



19 May 2022

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

Dear Glenn,

Sydney Metro requested a modification to Conditions C-B10, D18, D37, D63 and D66 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) on 26 April 2022 (Modification 3 - Administrative Modification). Sydney Metro are further requesting to modify the Modification Application to include an administrative modification to Conditions D10 and D11 of the project approval in accordance with the requirements of section 5.25 of the EP&A Act.

The proposed modifications to D10 and D11 are attached in Table 1, showing 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.

A consolidated list of conditions proposed to be modified under Modification 3 – Administrative Modification is presented in Appendix A.

Please do not hesitate to contact Jessie Strange, Manager Planning Approvals, on 0420 552 421 if you have any questions.

Yours sincerely

Carolyn Riley
Director, Environment, Sustainability and Planning
Sydney Metro

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Table 1: Modification 3 – Administrative Modification amendment to include Conditions D10 and D11

CoA	Condition of Approval	Proposed revised wording	Justification for proposed modification to conditions
D10	<p>Stage 1 of the CSSI must be designed and constructed to not worsen flooding characteristics within and in the vicinity of the CSSI. Not worsen existing flooding characteristics means the following:</p> <p>(a) a maximum increase in inundation time of one hour in a one (1) per cent Annual Exceedance Probability (AEP) flood event;</p> <p>(b) a maximum increase of 10 mm in inundation at properties where floor levels are currently exceeded in a one (1) per cent AEP flood event;</p> <p>(c) a maximum increase of 50 mm in inundation of land at properties where floor levels would not be exceeded in a one (1) per cent AEP flood event; and</p> <p>(d) no inundation of floor levels which are currently not inundated in a one (1) per cent AEP flood event.</p> <p>Measures identified in the documents listed in Condition A1 of this schedule to not worsen flooding characteristics or measures that achieve the same outcome must be incorporated into the detailed design of Stage 1 of the CSSI. The incorporation of these measures must be reviewed and endorsed by a suitably qualified and experienced person in consultation with directly affected landowners, DPIE Water, DPI Fisheries, DPIE EES, NSW State Emergency Service (SES), SOPA (in respect of Sydney Olympic Park) and Relevant Council(s).</p>	<p>Unless otherwise agreed by the Planning Secretary, Stage 1 of the CSSI must be designed and constructed to not worsen flooding characteristics within and in the vicinity of the CSSI. Not worsen existing flooding characteristics means the following:</p> <p>(a) a maximum increase in inundation time of one hour in a one (1) per cent Annual Exceedance Probability (AEP) flood event;</p> <p>(b) a maximum increase of 10 mm in inundation at properties where floor levels are currently exceeded in a one (1) per cent AEP flood event;</p> <p>(c) a maximum increase of 50 mm in inundation of land at properties where floor levels would not be exceeded in a one (1) per cent AEP flood event; and</p> <p>(d) no inundation of floor levels which are currently not inundated in a one (1) per cent AEP flood event.</p> <p>Measures identified in the documents listed in Condition A1 of this schedule to not worsen flooding characteristics or measures that achieve the same outcome must be incorporated into the detailed design of Stage 1 of the CSSI. The incorporation of these measures must be reviewed and endorsed by a suitably qualified and experienced person in consultation with directly affected landowners, DPIE Water, DPI Fisheries, DPIE EES, NSW State Emergency Service (SES), SOPA (in respect of Sydney Olympic Park) and Relevant Council(s).</p> <p>Where flooding characteristics exceed the levels identified in (a), (b), (c), (d) above, the Proponent must undertake the following:</p>	<p>The inclusion of “Unless otherwise agreed by the Planning Secretary” would allow design flood mitigation strategies to be developed that respond appropriately to relevant flooding risks. This proposed wording is consistent with the SSI standard indicative conditions (February 2022).</p> <p>Condition D11 offers an alternate requirement if compliance with Condition D10 cannot fully be achieved. Therefore, Condition D11 must be read in conjunction with D10 to fully understand its intent.</p> <p>Sydney Metro have identified that during the auditing process, this condition (Condition D10) will be assessed against its criteria, irrespective of the alternate requirements in Condition D11.</p> <p>Sydney Metro suggest that combining Condition D10 and D11 would provide greater clarity of the intention of both conditions, by suitably combining them together. This would assist in the overall intent of both conditions to be considered in judging whether the project has complied with the approval.</p> <p>Sydney Metro therefore recommend:</p> <ul style="list-style-type: none"> amending Condition D10 to include the text in Condition D11 (with amended

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	respect of Sydney Olympic Park) and Relevant Council(s).	<p>(e) consult with property owners for properties adversely flood affected as a result of Stage 1 of the CSSI and mitigate where necessary;</p> <p>(f) and consult with the NSW State Emergency Service (SES), SOPA (in respect of Sydney Olympic Park) and Relevant Council(s) regarding the management of any residual flood risk beyond the 1 per cent AEP flood event and up to the probable maximum flood.</p>	<p>reference to 'this condition' as opposed to 'Condition D10 above')</p> <ul style="list-style-type: none"> removing Condition D11.
D11	<p>Where flooding characteristics exceed the levels identified in Condition D10 above the Proponent must undertake the following:</p> <p>(a) consult with property owners for properties adversely flood affected as a result of Stage 1 of the CSSI and mitigate where necessary;</p> <p>(b) and consult with the NSW State Emergency Service (SES), SOPA (in respect of Sydney Olympic Park) and Relevant Council(s) regarding the management of any residual flood risk beyond the 1 per cent AEP flood event and up to the probable maximum flood.</p>	<p>Where flooding characteristics exceed the levels identified in Condition D10 above the Proponent must undertake the following:</p> <p>(a) consult with property owners for properties adversely flood affected as a result of Stage 1 of the CSSI and mitigate where necessary;</p> <p>(b) and consult with the NSW State Emergency Service (SES), SOPA (in respect of Sydney Olympic Park) and Relevant Council(s) regarding the management of any residual flood risk beyond the 1 per cent AEP flood event and up to the probable maximum flood.</p> <p>NOT USED</p>	Refer to Condition D10.

Appendix A – Modification 3 – Request for Modification and Amendment

CoA	Condition of Approval	Proposed revised wording	Justification for proposed modification to conditions
C-B10	Parts of Duck Creek and A'Becketts Creek that remain open channels at the Clyde Stabling and Maintenance Facility site must be rehabilitated and / or renaturalised before operation of the CSSI commences. Only species that are representative of PCT 920 (Mangrove Forests in estuaries of the Sydney Basin Bioregion and South East Corner Bioregion) must be used in the revegetation of the riparian zone along the open channels to Duck Creek and A'Becketts Creek.	Parts of Duck Creek and A'Becketts Creek that remain open channels at the Clyde Stabling and Maintenance Facility site must be rehabilitated and / or renaturalised before operation of the CSSI commences. Native vegetation typical of the waterways of the Cumberland Plain, Only including species that are representative of PCT 920 (Mangrove Forests in estuaries of the Sydney Basin Bioregion and South East Corner Bioregion), must be used in the revegetation of the riparian zone along the open channels to Duck Creek and A'Becketts Creek. This must include a preference for species that are locally native, are urban-resilient, and are likely to provide native fauna habitat and foraging value. Only species that are representative of PCT 920 must be used within the tidal limits of Duck Creek and A'Becketts Creek.	<p>Sydney Metro agrees with the use of PCT 920 species within the tidal limits of Duck Creek and A'Becketts Creek, as this is the normal ecological niche for these species. However, outside of the tidal limits of the waterways these species would not be appropriate, nor would they survive if planted, as all mangroves require their roots to be inundated by tidal waters.</p> <p>Sydney Metro suggest that the use of species outside the three species that make up PCT 920 would be appropriate to ensure the optimum sustainable ecological outcome for the parts of the riparian corridors that are above the tidal limits. The ability to plant other species within the riparian zone would allow for improved ecological outcomes through the matching of vegetation to their relevant ecological niche. Please see further justification provided in Appendix A.</p>
D10	Stage 1 of the CSSI must be designed and constructed to not worsen flooding characteristics within and in the vicinity of the CSSI. Not worsen existing flooding characteristics means the following: (a) a maximum increase in inundation time of one hour in a one (1) per cent Annual Exceedance Probability (AEP) flood event; (b) a maximum increase of 10 mm in inundation at properties where floor levels are currently exceeded in a one (1) per cent AEP flood event; (c) a maximum increase of 50 mm in inundation of land at properties where floor	Unless otherwise agreed by the Planning Secretary, Stage 1 of the CSSI must be designed and constructed to not worsen flooding characteristics within and in the vicinity of the CSSI. Not worsen existing flooding characteristics means the following: (a) a maximum increase in inundation time of one hour in a one (1) per cent Annual Exceedance Probability (AEP) flood event; (b) a maximum increase of 10 mm in inundation at properties where floor levels are currently exceeded in a one (1) per cent AEP flood event; (c) a maximum increase of 50 mm in inundation of land at properties where floor levels would not	<p>Condition D11 offers an alternate requirement if compliance with Condition D10 cannot fully be achieved. Therefore, Condition D11 must be read in conjunction with D10 to fully understand its intent.</p> <p>Sydney Metro have identified that during the auditing process, this condition (Condition D10) will be assessed against its criteria, irrespective of the alternate requirements in Condition D11.</p> <p>Sydney Metro suggest that combining Condition D10 and D11 would provide greater clarity of the intention of both conditions, by suitably combining them together. This would assist in the overall intent of both conditions to be considered in judging whether the project has complied</p>

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	<p>levels would not be exceeded in a one (1) per cent AEP flood event; and (d) no inundation of floor levels which are currently not inundated in a one (1) per cent AEP flood event.</p> <p>Measures identified in the documents listed in Condition A1 of this schedule to not worsen flooding characteristics or measures that achieve the same outcome must be incorporated into the detailed design of Stage 1 of the CSSI. The incorporation of these measures must be reviewed and endorsed by a suitably qualified and experienced person in consultation with directly affected landowners, DPIE Water, DPI Fisheries, DPIE EES, NSW State Emergency Service (SES), SOPA (in respect of Sydney Olympic Park) and Relevant Council(s).</p>	<p>be exceeded in a one (1) per cent AEP flood event; and (d) no inundation of floor levels which are currently not inundated in a one (1) per cent AEP flood event.</p> <p>Measures identified in the documents listed in Condition A1 of this schedule to not worsen flooding characteristics or measures that achieve the same outcome must be incorporated into the detailed design of Stage 1 of the CSSI. The incorporation of these measures must be reviewed and endorsed by a suitably qualified and experienced person in consultation with directly affected landowners, DPIE Water, DPI Fisheries, DPIE EES, NSW State Emergency Service (SES), SOPA (in respect of Sydney Olympic Park) and Relevant Council(s).</p> <p>Where flooding characteristics exceed the levels identified in (a), (b), (c), (d) above, the Proponent must undertake the following:</p> <p>(e) consult with property owners for properties adversely flood affected as a result of Stage 1 of the CSSI and mitigate where necessary; (f) and consult with the NSW State Emergency Service (SES), SOPA (in respect of Sydney Olympic Park) and Relevant Council(s) regarding the management of any residual flood risk beyond the 1 per cent AEP flood event and up to the probable maximum flood.</p>	<p>with the approval.</p> <p>Sydney Metro therefore recommend:</p> <ul style="list-style-type: none"> amending Condition D10 to include the text in Condition D11 (with amended reference to 'this condition' as opposed to 'Condition D10 above') removing Condition D11.
D11	<p>Where flooding characteristics exceed the levels identified in Condition D10 above the Proponent must undertake the following:</p> <p>(c) consult with property owners for properties adversely flood affected as a</p>	<p>Where flooding characteristics exceed the levels identified in Condition D10 above the Proponent must undertake the following:</p> <p>(a) consult with property owners for properties adversely flood affected as a result of Stage 1 of the CSSI and mitigate where necessary;</p>	Refer to Condition D10.

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	<p>result of Stage 1 of the CSSI and mitigate where necessary;</p> <p>(d) and consult with the NSW State Emergency Service (SES), SOPA (in respect of Sydney Olympic Park) and Relevant Council(s) regarding the management of any residual flood risk beyond the 1 per cent AEP flood event and up to the probable maximum flood.</p>	<p>(b) and consult with the NSW State Emergency Service (SES), SOPA (in respect of Sydney Olympic Park) and Relevant Council(s) regarding the management of any residual flood risk beyond the 1 per cent AEP flood event and up to the probable maximum flood.</p>	
D18	<p>Where Heritage items, or items assessed to be of local heritage significance in the documents listed in Condition A1 of this schedule, are proposed to be fully or partially destroyed, heritage salvage must occur in consultation with a suitably qualified heritage specialist. The Proponent must develop a salvaged materials and moveable heritage register. The register must identify significant items to be salvaged. Salvage must occur where significance is retained and / or the potential for re-use, reinstatement or re-sale has been identified. The salvage from any State listed items must be undertaken in consultation with Heritage NSW.</p>	<p>Where Heritage items, or items assessed to be of local heritage significance in the documents listed in Condition A1 of this schedule, are proposed to be fully or partially destroyed, heritage salvage must occur in consultation with a suitably qualified heritage specialist. The Proponent must develop a salvaged materials significant fabric and moveable heritage salvage register. The register must identify significant items to be salvaged. Salvage must occur for items that are assessed as having heritage significance and where significance is retained and / or the potential for re-use, or reinstatement or re-sale has been identified. The salvage from any State listed items must be undertaken in consultation with Heritage NSW.</p>	<p>The term 're-sale' has the potential to encourage the salvage of non-significant fabric from heritage items for sustainability, rather than heritage reasons. Removing the word 're-sale' would not affect the intent of the condition, as Sydney Metro would still be required to salvage significant fabric where the potential for reuse or reinstatement is identified. The words "and/or" are also proposed to be deleted to ensure that only significant fabric with the potential for reuse or reinstatement is salvaged.</p> <p>The title of the document "salvaged material and movable heritage register" is proposed to be replaced with "significant fabric and movable heritage salvage register" to align better with best practice heritage terminology and ensure that the salvaged fabric possesses heritage significance.</p>
D37	<p>Variation to Work Hours</p> <p>Notwithstanding Conditions D35 and D36 of this schedule work may be undertaken outside the hours specified in the following circumstances:</p> <p>(a) Safety and Emergencies, including:</p> <p>(i) for the delivery of materials required by the NSW Police Force or other authority for safety reasons; or</p> <p>(ii) where it is required in an emergency to avoid injury or the loss of life, to avoid damage or loss of property or to prevent environmental harm.</p>	<p>Variation to Work Hours</p> <p>Notwithstanding Conditions D35 and D36 of this schedule work may be undertaken outside the hours specified in the following circumstances:</p> <p>(a) Safety and Emergencies, including:</p> <p>(i) for the delivery of materials required by the NSW Police Force or other authority for safety reasons; or</p> <p>(ii) where it is required in an emergency to avoid injury or the loss of life, to avoid damage or loss of property or to prevent environmental harm.</p>	<p>Change 'Low impact' to 'Minimal impact' to avoid confusion with the defined term Low Impact Work.</p>

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	<p>On becoming aware of the need for emergency work in accordance with (a)(ii) above, the AA, the ER, the Planning Secretary and the EPA must be notified of the reasons for such work. The Proponent must use best endeavours to notify as soon as practicable all noise and/or vibration affected sensitive land user(s) of the likely impact and duration of those work.</p> <p>(b) Low impact, including:</p> <p>(i) construction that causes $L_{Aeq(15\text{ minute})}$ noise levels:</p> <ul style="list-style-type: none"> • no more than 5 dB(A) above the rating background level at any residence in accordance with the ICNG, and • no more than the 'Noise affected' NMLs specified in Table 3 of the ICNG at other sensitive land user(s); and <p>(ii) construction that causes $L_{AFmax(15\text{ minute})}$ noise levels no more than 15 dB(A) above the rating background level at any residence; or</p> <p>(iii) construction that causes: • continuous or impulsive vibration values, measured at the most affected residence are no more than the preferred values for human exposure to vibration, specified in Table 2.2 of <i>Assessing Vibration: a technical guideline</i> (DEC, 2006), or</p> <ul style="list-style-type: none"> • intermittent vibration values measured at the most affected residence are no more than the preferred values for human exposure to vibration, specified in Table 2.4 of <i>Assessing Vibration: a technical guideline</i> (DEC, 2006). 	<p>On becoming aware of the need for emergency work in accordance with (a)(ii) above, the AA, the ER, the Planning Secretary and the EPA must be notified of the reasons for such work. The Proponent must use best endeavours to notify as soon as practicable all noise and/or vibration affected sensitive land user(s) of the likely impact and duration of those work.</p> <p>(b) Low-Minimal impact, including:</p> <p>(i) construction that causes $L_{Aeq(15\text{ minute})}$ noise levels:</p> <ul style="list-style-type: none"> • no more than 5 dB(A) above the rating background level at any residence in accordance with the ICNG, and • no more than the 'Noise affected' NMLs specified in Table 3 of the ICNG at other sensitive land user(s); and <p>(ii) construction that causes $L_{AFmax(15\text{ minute})}$ noise levels no more than 15 dB(A) above the rating background level at any residence; or</p> <p>(iii) construction that causes: • continuous or impulsive vibration values, measured at the most affected residence are no more than the preferred values for human exposure to vibration, specified in Table 2.2 of <i>Assessing Vibration: a technical guideline</i> (DEC, 2006), or <ul style="list-style-type: none"> • intermittent vibration values measured at the most affected residence are no more than the preferred values for human exposure to vibration, specified in Table 2.4 of <i>Assessing Vibration: a technical guideline</i> (DEC, 2006). <p>(c) By Approval, including:</p> <p>(i) where different construction hours are permitted or required under an EPL in force in respect of the CSSI; or</p> </p>	<p>L_{AFmax} refers to the maximum noise level only from the construction works under consideration, measured using the fast time weighting on a sound level meter. Fast time response noise levels are not measured over a 15-minute period.</p>

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	<p>(c) By Approval, including:</p> <ul style="list-style-type: none"> (i) where different construction hours are permitted or required under an EPL in force in respect of the CSSI; or (ii) works which are not subject to an EPL that are approved under an Out-of-Hours Work Protocol as required by Condition D38 of this schedule; or (iii) negotiated agreements with directly affected residents and sensitive land user(s). <p>(d) By Prescribed Activity, including:</p> <ul style="list-style-type: none"> (i) tunnelling (excluding cut and cover tunnelling and surface works) are permitted 24 hours a day, seven days a week; or (ii) concrete batching at the Clyde construction site is permitted 24 hours a day, seven days a week; or (iii) delivery of material that is required to be delivered outside of standard construction hours in Condition D35 of this schedule to directly support tunnelling activities, except between the hours 10:00 pm and 7:00 am to / from the Five Dock and Westmead construction sites and to / from Burwood North construction site using any roads / streets other than directly from Parramatta Road; or (iv) haulage of spoil except between the hours of 10:00 pm and 7:00 am to / from the Five Dock and Westmead construction sites and to / from Burwood North construction site using any roads / streets other than directly from Parramatta Road; or (v) work within an acoustic shed where there is no exceedance of noise levels under Low impact circumstances identified in (b) above, unless otherwise agreed by the Planning Secretary. 	<p>(ii) works which are not subject to an EPL that are approved under an Out-of-Hours Work Protocol as required by Condition D38 of this schedule; or</p> <p>(iii) negotiated agreements with directly affected residents and sensitive land user(s).</p> <p>(d) By Prescribed Activity, including:</p> <ul style="list-style-type: none"> (i) tunnelling (excluding cut and cover tunnelling and surface works) are permitted 24 hours a day, seven days a week; or (ii) concrete batching at the Clyde construction site is permitted 24 hours a day, seven days a week; or (iii) delivery of material that is required to be delivered outside of standard construction hours in Condition D35 of this schedule to directly support tunnelling activities, except between the hours 10:00 pm and 7:00 am to / from the Five Dock and Westmead construction sites and to / from Burwood North construction site using any roads / streets other than directly from Parramatta Road; or (iv) haulage of spoil except between the hours of 10:00 pm and 7:00 am to / from the Five Dock and Westmead construction sites and to / from Burwood North construction site using any roads / streets other than directly from Parramatta Road; or (v) work within an acoustic shed where there is no exceedance of noise levels under Low Minimal impact circumstances identified in (b) above, unless otherwise agreed by the Planning Secretary. <p><i>Note: Tunnelling does not include station box excavation.</i></p>	

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	<i>Note: Tunnelling does not include station box excavation.</i>		
D63	Appropriate equipment to monitor areas in proximity of construction sites and the tunnel route during construction must be installed with particular reference to at risk buildings, structures and utilities identified in the condition surveys required by Condition D60 of this schedule and / or geotechnical analysis as required. If monitoring during construction indicate exceedance of the vibration criteria identified in the DNVIS prepared under Condition D43 of this schedule, then all construction affecting settlement must cease immediately and must not resume until fully rectified or a revised method of construction is established that will ensure protection of affected buildings.	Appropriate equipment to monitor areas in proximity of construction sites and the tunnel route during construction must be installed with particular reference to at risk buildings, structures and utilities identified in the condition surveys required by Condition D60 of this schedule and / or geotechnical analysis as required. If monitoring during construction indicate exceedance of the predicted impacts identified in the documents in Condition A1 or determined through geotechnical analysis vibration criteria identified in the DNVIS prepared under Condition D43 of this schedule, then all construction affecting settlement must cease immediately if safe to do so and must not resume until fully rectified or a revised method of construction is established that will ensure protection of affected buildings.	Proposed change removes the reference to vibration criteria identified in the DNVIS as this not the relevant process when considering building settlement. Sydney Metro propose revised wording that references the ground movement assessment conducted in the EIS or future geotechnical analysis to be undertaken as part of detailed construction planning.
D66	Settlement must be monitored for any period beyond the minimum timeframe requirements of Condition D63 of this schedule if directed so by the IPIAP following its review of the monitoring data from the period not less than six (6) months after settlement has stabilised, consistent with Condition D63 of this schedule. The results of the monitoring must be made available to the Planning Secretary upon request.	Settlement monitoring must be extended monitored for any period beyond the minimum timeframe requirements of Condition D63 of this schedule if directed so by the IPIAP following its review of the monitoring data from the period not less than six (6) months after settlement has stabilised, consistent with Condition D63 of this schedule. The results of the monitoring must be made available to the Planning Secretary upon request.	Proposed wording removes the reference to Condition D63 as no minimum timeframe requirements are identified in Condition D63. Sydney Metro propose revised wording which captures the intent of the original condition, in that monitoring must continue if directed to do so by the IPIAP.



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