



Sydney Metro West – Concept and Stage 1 Modification 4

To modify conditions D26 and D122
State Significant Infrastructure Modification Assessment
(SSI 10038 MOD 4)

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Glossary

Abbreviation	Definition
Approval	Minister for Planning's Infrastructure Approval of SSI 10038 dated 11 March 2021
Council	Cumberland City, City of Parramatta, City of Canada Bay, Burwood, Strathfield, Inner West, City of Sydney
Department	Department of Planning and Environment
DPE Water	Water Group of the Department of Planning and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
Minister	Minister for Planning
MOD	Modification
Secretary	Planning Secretary of the Department of Planning and Environment
SSI	State Significant Infrastructure
The approved project	Sydney Metro West – Concept and Stage 1 (SSI 10038)
The Proponent	Sydney Metro

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1 Introduction

This report provides an assessment of an application to modify the State significant infrastructure (SSI) approval for Sydney Metro West – Concept and Stage 1 (major civil construction between Westmead and The Bays) (SSI 10038) (the approved project).

The modification application seeks to make the following administrative changes to clarify the intent and outcome of the stated conditions:

- Amend condition D26 in relation to the revised Archaeological Research Design and Excavation Methodology to refer to the White Bay Power Station (outlet) Canal instead of the White Bay Power Station (inlet) Canal;
- Amend condition D122 in relation to the requirements of the Groundwater Modelling Report as follows:
 - Delete “for all latter stages”, “these later stages of” and “ongoing” in D122(c);
 - Delete “(including in the event latter stages of the CSSI are delayed or do not progress) and a strategy for accounting for any water taken beyond the life of the operation of the CSSI” in D122(d).

The application was lodged on 15 November 2022 by Sydney Metro (the Proponent) pursuant to section 5.25 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background

The Sydney Metro West project comprises an underground metro rail line, approximately 24 kilometres long, with eight new metro stations between Westmead and the Sydney CBD. New metro stations would be built at Westmead, Parramatta, Sydney Olympic Park, North Strathfield, Burwood North, Five Dock, The Bays, Pyrmont and the Sydney CBD.

The scope of the Concept and Stage 1 approval included:

- the provision of an underground metro line from Westmead to the Sydney CBD with a stabling and maintenance facility at Clyde and a service facility at Rosehill at a conceptual level, and
- major civil construction between Westmead and The Bays including station excavation and tunnelling, and earthworks associated with the Clyde stabling and maintenance facility and Rosehill service facility.

1.2 Approval history

The Sydney Metro West – Concept and Stage 1 project (SSI 10038) was approved by the former Minister for Planning and Public Spaces on 11 March 2021.

The approved project (SSI 10038) has previously been modified three times:

- **Modification 1 (SSI-10038-MOD-1)** sought amendment to conditions relating to risk assessment, construction environmental management plans and sub-plans, timing of heritage

testing and a new condition related to an audit program, and was determined on 28 July 2021.

- **Modification 2 (SSI-10038-MOD-2)** sought amendment to relocate and extend the Rosehill dive structure and to realign Kay and Unwin Streets and was determined on 3 June 2022.
- **Modification 3 (SSI-10038-MOD-3)** which was determined on 4 July 2022, sought amendment to a number of conditions, including:
 - C-B10 to include the use of native species for the rehabilitation of parts of Duck Creek and A'Becketts Creek and to limit the use of species representative of PCT 920 within the tidal limits of Duck Creek and A'Becketts Creek;
 - D13 to delete 'physically' from the condition and define 'affect' to be consistent with Heritage NSW Policy;
 - D17 to delete 'adversely' from the condition and define 'affected' to be consistent with Heritage NSW Policy;
 - D18 to capture significant heritage fabric in the salvage register to be prepared by the Proponent;
 - D37 by changing 'Low Impact' wording to 'Minimal Impact' to avoid confusion with the defined term Low Impact Work in the approval instrument;
 - D63 to remove the reference to vibration criteria and include reference to ground movement assessment conducted in the EIS or undertaken by geotechnical analysis as part of detailed construction planning;
 - D66 to ensure settlement monitoring continues if directed to do so by the Independent Property Impact Assessment Panel (IPIAP);
 - D10 to include the requirements to consult with flood affected properties, NSW State Emergency Services and Sydney Olympic Park; and
 - Deletion of condition D11 (while this condition was deleted, its content was inserted into condition D10 regarding consultation requirements).

2 Proposed modification

Sydney Metro is seeking to modify the following conditions:

- D22 to amend the reference from the White Bay Power Station (inlet canal) to the outlet canal due to a referencing error.
- D122 to remove references to later stages of the project in relation to the Groundwater Modelling Report.

The proposed modifications are further described below.

2.1 Condition D26

Condition D26 states:

“The revised Archaeological Research Design and Excavation Methodology(s) must include provision for early physical investigation of areas of impact identified as likely to contain State significant archaeology or subterranean Heritage items in the research design to inform excavation in these areas. This must include ... The Bays metro station sites, including ... White Bay Power Station (inlet) Canal and Beattie Street Stormwater Channel.”

Sydney Metro has advised that The White Bay Power Station (inlet canal) (Port Authority of NSW s170 4560062) should have been referenced as the White Bay Power Station (outlet canal) in the following documents:

- *Westmead to The Bays and Sydney CBD Concept and Stage 1 Environmental Impact Statement including Technical Paper 3: Non-Aboriginal Heritage* (Artefact, 2020)
- *Appendix F Response to Submissions Non-Aboriginal Archaeological Research Design* (Artefact, 2020)
- *Sydney Metro West Power Enabling Works, The Bays Construction Site, Revised Historical Archaeological Research Design & Excavation Methodology* (GML 2021)
- *Sydney Metro West – Power Enabling Works Rozelle – Position Paper on the White Bay Power Station Circulating Water System* (GML, 2021)
- *Sydney Metro West Power Enabling Works Rozelle – White Bay Power Station Circulating Water System – Heritage Impact Statement* (GML 2021)
- *Sydney Metro West, The Bays Power Enabling Works – Archaeological Assessment of New Conduit Alignment* (GML 2022)
- *Sydney Metro West Power Enabling Works, The Bays Station Construction Site, Historical Archaeological Test Excavation Report* (GML 2022)
- *Sydney Metro West, The Bays Power Enabling Works – Revised Inlet Canal Impact Assessment* (GML 2022)

- *Sydney Metro West, Power Enabling Works, The Bays Station Construction Site, Historical Archaeological Excavation Report* (GML 2022)

The referencing error has been corrected in the research design and excavation methodology for The Bays required under Condition D25, provided in **Figure 1** below. The error was also acknowledged as a minor clarification in the Response to Submissions Report (RtS) for Sydney Metro West Stage 3 (SSI-227655520) with further significance and impact assessment being undertaken on both the inlet and outlet canals.

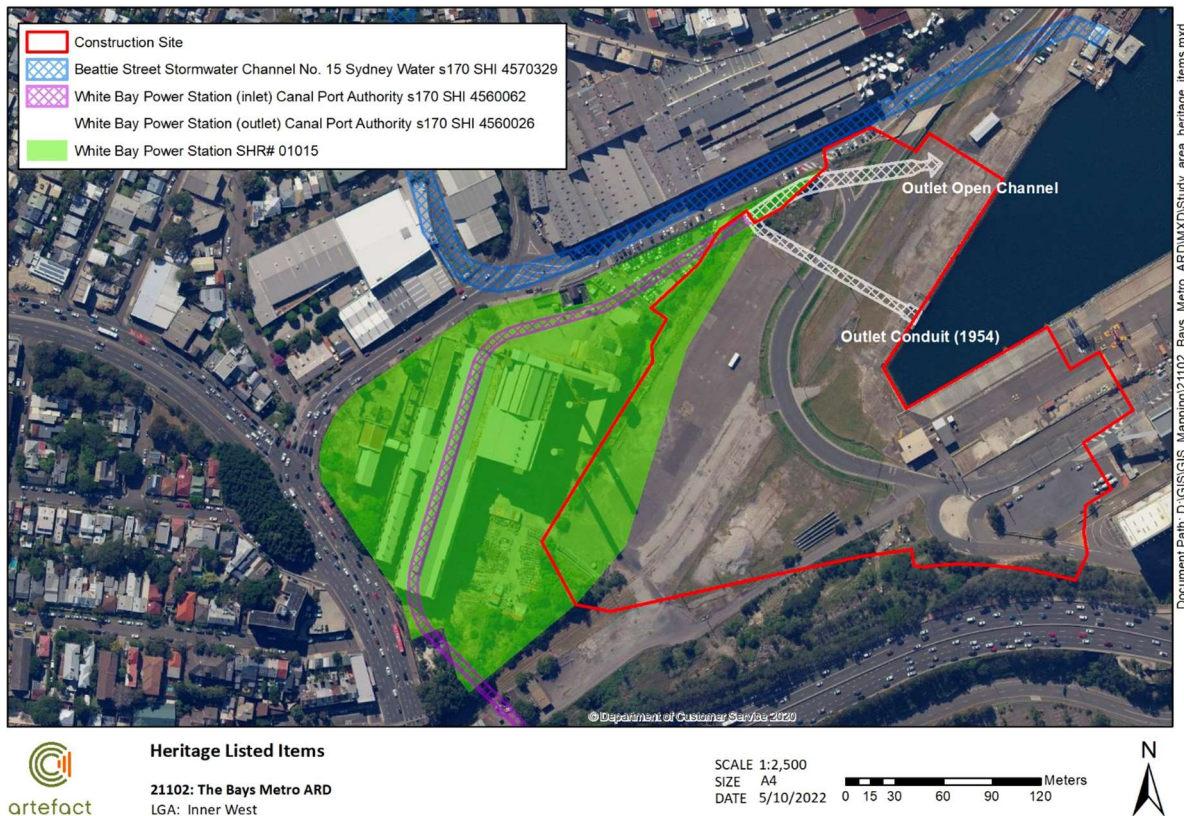


Figure 1: Heritage listed items (inlet and outlet canal), as identified in The Bays Metro Archaeological Research Design

Condition D26 specifies early physical investigation of the inlet canal, however, Sydney Metro has stated that the intent of this condition requires the early physical investigation of the outlet canal and has requested that the condition be updated to reflect this.

2.2 Condition D122

Condition D122 states:

“The Proponent must submit a revised Groundwater Modelling Report in association with Stage 1 of the CSSI to the Planning Secretary for information before bulk excavation at the relevant construction location. The Groundwater Modelling Report must include:

...

(c) potential impacts for all latter stages of the CSSI or detail and demonstrate why these later stages of the CSSI will not have lasting impacts to the groundwater system, ongoing groundwater incidental take and groundwater level drawdown effects;

(d) actions required after Stage 1 to minimise the risk of inflows (including in the event latter stages of the CSSI are delayed or do not progress) and a strategy for accounting for any water taken beyond the life of the operation of the CSSI ..."

The reference to latter stages of the CSSI relates to future planning applications for the project which are outside the scope of the Stage 1 planning approval. Strategies for water taken beyond the life of the CSSI are not associated with the tunnelling works as part of the Stage 1 planning approval.

Sydney Metro has stated that groundwater impacts associated with later stages of the CSSI were assessed in the Environmental Impact Statements for Sydney Metro West The Bays to Sydney CBD (Stage 2) (SSI-19238057 approved on 22 August 2022) and Sydney Metro West Rail infrastructure, stations, precincts and operations (Stage 3) (SSI-22765520 under assessment at the time of writing). The equivalent condition for the Stage 2 (SSI-19238057) approval (Condition D101) does not refer to later stages of the CSSI.

Sydney Metro has requested that all references to "latter/later stages" of the CSSI be removed from the condition (parts (c) and (d)) to focus on the scope of work covered by Stage 1 of the approval which is major civil construction works from Westmead to The Bays and to be consistent with condition D101 of SSI-19238057.

Administrative changes are recommended to condition A1 in Schedule 3, Part A to include reference to the documentation relating to the modification application as follows:

Amendment to Condition A1 to include (h)

(h) Sydney Metro West – Concept and Stage 1 – Modification 4 Administrative Mod dated 11 November 2022

3 Statutory context

3.1 Scope of modifications

In accordance with section 5.25 of the EP&A Act, a proponent may request the Minister to modify the approval for State significant infrastructure. The Minister's approval for a modification is not required if the infrastructure as modified will be consistent with the existing approval.

The administrative changes requested by the Proponent are not consistent with the existing approval. Consequently, modification of the Minister's approval under Section 5.25 of the EP&A Act is required.

3.2 Delegated authority

The Minister will be the approval authority under section 5.25 of the EP&A Act unless the Minister has delegated his determination functions to the Department.

3.3 Ministers delegate as determining authority

Under the Instrument of Delegation dated 9 March 2022, the functions and powers of the Minister for Planning under section 5.25 of the EP&A Act to determine a modification of the Minister's approval may be delegated to officers in the Department, if:

- the maximum fees are those as set out in item 6.5(a) or (b) of Part 6 to Schedule 4 of the Regulation;
- it has not been made by a person who has disclosed a reportable political donation in connection with the modification request;
- there are no public submission objections (other than a council); and
- the council has not made an objection submission under the mandatory requirements for community participation in Schedule 1 of the Act.

The proposed modification meets the terms of this delegation. As such, the Director, Transport Assessments has the delegated authority to determine the modification request.

4 Engagement

4.1 Department's engagement

Under section 5.28(1)(g) of the EP&A Act, the Planning Secretary is required to make requests for modification of approvals determined by the Minister publicly available. Accordingly, the Department made the modification request publicly available on its website.

The modification request was also referred to the following agencies:

- Heritage NSW
- Port Authority NSW
- Water Group of the Department of Planning and Environment (DPE Water)
- Place Management NSW which is now part of Transport for NSW, regarding property.

4.2 Summary of advice received from Government agencies

Heritage NSW, Port Authority NSW and Place Management all stated that they had no comments regarding the modification application.

DPE Water initially stated that it required further justification to support the proposed changes to condition D122. Following provision of further information by the Proponent, DPE Water advised that it had no further concerns regarding the proposed amendments but did request that it be able to review the groundwater modelling report before excavation commences.

5 Assessment

The Department has reviewed the Proponent's request including supporting information and assessed the potential impacts of the modification as set out below. The proposed changes are considered administrative and minor in nature.

The Environmental Impact Statement for Sydney Metro West Rail infrastructure, stations, precincts and operations (Stage 3) (SSI-22765520) included a commitment that revised groundwater modelling to incorporate components from this Stage 3 would be undertaken in accordance with condition D122 of the Stage 1 approval. The effect of the amendment in relation to Stage 3 has been considered in the assessment of that application.

The Department's consideration of the Proponent's amendments to conditions D26 and D122 is set out in **Table 1**. Column 2 sets out the Proponent's proposed amended conditions. Additions are in red and deletions in red with strike through. Column 3 details the Department's consideration. The Department's proposed wording following consideration and consultation with agencies is shown in column 4 (additional text is highlighted in green).

Table 1 – Department's consideration

Condition	Proponent's proposed revised wording	Department's consideration	Department's proposed wording
D26	The revised Archaeological Research Design and Excavation Methodology(s) must include provision for early physical investigation of areas of impact identified as likely to contain State significant archaeology or subterranean Heritage items in the research design to inform excavation in these areas. This must include the Parramatta and The Bays metro station sites, including Parramatta Convict Drain, Parramatta Sand Body, White Bay Power Station (inlet-outlet) Canal and Beattie Street Stormwater Channel.	The Department accepts that there is an error in the description of the outlet canal which has been transcribed from an incorrect description on the Port Authority of NSW S170 heritage register. The system comprises an inlet canal which took water from Rozelle Bay via a canal which enters the site on James Craig Road, and brought cooling water to the former White Bay Power Station before discharging via outlets into White Bay. The intent of the condition was to refer to the outlet canal which is in the construction site near Robert Street and not the inlet near Rozelle Bay which is not within the construction site.	The revised Archaeological Research Design and Excavation Methodology(s) must include provision for early physical investigation of areas of impact identified as likely to contain State significant archaeology or subterranean Heritage items in the research design to inform excavation in these areas. This must include the Parramatta and The Bays metro station sites, including Parramatta Convict Drain, Parramatta Sand Body, White Bay Power Station (inlet-outlet) Canal and Beattie Street Stormwater Channel.
D122	The Proponent must submit a revised Groundwater Modelling Report in association with Stage 1 of the CSSI to the Planning Secretary for information before bulk excavation at the relevant construction location. The Groundwater Modelling Report must include: a) for each construction site where excavation will be undertaken, cumulative (additive) impacts from nearby developments, parallel transport projects and nearby excavation associated with the CSSI;	When the Concept Plan and Stage 1 application were being assessed, it was not clear what the scope or timing was regarding Stages 2 and 3 and therefore the condition required the design of Stage 1 to incorporate any additional mitigation measures to manage groundwater impacts for subsequent stages. Stage 2 of Sydney Metro West (SSI-19238057) has now been assessed and approved. The application addressed groundwater impacts between The Bays and Sydney CBD. The approval included	The Proponent must submit a revised Groundwater Modelling Report in association with Stage 1 of the CSSI to the Planning Secretary for information before bulk excavation at the relevant construction location. The Groundwater Modelling Report must include: a) for each construction site where excavation will be undertaken, cumulative (additive) impacts from nearby developments, parallel transport projects and nearby excavation associated with the CSSI;

Condition	Proponent's proposed revised wording	Department's consideration	Department's proposed wording
	<p>b) predicted incidental groundwater take (dewatering) including cumulative project effects;</p> <p>c) potential impacts for all latter stages of the CSSI or detail and demonstrate why these later stages of the CSSI will not have lasting impacts to the groundwater system, ongoing groundwater incidental take and groundwater level drawdown effects;</p> <p>d) actions required after Stage 1 to minimise the risk of inflows (including in the event latter stages of the CSSI are delayed or do not progress) and a strategy for accounting for any water taken beyond the life of the operation of the CSSI;</p> <p>e) saltwater intrusion modelling analysis, from estuarine and saline groundwater in shale, into The Bays metro station site and other relevant metro station sties; and</p> <p>f) a schematic of the conceptual hydrogeological model.</p>	<p>the need to prepare a revised Groundwater Modelling Report (Condition D101).</p> <p>Stage 3 of Sydney Metro West Rail infrastructure, stations, precincts and operations (SSI-22765520) is currently under assessment. This latter application has addressed groundwater impacts related to additional excavations for basement structures, however states that the Groundwater Modelling Report prepared under previous planning applications would be revised to address the scope from Stage 3.</p> <p>The Department acknowledges that since the concept and stage 1 application was approved that further applications for stages 2 and 3 for Sydney Metro West have been approved or are under assessment. These include groundwater impact assessments related to those applications and the cumulative impacts of the overall Metro West project. The approval for the stage 2 project includes a condition similar to condition D122 to update the Groundwater Modelling Report to provide a comprehensive assessment of impacts to groundwater. While the Stage 3 application is under assessment at the time of writing, the proponent has</p>	<p>b) predicted incidental groundwater take (dewatering) including cumulative project effects;</p> <p>c) potential impacts of the CSSI, or detail and demonstrate why the CSSI will not have lasting impacts to the groundwater system, groundwater incidental take and groundwater level drawdown effects;</p> <p>d) actions required after Stage 1 to minimise the risk of inflows;</p> <p>e) saltwater intrusion modelling analysis, from estuarine and saline groundwater in shale, into The Bays metro station site and other relevant metro station sties; and</p> <p>f) a schematic of the conceptual hydrogeological model.</p>

Condition	Proponent's proposed revised wording	Department's consideration	Department's proposed wording
		made a similar commitment to update the groundwater modelling report to address changes related to further excavation where this is proposed. Therefore the Department accepts that the proposed change to the condition would not affect the ongoing assessment of groundwater impacts related to latter stages of the project.	

6 Evaluation

The Department has reviewed the modification request and evaluated the merits of the modification. The Department considers the modification should be approved, subject to conditions. The key reasons are as follows:

1. The modification request complies with relevant statutory provisions and remains consistent with the EP&A Act (refer to Section 3);
2. The request to modify Conditions D26 and D122 would clarify the original intent and relate to the proposal, as approved; and
3. The modification would not result in a change to impacts on the environment beyond those assessed in the project approval.

Consequently, it is recommended that the modification be approved.

7 Recommendation

It is recommended that the Acting Director, Transport Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **determines** that the application SSI 10038 - MOD 4 falls within the scope of section 5.25 of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modify** the approval for SSI 10038
- **signs** the attached Notice of Modification (see Appendix C).

Recommended by:

A handwritten signature in blue ink that reads "Lisa Mitchell". The signature is written in a cursive, flowing style.

Lisa Mitchell

Team Leader, Transport Assessments
Infrastructure Assessments

8 Determination

The recommendation is **Adopted** by:

A handwritten signature in black ink, appearing to read 'M. Garland'.

Mary Garland

Acting Director, Transport Assessments

DPE Planning

as delegate of the Minister for Planning

Appendices

Appendices should follow this general layout but may be modified for specific reporting needs where necessary:

Appendix A – Modification Report

<https://www.planningportal.nsw.gov.au/major-projects/projects/modification-4-administrative-modification>

Appendix B - Consolidated Approval

<https://www.planningportal.nsw.gov.au/major-projects/projects/modification-4-administrative-modification>

Appendix C – Notification of Modification

<https://www.planningportal.nsw.gov.au/major-projects/projects/modification-4-administrative-modification>