

Sydney Gateway draft Major Development Plan

Sydney Airport Corporation Limited

Conditions of Ministerial Approval

Definitions

In these conditions:

- (a) *ABC* means the Airport Building Controller.
- (b) *AEO* means the Airport Environment Officer.
- (c) *Airservices* means Airservices Australia.
- (d) *The Department* means the Department of Infrastructure, Transport, Regional Development and Communications.
- (e) *Development* means the major airport development which is the subject of the MDP.
- (f) *MDP* means the draft major development plan given to the Minister by the Proponent on 12 May 2020 regarding the Sydney Gateway Road Project.
- (g) *NASF* means the National Airports Safeguarding Framework.
- (h) *Proponent* means Sydney Airport Corporation Limited.

Expressions used in these conditions have the same meaning as they have in the *Airports Act 1996* and the MDP.

Active Transport

- (1) To address the loss of amenity caused by changes to the active transport network flagged in public submissions to the MDP, the Proponent must ensure that, by the time construction is substantially complete, an active transport link has been constructed to facilitate connectivity between Terminal 1 (international Terminal) and Terminal 2 and Terminal 3 (Domestic Terminals). The active transport link will connect the existing shared path near Terminal 1 on Airport Drive, (adjacent to the bridge to Tempe Reserve), to the existing shared path on the corner of Qantas Drive and Seventh Street.

After Hours Works

- (2) Despite anything to the contrary in these conditions, construction works can be carried out during the Sydney Airport curfew where doing so is necessary to ensure the safety, efficiency and regularity of aviation operations.
- (3) All construction works associated with the Development must have relevant approvals under the *Civil Aviation Act 1988*, the *Airports Act 1996* and associated regulations; and be consistent with the National Airports Safeguarding Framework (NASF).

Ensuring the Safety of Aviation Operations

- (4) Any proposed permanent infringement of the approach surface/take-off climb surface for Runway 16R/34L would be subject to assessment by the Department prior to a determination being made by the Department under the Airports (Protection of Airspace) Regulations 1996. Infringements of the Obstacle Limitation Surface may pose an unacceptable risk to the safety and efficiency of aircraft operations at the airport, and may be refused under the legislation. Accordingly, the Proponent must provide evidence to the Department that no aspect of the Development will pose an unacceptable risk to the safety and efficiency of aircraft operations at the airport. The final design must be provided to the

- Department as it is developed for review against the requirements of the NASF Guidelines. The construction of individual design elements of the Development must not commence until any related advice received from the Department has been considered and addressed.
- (5) If the final design of the embankment mound(s) exceed the dimensions detailed in the MDP, the Proponent must submit windshear and turbulence modelling for the embankment mound(s) to the Department for review and approval before construction commences. If, as part of the Department's review, the Department advises that further mitigation measures are necessary for a certain aspect of the development, the Proponent must develop and implement appropriate mitigation measures to the satisfaction of the Department before construction on that aspect of the Development commences.
- (6) The Development must be designed so that:
- a. All temporary and permanent project lighting complies and is installed in accordance with the relevant requirements in the applicable legislation made under the Civil Aviation Act 1988 and the Airports Act 1996 and NASF Guideline E: Managing the Risk of Distractions to Pilots from Lighting in the Vicinity of Airports to minimise the risk of distraction of pilots; and
 - b. The potential glare from vehicular headlights distracting pilots is mitigated in accordance with the applicable legislation made under the Civil Aviation Act 1988 and the Airports Act 1996 and the NASF Guideline E: Managing the Risk of Distractions to Pilots from Lighting in the Vicinity of Airports.
- (7) The Proponent must:
- a. Notify Airservices of any part of the Development or its construction which might affect information on the published Departure and Approach Procedures charts for Sydney Airport;
 - b. Ensure Airservices is consulted with in relation to the operational review of fire safety and water supply systems associated with the Development;
 - c. Consult Airservices prior to carrying out any activity with the potential to impact upon Airservices' cabling; and
 - d. Unless otherwise directed by the Department, implement any written request from Airservices related to minimising the Development's impact on Airservices' cabling.
- (8) All documentation referenced in Conditions 4, 5, 6 and 7 is to be provided to the Department for information.

Environmental Impacts

- (9) The Proponent must ensure that:
- a. Soil and groundwater investigations are conducted prior to construction of the Development commencing, or such other time agreed to in writing by the Department, to further characterise the existing contamination status of the site, including the potential for unidentified asbestos-containing materials. Additional soil and groundwater investigations will be completed in accordance with requirements of National Environment Protection (Assessment of Site Contamination) Measure 2013. The management of site contamination during both the construction and operational phases of the Project Development must be based on the results of these investigations, except as agreed to in writing by the Department. The scope of additional investigations will be to determine any potential impacts on soil or groundwater contamination due to construction or operation of the Development.
 - b. Runoff from sources of construction water must be monitored and, if required under relevant guidelines (including the Australian and New Zealand Guidelines for Fresh

and Marine Water Quality (AWQG)), must be treated prior to any discharge or re-use.

- c. All reasonably practicable erosion and sediment controls must be installed and appropriately maintained to minimize water pollution. When implementing such controls, any relevant guidance in the Managing Urban Stormwater: Soils and Construction series must be considered.
- d. A finalised Construction Environmental Management Plan/s (CEMP), Construction Soil and Water Management Plan (CSWMP) and Dewatering Management Strategy (DMS) are produced and are provided to the Airport Environment Officer (AEO) for review and approval prior to the commencement of construction or of any other works that have the potential to disturb areas of known or potential PFAS contamination.
- e. The water discharge criteria specified in the CEMP(s):
 - i. reflect the National Water Quality Management Strategy, including the AWQG default values for toxicants at the 90 per cent species protection value;
 1. A lower value for toxicants may be acceptable if the Department of Agriculture, Water and the Environment (DAWE) approves. This approval would be contingent upon the Proponent providing a statistically significant rationale for the new proposed discharge limits based upon a robust impact and/or risk assessment and adequately informed by biota monitoring and/or bioaccumulation studies.
 - ii. for physical and chemical stressors, the guideline values set out in Tables 3.3.2 and 3.3.3 of the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality* (ANZECC/ARMCANZ, 2000);
 - iii. for bioaccumulative and persistent toxicants reflect the AQWG values for bioaccumulating toxicants, at a minimum 95 per cent species protection default guideline values. Where default guideline values are not available, SACL should seek to determine default site-specific guideline values as per the requirements set out in the AWQG.

(10)The CEMP(s) must set out:

- a. the project scope and boundaries;
- b. the roles and responsibilities of all parties relevant to the environmental management of the Development;
- c. the conceptual model for the Development site, including maps and any monitoring data, which identifies the extant concentrations of identified contamination that may be impacted by the construction or operation of the Development, including potential impacts down-stream from any contamination of the Alexandra Canal;
- d. any site-specific risk assessment that identifies possible risks tailored to the reported or expected PFAS concentrations, exposure pathways, and potential receptors on and off the project area, including results of the soil and groundwater investigations under Condition 9.a as required by the PFAS NEMP;
- e. specific discharge criteria as detailed under Condition 9.e;
- f. procedures for the management or remediation of PFAS contamination that may be impacted by the construction or operation of the Development;
- g. strategies to control runoff and any potential migration of contamination within and off the proposed project area;

- h. procedures for managing earthworks including the movement, stockpiling and storage of contaminated and non-contaminated material;
- i. if necessary, a contingency action plan for unexpected PFAS contaminant discoveries; and
- j. all ongoing soil and water monitoring requirements and testing procedures, and their relevant quality assurance or quality control procedures, including any one-off monitoring procedures contained in the Development's Unexpected Finds Protocol.

(11)The CEMP(s) must require that:

- a. any PFAS contaminated material (including but not limited to excavated soil or sediment, leachate from soil or sediment, water arising from de-watering of soil or sediment, concrete, tarmac, appliances, pumps, pipes, hoses, fittings) is handled and disposed of in accordance with the PFAS NEMP (HEPA 2020), such that potential for the PFAS content to enter the environment is minimised;
- b. any PFAS contaminated material with a PFOS, PFHxS or PFOA content above 50 milligrams per kilogram or litre is stored or disposed of in accordance with the PFAS NEMP (HEPA 2020), to achieve zero environmental release of their PFAS content; and
- c. any re-use of PFAS-contaminated water must be consistent with the requirements set out in the PFAS National Environmental Management Plan (HEPA 2020) (the PFAS NEMP), as updated from time to time.

(12)The CEMP(s) must also detail how materials at the concentrations listed in Condition 11(b), if encountered, would be handled to achieve zero environmental release.

(13)All documentation prepared for the Development for the purposes of Condition 10 must be provided to the Airport Environment Officer (AEO) for review and approval before construction commences.

(14)The Proponent must provide the CEMP(s) and all associated sub-plans to the AEO for review and approval prior to the commencement of construction.

(15)The Proponent must provide the Operational Environmental Management Plan/s (OEMP) developed in accordance with the NSW Government's conditions of approval of the Sydney Gateway Environmental Impact Statement, and all associated sub-plans, to the AEO for information prior to the commencement of operation.

(16)If a Staging Report is prepared, it must be provided to the Airport Building Controller (ABC) and AEO for information.

(17)The Proponent must provide the CEMP(s) and OEMP(s) to the ABC for information.