a request to amend the Application. The Department's AR summarises the proposed key changes:

- *“... [removal of] the demolition works component as the Applicant is seeking separate approval for the demolition works via a complying development certificate...”*
- *... a revised site boundary to remove the catering building and Qantas bus refuel area from the land to which the DA applies, so it closely aligns with the extent of construction activities associated with the development; and*

56. The Department's AR noted that the Proposal as amended continues to seek *“approval for a flight training centre and multi-deck car park...”* and concluded that *“the application [is]*

consistent with requirements of Clause 55 of the EP&A Regulation...”

57. In determining this Application, the Commission has considered the Applicant’s request that the amendments contained with the RtS form part of this Application.
58. The Commission considers the proposed amendments to the Application to be generally minor in nature and do not significantly alter the nature of the Proposal. The Commission also notes that the amendments have been publicly notified and submitters have had the opportunity to provide comments on the proposed changes to the Application.
59. The Commission concurs with the Department’s conclusion at paragraph 56 and agrees to the amendment of the Application.

5.4 Strategic considerations

60. In determining this Application, the Commission has also considered the:
 - Greater Sydney Regional Plan – A Metropolis of Three Cities (**GSR Plan**), which sets out the NSW Government’s 40-year vision and establishes a 20-year plan to manage growth and change for Greater Sydney and includes 10 directions; and
 - Eastern City District Plan (**District Plan**), which aims to connect local planning with the longer-term metropolitan planning for Greater Sydney.
61. Regarding the strategic merit of the Application, the Department’s AR concludes that the Application supports the directions and objectives of the GSR Plan and District Plan as:
 - *“The development is proposed in an existing industrial area close to Sydney Airport, which would continue to provide support to the operation of Sydney Airport*
 - *... it would support the growth of Sydney Airport as an international trade gateway... [and] would be located on strategically important employment land close to the Sydney Airport that will support the functions of Sydney Airport.*
62. The Commission accepts the conclusions of the Department’s AR outlined in paragraph 61 above as it has been demonstrated that the Application will support the relevant directions and objectives of the GSR Plan and District Plan.

5.5 Relevant Environmental Planning Instruments

63. The following environmental planning instruments (**EPIs**) are relevant to the application:
 - SEPP SRD
 - State Environmental Planning Policy (Infrastructure) 2007
 - State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
 - State Environmental Planning Policy No. 55 – Remediation of Land
 - State Environmental Planning Policy No. 64 – Advertising Structures and Signage
 - Botany Bay Local Environmental Plan 2013 (**BBLEP 2013**).
64. The Commission has carefully considered and accepts the Department’s assessment of the relevant EPIs as set out within Appendix B of the Department’s AR and is satisfied the Application is consistent with the requirements of the EPIs.

Permissibility

65. The Department’s AR has considered permissibility and confirms *“The site is zoned IN1 – General Industrial under the... BBLEP 2013. The development is best characterised as an industrial training facility as it is a building or place used in connection with vocational training activity (i.e. pilot and cabin crew training) that is associated with the aviation industry. Industrial training facilities located in the IN1 zone are permissible with consent.”*

66. The Commission agrees with the Department's AR conclusion on the characterisation of the use of the Site and finds that as the Proposal is for an industrial training facility it is permissible with consent within the zone.

5.6 Relevant Proposed Instruments

67. The following draft EPI is relevant to the Application:
- Draft State Environmental Planning Policy for the Remediation of Land (**Draft SEPP**).
68. The Commission notes, in response to the Commission's question raised at its meeting with the Department, that the Department has submitted additional information (paragraph 48), which states *"The Draft SEPP will replace the core aims and structure of SEPP 55 and would continue to promote the remediation of contaminated land to reduce the risk of potential harm to human health or the environment. The proposed changes are not substantial and primarily relate to technical clarifications... Therefore in considering SEPP 55, the Department has also considered the relevant matters under the Draft SEPP."*
69. The Applicant also provided information to the Commission (paragraph 49) in relation to the Draft SEPP, stating the Application complies with the Draft SEPP, *except for the standard hours of operation for Category 2 Remediation work.*
70. The Commission requested the Department comment on the above statement made by the Applicant (paragraph 69). On 26 November 2019, the Department provided further advice regarding the Draft SEPP, and advised because the Application does not propose any remediation works, *"the Category 2 operational requirements would not apply"*. Therefore any construction or associated works carried out in accordance with this Application will need to comply with the Department's recommended construction hours under Condition B24.
71. The Commission agrees with the assessment and conclusions in the Department's additional information (paragraph 68) and further commentary (paragraph 70) and finds the Application is consistent with the Draft SEPP.

5.7 Relevant Development Control Plans

72. Pursuant to clause 11 of the SEPP SRD, development control plans (**DCPs**) do not apply to SSD. Notwithstanding this, the Commission notes that the SEARs applicable to this Application recommended that the relevant planning provisions of the Botany Bay Development Control Plan 2013 (**BBDCP**) should be addressed.
73. The Commission notes that the BBDCP contains provisions that are applicable to the consideration of the development of the Site (including setbacks and landscaping) and, in the absence of any other site-specific design controls, the BBDCP provides a useful guideline to inform the assessment of the Application.
74. The Commission has considered the relevant provisions of the BBDCP within Section 5.9 of this Statement of Reasons.

5.8 Applicable Regulations

75. The Commission notes the Department has provided an assessment of the Application against the matters for consideration under section 4.15(1) of the EP&A Act at Appendix B of the Department's AR.
76. The Department's AR concludes that the Application complies with relevant EPIs and meets the relevant requirements of the EP&A Regulation. Furthermore, the likely impacts of the Application have been assessed, relevant DCPs have been considered, the Site is suitable

for the Proposal, consideration has been given to all submissions received and the Proposal is in the public interest, subject to conditions.

77. The Commission has considered the Application against the matters for consideration at section 4.15(1) of the EP&A Act and agrees with the conclusion of the Department's AR summarised at paragraph 76.

5.9 Likely impacts of the development on both natural and built environments

78. The Commission considers the key issues associated with the Application are:
- construction noise;
 - built form;
 - traffic and car parking; and
 - bicycle network and infrastructure.

5.9.1 Construction noise

79. The Commission notes that the *Interim Construction Noise Guidelines (ICNG)* issued by the Department of Environment and Climate Change provides guidance on hours of construction, noise management levels and other aspects relating to construction works within NSW. The ICNG identifies normal working hours to be:
- Monday to Friday 7:00am – 6:00pm; and
 - Saturday 8:00am – 1:00pm.
80. The Application originally sought approval for extended hours of construction, in addition to the standard construction hours recommended under the ICNG, being Monday to Sunday 6:00am – 8:00pm. However, the Applicant has confirmed it has agreed to the Department's recommended revised hours of construction as follows:
- external works – 7:00am to 7:00pm Monday to Sunday
 - any impact pile driving shall only be undertaken between 9:00am – 12:00pm and between 2:00pm – 5:00pm, Monday to Sunday; and
 - bored piles shall only be undertaken between 7:00am – 7:00pm, Monday to Sunday.
 - upon completion of the building envelope, low risk and inaudible activities such as internal fit-out 24 hours a day, seven days a week.

Public and agency comments

81. The Commission notes that T&WP objected to the proposed hours of construction on the basis of the potential impact on the amenity and operation of the adjoining Travelodge Hotel. Council does not object to the proposed construction hours following consideration of the RtS.

Applicant's consideration

82. In response to the concern raised by T&WP, the Applicant stated:
- *"The proposed construction hours are required in order to complete the project within the timeframes set down by RMS and are not considered to be unreasonable;*
 - *... Travelodge is located within the 25-30 ANEF contour and as such was required to be constructed with appropriate acoustic attenuation measures and insulation;*
 - *... the ICNG states that during normal working hours (Monday-Friday 7:00am – 6:00pm and Saturday 8:00am -1:00pm) any construction noise should be limited to +10dBA above background noise and outside normal hours it is to be no more than +5dBA. The contractor is to prepared to comply with a Construction Noise Management Plan (CNMP) to ensure they meet these requirements; and*
 - *The noisiest activities will only occur during daytime hours, and activities at other times will be low-noise activities that will comply with the RBL +5 night-time criterion".*

Department's consideration

83. The Department's AR considered the proposed hours of construction and predicted noise impacts and states:
- [the Noise Impact Assessment (**NIA**) predicts] *construction noise impacts at the adjoining Travelodge Hotel ... between 60 – 63 dB(A) during daytime and evening hours, which would meet the [Noise Management Level] **NML** of 63 dB(A) at the site boundary;*
 - *... existing background noise environment would be around 63 – 65 dB(A) during daytime hours due to the nature and level of aircraft, rail and road noise that exists in the vicinity of the Sydney Airport;*
 - *The Department's noise specialist reviewed T&WP's submission and the NIA and recommended the external hours be restricted to between 7 am and 7 pm, Monday to Sunday, to be consistent with construction hours adopted for some urban developments located within and near the CBD;*
 - *... the Travelodge Hotel has been designed to provide guests with an acceptable internal noise amenity and therefore the potential construction noise impacts... can be appropriately managed by the Applicant*
 - *... the Applicant has committed to implementing mitigation measures such as screening and use of less noise intensive equipment where reasonable and practicable...*
 - *The Department recommends the Applicant prepare a [Construction Noise Management Plan (**CNMP**)], which would include the Applicant's commitments and measures for managing noise impacts at nearby receivers including the Travelodge Hotel and consultation procedures for informing nearby receivers of noisy works."*
84. In its additional information (paragraph 48), the Department confirmed that the Travelodge Hotel contains a total of 209 hotel rooms and 49 of those rooms face the Site.

Commission's consideration

85. The Commission has carefully considered the potential construction noise impacts associated with the Proposal and notes:
- the closest residential sensitive receiver is located approximately 300 m away from the Site on King Street and given the high background noise level the NIA concluded that construction noise is unlikely to impact those receivers;
 - construction noise impacts on the Travelodge Hotel are predicted to be between 60 – 63 dB(A), which is less than the existing background noise levels of between 63 – 65 dB(A) (see paragraph 83);
 - the Travelodge Hotel is located adjacent to Sydney Airport and within the 25-30 ANEF contour and is subject to significant noise levels. The building was constructed in 2017 and it is therefore not unreasonable to expect that the Travelodge Hotel has been constructed to contemporary standards that would achieve an internal amenity that addresses existing significant noise levels.
86. The Commission notes that in considering the Proposal, the Department sought the assistance of its noise specialist and following the receipt of that advice it suggested amendments to the Applicant's proposed hours of construction. In addition, The Department has recommended Conditions B23 to B25, which set out the hours of construction and limitations to those hours and Conditions B27 and B28, which require the preparation and implementation of a CNMP.
87. The Commission supports the Applicant's proposed mitigation measures to address noise impacts. In particular, the Commission notes that the Applicant has committed to only undertake the noisiest activities during daytime hours, and activities at other times will be low-noise activities. This commitment has been formalised in Condition B24 and the

requirements of the CNMP (Condition B27).

88. The Commission agrees with the Applicant's and Department's conclusions at paragraphs 82 and 83 as the Application has demonstrated that construction noise levels can be appropriately managed and mitigated, subject to the Department's recommended conditions.
89. The Commission finds that the proposed construction hours, including the extension of construction hours beyond the ICNG standard hours, is acceptable and noise impacts can be addressed during the construction phase of the Proposal by the recommended conditions of consent.

5.9.2 Built form

Public and agency comments

90. The Commission notes that concerns were raised in the submission from T&WP that the flight training centre should be setback 9 m (rather than 4.5 m) from King Street in accordance with the BBDCP.
91. Council raised no objection to the proposed King Street setback of the flight training centre or the overall design and layout of the Proposal following consideration of the RtS.

Applicant's consideration

92. In response to the concern raised by T&WP, the Applicant's RtS stated:
 - "... the proposed height of 19m is well under the permissible maximum height limit of 44m... Whilst the proposed built form encroaches into the setback zone, this is considered to be offset by the significantly reduced building height which reduces the street wall height; eliminating any overwhelming sense of enclosure from the public domain and permits increased daylight to create a comfortable street environment [];
 - The proposed 4.5m setback is the greatest setback that can be provided when considering the sensitive operational requirements of the flight simulators and the functionality of the internal road network. There is no further rationalisation of the building footprint that can be achieved; and
 - The setback does not interrupt or disrupt a consistent prevailing setback along the street frontage, nor does it have any impact on established significant view corridors."
93. With regard to the overall design of the Proposal, the Applicant's RtS states "*The building form and design addresses the urban design constraints of the site and the functional requirements of the facilities... a clear understanding of the industrial context and site parameters has influenced an appropriate contextual design response... In view of the extensive design analysis that was undertaken prior to the lodgement of the SSDA, the proposed siting and design of the proposal is appropriate for the site and operational requirements of the project brief.*"

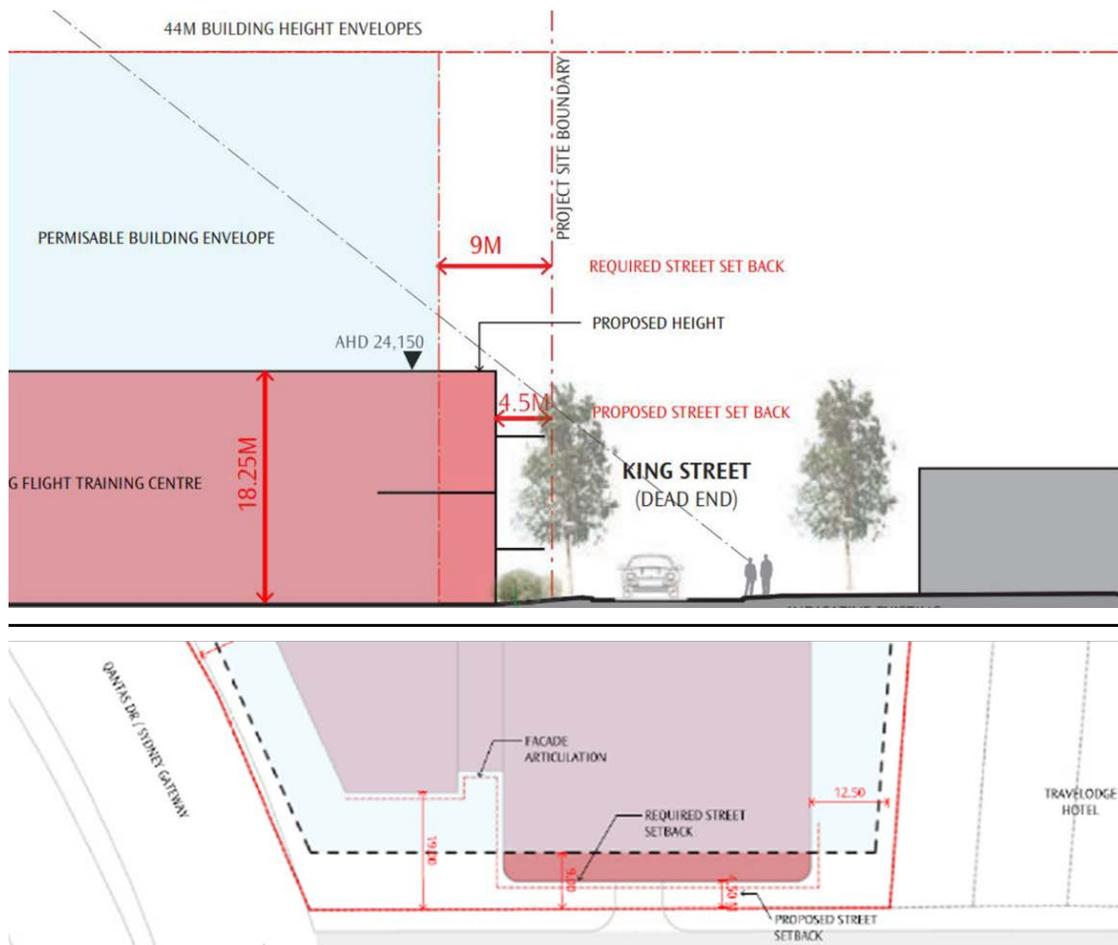


Figure 6 – King Street setback and building height (top) King Street setback building layout (bottom) (base source Applicant's RtS)

Department's consideration

94. The Department's AR considered the King Street setback and the overall design of the Proposal and states:
- ... the Government Architect NSW (GA NSW) ... provided support for the built form and detailing of the development, noting the design as appropriate to the type and location of the buildings... GA NSW confirmed in their assessment that the development achieves the design excellence requirements of the BBLEP 2013;
 - the justification for the siting of the development and the reduced setback of the flight training centre to King Street is well founded given the unique requirements of the development and the constraints of the site; and
 - the combination of design elements to both the flight training centre and car park result in a high-quality urban design outcome for an industrial development that mitigates visual impacts."

Commission's consideration

95. The Commission agrees with the Applicant's and Department's conclusions at paragraphs 92 to 94 as the Application has demonstrated that the proposed 4.5 m flight training centre setback would not have an adverse visual impact on the King Street streetscape.
96. The Commission has had regard to the overall design of the Proposal and notes the

industrial character of the immediate surrounding area. The Commission agrees with the conclusions of the Applicant and Department at paragraphs 92 to 94 that the Proposal achieves a high standard of overall design and appearance and is appropriate within its context.

97. Based on the Material, the Commission finds that the overall design of the Proposal and the flight training centre setback from King Street are acceptable.

5.9.3 Traffic and parking

98. The Commission notes the Proposal includes new service roads connected to existing service roads within the Mascot Campus and new driveways on King Street that are proposed to be controlled by security / boom gates.
99. As summarised at sections 1.2.3 and 1.3, the Proposal is for the provision of 2,097 car parking spaces, which represents the redistribution of existing spaces located elsewhere within Sydney Airport and the Mascot Campus. In addition, the Application indicates that traffic is expected to be spread across the various Site access points with most vehicles accessing the site via King Street and Qantas Drive (via Lancastrian Road and the Qantas Airbridge).
100. The predicted traffic generation is shown at **Table 5**, which indicates that the traffic generated by the Proposal is roughly double the existing Site operations. However, the Commission notes that this does not represent new trips, but the redistribution of existing vehicle movements that would have be associated with cars parking at the other locations within Sydney Airport and the Mascot Campus.

Table 5 - Existing / proposed vehicle movements per hour (vph) associated with the Proposal (source: Department's AR)

Peak Period	Existing	Proposed Development
AM	450 vph	940 vph
PM	300 vph	677 vph

Public and agency comments

101. The Commission notes that concern was raised in one public submission that the Proposal would have an adverse impact on the operation/efficiency of the King/O'Riordan Street intersection.
102. Council recommended a condition of consent requiring the peer-review of the Applicant's traffic assessment to ascertain whether a contribution should be taken for the upgrade of the King/O'Riordan Street intersection. This request was repeated in the Council letter to the Commission dated 26 November 2019 (paragraph 50). Council also recommended that a Work Travel Plan (**WTP**) be prepared and implemented
103. TfNSW supported the Proposal subject to recommended conditions requiring:
- the right turn bay along Qantas drive at the Qantas Drive/Lancastrian Road intersection must be lengthened to at least 100 m in accordance with RMS requirements, with the costs of the works to be borne by the Applicant;
 - the Applicant must undertake a traffic survey within six months of completing the upgrade works to verify whether the intersection is operating effectively as a result of the right turn bay extension; and
 - preparation and implementation of a WTP.

Applicant's consideration

104. The Applicant confirmed in its RtS that it agrees to TfNSW's recommended conditions of consent regarding the right turn bay along Qantas Drive, traffic survey and preparation and implementation of a WTP (paragraph 103).
105. The Applicant's RtS states
- *"The proponent's parking strategy is to maintain existing supply by proactively replacing existing parking lost as part of the relocation of the flight training centre and to replace known losses of parking due to future development or end of leases;*
 - *The proposed multi-deck car park is intended for exclusive use of Qantas staff;*
 - *... in accordance with the Airport North Precinct Plan upgrades, the intersection of King Street and O' Riordan Street is being upgraded to provide three lanes in each direction, plus a right-hand turn into King Street (west). The Traffic Management Plan prepared for the proposed development takes into account these upgrades, which provide additional capacity and will improve the operation and level of service of these intersections;*
 - *... no significant change in the level of service for the King Street west and O' Riordan Street intersection would result due to the project. A minor increase in traffic flows on the surrounding road network will result, however this is expected as part of a SSDA and will not have a significant impact on the operation or safety of the network; and*
 - *Traffic can be managed, and the project will not result in new traffic to or from the airport precinct, rather it is considered to be a redistribution of existing trips."*

Department's consideration

106. The Department's AR has considered matters relating to traffic and parking and states:
- *The modelling found [Qantas Drive/Robey Street and O'Riordan Street/King Street intersections] would maintain a satisfactory LoS (A to C) and notes this is reliant on proposed and existing RMS upgrades to O'Riordan Street and Robey Street...;*
 - *... the multi-deck car park would enable the Applicant to better manage its parking requirements in one location. The proposed upgrade works to extend the right turn bay along Qantas Drive at the Qantas Drive/Lancastrian Road intersection would also help to mitigate any potential impacts associated with the development;*
 - *... the proposed parking strategy is adequate given the Applicant's operations are not changing and the multi-deck car park is a like-for-like replacement of [existing] parking;*
 - *... the Applicant's proposed active transport measures, including bicycle parking and pedestrian network improvements, to encourage the uptake of active transport options to reduce overall parking demand; and*
 - *... the possible removal of the Qantas Drive/Lancastrian Road intersection [as part of the Gateway Project] could result in a further redistribution of the development's operational traffic onto King Street, the Department is satisfied the development itself would not impact on the operation of the local road network, should this scenario occur.*
 - *...the RTS concluded the cumulative impacts would be minor....and [the RMS' delivery of upgrades to O'Riordan Street and King Street] would ensure the continued and effective operation of these intersections".*
107. The Department's AR concluded that *"the potential traffic, parking and access impacts associated with the construction and operation of the development would be acceptable and can be adequately managed..."*
108. In response to the advice provided by Bayside Council to the Commission (paragraph 50), on 28 November 2019 the Department advised:
- *The Department understands the RMS are undertaking a number of upgrades to the local road network in the vicinity of the site as part of the Airport North Precinct and*

Mascot Intersection Upgrades... including providing a new right turn bay from O’Riordan Street into King Street (westbound)

- *The Applicant’s traffic modelling found that under the development scenario, the O’Riordan Street/King Street intersection would maintain a satisfactory level of service and notes this is reliant on the RMS upgrades described above.*
- *In its submission, TfNSW (on behalf of the RMS as the roads authority for O’Riordan Street) did not raise any concerns, nor did the agency request the Applicant to provide a monetary contribution towards the upgrade works or any additional upgrade works in the vicinity of the site.*
- *Noting that RMS is the relevant roads authority for O’Riordan Street, the Department’s assessment concluded the development would not result in a change to the performance of the King Street/O’Riordan Street intersection and did not include Council’s recommendation.*

Commission’s consideration

109. The Commission notes, as summarised at paragraph 19, that car parking spaces currently leased from Sydney Airport will be unavailable at the end of leases and several car parks in the Mascot Campus will close due to redevelopment. Without taking action, the Applicant would lose access to approximately 2,000 car parking spaces.
110. The Commission acknowledges the Applicant’s and Department’s comments at paragraphs 104 and 105 that the Proposal represents a redistribution of car parking spaces and vehicle trips from existing sites within Sydney Airport and the Mascot Campus. In addition, as noted at paragraph 20, car parking spaces in the Domestic Terminal and Jet Base will not be relet on an on-going basis.
111. The Commission has considered Bayside Council’s request to impose a condition requiring a peer review of the traffic impacts to determine an appropriate monetary contribution, if any, towards the King Street/O’Riordan Street intersection upgrade works. The Commission agrees with the Department’s AR and subsequent advice (paragraph 108), and does not support the recommendation by Council to require a peer review of the traffic impacts in relation to the King Street/O’Riordan Street intersection.
112. The Commission agrees with the proposal to require the preparation and implementation of a WTP (Condition B8) which will encourage an increase in the mode share of public transport and active transport for staff and visitors of the development.
113. The Commission notes the proposed management and mitigation works summarised in the Applicant’s and Department’s comments at paragraphs 105, 106 and 107, which include Qantas Drive/Lancastrian Road intersection works and bicycle parking and pedestrian network improvements. The Commission also notes the other road infrastructure improvement works being undertaken (Airport North Precinct Plan upgrades and RMS upgrades to O’Riordan Street and Robey Street).
114. The Commission is satisfied that the Proposal would not result in adverse impacts on the operation/efficiency of nearby intersections and that conditions B3 Intersection Works, B5 Traffic Verification Study and Mitigation, and B7 Operating Conditions are sufficient to ensure the Applicant implements the proposed management and mitigation measures.
115. The Commission finds that traffic impacts can be appropriately managed and/or mitigated in accordance with the recommended conditions and that the Applicant’s car parking strategy is acceptable.

5.9.4 Bicycle network and infrastructure

Public and agency comments

116. The Commission notes that concern was raised in the submission from BIKEast that better cycle connectivity should be provided. Council and TfNSW raised no objection to the proposed bicycle infrastructure following consideration of the RtS.

Applicant's consideration

117. In response to the concern raised, the RtS states *"It is not the responsibility of the proponent or the project to improve the cycling network beyond their site. As such this is not a relevant consideration in the assessment of this SSDA."* In addition, the RtS also confirms the Proposal:

- *"[includes] the provision of [end of trip] facilities including bicycle storage facilities for 69 bikes within the car park at Stage 1 and storage for 120 bikes at the completion of Stage 2;*
- *The proponent does not support public access through the site due to the critical aspect of the services; and*
- *... will be accessible via cyclists directly from King Street, and through the campus via Kent Road and Bourke Road."*

118. In addition, the Applicant's Addendum Traffic Advice confirms *"As part of the SSD, improvements will be made to the internal pedestrian and cycleway network within the King Street North and Trigen car park areas through the construction of new roads and footpaths around the flight training centre and multi-deck car park. A new footpath will be constructed along the King Street frontage."*

Department's consideration

119. With respect to bicycle considerations, the Department's AR states *"The Applicant has committed to preparing a Workplace Travel Plan and Travel Demand Management Strategy for the development and in its RTS, confirmed it would provide additional bicycle parking with up to 120 spaces within the ground floor of the multi-deck car park. The RTS also indicated the development would rely on existing end of trip facilities located immediately adjacent to the proposed car park."*

Commission's consideration

120. The Commission notes and accepts the Applicant's information at paragraphs 117 and 118 and the Department's consideration at paragraph 119. The Commission notes the size and nature of the Proposal and that it results in improvements to cycling access and infrastructure within the Site. The Commission concludes it would not be reasonable to require the Applicant to provide for bicycle network improvements beyond the Site.

121. Based on the Material the Commission finds that sufficient provision has been made for cyclists to access the Site and for onsite parking and associated facilities. The Commission notes that Condition B8 requires the preparation of a WTP.

5.10 Suitability of the site for the development

122. The Commission has considered the suitability of the Site for the Proposal and notes:

- the proposed use of the Site for an industrial training facility is permissible with consent in the zone, as outlined in paragraph 66;
- the likely environmental issues, outlined in section 5, associated with the Application can be adequately addressed through management and/or mitigation measures;

- the Application is generally consistent with the planning priorities set out in the GSR Plan and District Plan as outlined in paragraph 62; and
- the Department's AR confirms that *"the proposed construction activities are unlikely to disturb any contaminated material, but recommends the Applicant prepare [an unexpected finds] procedure as part of a CEMP... and a Site Audit Statement [to] confirm the site is suitable for the proposed use"*.

123. Based on the Material and its observations at paragraph 122 above, the Commission finds that the Site is suitable for the Proposal. The Applicant's request to amend the Department's recommended Conditions B41 and B42, which relate to contaminated land, has been considered at section 5.12.

5.11 The public interest

Department's consideration

124. The Department's AR considered the consistency of the Application with the objects of the EP&A Act and concluded that it was consistent with those objects, stating that the Application:

- *"... would ensure the proper development of suitably zoned land... [and] would also promote social and economic welfare in the community by retaining up to 149 operational jobs and creating another six operational jobs and up to 220 construction jobs;*
- *... includes measures to deliver ESD through increasing the canopy cover on site, implementing ESD design principles within the building design;*
- *... would meet the objectives of the zone by supporting and protecting industrial land close to Sydney airport;*
- *... does not result in the loss of any threatened or endangered species, populations or communities;*
- *... is not anticipated to result in any impacts upon built and cultural heritage...;*
- *... ensure good building design and improved amenity...;*
- *... would [meet] deemed to satisfy and performance requirements of the Building Code of Australia;*
- *... [has been assessed] in consultation with, and giving due consideration to, the technical expertise and comments provided by other Government authorities; and*
- *... [has been] publicly exhibited.*

125. The Department's AR noted the Application was considered in relation to the principles of ESD and concluded *"The potential environmental impacts of the development have been assessed and, where potential impacts have been identified, mitigation measures and environmental safeguards have been recommended. In addition, "... the development is not anticipated to have any adverse impacts on native flora or fauna, including threatened species, populations and ecological communities, and their habitats. As such, the Department considers that the development would not adversely impact on the environment and is consistent with the objectives of the EP&A Act and the principles of ESD."*

126. The Department concluded that the Proposal was in the public interest as

- *"The development would generate up to 220 FTE jobs during construction and include the relocation of 149 existing full time jobs and an additional six FTE jobs during operation;*
- *The project is critical for the operations of Qantas, and it supports the safe and efficient operation of Sydney Airport by ensuring all Qantas pilots and flight crew comply with Civil Aviation Safety Authority (CASA) regulations by undertaking regular on-going mandatory testing; and*
- *The environmental impacts of the development would be appropriately managed via the*

recommended conditions. On balance, the Department considers the development is in the public interest.”

Commission’s consideration

127. In determining the public interest merits of the Application, the Commission has had regard to the objects of the EP&A Act. The Commission is satisfied with the Department’s AR conclusions that the Application is consistent with the objects of the EP&A Act, including the principles of ESD, as discussed in paragraphs 124 and 125.
128. The Commission agrees with the Department’s conclusion that the Proposal is in the public interest (paragraph 126) as it ensures Qantas pilots and crew continue to comply with CASA regulations thereby supporting the safe and efficient operation of Sydney Airport and the Proposal retains existing and generates new employment opportunities.
129. The Commission considers the key impacts of the Proposal include changes to local traffic patterns and car parking, construction noise, urban design considerations and bicycle infrastructure. However, all these impacts are manageable and have been appropriately addressed by the Applicant or via the Department’s recommended conditions of consent (as amended by the Commission).
130. The Commission finds that the Proposal is in the public interest because it:
 - demonstrates consistency with the objects of the EP&A Act, in particular by promoting the orderly and economic use and development of the land consistent with relevant strategic planning, as referred to in paragraph 63;
 - is consistent with the principles of ESD as summarised at paragraph 125; and
 - ensures Qantas continues to comply with CASA regulations and thereby supports the safe and efficient operation of Sydney Airport.

5.12 Other relevant issues

5.12.1 Conditions B41 and B42 contamination (now numbered B42, B43 and B44 in the revised recommended instrument)

131. At its meeting with the Commission, the Applicant requested that amendments be made to the Department’s recommended conditions B41 and B42 which relate to contamination, the requested changes to the conditions as summarised below:
 - condition B41 – provision to allow the excavation and off-site disposal or in-situ management of contaminated material on Site; and
 - condition B42 – clarification of how the site audit statement is written and when it can be issued.

Department’s consideration

132. The Department considered the proposed amendments to conditions and wrote to the Commission on 22 November 2019 (paragraph 48) to recommend alternative amended wording for condition B41 (now identified at B42 in the revised recommended instrument) and split the previous condition B42 into B43 and B44. The Department provided further justification for these changes to the Commission on 26 November 2019 (paragraph 48). The Department has summarised the proposed changes as follows:
 - condition B41 – any unexpected finds to be managed in accordance with Site Auditor recommendations and disposal locations to be agreed with the Planning Secretary
 - condition B42 – requiring the preparation of site audit reports in accordance with NSW Contaminated Land Management Guidelines and submitted to the Planning Secretary
 - new condition B43 - the submission of a Site Audit Report and Statement to the Planning Secretary and Council prior to occupation.

Commission's consideration

133. The Commission has considered the Applicant's request to amend conditions B41 and B42 (paragraph 131) and the Department's response at paragraph 132 proposing further amendments to conditions B42, B43 and B44. The Commission considers the Department's proposed further amendments are robust and appropriate and finds that the conditions should be amended subject to the Department's recommended changes.

5.12.2 Other issues

134. Sections 6.1.3, 6.2.3, 6.3.2 and 6.3.4 of the Department's AR discuss matters relating to construction traffic, landscaping (including tree removal and replacement) and operational and road-based traffic noise. The Department's AR's conclusion confirms that there are no outstanding concerns relating to these matters and that they have been appropriately addressed, subject to conditions.

135. Section 6.4 of the Department's AR identifies the following 'other issues' relevant to the Application:

- water;
- hazards and risk;
- development contributions;
- greenhouse gas and energy efficiency;
- fire and incident management;
- contamination;
- biodiversity;
- aboriginal archaeology; and
- waste management.

136. The Commission agrees with the Department's assessment of the issues outlined at paragraphs 134 and 135 as it considers the identified issues can be mitigated and/or managed to an acceptable level through the recommended conditions of consent.

6. HOW THE COMMISSION TOOK COMMUNITY VIEWS INTO ACCOUNT IN MAKING DECISION

137. The views of the community were expressed through public submissions and comments received by the Department in response to the public exhibition and subsequent notification of the Application, as summarised at paragraph 36.

138. In summary, views expressed by the community raised a number of concerns about traffic impacts, visual, view and privacy impacts, built form and construction.

139. The Commission carefully considered all of these views as part of making its decision. The way in which these concerns were taken into account by the Commission is set out in section 5 of this Statement of Reasons.

140. In addition to the views summarised at paragraph 138, the Commission notes T&WP raised concerns about business viability and requested assurances that future extension(s) to the Wilsons Parking site would be allowed. However, these concerns have not influenced the Commission's determination as:

- the viability of adjoining businesses is not a matter for consideration under the EP&A Act and the consideration of such impact(s) is therefore beyond the remit of the Commission in making its determination on this Application; and
- the acceptability, or otherwise, of any future extension(s) to adjoining properties

requires consideration, consultation and assessment as part of separate planning application(s). The merits of any such extension(s) cannot be considered as part of the Commission's determination of the Application.

7. CONCLUSION: THE COMMISSION'S FINDINGS AND DETERMINATION

141. The Commission has carefully considered the Material before it.
142. Based on the Material, the Commission finds that:
- the amendments to the Proposal under clause 55 of the EP&A Act are acceptable and agrees to their inclusion as part of the Application (section 5.3);
 - the Application has strategic merit as it supports the relevant directions and objectives of the GSR Plan and District Plan (section 5.4)
 - the Proposal is consistent with relevant and proposed EPIs, the requirements of applicable regulations and is permissible with consent (sections 5.5, 5.6 and 5.8);
 - the proposed construction hours are acceptable and noise impacts can be addressed during the construction phase of the Proposal subject to the recommended conditions (section 5.9.1);
 - the overall design of the Proposal and the flight training centre setback from King Street are acceptable (section 5.9.2);
 - traffic impacts can be appropriately managed and/or mitigated in accordance with the recommended conditions of consent and that the Applicant's car parking strategy is acceptable (section 5.9.3);
 - sufficient provision has been made for cyclists to access the Site and for onsite parking and associated facilities (section 5.9.4);
 - the other issues outlined at section 5.12 can be mitigated and/or managed to an acceptable level through the recommended conditions of consent.
 - the Applicant's proposed revisions to conditions B41 and B42 are acceptable, subject to the further amendments recommended by the Department (section 5.12.1);
 - the Department's recommended conditions of consent are adequate to manage environmental impacts resulting from the Application;
 - the Application meets the objects of the EP&A Act; and
 - the Site is suitable for the development and the Application is in the public interest as set out in sections 5.10 and 5.11.
143. For the reasons at paragraph 142, the Commission has determined that the consent should be subject to conditions. These conditions are designed to:
- prevent, minimise and/or offset adverse environmental impacts;
 - set standards and performance measures for acceptable environmental performance;
 - require regular monitoring and reporting; and
 - provide for the on-going environmental management of the development.
144. The reasons for the Decision are given in this Statement of Reasons for Decision dated **29 November 2019**.



John Hann (Chair)
Member of the Commission