

Notice of decision

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

Application type	State significant infrastructure
Application number and project name	SSI 9737 Sydney Gateway Road Project
Proponent	Transport for NSW
Approval Authority	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 at:
<https://www.planningportal.nsw.gov.au/major-projects/project/10156>

A copy of the Planning Secretary's Assessment Report is available at:
<https://www.planningportal.nsw.gov.au/major-projects/project/10156>

Date of decision

27 August 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;
- 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:
 - improve connectivity to Sydney Airport terminals;
 - cater for forecast growth in passenger and air freight volumes;
 - support the efficient distribution of freight to and from Sydney Airport and Port Botany;
 - establish an efficient connection to the Sydney motorway network; and
 - reduce congestion and heavy vehicle movements on the local road network including through St Peters, Tempe and Mascot.
- the project has been endorsed by the NSW Government and is a key component of:
 - *Future Transport Strategy 2056*;
 - *State Infrastructure Strategy 2018-2038*;
 - *NSW Freight and Ports Plan 2018-2023*;
 - *A Metropolis of Three Cities – the Greater Sydney Region Plan*;
 - *Eastern City District Plan*;
 - *Greater Sydney Services and Infrastructure Plan*;
 - *Sydney Airport Master Plan 2039*; and
 - *NSW Ports 30-year Master Plan*.
- 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;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through the Proponent's response to submissions and environmental management commitments, and the recommended conditions of approval; 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 20 November 2019 until Thursday 19 December 2019 (30 days) and received 78 community submissions (including the Member for Heffron, various organisations and community groups) and submissions from nine State government agencies and four local government councils. City of Sydney, Inner West Council and 42 community submissions objected to the proposal.

The Department also undertook the following consultation activities:

- three site visits prior to and during the EIS exhibition and assessment process;
- attendance at Community Information Sessions before and during EIS exhibition;
- attendance at agency briefings conducted by TfNSW; and
- meetings with Inner West Council, Qantas and Boral.

The key issues raised by the community and considered in the Planning Secretary's Assessment Report and by the decision maker include strategic context and project need, traffic and access, land use and place making, active transport, noise and vibration, management of contaminated sites, business impacts, air quality, biodiversity, climate change and resource use, water quality and construction fatigue.

Issue	Consideration
<p><u>Strategic context and project need</u></p> <ul style="list-style-type: none"> • Lack of demonstrated project need and justification • Project does not align with policies and plans for active transport • Project should be funded by user pays (tolls) and not public money • Improved public transport should be provided instead of a roadway 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The project is consistent with Commonwealth and State strategic planning and transport documents. <p><i>Recommended Conditions/Response</i></p> <p>Conditions include:</p> <ul style="list-style-type: none"> • No conditions are required.
<p><u>Traffic and access</u></p> <ul style="list-style-type: none"> • Need for enhanced public and active transport and decreased station access fees • Concern over the use of local roads by construction traffic • Construction road changes resulting in traffic delays and access impacts with potential flow-on effects to local businesses • Impacts on access for local residents • Construction worker parking on local streets 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • Heavy vehicle movements will largely be restricted to arterial roads, with the only local road identified for use by heavy vehicles being Bellevue Street. • There will be traffic impacts during construction, however these impacts can be mitigated through careful planning of construction works aimed at minimising disruption to traffic flows and implementation of standard traffic management measures. • There will be a shortfall in on-site worker parking with workers potentially occupying available on-street parking. • Access to properties not required for construction would generally be maintained at all times. Where some temporary impacts are unavoidable, consultation would be undertaken with the occupant to ensure that alternative access is available or the impact minimised. <p><i>Recommended Conditions/Response</i></p> <p>Conditions include:</p> <ul style="list-style-type: none"> • Restrictions on the use of local roads by heavy vehicles used for spoil haulage and concrete deliveries. • Requirements for road dilapidation surveys and repairs. • Preparation and implementation of a Construction Parking and Access Strategy to manage impacts from construction worker parking.

- Requirement to maintain pedestrian and vehicular access and to minimise impacts where disruptions cannot be avoided.

Land use, place making and active transport

- Extent and location of shared pedestrian and cycle pathway along Alexandra Canal once the project is operational
- Impacts on pedestrian and cyclist access during construction
- Design of the proposed temporary and permanent active transport links
- Connectivity to other local active transport networks and destinations, including to Sydney Airport
- Consistency of the proposed active transport link with NSW Government and local council strategic planning for cycling and active transport
- Future use of residual land
- Loss of public open spaces during construction and operation
- Impacts on Tempe dog park including temporary relocation during construction and potential future location during operation of the project
- Impact of construction lighting on residents
- Decrease in tree canopy

Assessment

- Active transport links along Alexandra Canal, Qantas Drive and from Tempe via a crossing on Airport Drive and Link Road will be impacted by construction and operation. The Proponent has recommended alternative routes to minimise impacts.
- Safe pedestrian and cyclist access will be maintained during construction.
- A new active transport link will be provided on the western side of Alexandra Canal to offset the loss of the existing Alexandra Canal Cycleway.
- Approximately 2.6 hectares of public open space including a dog park, would be impacted.
- The provision of around 4.3 hectares of land to Inner West Council upon completion of construction will enable extension of the existing parklands at Tempe. This equates to an approximate 1.7 hectare increase in land available for open space compared to the existing situation.
- Future use of residual land provided to Inner West Council will be determined through its Master Planning Process.

Recommended Conditions/Response

- To provide an active transport link between T1 and T2/T3 prior to operation.
- The existing Coward Street active transport link must be audited and refurbished.
- Provision of a temporary dog park in Tempe Reserve during construction until a permanent dog park is reinstated on Tempe Lands in consultation with Inner West Council.
- Preparation and implementation of a Place, Design and Landscape Plan (PDLP) in consultation with the community and relevant councils.
- Review of the PDLP by independent practitioners experienced in public art, heritage, open space and landscape architecture and active transport.
- Requirements for minimising light spillage to surrounding properties.
- The project must provide a net increase in publicly accessible and useable open space and in trees and tree canopy.

Noise and vibration

- Construction noise associated with heavy vehicle movements and out-of-hours works
- Construction vibration impacts on buildings, sensitive equipment, and infrastructure
- Operational traffic noise impacts on residents

Assessment

- Construction noise and vibration impacts in a highly developed urban, industrial and commercial environment are unavoidable.
- The complex construction environment with Sydney Airport, major arterial roads to and around the airport, and the Botany Rail Freight

- Cumulative noise impacts during construction and operation

line necessitates overnight work for personnel, public and aircraft safety.

- Active and ongoing consultation, flexibility in construction techniques, at-source and at-property mitigation, and coordinating and scheduling work to provide respite can be applied to manage impacts.
- Prior to mitigation, operational traffic noise impacts of up to 13 dB will be experienced at residents in South and Smith Streets, Tempe and up to 3 dB in Baxter Street Mascot and areas west of O’Riordan Street.
- Increases in ground-based aviation noise from removal of shielding would increase noise up to 3 dB at Tempe and 16 dB near O’Riordan Street Mascot.
- A noise wall at Tempe and at-property treatments are proposed to mitigate operational traffic noise impacts.
- Daytime construction noise managed using industry best practice underpinned by a robust community consultation strategy.

Recommended Conditions/Response

- Out-of-hours works would be approved and regulated through an Environment Protection Licence or Out-of-Hours Work Protocol for work that cannot be performed during standard construction hours.
- Respite from construction must be provided.
- Additional mitigation such as temporary alternative accommodation or other agreed mitigation measures must be considered for out-of-hours work planned for more than two nights over a seven-day rolling period.
- Operational at-property noise mitigation to be provided within six months of commencement of construction at properties identified as eligible for receiving treatment and which would experience construction noise impacts at levels above specified noise management levels.
- An Operational Noise and Vibration Review to confirm efficacy of operational noise and vibration control measures.

Management of contamination

- Excavation and management of contaminated materials, especially at the former Tempe landfill site
- Location of soil emplacement mounts

Assessment

- Construction on the former Tempe landfill and within Alexandra Canal, has the potential to result in migration of leachate and contaminated groundwater, the generation of offensive odours and resuspension of contaminated bed sediments.
- An emplacement mound containing contaminated material would be located within the project footprint at Tempe and capped and managed to minimise impacts on the integrity and stability of the underlying landfill.
- Contamination can be managed through remediation and auditing.

Recommended Conditions/Response

- Preparation and implementation of management plans for contaminated land to be reviewed by an EPA accredited site auditor, including plans for the management of leachate and odour from the Tempe Landfill.
- Establishment of a groundwater monitoring bore network to monitor leachate movement offsite, migration of contaminated groundwater plumes and groundwater drawdown.

Business impacts

- Reduction in storage capacity for empty shipping containers
- Land acquisition
- Impacts on access to local businesses and airport related operations due to construction and road changes
- Project does not include ramps at Canal Road, Mascot to connect to the Cooks River Intermodal

Assessment

- There is limited spare capacity available in existing empty container parks in Sydney.
- The Proponent is working with industry participants and shipping lines to explore options for the relocation/removal of approximately 5,000 Twenty-Foot Equivalent Units (TEU) that cannot be relocated to Tyne Container Services' Punchbowl or Molineux Point sites to ease capacity for the whole market.
- A number of businesses are required to relocate or close with similar facilities and services available in the Sydney Region.
- The project would result in changes to the road network during construction.

Recommended Conditions/Response

- The design of the project must not preclude the construction of ramps at Canal Road or a future rail turn-out facility associated with the Cooks River Intermodal Terminal.
- Measures must be implemented to maintain pedestrian and vehicular access to, and parking in the vicinity of, businesses and affected properties.

Air quality

- Odour emissions from the former Tempe landfill during construction
- Generation of nuisance dust during construction
- Increased volume of vehicular emissions during operation due to larger volumes of cars using the roadway

Assessment

- The main sources of air pollutants during construction will be dust generation from bulk earthworks.
- Construction on the former Tempe landfill has the potential to result in the generation of offensive odours.
- During operation, air quality impacts would be redistributed, and air quality goals would generally be met.

Recommended Conditions/Response

- Monitoring of landfill gas and odour emissions.
- Preparation and implementation of a management plan to minimise landfill gas emissions and odour generation beyond the boundary of the construction footprint.
- Construction dust impacts would be managed through standard dust suppression measures.

Biodiversity

- Clearing of native vegetation
- Impacts on Tempe Wetlands

Assessment

- Around 23 hectares of highly disturbed and fragmented vegetation would be removed containing limited or no native vegetation.

- No areas containing native vegetation (total of 0.91 hectares) meet the definition of a threatened ecological community under the *Biodiversity Conservation Act 2016* or *Environment Protection and Biodiversity Conservation Act 1999*.
- Vegetation to be removed may provide potential foraging habitat for the Grey-headed Flying-fox and the Eastern Bentwing Bat. The species are highly mobile and unlikely to rely on the fragmented vegetation for their survival.
- Higher quality foraging habitat is present in the wider locality such as Wolli Creek and Centennial Park.
- Microchiropteran bats may use buildings and bridge structures as roosting sites.

Recommended Conditions/Response

- Use of an appropriate survey methodology to search for potential microchiropteran roosts prior to construction.
- Revegetation to maximise tree canopy and use of local native species with consideration to the *NASF Guideline C: Managing the risk of wildlife strikes in the vicinity of airports*.
- Reuse suitable timber and root balls in habitat enhancement and rehabilitation work in consultation with the local community and relevant public authorities.

Climate change and resource use

- Increased greenhouse gas contributions during the construction and operation of the project
- Increased urban heat island effect
- Project encourages the use of motor vehicles rather than public and active modes of transport

Assessment

- A minimum of 20 per cent construction phase energy and six per cent operational phase energy would be sourced from an accredited GreenPower provider.
- The urban heat island effect would be addressed through the Urban Design and Landscape Plan.

Recommended Conditions/Response

- Revegetation to maximise tree canopy and use of local native species with consideration to the *NASF Guideline C: Managing the risk of wildlife strikes in the vicinity of airports*.
- Achieve a minimum excellent 'Design' and 'As built' rating under the Infrastructure Sustainability Council of Australia Infrastructure rating tool.

Water quality

- Discharges to Alexandra Canal and impacts on water quality

Assessment

- Groundwater generated from dewatering of excavations and leachate from Tempe Landfill is expected to contain contaminants.
- Groundwater from dewatering would be treated prior to discharge.

Recommended Conditions/Response

- Discharge criteria set in accordance with the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality*.

Construction fatigue

- Three years of construction impacts to communities already affected by construction
- Health impacts on vulnerable communities
- Cumulative construction impacts from multiple projects

Assessment

- Cumulative construction impacts and construction fatigue associated with the concurrent and consecutive construction works for nearby infrastructure projects is likely for residents in St Peters, Tempe, Mascot.
- A key contributor to fatigue is the need for night work and reduced periods of respite, particularly where work extends into current airport curfews.

Recommended Conditions/Response

- Maximising and coordinating respite in consultation with other State significant projects and utility works.
 - A three-month forward schedule of likely out-of-hours works are to be provided to the community.
 - Respite from construction must be provided.
 - Additional mitigation such as temporary alternative accommodation or other agreed mitigation measures must be considered for out-of-hours work planned for more than two nights over a seven-day rolling period.
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