



21 June 2021

Attn: Glenn Snow
Director Transport Assessments
NSW Department of Planning, Industry and Environment
Locked Bag 5022
Parramatta NSW 2124

Dear Glenn,

Sydney Metro request a modification to Conditions A11d, C10 and D25 and propose a new Condition A39.1 for the Sydney Metro West Westmead to The Bays and Sydney CBD (Concept and Stage 1) project approval (SSI_10038) in accordance with the requirements of section 5.25 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

For each condition listed in the table attached (Table 1) there is the:

- Condition number and copy of original condition
- Proposed modification to the condition
- Justification for the proposed modification.

Recommended new text is provided in red and recommended removed text is provided in red and is struck out.

Please do not hesitate to contact Katie Mackenzie, Senior Manager Planning Approvals, on 0410 148 333 if you have any questions.

Yours sincerely

Stuart Hodgson
Director, Environment, Sustainability and Planning
Sydney Metro West

Table 1: Request for Modification

CoA	Condition of Approval	Proposed revised wording	Justification for proposed modification to conditions
A11(d)	<p>The Phasing Report must:</p> <ul style="list-style-type: none"> (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) 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. <p>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.</p>	<p>The Phasing Report must:</p> <ul style="list-style-type: none"> (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. <p>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.</p>	<p>Conditions C2, C7 and C18 provide an opportunity for the Planning Secretary to nominate which CEMP, sub-plan or construction monitoring program can be endorsed by the Environmental Representative, rather than requiring approval by the Planning Secretary.</p> <p>Condition A11(d) was developed to require a risk assessment to be undertaken for each phase of the project, with the intent of providing relevant information to inform the decision making aspect of Conditions C2, C7 and C18.</p> <p>Sydney Metro requests the proposed modification to explicitly align this intention within Condition A11(d). Without this proposed change, it may be interpreted that the risk assessment required by Condition A11(d) applies to all other conditions of approval, which is inconsistent with the intention of this condition.</p>

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A39.1	A39- Independent Audits of Stage 1 of the CSSI must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (DPIE, 2020)	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 prior to commencement of the first audit and implemented throughout construction.	Further to recent discussions with the Department's compliance team, this new condition is proposed to enable Sydney Metro West to prepare an Audit Program in consultation with the Department. The proposed audit program will outline the timing and scope of each audit to enable a more efficient and effective approach to monitoring compliance across the range of phases being delivered for the Sydney Metro West Stage 1 project.
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 by the ER upon nomination by the Planning Secretary (whichever is applicable).	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 endorsed certified by the ER upon nomination by the Planning Secretary (whichever is applicable).	The majority of Part C conditions of approval refer to 'endorsement' by the Environmental Representative, including the first paragraph of Condition C10. However, the final requirement of Condition C10 uses the word 'certified'. Sydney Metro requests the proposed modification to provide consistent terminology throughout the Part C conditions.
D25	Before the commencement of any 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	Revised wording of Condition D25 to be developed by the Department, in consultation with Sydney Metro, to achieve the intent outlined in the justification column.	Condition D25 requires an Archaeological Research Design and Excavation Methodology (ARDEM) to be prepared and approved before the commencement of any 'work' at the Parramatta and The Bays metro station construction sites. The purpose of the ARDEM is to provide the

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	<p>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:</p> <ul style="list-style-type: none"> (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. <p>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.</p> <p>The revised Archaeological Research Design and Excavation Methodology(s) must be</p>		<p>research framework and methodologies to manage and mitigate impacts to archaeological remains, which are subsurface. Therefore, the timing of the preparation of the ARDEM should be linked to the activities which could affect the subsurface remains i.e. excavation and ground disturbance activities only.</p> <p>Sydney Metro requests a proposed modification to the wording of Condition D25 to enable other 'work', which would not affect the subsurface remains, to commence prior to the preparation of the ARDEM.</p> <p>The following is an indicative (but not exhaustive) list of activities that could be undertaken at these sites without affecting subsurface archaeological remains:</p> <ul style="list-style-type: none"> • Site establishment work • Operation of ancillary facilities • Installation of specific erosion and sediment controls, temporary exclusion fencing and hoardings, acoustic treatments and signage • Maintenance of existing buildings and structures • Material laydown and stockpiling on existing hardstand areas • Demolition of structures to slab level (i.e. not including grubbing) • Pedestrian and traffic management. <p>Sydney Metro will ensure these activities will not interfere with the preparation of the ARDEMs or the early physical investigations of areas of impact identified as likely to contain State significant archaeology or subterranean Heritage items required under Condition D26.</p>

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	<p>implemented throughout the archaeological excavation programs.</p> <p><i>Note: Nothing in these conditions prevents the Archaeological Research Design and Excavation Methodology to be separate procedures.</i></p>		<p>Sydney Metro proposes that the timing requirement of Condition D25 should therefore relate to activities that include elements of excavation and ground disturbance only. Activities that do not require excavation or ground disturbance do not have the potential to impact subsurface archaeological remains, and therefore the timing requirement of Condition D25 should not relate to these activities.</p>



Sydney Metro

Level 43, 680 George Street, Sydney NSW 2000 | PO Box K659, Haymarket NSW 1240
T 02 8265 9400 | sydneymetro.info | ABN 12 354 063 515