

Notice of decision

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

Application type	Critical State significant infrastructure
Application number and project name	SSI-10051 Sydney Metro – Western Sydney Airport
Applicant	Sydney Metro
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 [here](#).

A copy of the Planning Secretary's Assessment Report is available [here](#).

Date of decision

23 July 2021

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
- 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:
 - provide a direct, fast, reliable and frequent connection between St Marys and the Western Sydney Aerotropolis
 - have capacity to run a metro train every three minutes in each direction
 - provide a spinal transport network to service the Western Parkland City, supporting its successful development, including of the Western Sydney International Airport as a nationally significant economic driver
 - improve accessibility to key centres which are forecast to have significant employment and housing growth.
- the project has been endorsed by the NSW Government by being a key component of:
 - *2020 Infrastructure Priority List*
 - *Future Transport Strategy 2056*
 - *Building Momentum: NSW State Infrastructure Strategy 2018-2038*
 - *A Metropolis of Three Cities – the Greater Sydney Region Plan*
 - *Western City District Plan*
 - *Western Sydney Aerotropolis Plan*
 - *Western Sydney City Deal*
- the impacts on the community and the environment can be appropriately minimised, managed 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 was publicly exhibited from Wednesday 21 October 2020 until Wednesday 2 December 2020 (43 days) on the Department's website. During the exhibition period, the Department received a total of 32 submissions and advice from eight NSW Government agencies. Three submissions were from local council, nine from special interest groups and 20 were from community members. Eight submissions were in support of the project, six submissions objected and 18 submissions provided comments only. No council or government agencies objected to the project.

Due to the timing of the exhibition period and assessment during the COVID-19 pandemic, standard exhibition procedures such as displaying physical copies of the EIS for public inspection at local libraries and council offices, and community information sessions were unable to proceed in a COVID-safe manner to comply with NSW Government Public Health Orders.

The Department also undertook the following consultation activities:

- a site visit during the assessment process; and
- meetings with local councils and government agencies.

The key issues raised by the community and considered in the Planning Secretary's Assessment Report and by the decision maker include project design; traffic, transport and access; socio-economic, land use and property; noise and vibration; public spaces and placemaking; and biodiversity.

Issue	Consideration
<u>Socio-economic, land use and property</u>	<i>Assessment</i>
<i>Construction</i>	
<ul style="list-style-type: none"> • Property acquisition and compensation • Amenity loss - noise, dust, property access, traffic and health issues near residences • Concerns regarding the health and economic impacts on the community during the acquisition process 	<ul style="list-style-type: none"> • The Department acknowledges the impact of property acquisition but considers that the project's social-economic, land use and property impacts are acceptable. • The project is key transport infrastructure that will serve the Western Sydney Aerotropolis and the Western Parkland City. The project has been considered as a central component of the transport and access framework for Aerotropolis planning, and future land uses at the Aerotropolis have been planned around the project, including more intense mixed-use development around stations.
<i>Operation</i>	
<ul style="list-style-type: none"> • Precinct planning and master planning at stations • the project will be the catalyst for urban sprawl particularly at Orchard Hills Station • Land fragmentation and sterilisation • Impacts of tunnel location on property values • Uncertainties regarding tunnel depths holding up development applications • Potential impacts on approved subdivision adjacent to stabling facility site. 	<ul style="list-style-type: none"> • Land acquisition is an unavoidable outcome of large linear transport projects. This impact has been greatly reduced with parts of project being below ground. • Property will be acquired on just terms in accordance with legislation. • Despite its operational benefits, local communities may lose access to a limited range of businesses and services during construction. However, there are other businesses in the surrounding area that can provide these services to effectively meet the demand. • Affected businesses and services would be appropriately compensated for the loss of their premises and could be relocated within the surrounding areas.
	<i>Recommended Conditions / Response</i>
	<ul style="list-style-type: none"> • The Department acknowledges that significant social change and impact will occur along the semi-rural sections of the project's alignment in future years as the construction of Western Sydney International Airport and land use planning for the Western Sydney Aerotropolis and other land use changes transition the area to an urban and industrial area.. • The Project is expected to increase amenity and opportunities for the community through new station precincts, associated facilities, potential retail and other station activation opportunities. The project would cater for future transport needs by providing better access to infrastructure across greater Sydney and future

Issue	Consideration
	<p>infrastructure such as the Western Sydney International Airport and the Aerotropolis.</p> <ul style="list-style-type: none"> The Proponent will carry out all required partial and full acquisitions, including any required sub-stratum acquisition, and associated property adjustments in accordance with the requirements of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> in consultation with landowners. A Small Business Owners Engagement Plans will be implemented to minimise construction impacts on small businesses. The Proponent will implement a Construction Environmental Management Plan that provides measures to manage amenity impacts during construction. The Proponent's environmental performance will be independently audited during construction. The Place, Urban Design and Corridor Landscape Plan and Operational Noise Verification Report will consider measures to mitigate impacts of the stabling and maintenance facility.
<p><u>Project design</u></p> <ul style="list-style-type: none"> Detailed design information including tunnelling depths, levels of surface rail line and cross-corridor access Comments on station access, configuration and integration with other public transport services. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The project's design to date has considered design excellence and integration with current and future built form and landscapes. The Department considers the project's design guidelines and future design review would ensure a high quality and functional design. <p><i>Recommended Conditions / Response</i></p> <ul style="list-style-type: none"> A Place, Urban Design and Corridor Landscape Plan will be developed for the project corridor and station precincts and will include detailed design plans for stations and the rail corridor as well as final landscaping arrangements and maintenance regimes. The Plan must also identify active transport facilities and connections to surrounding active transport networks. The Plan must be developed in consultation with relevant stakeholders, including landowners.
<p><u>Noise and vibration</u></p> <ul style="list-style-type: none"> Construction noise and vibration impacts on residences, including structural damage Concern with operational noise and vibration impacts. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department acknowledges that the project would cause noise impacts during construction. These impacts are unavoidable but will be managed. The above ground elements / construction activities would be subject to standard construction hours. The greatest noise impacts to adjoining residents and business would be station box excavation activities at St Marys and Orchard Hills. The Proponent will be required to implement mitigation measures to reduce noise impacts, providing appropriate respite and undertaking in ongoing community and business consultation. Tunnel Boring Machines (TBM) will operate 24 hours per day, 7 days per week. They are expected to progress at a rate of between 20 to 50 metres per day. This means the worst-case ground-borne noise impacts from tunnelling at a receiver would likely only be apparent for a few days for each TBM as the tunnelling work passes underneath.

Issue	Consideration
	<ul style="list-style-type: none"> The project is predicted to comply with most operational noise and vibration criteria. To provide certainty of potential mitigation measures the Proponent has committed to undertaking an Operational Noise and Vibration Review during detailed design to consider measures to mitigate these impacts. <p><i>Recommended Conditions / Response</i></p> <ul style="list-style-type: none"> Active and ongoing consultation, flexibility in construction techniques, at source and at property mitigation, and coordinating and scheduling work to provide respite. Station box excavations (unless undertaken within acoustic sheds with acceptable noise levels) must be limited to daytime construction hours to provide respite to adjoining residents. Heavy vehicle movements must be limited to ensure night time respite for residents around Orchard Hills. Out of hours work must be approved and regulated through an Environment Protection Licence or an Out of Hours Works Protocol. Pre-construction and post-construction condition surveys must be undertaken on buildings, structures and infrastructure that may potentially be affected by construction. Any damage would require rectification or compensation to the relevant property owner. The establishment of an Independent Property Impact Assessment Panel before works commence to review pre and post-construction building condition survey reports and resolve disputes relating to property damage. Operational noise mitigation measures will be subject to review and compliance monitoring. Future development adjacent to the project will need to meet the requirements of <i>State Environmental Planning Policy (Infrastructure) 2007</i> to meet the required internal noise amenity criteria. This may include future developments being acoustically designed and treated to ensure that rail noise meets specified criteria in habitable rooms.
<p><u>Traffic, transport and access</u></p> <p><i>Construction</i></p> <ul style="list-style-type: none"> Traffic and heavy vehicles using local streets during construction Out of date traffic modelling and land use forecast assumptions Cumulative impacts from construction with other projects Impacts to pedestrian and cyclist access Construction worker parking on local streets causing congestion and loss of street parking. <p><i>Operation</i></p>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department considers the traffic and transport impacts of the project to be modest and manageable. The project will introduce relatively low numbers of heavy and light vehicle movements to the surrounding road network which would be spread across multiple construction sites. The main increase in traffic will occur during peak construction from spoil haulage at tunnelling sites towards the Western Sydney Airport site and during station box excavations for St Marys and Orchard Hills. Construction traffic and road safety impacts will be temporary and modest. They will be mitigated through measures outlined in the Proponent's Construction Traffic Management Framework. The Department acknowledges that the land use assumptions that informed the traffic model have subsequently been updated but accepts the Proponent's

Issue	Consideration
<ul style="list-style-type: none"> • Clarifications regarding bicycle parking and pedestrian access arrangements at stations and bus routes • Resolution of number and optimal location of road connections, spatial/layout requirements and intersection designs at Luddenham Road • Inadequate provision of car parking at St Marys. 	<p>advice that the revisions show lower traffic numbers and the EIS assessment is conservative.</p> <ul style="list-style-type: none"> • To address residual parking impacts, the Proponent has committed to developing a construction worker car parking strategy and operational parking strategy for St Marys. These strategies will be developed in consultation with Penrith City Council and will include measures to reduce worker parking demand such as using shuttle buses and encouraging public transport. • The project will provide active transport facilities at the stations, the design of which will be subject to the Place, Urban Design and Corridor Landscape Plan. Active transport connections in the wider area are outside the scope of the project. In areas expected to undergo significant land use change, such as the Aerotropolis, active transport connections would be considered as part of that land use planning. • The Department considers the key operational traffic impacts of the project are the intersections at St Marys. Intersections impacted by the project's operation decline by one or two categories in level of service. <p><i>Recommended Conditions / Response</i></p> <ul style="list-style-type: none"> • The Department has recommended a condition that permanent road works be designed, constructed and operated to integrate with existing and proposed road and related transport networks and to minimise adverse changes to the safety, efficiency and, accessibility of the network. • The Department acknowledges the project's construction will coincide with the Western Sydney Airport and M12 Motorway projects and supports the Proponent's establishment of a Traffic and Transport Liaison Group to manage cumulative traffic impacts. • The Department considers that the project should contribute to resolving congestion at intersections around St Marys once the project is operational and has recommended a condition requiring the Proponent to work with the roads authority towards mitigating impacts at these intersections. • The locations of all heavy vehicles used for spoil haulage must be monitored in real time and the records of monitoring be made available electronically to the Planning Secretary and the EPA upon request.
<p><u>Flooding, hydrology, water quality and groundwater</u></p> <ul style="list-style-type: none"> • Flooding impacts on flood-prone areas in south St Marys during construction and operation • Concerns around ground movement impacts to foundations and structural integrity of homes in St Marys as well as Bringelly tunnel. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department has assessed flooding and groundwater impacts and finds the project would have minor and acceptable impacts. • Flooding impacts are generally limited to areas within existing floodplains south of the M4 Motorway. These impacts are within the project's flood impact criteria. • The project will cross Wianamatta-South Creek in tunnel and will not materially affect current flooding in south St Marys. The flooding assessment has found the project will have a neutral flooding impact at south St Marys.

Issue	Consideration
	<ul style="list-style-type: none"> Ground movement is limited to areas surrounding station excavations and is not expected to cause building damage. <p><i>Recommended Conditions / Response</i></p> <ul style="list-style-type: none"> The Department has set stringent flooding limits for the final design of the project to meet. Pre-construction and post-construction condition surveys must be undertaken on buildings, structures and infrastructure that may potentially be affected by settlement. Any damage would require rectification or compensation to the relevant property owner. The establishment of an Independent Property Impact Assessment Panel before works commence which must comprise geotechnical and engineering experts independent of the design and construction team to review pre and post-construction building condition survey reports and resolve disputes relating to property damage.
<p><u>Biodiversity and trees</u></p> <ul style="list-style-type: none"> Inadequate assessment of some biodiversity impacts Extension of northern tunnel alignment to reduce biodiversity impacts Provision of areas for fauna to move freely under the rail line. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department has assessed the biodiversity impacts of the project in consultation with the Environment, Energy and Science Group of the Department and considers the residual impacts are acceptable subject to offsetting. The project has been designed to avoid significant disturbances to the natural environment by locating the rail corridor and construction zone away from Cumberland Plain Woodland around Orchard Hills. The direct impacts to threatened communities and threatened species habitats will require offsetting, through securing of ecosystem credits. The Proponent has committed to offsetting direct and indirect impacts in accordance with the Biodiversity Offsets Scheme, and providing for conservation of an alternative area of Cumberland Plain Woodland. The Department accepts that impacts to the critically endangered ecological community are unavoidable and that most of the impacts would occur to fragmented patches in thinned or low condition. Bridge and viaduct piers will be designed to avoid creeks and waterways, while maintaining and enhancing terrestrial fauna connectivity under structures. Measures to manage impacts to aquatic communities and species would be outlined in the Flora and Fauna Management Sub-plan. <p><i>Recommended Conditions / Response</i></p> <ul style="list-style-type: none"> Design the watercourse crossings and the east-west regional corridor (Patons Lane) crossing to retain and minimise clearing/disturbance of native vegetation and maximise native plant growth under the structures, and design of culverts and other crossings to provide for movement of aquatic and terrestrial fauna. The Department has recommended conditions requiring offset of residual impacts to Key Fish Habitat by the provision of a 2:1 habitat offset requirement, in accordance with the Policy and Guidelines for Fish Habitat Conservation and Management (DPI, 2013 update).

Issue	Consideration
	<ul style="list-style-type: none"> • An offset is required for the impacts to plant community types and threatened (species credit) species. • A fauna and flora CEMP Sub-plan must be prepared to implement construction management measures such as pre-survey clearing and protecting retained vegetation. • An increase in tree canopy coverage and an increase in number of mature trees at a ratio of 2:1 is required.
<p><u>Route alignment</u></p> <ul style="list-style-type: none"> • Location of additional metro stations, particularly at Western Sydney University, Orchard Hills, North Elizabeth Drive and Badgerys Creek North • Consideration of alternative route options • Provision of additional connections including to Parramatta, Blacktown, Oran Park, Macarthur, Bankstown, other rail lines and future connections to Canberra and Melbourne • Timing of potential extension to Tallawong. 	<p><u>Assessment</u></p> <ul style="list-style-type: none"> • The project is consistent with strategic land use and transport documents. • This project has been endorsed by the NSW Government as a key component of strategic infrastructure and planning documents including <i>Future Transport 2056</i> and the <i>Greater Sydney Region Plan - A Metropolis of Three Cities</i>. <p><u>Recommended Conditions / Response</u></p> <ul style="list-style-type: none"> • The Department is satisfied the project has been subject to a robust route selection process. • The South West Rail Link extension from Leppington to North Bringelly is identified as a separate project in <i>Future Transport 2056</i>. • The project has been designed to safeguard for future northern and southern extensions, and a connection to the South West Rail Link at Leppington. The Aerotropolis Core Station has been designed to allow for future development of the South West Rail Link extension. • The Proponent's assessment identified that a station at Western Sydney University's Werrington precinct would have considerable construction, program and interface impacts and risk, and require a fundamentally different construction strategy. This would outweigh the benefits of a station in this location. • No conditions are needed in relation to this matter.
<p><u>Other</u></p> <ul style="list-style-type: none"> • Concerns about 24 hour operation of Western Sydney International Airport • Justification for Western Sydney International Airport. 	<p><u>Response</u></p> <ul style="list-style-type: none"> • While the Department acknowledges the concerns raised in these submissions, matters related to the Western Sydney International Airport are outside the scope of this assessment.