

Modification of Infrastructure Approval

Section 5.25 of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces under the Instrument of Delegation dated 26 April 2021, I approve the modification of the State significant infrastructure approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Lisa Mitchell
Team Leader
Transport Assessments

Sydney

28 July 2021

SCHEDULE 1

Infrastructure Approval:

SSI 10038 granted by the Minister for Planning and Public Spaces on 11 March 2021.

For the following:

Development of the Sydney Metro West project comprising:

- new passenger rail infrastructure between Westmead and the central business district (CBD) of Sydney, including:
 - tunnels, stations (including surrounding areas) and associated rail facilities, and
 - stabling and maintenance facilities (including associated underground and overground connections to tunnels), and
- modification of existing rail infrastructure (including stations and surrounding areas), and
- ancillary development.

The development does not include the following:

- surveys, test drilling, test excavations, geotechnical or contamination investigations or other tests, surveys, sampling or investigation for the purposes of the design or assessment of the Sydney Metro West project, and
- the relocation or upgrade of existing roads, intersections or parking areas that:
- is carried out on land identified as being within the Bays Precinct Site on the State Significant Development Sites Map of the State Environmental Planning Policy (State and Regional Development) 2011, and
- is the subject of a determination under Division 5.1 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Modification:

Modification to amend conditions to:

- clarify the conditions that the risk assessment, prepared as part of the Phasing Report, applies to
- enable the preparation of an audit program to outline the scope and timing of each independent audit that will be undertaken during construction
- provide consistent wording regarding the ER's endorsement of the CEMP and CEMP Sub-plans
- enable work that would not affect subsurface remains to commence prior to the preparation of the Archaeological Research Design and Excavation Methodology

SCHEDULE 2

Note: Words that have been deleted are shown as: ~~deleted~~
Words that have been added are shown as: added

1. Amend Condition A1 as follows:

- A1 The Proponent must carry out Stage 1 of the CSSI in accordance with the conditions of this approval and generally in accordance with the:
- (a) *Sydney Metro West – Westmead to The Bays and Sydney CBD Environmental Impact Statement* dated 15 April 2020;
 - (b) *Sydney Metro West – Westmead to The Bays and Sydney CBD Submissions Report* dated 20 November 2020; and
 - (c) *Sydney Metro West – Westmead to The Bays and Sydney CBD Amendment Report* dated 20 November 2020; and
 - (d) *Sydney Metro West – Westmead to The Bays and Sydney CBD Modification Request Letter* dated 21 June 2021.

2. Amend Condition A11 as follows:

A11 The **Phasing Report** must:

- (a) set out how construction of the whole of Stage 1 of the CSSI will be phased, including details of work and other activities to be carried out in each phase and the general timing of when construction of each phase will commence and finish;
- (b) specify the relevant conditions that apply to each phase and how compliance with conditions will be achieved across and between each of the phases of Stage 1 of the CSSI;
- (c) set out mechanisms for managing any cumulative impacts arising from the proposed phasing; and
- (d) for the purposes of informing **Conditions C2, C7, C18**, include an assessment of the predicted level of environmental risk and potential level of community concern posed by the construction activities required to construct each phase of Stage 1 of the CSSI.

With respect to (d) above, the risk assessment must use an appropriate process consistent with AS/NZS ISO 31000: 2009; Risk Management - Principles and Guidelines and must be endorsed by the **ER**.

3. Insert Condition A39.1 as follows:

A39.1 Notwithstanding Condition A39, the Proponent may prepare an audit program to outline the scope and timing of each independent audit that will be undertaken during construction. If prepared, the audit program must be developed in consultation with, and approved by, the Planning Secretary before commencement of the first audit and implemented throughout construction.

4. Amend Condition C10 as follows:

C10 Construction must not commence until the **CEMP** and all **CEMP Sub-plans** have been approved by the Planning Secretary or endorsed by the **ER** (whichever is applicable), unless otherwise agreed by the Planning Secretary. The **CEMP** and **CEMP Sub-plans**, as approved by the Planning Secretary or endorsed by the **ER** (whichever is applicable), including any minor amendments approved by the **ER**, must be implemented for the duration of construction. Where construction of Stage 1 of the CSSI is phased, construction of a phase must not commence until the **CEMP** and **CEMP Sub-plans** for that phase have been approved by the Planning Secretary

or ~~certified~~ endorsed by the **ER** upon nomination by the Planning Secretary (whichever is applicable).

5. Amend Condition D25 as follows:

D25 Before the commencement of any ~~excavation-work~~ at Parramatta and The Bays metro station construction sites a revised **Archaeological Research Design and Excavation Methodology(s)** must be prepared in accordance with Heritage Council of NSW guidelines and with reference to the detailed design of Stage 1 construction of the CSSI to guide archaeological excavation. The revised **Archaeological Research Design and Excavation Methodology(s)** must be prepared by the **Excavation Director** (approved under **Condition D27** below) and must include:

- (a) site specific research for the Parramatta and The Bays metro station construction sites which is conducted by a professional historian to clearly articulate the historical development of the allotments to assist with the reassessment of potential and significance;
- (b) comparative analysis from archaeological investigations in Parramatta (including theses, publications and grey literature reports);
- (c) preparation of research questions based on the additional site-specific research required by this condition, and relevant research agendas from previously excavated early historical occupation in Parramatta including recovered artefact assemblages; and
- (d) a reconsideration of archaeological methods to manage the sites based on this additional assessment.

The revised **Archaeological Research Design and Excavation Methodology(s)** must apply to both Parramatta and The Bays metro station construction sites and be prepared in consultation with Heritage NSW and Place Management NSW (in respect of The Bays) and submitted to the Planning Secretary for approval.

The revised **Archaeological Research Design and Excavation Methodology(s)** must be implemented throughout the archaeological excavation programs.

*Note: Nothing in these conditions prevents the **Archaeological Research Design and Excavation Methodology** to be separate procedures.*