

# Western Distributor Smart Motorway

Review of environmental factors  
consistency review

September 2023



# Acknowledgement of Country

Transport for NSW acknowledges the traditional custodians of the land on which we work and live.

We pay our respects to Elders past and present and celebrate the diversity of Aboriginal people and their ongoing cultures and connections to the lands and waters of NSW.

Many of the transport routes we use today – from rail lines, to roads, to water crossings – follow the traditional Songlines, trade routes and ceremonial paths in Country that our nation's First Peoples followed for tens of thousands of years.


Transport for NSW is committed to honouring Aboriginal peoples' cultural and spiritual connections to the land, waters and seas and their rich contribution to society.



**Prepared by Seymour Whyte Constructions and Transport for NSW.**

## Document controls

### Approval and authorisation

Title	Western Distributor Smart Motorway review of environmental factors consistency review
Accepted on behalf of Transport for NSW by:	Adrian Pearse Senior Program Manager – Smart Motorways
Signed:	
Dated:	11 September 2023

### Document status

### Disclaimers

N/A

# Table of contents

<b>1.</b>	<b>Introduction .....</b>	<b>6</b>
1.1	The determined project .....	6
1.2	Purpose.....	6
<b>2.</b>	<b>The proposed modification .....</b>	<b>7</b>
2.1	The proposed modification .....	7
2.2	Need for the proposed modification.....	7
2.3	Stakeholder Engagement.....	7
<b>3.</b>	<b>Consistency review.....</b>	<b>8</b>
3.1	Potential environmental impacts .....	8
3.2	EPBC Act factors .....	10
3.3	Licenses, permits and approvals.....	10
3.4	Consistency review .....	10
<b>4.</b>	<b>Conclusion.....</b>	<b>12</b>
<b>5.</b>	<b>Certification.....</b>	<b>13</b>
5.1	Certification –Consistency review preparer .....	13
5.2	Transport for NSW certification and endorsement .....	13

## Tables

Table 3-1: Comparison of environmental impacts .....	8
Table 3-2: Comparison of EPBC Act factors.....	10
Table 3-3: Comparison of licence, permit and approval requirements.....	<b>Error! Bookmark not defined.</b>
Table 3-4: Consistency review questions.....	10

## Appendices

- A Urban Design Concept and Landscape Character and Visual Impact Assessment
- B Urban Design Report, Including Review of Visual Impact Assessment and Light Spill Assessment

# 1. Introduction

## 1.1 The determined project

Transport for NSW (TfNSW) completed a review of environmental factors (REF) of the Western Distributor Smart Motorway (WDSM) project (the Project) in May 2021. The REF described the project, assessed the potential environmental and social impacts associated with the construction and operation of the project and identified safeguards and management measures to avoid, mitigate or manage those potential impacts.

The REF was not placed on public display.

After consideration of the REF, TfNSW made the decision to proceed with the project on 27 May 2021.

Subsequent addendum REFs for the Western Distributor Smart Motorway project were prepared and a decision to proceed with the project was made on each:

- Addendum Review of Environmental Factors No. 1, December 2022 for two construction work compounds on TfNSW owned land at White Bay.
- Addendum Review of Environmental Factors (REF) No. 2, April 2023 for changes to the project scope and extent.
- Addendum Review of Environmental Factors No. 3, February 2023 for a work compound on TfNSW owned land at Colebee NSW.
- Addendum Review of Environmental Factors No. 4, June 2023 for a staff parking compound on TfNSW owned land at Pyrmont.

Under the EPBC Act strategic assessment approval a referral is not required for proposed road actions that may affect nationally listed threatened species, populations, endangered ecological communities, and migratory species. Impacts on these matters are assessed in detail as part of this addendum REF in line with Australian Government significant impact criteria and taking into account relevant guidelines and policies. No Species Impact Statement has been prepared for the project.

## 1.2 Purpose

This consistency review is prepared when there is a proposed modification to a determined REF. It helps to ensure that any proposed modifications are undertaken in accordance with the statutory requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The purpose of this consistency review is to:

- Describe the determined project and the proposed modification.
- Review the potential environmental impacts of the proposed modification against the environmental impacts of the determined project.
- Decide whether or not the proposed modification is consistent with the determined project in accordance with the EP&A Act and the EPBC Act requirements.
- Based on the decision of whether or not the proposed modification is consistent with the determined project, identify any further environmental impact assessment or environmental management requirements applicable to the proposed modification.

## 2. The proposed modification

### 2.1 The proposed modification

It is proposed to modify the location of Smart Motorway asset, overhead gantry feature as part of the WDSM project. It is proposed to move Gantry #12 from its existing position shown in the approved for construction design. Gantry #12 is a portal frame signage gantry and will replace an existing portal frame signage gantry currently in use on existing motorway operations. The gantry is located adjacent to the northern side of the currently under construction W-Hotel in Darling Harbour.

The proposed modification, the subject of this report sees the new signage gantry installed about 12 metres further north, of the existing gantry, situated over the northbound carriageway (only) of the Western Distributor in Darling Harbour.

### 2.2 Need for the proposed modification

Site investigations for construction of Gantry #12 were not able to be carried out until after the project review of environmental factors (REF) was determined or before detail design was completed. This was due to accessibility issues. The design was based on preliminary desktop discussions with the contractor building the W Hotel, which indicated that construction would be feasible.

However, following completion of the W Hotel building and time elapsing to the WDSM construction, engineers have examined the site of the approved design location for Gantry #12. The engineers concluded that construction would be difficult and challenging. They concluded that both workers and the W Hotel building itself would be exposed to unacceptable construction risks.

A decision was taken to identify an alternative location for Gantry #12.

The proposed minor relocation of the location of the signage set, being Gantry #12 remains compliant with all other traffic guidance of signage spacing for smart motorway operations.

The modified proposal location would lessen the visual impact of the existing proposed Gantry #12 location as is documented in the Project Urban Design Report, Including Review of Visual Impact Assessment and Light Spill Impact Assessment (Urban Design Report).

No adverse potential impacts associated with Gantry #12 relocation have been identified.

### 2.3 Stakeholder Engagement

Stakeholders associated with the W Hotel were identified as Placemaking NSW and Greaton Developments.

Meetings were held with Placemaking NSW on 20 June 2023 to brief staff on the WDSM project in general, and with representatives from Greaton on 3 July 2023 to discuss the project and seek access to the W Hotel building forecourt area for site investigation work.

While no consultation regarding the proposed modification is proposed, TfNSW is cognisant of Greaton's and Placemaking NSW's interests in the project and the proposal. This is consistent with previous decisions by TfNSW to not display the REF or its four subsequent Addendum REFs for comment.



### 3. Consistency review

#### 3.1 Potential environmental impacts

Table 3-1: Comparison of environmental impacts

Environmental issue	Consideration of the relative environmental impacts of the proposed modification compared to the determined project [i.e., additional positive, negative and/or neutral impacts]
Geology and soils	No variation of impact from construction or operation
Land surface	No variation of impact from construction or operation
Hydrology/Hydrological issues	No variation of impact from construction or operation
Biodiversity	No variation of impact from construction or operation
Traffic, transportation	The proposed modification would make construction of the gantry considerably simpler, thereby reducing the time to complete its installation and the temporary impacts on traffic brought about by road and/or lane closures.
Water transport	No variation of impact from construction or operation
Land use and property	No variation of impact from construction or operation
Noise and vibration	The proposed modification would make construction of the gantry considerably simpler, thereby reducing the time to complete its installation and the associated noise and vibration impacts on the occupants of the W-Hotel and users of Darling Harbour.
Aboriginal cultural heritage	No variation of impact from construction or operation
Non-Aboriginal heritage	No variation of impact from construction or operation
Landscape character and visual impacts	<p>An <i>Urban Design Concept and Landscape Character and Visual Impact Assessment</i> was prepared in December 2018 and included as Appendix D of the Western Distributor Smart Motorway (WDS) project REF and as Appendix E of the WDSM REF Addendum No.2 (May 2023). This assessment outlines an urban design response to the challenge of retrofitting potentially quite visible traffic management infrastructure along a major city road corridor which traverses multiple, distinct city precincts. <b>Appendix A</b> of this consistency Assessment.</p> <p>An urban design report, including review of visual impact assessment and light spill impact assessment was prepared in April 2023 and included as Appendix F of the WDSM REF Addendum No.2 (May 2023). It included consideration of the modification, such as new gantry structures, as well as a consistency assessment to also capture refined design features such as the modified gantry designs and signage strategies, new surrounding receivers, and viewpoints. <b>Appendix B</b> of this consistency Assessment.</p> <p>The location of Gantry #12 is consistent with the original concept design. As it is replacing an existing portal frame gantry of a similar scale, the visual magnitude of change is limited. This is further underpinned by the reduction of dynamic direction signs, reducing the visual prominence of the signage, particularly during dark hours.</p>



	<p>During construction the proposal has the potential to create a temporary reduction in visual amenity due to the presence of construction workspaces and features such as scaffolding, construction plant, noise, and dust. These can be adequately mitigated with the implementation of standard management measures.</p> <p>This consistency assessment has concluded that there will be no variation of environmental impact from construction or operation of Gantry #12. In re-design there will be a minor, positive impact to the small variation to landscape character and visual amenity of Darling Harbour. The benefit in variation comes from the new position of Gantry #12 being further obscured by the current built, urban landscape when viewed from the key-view corridor of Cockle Bay, and further away from the key-view corridor of Darling Harbour.</p>
<b>Water quality</b>	No variation of impact from construction or operation
<b>Air quality</b>	No variation of impact from construction or operation
<b>Socio-economic issues</b>	No variation of impact from construction or operation
<b>Climate change</b>	No variation of impact from construction or operation
<b>Waste and resource management</b>	No variation of impact from construction or operation
<b>Hazard and risk</b>	The proposed modification would make construction of the gantry safer for workers and reduce the likelihood of damage to the adjacent W-Hotel building. This in turn would lessen the risk to the public.
<b>Cumulative impacts</b>	No variation of impact from construction or operation

### 3.2 EPBC Act factors

Under the environmental assessment provisions of the *Environment Protection and Biodiversity Conservation Act 1999*, the following matters of national environmental significance and impacts on Commonwealth land are required to be considered for the proposed modification.

Table 3-2: Comparison of EPBC Act factors

Factor	Consideration of the relative impact of the proposed modification compared to the determined project and if applicable any change to the EPBC strategic assessment or other EPBC approval [i.e., any change including additional positive, negative and/or neutral impacts]
Any impact on a World Heritage property?	No impact.
Any impact on a National Heritage place?	No impact.
Any impact on a wetland of international importance?	No impact.
Any impact on a listed threatened species or communities?	No impact.
Any impacts on listed migratory species?	No impact.
Any impact on a Commonwealth marine area?	No impact.
Does the proposed modification involve a nuclear action (including uranium mining)?	No impact.
Additionally, any impact (direct or indirect) on Commonwealth land?	No impact.

### 3.3 Licenses, permits and approvals

No additional licenses, permits or approvals are required.

### 3.4 Consistency review

Table 3-3 below presents a set of questions to assist in identifying whether the proposed modification is consistent with the determined project, or if further environmental impact assessment is required. These questions are addressed with consideration to the information above.

Table 3-3: Consistency review questions

Consistency questions	Discussion	Response
<p>1 Is the proposed modification to be carried out as part of a project which has a determined REF?</p> <p><i>If answered No, this consistency review does not apply to your proposed works. Seek advice from your Environmental Manager.</i></p>	TfNSW completed a review of environmental factors (REF) for the Western Distributor Smart Motorway project in May 2021.	Yes

Consistency questions	Discussion	Response
	Subsequent to this REF approval, four addendum REFs have been approved.	
<p><b>2</b> Is the proposed modification so different in scope and impacts to the determined REF as to be a radical transformation and so, in reality, an entirely new project?</p> <p><i>If answered Yes, a separate environmental impact assessment is required. This may take the form of a new REF, an environmental impact statement or a development application as advised by the TfNSW Senior Manager Environment and Sustainability.</i></p> <p><i>If answered No, proceed to the next question.</i></p>	<p>No. The proposed modification is a minor longitudinal relocation of Gantry #12 from the position shown in the approved project.</p> <p>The relocation is lineal, about 12m along the road carriageway.</p> <p>The relocation will not have any negative environmental impact in comparison to the approved project.</p>	No
<p><b>3</b> If the project is subject to the EPBC strategic assessment or other EPBC Act approval, would the proposed modification change the potential impacts on matters of national environmental significant or the environment of Commonwealth land?</p> <p><i>If answered Yes, advice is to be sought from the TfNSW Senior Manager Environment and Sustainability and the Senior Specialist (Biodiversity) on how to proceed.</i></p> <p><i>If answered No, proceed to the next question.</i></p>	The project is not subject to the EPBC strategic assessment or other EPBC Act approval	No
<p><b>4</b> If the project is subject to a Species Impact Statement (SIS) or Biodiversity Development Assessment Report (BDAR), would the proposed modification change the potential impacts on areas of outstanding biodiversity value, threatened species or ecological communities and their habitats as set out in the SIS or BDAR and its Conditions?</p> <p><i>If answered Yes, advice is to be sought from the TfNSW Senior Manager Environment and Sustainability and the Senior Specialist (Biodiversity) on how to proceed.</i></p> <p><i>If answered No, proceed to the next question.</i></p>	The project is not subject to an SIS or BDAR.	No
<p><b>5</b> Would the proposed modification result in a reduction of the overall environmental impacts of the determined project including that it would not be likely to trigger the EPBC Act strategic assessment, other EPBC approval, SIS or BDAR?</p> <p><i>If answered Yes, the proposed modification is consistent with the determined project. This consistency review is to be completed and endorsed. Any actions identified by the TfNSW Senior Manager Environment and Sustainability are to be implemented.</i></p> <p><i>If answered No, further environmental impact assessment is required and will need to be documented. This may take the form of an Addendum REF (Resource 18 or 19) as advised by the TfNSW Senior Manager Environment and Sustainability.</i></p>	<p>The proposal would lessen the visual impact of Gantry #12 as documented in the Project Urban Design Report, Including Review of Visual Impact Assessment and Light Spill Impact Assessment (Urban Design Report).</p> <p>The revised position for Gantry #12 would be further removed from the key view corridor in Cockle Bay and further from the ICC and the Goldsborough buildings resulting in a lesser impact.</p>	Yes
<p><b>6</b> Whatever the outcome of the consistency review, are modifications to any other authorisations, or</p>	N/A	No

Consistency questions	Discussion	Response
<p>new authorisations, required, e.g., environmental protection licences, <i>Heritage Act</i> permits, permits under the <i>Fisheries Management Act</i> etc.?</p> <p><i>If answered Yes, provide details as to which authorisations would require modification or would now be required and the associated implications.</i></p>		

## 4. Conclusion


The consistency review has considered the proposed modification of the location of Gantry 12 in terms of consistency against the determined project –Western Distributor Smart Motorway.

As set out in Table 3-3 above, the proposed modification is considered to be consistent with the determined project. In addition, the project would not result in any change to the potential impacts identified and assessed in accordance with the existing determined Review of Environmental Factors (REF) and would not result in additional impacts that would likely trigger EPBC Act approvals.

## 5. Certification

### 5.1 Certification – Consistency review preparer


This document provides a true and fair consistency review of the scope and potential impacts of the proposed modification compared with the scope and environmental impacts of the determined project.

Signed		Signed	_____
Name	Andrew Davidson	Name	_____
Position	Senior Project Manager	Position	_____
Date	7 September 2023	Date	_____

### 5.2 Transport for NSW certification and endorsement

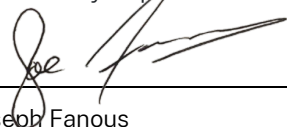
I have reviewed the scope and potential environmental impacts of the proposed modification against the determined project. The proposed modification would reduce the overall environmental impacts of the determined project and as such, in accordance with section 5.4(a) of the EP&A Act, is exempt from further environmental impact assessment.

The proposed modification would not trigger the EPBC Act strategic assessment/other EPBC Act approval and/or a SIS or BDAR. [or] The proposed modification would not result in any change to the potential impacts identified and assessed in the existing EPBC Act strategic assessment/other EPBC Act approval and/or a SIS or BDAR.

Signed		Signed	_____
Name	Kelsey Dwyer	Name	_____
Position	Senior Environment & Sustainability Officer	Position	_____
Date	12/09/2023	Date	_____

### 5.2.1 Endorsement

I have examined consistency of the proposed modification with the determined Western Distributor Smart Motorway. In accordance with section 5.4(a) of the EP&A Act I endorse the findings of this consistency review subject to adoption of my requirements in the table below.

Signed   
Name Joseph Fanous  
Position Transport for NSW Senior Manager Environment and Sustainability  
Date 12-9-2023

# Appendix A

## WDSM Urban Design and Landscape Character and Visual Impact Assessment



# Appendix B

## WDSM Urban Design Report, Including Review of Visual Impact Assessment and Light Spill Impact Assessment



© Transport for New South Wales

Copyright: The concepts and information contained in this document are the property of Transport for NSW. Use or copying of this document in whole or in part without the written permission of Transport for NSW constitutes an infringement of copyright.