

Notice of decision

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

Application type	State significant development
Application number and project name	SSD-38881729 Harbourside Bulk Excavation Works
Applicant	Mirvac Retail Pty Ltd
Consent Authority	Minister for Planning

Decision

The Executive Director under delegation from the Minister for Planning has, under section 4.38 of the *Environmental Planning and Assessment Act 1979* (**the Act**) granted consent to the development application subject to conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning and Environment's assessment report is available [here](#).

Date of decision

2 March 2023

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the department's assessment report;
- the prescribed matters under the Environmental Planning and Assessment Regulation 2021;
- the objects of the Act;
- the considerations under s 7.14(2) and 7.16(3) of the *Biodiversity Conservation Act 2016* (NSW);
- all information submitted to the department during the assessment of the development application;
- the findings and recommendations in the Department's assessment report; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the department's assessment report were accepted and adopted as the reasons for making this decision. Additional reasons for making the decision are also recorded in the department's assessment report.

The key reasons for granting consent to the development application are as follows:

- the project would facilitate the future Harbourside Shopping Centre redevelopment which would provide a range of benefits for the region and the State as a whole, including contributions to affordable housing, a minimum of 3,500m² of publicly accessible open space, through site linkages, public art and heritage interpretation;
- the project is permissible with development consent, and is consistent with NSW Government policies including the Greater Sydney Region Plan and Eastern City District Plan's vision to increase housing and jobs close to public transport, services and amenities;
- traffic, public domain, heritage and noise and vibration 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 changes to the project and the conditions of consent. Engagement on the project is considered to be in line with *Undertaking Engagement Guidelines for State Significant Projects*, including the community participation objectives outlined in these guidelines.
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Applicant engaged with the community during the preparation of the Environmental Impact Statement (EIS) as a requirement of the Secretary's Environmental Assessment Requirements. The EIS detailed the findings of the engagement and how it influenced the scope and design of the project.

Once the EIS was submitted to the department it was placed on exhibition from 22 July 2022 until 18 August 2022 (28 days). One public submission was received which objected to the project.

The key issues raised by the community (including in submissions) and considered in the department's assessment report and by the decision maker include traffic management and access, public domain impacts, noise and vibration impacts and heritage impacts. Other issues are addressed in detail in the department's assessment report.

<i>Issue</i>	<i>Consideration</i>
Pedestrian and cyclist safety	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant's CPTMP considers intersection safety and impacts to pedestrians and cyclists. The CPTMP recommends mitigation measures to manage potential conflicts between cyclists and construction vehicles performing U-turns to access the site along Darling Drive, including wayfinding signage, signage to warn construction vehicles to look for cyclists, traffic controllers to ensure conflicts are minimised and consultation with cycle groups to ensure suitable outcomes for cyclists. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Prepare a detailed CPTMP prior to the commencement of works which includes further details of construction vehicle movements, pedestrian and traffic management measures and cumulative impacts with other projects.
Heritage <ul style="list-style-type: none"> impacts to heritage saltwater cooling conduits from the Powerhouse Ultimo 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant has clarified that the bulk excavation works are not envisaged to impact on the saltwater cooling conduits as the works do not encroach on the area of the cooling system. The Construction Noise and Vibration Management Plan (CNVMP) identifies a maximum vibration threshold to ensure any potential vibration impacts to the saltwater cooling conduits are managed. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Prepare a Construction Noise and Vibration Management Plan (CNVMP) which must be complied with throughout the duration of works.
Public Domain <ul style="list-style-type: none"> requests preservation of the northern bridge and lift accessing Pymont Bridge 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant has confirmed that access to the Murray Street footbridge would not be maintained during construction for safety reasons. Pedestrians would be able to use the signalised pedestrian crossings at the intersection of Darling Drive and Murray Street which provides level access to Pymont Bridge. Wayfinding signage would be provided in the area to advise pedestrians of alternative routes. Access to the Murray Street footbridge would be reinstated once works are complete. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Prepare a detailed CPTMP prior to the commencement of works that considers alternative route arrangements for pedestrians and ensures public domain access is restored following the completion of works.

Noise and Vibration

- noise impacts associated with construction vehicles
- vibration damage to adjacent buildings on Murray Street
- remediation of any vibration impacts in the event of damage

Assessment

- As part of the Response to Submissions, the Applicant provided an Addendum Acoustic and Vibration Letter, prepared by Acoustic Logic, which confirms that the predicted noise impact from construction vehicles would be negligible in the context of the existing noise in the vicinity of the site.
- The Applicant's CNVMP recommends vibration limits for all neighbouring sensitive structures, including 50 Murray Street.
- Vibration monitoring would occur at the site and thresholds would be set, which when met or exceeded, would trigger work to stop at the site and be investigated.
- The Applicant does not expect the vibration criteria would be exceeded at the Murray Street buildings due to their proximity to the site and the need for a low vibration limit at the adjacent light rail infrastructure.

Conditions

- Vibration limits and monitoring requirements for surrounding residential and heritage items
- A post-excavation dilapidation report for all relevant buildings, infrastructure and roads within the zone of influence (50m surrounding the site) is undertaken, if stage 3 works have not commenced within 6 months following the completion of excavation works.