

Modification of Infrastructure Approval

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

As delegate of the Minister for Planning, I approve the modification of the State significant infrastructure approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Glenn Snow
Director
Transport Assessments

Sydney

03 June 2022

SCHEDULE 1

Infrastructure Approval:

SSI 10038 granted by the Minister for Planning 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:

This modification includes:

- revised location of the Rosehill Dive Structure, requiring in the demolition/removal of the former Rosehill Railway Station and s170 listed Rosehill Railway Station Footbridge
- revised project footprint to the north of the former Rosehill Railway Station, within the former Carlingford Line corridor
- revised realignment of Unwin Street and Kay Street from a rail underpass to a rail overpass
- additional impacts to biodiversity
- administrative changes to update agency names

SCHEDULE 2

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

1. Amend Table 1: Definitions as follows:

Term	Definition
Department	NSW Department of Planning, Industry and Environment
DPE EES <u>BCD</u>	Environment, Energy and Science <u>Biodiversity and Conservation Division of the Department, formerly EES</u>
DPIE Water	Water Group of the Department
Heritage NSW	Heritage NSW, Department of Premier and Cabinet <u>within the Environment and Heritage Group of the Department</u> or its predecessor agencies
Low Impact Work	Includes: <ul style="list-style-type: none"> (a) survey work including carrying out general alignment survey, installing survey controls (including installation of global positioning systems (GPS)), installing repeater stations, carrying out surveys of existing and future utilities and building and road dilapidation surveys; (b) investigations including investigative drilling, contamination investigations and excavation; (c) site establishment work approved under a Site Establishment Management Plan; (d) operation of ancillary facilities if the ER has determined the operational activities will have minimal impact on the environment and community; (e) minor clearing and relocation of native vegetation, as identified in the documents listed in Condition A1 of Schedule 3; (f) installation of mitigation measures including erosion and sediment controls, temporary exclusion fencing for sensitive areas and acoustic treatments; (g) property acquisition adjustment work including installation of property fencing, and relocation and adjustments of utilities to property including water supply and electricity; (h) relocation and connection of utilities where the relocation or connection has a minor impact to the environment as determined by the ER; (i) archaeological testing under the <i>Code of practice for archaeological investigation of Aboriginal objects in NSW (DECCW, 2010)</i> or archaeological monitoring undertaken in association with (a)-(h) above to ensure that there is no impact on Heritage items; (j) archaeological testing for historical archaeological resources to identify and seek to reduce impact on state significant archaeology where it is proposed, ahead of construction or in association with (a)-(h) above; (k) maintenance of existing buildings and structures required to facilitate the carrying out of the CSSI; and (l) other activities determined by the ER to have minimal environmental impact which may include but not limited to

Term	Definition
	<p>construction of minor access roads, temporary relocation of pedestrian and cycle paths and the provision of property access.</p> <p>However, where Heritage items on the State heritage register, areas of known or expected archaeological potential, or threatened species or threatened ecological communities (within the meaning of the BC Act) are affected by any Low Impact Work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with Heritage NSW, DPI-EES <u>DPE BCD</u> or DPI Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation).</p> <p>The low impact work described in this definition becomes Construction with the approval or endorsement of a CEMP. Where Low Impact Work has already commenced, this is considered to remain as Low Impact Work and is managed in accordance with the framework under which it commenced.</p>
Minister	NSW Minister for Planning and Public Spaces

2. Amend Table 2: Reports and Notifications that must be submitted to the Planning Secretary:

Condition	Report / Notification	Timing	Purpose
Heritage			
<u>D18.1</u>	<u>Evidence of Consultation and Assessment of Alternative Sites</u>	<u>Before Rosehill Railway Station Footbridge is dismantled, if an alternative location cannot be found</u>	<u>Information</u>

3. 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;
- (e) *Sydney Metro West – Clyde stabling and maintenance facility Modification Report* dated November 2021; ~~and~~
- (f) *Sydney Metro West – Concept and Stage 1 – Modification 2 Clyde stabling and maintenance facility (SSI-10038-Mod-2): Response to submissions* dated 21 March 2022.

4. 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~~ 2018; Risk Management - Principles and Guidelines and must be endorsed by the **ER**.

5. Amend Condition C5 as follows:

	Required CEMP Sub-plan	Relevant government agencies to be consulted for each CEMP Sub-plan
(b)	Flora and fauna	DPIE EES <u>DPE BCD</u> , DPI Fisheries, SOPA (in respect of Sydney Olympic Park) and Relevant Council(s)
(c)	Soil and water	DPIE EES <u>DPE BCD</u> , Relevant Council(s), SOPA (in respect of Sydney Olympic Park) and Sydney Water (if Sydney Water's assets are affected)

6. Amend Condition C14 as follows:

	Required Construction Monitoring Programs	Relevant government agencies to be consulted for each Construction Monitoring Program
(c)	Surface water quality	DPIE <u>DPE</u> Water, Relevant Council(s) and Sydney Water (if any Sydney Water assets are impacted)
(d)	Groundwater	DPIE <u>DPE</u> Water and SOPA (in respect of Sydney Olympic Park)

7. Amend Condition D4 as follows:

- D4 Before any vegetation clearing or tree removal that must be offset, the relevant credits specified in Table 3 below must be purchased and retired. The retirement of credits must be carried out in accordance with the offset rules of the BC Act.

Table 1: Biodiversity Credits to be Retired

Credit Type	Number of Credits
Ecosystem Credits	
Mangrove Forests in estuaries of the Sydney Basin Bioregion and South East Corner Bioregion (Plant Community Type 920) - Poor	3
Species Credits for Threatened Species	
<i>Myotis macropus</i> / Southern Myotis (Fauna)	3

Note: Credits have been calculated using the Biodiversity Assessment Method.

8. Amend Condition D10 as follows:

Replace "DPIE Water" with "DPE Water"

Replace "DPIE EES" with "DPE BCD"

9. Amend Condition D12 as follows:

Replace all instances of "DPIE EES" with "DPE BCD"

10. Insert Condition D18.1 as follows:

D18.1 The Proponent must investigate opportunities to relocate the Rosehill Railway Station Footbridge to an alternate location in the City of Parramatta LGA in consultation with City of Parramatta Council before the dismantled footbridge can be removed from the Clyde Stabling and Maintenance Facility Site. The *Railway Footbridge Heritage Conservation Strategy 2016* (GAO Heritage Group, 2016) and any other relevant guideline or plan must be considered when assessing alternate locations. The Rosehill Railway Station Footbridge must be stored and protected on the Clyde Stabling and Maintenance Facility Site, and where a suitable location is found, must be reinstated no later than 12 months following the completion of construction, unless otherwise agreed with the Planning Secretary.

If an alternate location cannot be agreed to between the Proponent and Relevant Council, evidence of consultation, including consideration of alternative sites, must be submitted to the Planning Secretary for information before the dismantled Rosehill Railway Station Footbridge is removed from the Clyde Stabling and Maintenance Facility Site.

11. Insert Condition D18.2 as follows:

D18.2 Where an alternative location for the Rosehill Railway Station Footbridge is agreed to, a Heritage Asset Action Plan, including an updated statement of significance, in accordance with *Statement of Best Practice for Heritage Asset Action Plans* (Heritage Council of NSW 2021), must be prepared to reflect its new setting within 12 months of relocation and at no cost to council. The Proponent is responsible for protection of the Rosehill Railway Station Footbridge until ownership is transferred to Council.

Note: This condition does not prevent the Proponent from providing funding or similar to Council for the preparation of the required documents and does not prevent Council from preparing them.

12. Insert Condition D96.1 as follows:

96.1 The permanent realignment of Unwin Street and Kay Street must be designed with the objective of not precluding a potential future connection between the M4 Motorway and the Camellia-Rosehill Precinct, unless otherwise agreed by the Planning Secretary. The Proponent must provide the Department, in a timely manner, detailed design, engineering and other related documentation to inform its masterplanning of the precinct.

The current road reserve of Unwin Street between Kay Street and the TfNSW Granville Depot driveway (including the A'becketts Creek bridge) must be retained, unless otherwise agreed by the Planning Secretary.

Note: At the time of approval, the relevant team at the Department is the Metro Central team, within the Planning & Land Use Strategy Division.

Note: The intent of this condition is to retain a section of the existing alignment of Unwin Street for future use as a connection between the M4 Motorway and Unwin Street. The M4 connection referenced in this condition does not form part of this Approval and this condition does not require the Proponent to deliver said connection.

13. Insert Condition D98.1 as follows:

D98.1 Temporary pedestrian access across the project must be provided as near as practicable to the existing Rosehill Railway Station Footbridge. The access must provide a reasonably direct route between the intersection of James Ruse Drive and Prospect Street and Gate 3 of Rosehill Gardens Racecourse. The access must be safe and open to all users (including the general public).

The temporary pedestrian access must be designed in consultation with Australian Turf Club, the relevant landowner and/or Relevant Road Authority, and be implemented before removal of the Rosehill Railway Station Footbridge.

Note: Any temporary pedestrian access in the vicinity of the former Rosehill Station which is intended to be made permanent must be designed in consultation with Australian Turf Club and must consider relevant masterplans and strategic planning documents.