

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-19238057 Sydney Metro West – The Bays to Sydney CBD
Applicant	Sydney Metro
Consent Authority	Minister for Planning

Decision

The Minister for Planning has, under section 5.19 of the *Environmental Planning and Assessment Act 1979* (**the Act**) approved the infrastructure application subject to 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

24 August 2022

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 forms part of the Metro West proposal which would:
 - provide a direct, fast, reliable and frequent connection between Parramatta, Sydney's Central River City, and Sydney's Eastern Harbour City
 - have capacity to run a metro train every two minutes in each direction
 - relieve congestion on Sydney Train's T1 Western Line, T9 Northern Line, and T2 Inner West and Leppington Line
 - double the existing rail capacity between Parramatta and the Sydney CBD
- the project forms part of the Metro West proposal which has been endorsed by the NSW Government by being a key component of:
 - *2020 Infrastructure Priority List*
 - *Future Transport Strategy 2056*
 - *Staying Ahead: NSW State Infrastructure Strategy 2022-2042*
 - *A Metropolis of Three Cities – the Greater Sydney Region Plan*
 - *Central City District Plan*
 - *Eastern City District Plan*
 - *Sydney Centre Access 2018*
- 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 3 November 2021 until 15 December 2021 (43 days) on the Department’s website. During the exhibition period, the Department received 18 unique submissions and advice from six NSW Government agencies. Of the unique submissions two submissions were from local councils, seven were from special interest groups and organisations, and nine were from members of the community.

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:

- site visits during the EIS exhibition and 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 traffic and transport; noise and vibration; non-Aboriginal heritage; and social and business. Other issues are detailed in the Planning Secretary’s Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Project design and justification</i></p> <ul style="list-style-type: none"> • need for and benefits of locating a metro station at Pyrmont • provision of a pedestrian tunnel from western Pyrmont Station site to Blackwattle Bay • walking distances from the street to platforms and between platforms at interchanges 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • the proposal is consistent with State strategic planning and transport documents. • additional connections are outside the scope of this proposal. Location of the Pyrmont station has considered existing connections to local destinations • access from the street to platforms is dictated by geography and depth of tunnel. Connections would be required to be compliant with <i>Disability Discrimination Act</i> <p><i>Recommended Conditions/Response</i></p> <p>No additional conditions are required in relation to this matter</p>
<p><i>Traffic and transport</i></p> <ul style="list-style-type: none"> • construction traffic management and coordination • impacts to pedestrians and cyclists and maintenance of access to businesses • construction vehicles in residential neighbourhoods • closure of Hunter Tunnel • traffic management during significant events • engagement of community stakeholders in traffic management • maintaining access for emergency vehicles • heavy vehicle identification and driver behaviour • construction worker parking impacts • request for bus priority measures 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • the proposed Construction Traffic Management Framework provides the overall strategy and approach for construction traffic management. It establishes traffic management processes and traffic control techniques, adjustments to traffic signals, establishment of signage, and traffic calming measures near construction sites • vehicle access to and from construction sites would be managed to maintain pedestrian, cyclist and motorist access and safety. Depending on the location, this may require manual supervision, physical barriers, temporary traffic signals, modifications to existing signals or, on occasion, police presence • most construction sites have direct access to the arterial road network, and this network is equipped to accommodate construction traffic • a limited number of parking spaces are provided in construction sites. Pyrmont and Hunter Street construction sites have good access to public transport services and construction workers would be encouraged to use these services • driver training and vehicle requirements are required in Sydney Metro contracts. Heavy vehicle drivers would be made aware of the construction site traffic management arrangements and site-access requirements, including approach and departure routes and any heavy vehicle noise management measures required <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> • traffic impacts can be managed by implementing the Proponent’s committed management measures and recommended conditions of approval • the conditions require site specific Construction Traffic Management Plans to be prepared and will include pedestrian and cycle movement plans

<i>Issue</i>	<i>Consideration</i>
	<ul style="list-style-type: none"> • traffic associated with the operation of stations and services are outside the scope of this application. These concerns will be addressed in Stage 3 – Rail infrastructure, stations, precincts and operations (SSI 22765520)
<p><i>Noise and Vibration</i></p> <ul style="list-style-type: none"> • management of noise impacts during early works • impacts and management of late night work • construction noise and vibration impacts at Pyrmont • health and wellbeing of residents resulting from extended construction hours • engagement with the community about noise impacts including out of hours works • provision of noise monitoring and respite for noise intensive works • noise impacts on residents working from home during construction 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • construction noise and vibration impacts are unavoidable for a project of this magnitude in a highly urbanised environment. The impacts would be managed using industry best practice and a robust community consultation strategy • construction hours have been extended on Saturdays (8:00am to 6:00pm) to encourage daytime work and to minimise night-time impacts in residential areas • acoustic sheds would be installed at both Pyrmont construction sites to remain throughout construction, and a temporary acoustic shed retained at Hunter Street east construction site • potential impacts to residential receivers has considered all time periods where work is proposed. The impacts to those working from home, have been considered as for other daytime occupants of residences • cosmetic damage may occur during demolition and excavation at stations • vibration during tunnelling may exceed human comfort criteria around Pyrmont and Hunter Street (Sydney CBD) • noise monitoring for construction of the rail infrastructure, stations and precincts is subject to a separate application currently under assessment <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> • early works (site investigations) will be carried out during the day where practicable. Work requiring changed traffic conditions would be required at night to minimise traffic impacts • station box excavations (unless undertaken within acoustic sheds with acceptable noise levels) will be limited to daytime construction hours (7:00 am to 6:00 pm Mondays to Fridays and 8:00 am to 6:00 pm Saturdays) in Pyrmont to provide respite to adjoining residents • conditions have been recommended to limit heavy vehicle movements in Pyrmont to ensure night time respite for residents • the Proponent will implement mitigation measures to minimise noise during night-time work, including the use of acoustic blankets, providing respite periods from noisy work and the provision of alternative temporary accommodation for highly impacted residents • active and ongoing consultation, flexibility in construction techniques, at source and at property mitigation, and coordinating and scheduling work to provide respite, must be applied to manage construction noise impacts • consultation regarding work outside specified hours will occur in accordance with the Sydney Metro West Out of Hours Work Protocol and include notification at least seven days prior to the work commencing • noise or vibration monitoring will be conducted at affected receiver(s), where it has been identified that specific construction activities are likely to exceed the relevant noise or vibration goals
<p><i>Air quality</i></p> <ul style="list-style-type: none"> • air quality (dust) impacts to residences and businesses • air quality monitoring at construction sites • prompt response and management of community complaints 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • dust generating activities include dust generated from clearing and demolition, excavation, materials handling, stockpiling and compaction activities, and wind erosion of stored materials and exposed surfaces • emissions from combustion of diesel fuel by heavy vehicles, mobile construction equipment, and stationary equipment such as diesel generators, are not expected to result in adverse impacts on the surrounding environment <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> • the conditions require that measures must be implemented to minimise the emission of dust and other air pollutants • earthworks at the Pyrmont Station construction sites would be occur in fully enclosed sheds. Dust filtering systems would be installed on the shed exhaust which to capture dust generated from construction activities and limit the extent of emissions to air • best-practice dust management measures would be implemented during construction work including regularly wet-down of exposed and disturbed areas (especially during dry weather), minimising the amount of materials stockpiled, and position stockpiles away from surrounding receivers • plant and equipment will be maintained in a proper and efficient manner

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	<ul style="list-style-type: none"> an Air Quality Management Plan will be prepared to identify measures to manage potential air quality impacts for each site a Construction Complaints Management System would outline the processes for managing complaints, enquiries and escalation of unresolved matters
<p><i>Aboriginal heritage</i></p> <ul style="list-style-type: none"> request for appropriate archaeological protocols to be implemented Aboriginal consultation should be undertaken near waterways at The Bays 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Bays tunnel launch and support site is located within The Bays Station construction site that was approved for Stage 1 (SSI 10038) and consultation in that location was a requirement of that approval the use of The Bays tunnel launch and support site is not anticipated to result in impacts on Aboriginal heritage additional to those assessed in the approval of SSI 10038. Archaeological Research Designs (ARD's) for Pymont Station and Hunter Street Station, contain an excavation methodology and requirements for salvage excavation and/or further investigation if additional artefacts are expected engagement with Aboriginal stakeholders was undertaken during the for the assessment and development of cultural heritage assessment reports and research designs <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> the recommended conditions require that actions be taken to limit impacts on Aboriginal heritage and that the archaeological excavation methodology outlined in the ARDs must be implemented before station excavation commences Aboriginal stakeholder consultation will continue, and additional consultation with knowledge holders about the proposal will be carried out where possible the proponent is required to prepare an implement an Unexpected Heritage Finds Procedure which sets out notification and other management requirements would be implemented if unexpected Aboriginal objects are identified
<p><i>Non-Aboriginal heritage</i></p> <ul style="list-style-type: none"> proximity and potential impacts to the Pymont Heritage Conservation Area and vibration impacts to heritage buildings impacts to heritage items including White Bay Power Station and port infrastructure vibration monitoring and condition surveys should be undertaken at significant heritage structures in proximity to construction sites request for a detailed salvage methodology to be prepared for the salvage of significant fabric of Gilbey's Distillery an Archaeological Research Design (ARD) should be prepared for Pymont construction sites construction methods should include provisions for impact prevention and weather protection of the building at Skinners Family Hotel 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> Gilbey's Distillery, a potential item of local heritage significance, would be demolished there would be moderate indirect impacts to the Pymont Conservation Area excavation at The Bays Station was undertaken as part of the Stage 1 approval. Minimal additional impacts are expected at The Bays site. a number of items will experience vibration impacts, including the Former Skinners Family Hotel ARDs have been prepared to guide archaeological excavation at the Pymont Station sites, and the Hunter Street Station sites <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> the recommended conditions require that actions be taken to limit impacts on non-Aboriginal heritage mitigation measures have been developed to minimise potential direct impacts such as impacts from vibration, settlement, architectural noise treatment, and demolition of adjoining structures A method for the removal of existing buildings and/or structures at specified construction sites will be developed to minimise direct and indirect impacts to adjacent and/or adjoining heritage items archival recording and reporting of potential heritage items and listed items adjacent to the Hunter Street Station sites must be undertaken opportunities for reuse of significant fabric at the Gilbey's Distillery would be assessed and considered. Where fabric is identified for salvage, a methodology would be prepared further structural assessment of heritage items and vibration impact monitoring (if required) would be completed to ensure safe vibration levels for heritage items are met condition surveys of buildings and structures near to the tunnel and excavations will be carried out before excavation at each condition surveys would consider the heritage values of the structure in consultation with a heritage specialist specific mitigation strategies would be developed to manage vibration and settlement impacts. Depending on the nature of the impact, this could

Issue	Consideration
	involve adjustments to construction program, equipment or activities of Sydney Metro West or of other construction projects
<p><i>Social and business</i></p> <ul style="list-style-type: none"> community use of The Bays construction site for viewing special events such as New Year's Eve and Australia Day traffic management during events in the Domain potential construction impacts on the White Bay Cruise Passenger Terminal and its recently upgraded conference/ function centre business impacts, compensation and dispute resolution access through the Hunter Connection tunnel during construction early consultation with businesses affected by closure of the Hunter Tunnel 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Bays construction site would be fenced for safety and not available as a public viewing spot. Other viewing points such as the Anzac Bridge are not affected interactions of construction traffic during events would be co-ordinated by consultation with event organisers and Transport for NSW. These would be documented in relevant construction traffic management plans and planned for in construction programming Roberts Street is the main access route to the White Bay Cruise Terminal and the broader Balmain peninsula and is at capacity with significant congestion occurring daily. Limited use of the site is recommended the underground pedestrian walkway (Hunter Tunnel) between Wynyard Station and Pitt Street would be temporarily closed to facilitate the excavation of the Hunter Street station <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> the recommended conditions require that Robert Street not to be used as a route for either light or heavy construction vehicles hoarding and screening impacting the visibility of businesses would be minimised without compromising public safety or the effective management of construction airborne noise clear pathways and signage would be implemented around construction sites, to maximise visibility of remaining businesses small business owner engagement with business owners adjacent to major construction sites to develop appropriate strategies to facilitate ongoing trading through construction planned power and utility interruptions would be scheduled to occur before or after typical business hours where practicable with prior notice provided to affected users recommended conditions include development of a Community Communication Strategy(s), a Community Benefit Plan, and Small Business Owners Engagement Plan to include measures to address access to businesses, amenity and visibility of businesses
<p><i>Design and Place</i></p> <ul style="list-style-type: none"> activation of street frontages at both Pyrmont station sites amenity impacts with height and number of buildings at Pyrmont security at the street level of Pyrmont Station eastern site retention of streetscapes reinstatement works be undertaken in accordance with Council technical specifications and requirements consideration of street aesthetics in the design of site boundary hoardings 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> proposals to develop surrounding areas, including the development of streetscapes, green spaces, housing and other community and commercial development, is beyond the scope of the proposal and has not been assessed the design and construction of over-station development is beyond the scope of this proposal and would be assessed in a separate application for the rail infrastructure and station precincts which is under assessment at the time of writing (SSI 22765520) development site streetscapes would be retained, protected and preserved as far as possible during site establishment and associated construction construction site hoardings would be designed in accordance with Sydney Metro Brand Design Guidelines and opportunities for public art on hoardings considered in high pedestrian locations <p><i>Recommended Conditions/Response</i></p> <p>No conditions are required in relation to this matter</p>
<p><i>Biodiversity</i></p> <ul style="list-style-type: none"> management of potential pathogens during geotechnical investigations at the Domain retention, planting, relocation and retention of street trees commentary on fauna including the presence of Southern Myotis, Powerful Owl, Grey-headed Flying-fox and Large Bent-winged Bat, and the need for preclearance surveys to allow for fauna relocation Tree removal and tree replacement and Arboricultural Impact Assessment prior to construction. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> the area is highly urbanised and does not possess large expanses of intact native vegetation with high biodiversity value. Vegetation clearing has been largely avoided through the design and further clearing would be avoided where practicable up to 16 trees (seven planted native trees and nine exotic trees) would be removed including six trees within the construction sites and ten street trees tree planting would be form part of precinct planning which would be considered as part of SSI 22765520 planted native trees at construction sites may provide limited foraging habitat for the Grey-headed Flying-fox, Powerful Owl, and Little Lorikeet, however, these sites in isolation would not be important habitat for these species no microbats have been recorded roosting in structures to be demolished. No other potential microbat roosting habitat is present

Issue	Consideration
	<p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> • a suitably qualified arborist would be engaged to assess pruning and provide advice on measures to minimise damage and ensure the health and stability of trees to be retained and protected • measures for preclearance surveys to be conducted before vegetation clearing or building demolition would be included in a flora and fauna management plan
<p><i>Soil, groundwater and contamination</i></p> <ul style="list-style-type: none"> • groundwater discharge options and disposal • management of contamination at White Bay Power Station • potential for the oxidation of acid sulfate soils and potential impact to groundwater quality, groundwater dependent ecosystems, groundwater users and surface water-groundwater interactions • reinstatement works specifications and requirements. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • no additional areas of contamination would be expected at The Bays site which is approved under SSI 10038 • further detailed investigation of known areas of potential contamination would be undertaken ahead of excavation • potential acid sulfate or saline soils may be encountered at the Pyrmont Station eastern construction site • temporary groundwater drawdown may occur during at locations where excavations are untanked such as the caverns, stations and shafts <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> • erosion and sediment measures will be implemented at all construction sites in accordance with industry best practice • a Soil and Water Management Plan will be prepared to manage potential contamination impacts • testing would be carried out to determine the presence of actual and / or potential acid sulfate soils before ground disturbance in areas of concern • water collected from construction sites would be treated before discharge • the recommended conditions require the development and implementation of an Unexpected Finds Procedure for contamination and that potential contamination at moderate or high-risk sites be confirmed by detailed site investigation ahead of excavation, remediation action plans (RAPs) developed where required, and an EPA accredited site auditor engaged
<p><i>Climate change, sustainability and waste management</i></p> <ul style="list-style-type: none"> • impacts on waste servicing and collection at construction sites in proximity to public places • use of lower carbon embodied concrete • alignment with NSW Government policy positions relating to the circular economy and Net Zero by 2050, and the proposal is used as a mechanism to influence market behaviour 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • construction has been predicted to generate approximately 110,000 tonnes of carbon dioxide equivalent (tCO₂ -e), approximately 0.08 per cent of total NSW emissions • the Sydney Metro West Sustainability Plan would be adopted which sets out sustainability principles, objectives, and performance targets to be adopted across the life cycle of the proposal <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> • commitment to achieve an Infrastructure Sustainability Council “As Built” rating of 75 • potential waste management issues are manageable through standard mitigation measures • consultation regarding waste will continue to occur with relevant Councils throughout development of this proposal
<p><i>Flooding and hydrology</i></p> <ul style="list-style-type: none"> • assessment of potential changes in drainage and overland flow with consideration of major projects in the area including WestConnex • changes to the conveyance capacity of existing stormwater systems should be minimised 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • flood modelling results indicate that the overall risk of flooding impacts from this proposal is considered low and the magnitude of impacts would be negligible • localised changes to overland flows are limited in their scale to the immediate vicinity of the construction sites, and are considered minor due to the temporary nature of the impacts <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> • detailed consideration of flooding and drainage in around construction sites would be carried out when construction site layouts are confirmed during detailed construction planning and when more recent changes from other developments can be considered • design development will confirm the local stormwater system capacity to receive construction water treatment plant inflows. In the event there is a stormwater infrastructure capacity issue with existing infrastructure, mitigation measures such as storage detention to control water outflow during wet weather events would be implemented • new connections to the stormwater system would be negotiated with the relevant Councils

<i>Issue</i>	<i>Consideration</i>
	<ul style="list-style-type: none"> the recommended conditions require the proposal to be designed and constructed to not worsen flooding within and in the vicinity of the proposal
<p><i>Community and stakeholder engagement</i></p> <ul style="list-style-type: none"> establishment of a Community Consultative Committee community notification requirements during early work consideration of on-site information days for residents and businesses request communication with the Domain Trust 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> site-specific needs of the community, stakeholders and businesses will be addressed through a range of online and/or in person engagement tools including work notifications and newsletters, signage, meetings, and door knocks ongoing dialogue would be maintained, including the use of Place Managers in an area, with community members and stakeholders near construction sites, to advise them of work that may result in potential impacts and communicate proposed mitigation and management measures the Domain Trust has been and would continue to be engaged regarding proposal design and engaged <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> conditions for a project specific Community Communication Strategy(s), a Community Benefit Plan, and Small Business Owners Engagement Plan prepared in accordance with the Overarching Community Communications Strategy
<p><i>Cumulative Impacts</i></p> <ul style="list-style-type: none"> cumulative impacts of major development to the Pyrmont Peninsula public health analysis should be carried out that considers the proposal and cumulative impact of other state infrastructure projects currently underway in the Balmain-Rozelle-White Bay locality. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> cumulative impacts result from overlap of impacts between projects and occur when projects are constructed simultaneously or sequentially construction fatigue is a common outcome of cumulative impacts and an increase in complaints can occur numerous large scale government infrastructure and private development projects were considered in the cumulative impact assessment due to their proximity to surface construction sites, temporal overlaps or extension of timeframes to which residents and other stakeholders would be subject to construction impacts <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> ongoing engagement with planning and development agencies to align project delivery where possible for urban renewal at The Bays a traffic and transport liaison group, including council representatives and other stakeholders, to consider traffic management at a regional level conditions are recommended to manage cumulative impacts associated with construction fatigue, including coordination of utilities work, active community engagement, and provision of periods of respite