

Modification of Infrastructure Approval

Section 115ZI of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning under the Instrument of Delegation dated 16 February 2015, I approve the modification of the State significant infrastructure approval referred to in Schedule 1, subject to the conditions in Schedule 2.

Kane Winwood
Acting Director
Transport Assessments

Sydney

18 October

2017

SCHEDULE 1

Infrastructure Approval:

SSI 15_7400 granted by the Minister for Planning on 9 January 2017.

For the following Critical State Significant Infrastructure:

Construction and operation of a metro rail line, approximately 16.5 kilometres long (of which approximately 15.5 kilometres is located in underground rail tunnels) between Chatswood and Sydenham, including the construction of a tunnel under Sydney Harbour, links with the existing rail network, seven metro stations, and associated ancillary infrastructure.

Declaration as Critical State Significant Infrastructure:

The proposal is Critical State Significant Infrastructure by virtue of clause 5 of Schedule 5 of the State Environmental Planning Policy (State and Regional Development) 2011 (NSW) and section 115V of the *Environmental Planning and Assessment Act 1979* (NSW).

Modification:

Relocation of Victoria Cross northern services building, additional station entry and relocation of Artarmon Substation. (SSI 15_7400 MOD 1).

Minor administrative modifications to Table 1, Table 3 and various conditions.

SCHEDULE 2

In this schedule, words that have been deleted are shown as: ~~deleted~~, and words that have been added are shown as: added.

1. Amend Table 1: Definitions relevant to all CSSI projects and include the following:

Term	Definition
Unexpected Heritage Finds	A potential heritage item discovered <u>unexpectedly</u> (usually during construction) but not identified in the EIS or <u>PIR or Archaeological Method Statements prepared under Condition E17 or E24</u> , where assessment is required to determine if the item has heritage significance <u>is a relic</u> , or is an Aboriginal object. Unexpected heritage finds does not include human remains

2. Amend Table 3: Reports and Notifications that must be submitted to the Secretary as follows:

Condition	Report / Notification	Timing	Purpose
Traffic, Transport and Pedestrian Access			
<u>E82</u>	<u>Construction Traffic Management Plans</u>	<u>Following approval by Roads and Maritime Services</u>	<u>Information</u>
Interchange (Station) Access Plans			
E92	Interchange (Station) Access Plans <u>delivery and implementation program</u>	Before commencement of permanent aboveground facilities at any stations site.	For information as required <u>Approval</u>

3. Delete condition A1 and replace with the following:

- A1 The CSSI must be constructed generally in accordance with the description of the CSSI in the EIS as amended by the:
- description in the PIR;
 - Sydney Metro City and Southwest Chatswood to Sydenham Victoria Cross Station and Artarmon Substation Modification Report (Transport for NSW) as amended by the Victoria Cross and Artarmon Substation Modification Submission Report (Transport for NSW); and
 - the terms of this approval.

4. Amend condition A2 as follows:

- A2 The CSSI must be carried out in accordance with all procedures, commitments, preventative actions, performance criteria and mitigation measures set out in the EIS, as amended by the PIR documents listed in A1, unless otherwise specified in, or required under, this approval.

5. Amend condition A4 as follows:

- A4 Except to the extent described in the EIS or ~~PIR~~ any document listed in A1, any over station development, including associated future uses, does not form part of this CSSI and will be subject to the relevant assessment pathway prescribed by the EP&A Act.

6. Amend condition A16 and A16 (b) iv as follows:

- A16 Ancillary facilities that are not identified by description and location in the EIS, as amended by the PIR documents listed in A1, must meet the following criteria, unless otherwise approved by the Secretary:
- iv. to prevent heavy vehicles travelling on local streets or through residential areas in order to access the facility, except as identified in the EIS and amended by the PIR documents listed in A1;

7. Amend condition A17 (c) as follows:

- details of how the activities described in subsection (a) of this condition will be carried out to:

- i. meet the performance outcomes stated in the EIS as amended by the PIR documents listed in A1; and
- ii. manage the risks identified in the risk analysis undertaken in subsection (b) of this condition.

8. Amend condition A18 as follows:

A18 Minor ancillary facilities comprising lunch sheds, office sheds, and portable toilet facilities, that are not identified in the EIS as amended by the PIR documents listed A1 and which do not satisfy the criteria set out in Condition A16 of this approval must satisfy the following criteria:

9. Amend condition A24 (d) as follows:

- (d) review all documents required to be prepared under the terms of this approval, ensure they address any requirements in or under this approval and if so, endorse them before submission to the Secretary (if required to be submitted to the Secretary) or before implementation (if not required to be submitted to the Secretary). For documents requiring specialist review and/or endorsement the ER is not required to endorse the specialist content;

10. Amend condition A24 (f) as follows:

- (f) ~~notify the Secretary of an incident in~~ review the Proponent's notification of incidents in accordance with Condition A41 of this approval;

11. Amend condition A25 as follows:

A25 A suitably qualified and experienced Acoustics Advisor (AA), who is independent of the design and construction personnel, must be nominated by the Proponent and engaged for the duration of construction and for no less than six (6) months following operation of the CSSI.

The details of the nominated AA must be submitted to the Secretary for approval no later than one (1) month before commencement of works, or within another timeframe as agreed with the Secretary. The Proponent may nominate additional suitably qualified and experienced persons to assist the lead Acoustics Advisor for the Secretary's approval.

The Proponent must cooperate with the AA by:

- (a) providing access to noise and vibration monitoring activities as they take place;
- (b) providing for review of noise and vibration plans, assessments, monitoring reports, data and analyses undertaken; and
- (c) considering any recommendations to improve practices and demonstrating, to the satisfaction of the AA, why any recommendation is not adopted.

12. Amend condition A38 as follows:

A38 The Environmental Audit Program, as submitted to the Secretary, must be implemented for the duration of construction ~~and operation.~~

13. Amend condition B15 as follows:

B15 A website providing information in relation to the CSSI must be established before commencement of works and maintained for the duration of construction, and for a minimum of 12 months following the completion of construction or other timeframe as agreed with the Secretary. The following up-to-date information (excluding confidential, private and commercial information or other documents as agreed to by the Secretary) must be published prior to the relevant relative works commencing, or in the case of documents prepared in accordance with E66 and E67 when finalised in accordance with the requirements of this approval, and maintained on the website or dedicated pages:

- (a) information on the current implementation status of the CSSI;
- (b) a copy of the documents listed in Condition A1 and Condition A2 of this approval, and any documentation relating to any modifications made to the CSSI or the terms of this approval;

- (c) a copy of this approval in its original form, a current consolidated copy of this approval (that is, including any approved modifications to its terms), and copies of any approval granted by the Minister to a modification of the terms of this approval;
- (d) a copy of any Environment Protection Licence required and obtained in relation to the CSSI; and
- (e) a current copy of each document required under the terms of this approval and any endorsements, approvals or requirements from the ER and Secretary, all of which must be published before the commencement of any works to which they relate or before their implementation as the case may be.

14. Amend condition C2 (e) as follows:

- (e) details of how the activities described in subsection (a) of this condition will be carried out to:
 - i. meet the performance outcomes stated in the EIS as amended by the PIR documents listed in A1 (a) to A1 (c) inclusive; and
 - ii. manage the risks identified in the risk analysis undertaken in subsection (d) of this condition;

15. Amend condition C3 as follows:

- C3 The following CEMP sub-plans must be prepared in consultation with the relevant government agencies identified for each CEMP sub-plan and be consistent with the CEMF and CEMP referred to in Condition C1. ~~The Construction Traffic Management Plan must also be prepared in accordance with the Construction Traffic Management Framework as required by Condition E81.~~

	Required CEMP sub-plan	Relevant government agencies to be consulted for each CEMP sub-plan
(a)	Noise and vibration	Relevant Council(s)
(b)	Biodiversity	OEH and Relevant Council(s)
(c)	Air quality	N/A
(d)	Soil and Water	DPI Water, Relevant Council(s), OEH, SES, NSW Fire and Rescue
(e)	Groundwater	DPI Water
(f)	Blasting	N/A
(g)	Heritage	Heritage Council (or its delegate) and Relevant Council(s)
(h)	Construction Traffic	Relevant Road Authorities, RMS, Sydney Coordination Office

16. Amend C4 (a) and (b) as follows:

- C4 (a) the environmental performance outcomes identified in the EIS as amended by the PIR documents listed in A1 (a) to A1 (c) inclusive ~~as modified by these conditions~~ will be achieved;
- (b) the mitigation measures identified in the EIS as amended by the PIR as modified by these conditions ~~documents listed in A1 (a) to A1 (c) inclusive~~ will be implemented;

17. Amend the title of the plan and the last two sentences of condition C11 to read:

- C11 The **Noise and Vibration Construction Monitoring Program** and **Blast Construction Monitoring Program Plan** ~~must~~ include provision of real time noise and vibration monitoring data. The real time data must be available to the construction team, Proponent, ER and AA in real time. The Department and EPA must be provided with access to real time monitoring data in real time.

18. Amend condition D1 as follows:

- D1 An **Operational Management Plan (OEMP)** must be prepared in accordance with the Department's *Guideline for the Preparation of Environmental Management Plans* to detail how the performance outcomes, commitments and mitigation measures made and identified in the EIS as amended by the PIR as modified by these conditions ~~documents listed in A1~~ will be implemented and achieved during operation. This condition does not apply if Condition D2 of this approval applies.

19. Amend condition D2 (a) as follows:

- D2 (a) the performance outcomes, commitments and mitigation measures, made and identified in the EIS as ~~modified~~ amended by the PIR documents listed in A1 and these conditions, and requirements specified in the conditions of this approval can be achieved;

20. Amend condition D11 (b) as follows:

- D11 (b) assess the environmental performance of the CSSI against the predictions made and conclusions drawn in the EIS as amended by the ~~PIR~~ documents listed in A1; and

21. In condition E4 delete all words after “volume within the bund;” and replace with:

- E4 (c) Storing and Handling Liquids: Environmental Protection - Participants Manual (Department of Environment and Climate Change, May 2007); and
(d) the Environmental Compliance Report: Liquid Chemical Storage, Handling and Spill Management - Part B Review of Best Practice and Regulation (Department of Environment and Conservation (NSW), 2005).

In the event of an inconsistency between the requirements listed from (a) to (d) above, the most stringent requirement shall prevail to the extent of the inconsistency.

22. Amend condition E6 as follows:

- E6 The CSSI must be designed to retain as many trees as possible and provide replacement trees such that there a net increase in the number of trees. The Proponent must commission an independent, experienced and suitably qualified arborist to prepare a comprehensive Tree Report before removing any trees as detailed in the EIS, as amended by the ~~PIR documents listed in A1 and the terms of this approval~~. The Tree Report must include:
- (a) ~~a description of visual assessment to note the condition of the tree(s) and its amenity and visual value with inputs from the Design Review Panel, landscape architect, and construction team;~~
 - (b) consideration of all options to avoid tree removal, including relocation of services, redesign or relocation of ancillary components (such as substations, fencing etc.) and reduction of standard offsets to underground services; and
 - (c) measures to avoid tree removal, minimise damage to, and ensure the health and stability of those trees to be retained and protected. This includes details of any proposed canopy or root pruning, root protection zone, excavation, site controls on waste disposal, vehicular access, materials storage and protection of public utilities.

In the event that tree removal cannot be avoided, then replacement trees are to be planted within, or in close proximity to the CSSI or other location in consultation with the Relevant Councils and agreed by the Secretary. ~~The size of the Replacement trees will be determined in consultation with the relevant Council no smaller than a 75 litre pot size.~~ A copy of the Tree Report must be submitted to the Secretary before the removal, damage and/or pruning of any trees, including those affected by the site establishment works. All recommendations of the Tree Report must be implemented by the Proponent, unless otherwise agreed by the Secretary.

The Tree Report may be prepared for the entire CSSI or separate reports may be prepared for individual areas where tree removal and/or pruning is proposed.

23. Amend condition E20 as follows:

- E20 In the event that a ~~potential~~ Relic/s is/are discovered, relevant construction must cease in the affected area and the **Excavation Director** must be notified and assess ~~the find/s, identify the their~~ significance level of the find/s and provide mitigation advice according to the significance level and the impact proposed. ~~Depending on the significance of the find, the~~ The Excavation Director must attend the site in accordance with E18 to oversee the excavation where relics of State significance are found.

The Secretary must be notified at the same time as the Heritage Council of NSW (or its delegate) of any relic of State significance found.

An **Archaeological Relic Management Plan** specific to the relic of State significance must be prepared in consultation with the Heritage Council of NSW (or its delegate) to outline measures to be implemented to avoid and/or minimise harm to and/or salvage the relic of State significance.

Construction in the vicinity of the discovery must not recommence until the requirements of the ARMP have been implemented, in consultation with the **Excavation Director**. The Proponent must notify the Secretary in writing of the outcome of consultation on the Archaeological Relic Management Plan with the Heritage Council of NSW.

24. Amend condition E29 as follows:

E29 Owners of properties at risk of exceeding the screening criteria for cosmetic damage must be notified before construction that generates vibration commences in the vicinity of those properties. These properties management of construction works in the vicinity of properties at risk of exceeding the screening criteria for cosmetic damage must be considered in the Noise and Vibration management sub plan required by Condition C3.

25. Amend condition E34 as follows:

E34 Noise generating works in the vicinity of potentially-affected ~~community~~, religious, educational, community institutions and noise and vibration-sensitive businesses and critical working areas (such as theatres, laboratories and operating theatres) must not be timetabled within sensitive periods, unless other reasonable arrangements to the affected institutions are made at no cost to the affected institution or as otherwise approved by the Secretary.

26. Amend the acoustic unit reference in condition E41 from dB to dB(A) and replace the term regenerated with ground-borne as follows:

E41 The Proponent must ensure that residential receivers, located in non-residential zones, likely to experience an internal noise level exceeding $L_{eq(15 \text{ minute})}$ 60 dB(A) between 8pm and 9pm or $L_{eq(15 \text{ minute})}$ 45 dB(A) between 9pm and 7am (inclusive of a 5 dB penalty if rock breaking or any other annoying activity likely to result in ~~regenerated~~ ground-borne noise, or a perceptible level of vibration is planned (including works associated with utility adjustments)) must be offered additional mitigation in accordance with the Sydney Metro City and South West Noise and Vibration Strategy referenced in Condition E32.

27. Amend the acoustic unit reference in condition E42 from dB to dB(A) as follows:

E42 The Proponent must ensure that residential receivers in residential zones likely to experience an internal noise level of $L_{eq(15 \text{ minute})}$ 45 dB(A) or greater between 8pm and 7am (inclusive of a 5 dB penalty if rock breaking or any other annoying activity likely to result in ground-borne noise, or a perceptible level of vibration is planned (including works associated with utility adjustments)) must be offered additional mitigation in accordance with the Sydney Metro City and South West Noise and Vibration Strategy referenced in Condition E32.

28. Include the following note at the end of condition E44(f)

E44(f) Note: This condition does not apply where an EPL is in force in respect of the construction.

29. Delete condition E46 and replace with the following:

E46 Notwithstanding E44 and E48, rock breaking and other particularly annoying activities for station shaft or cut and cover stations is not permitted outside of standard construction hours, except at Central; or

- (a) 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; or
- (b) where different construction hours are permitted or required under an EPL in force in respect of the construction; or
- (c) construction that causes $L_{Aeq(15 \text{ min})}$ noise levels:
 - i. no more than 5 dB(A) above the rating background level at any residence in accordance with the *Interim Construction Noise Guideline* (DECC, 2009); and
 - ii. no more than the noise management levels specified in Table 3 of the *Interim Construction Noise Guideline* (DECC, 2009) at other sensitive land uses; and

- iii. continuous or impulsive vibration values, measures at the most affected residence are no more than those for human exposure to vibration, specified in Table 2.2 of *Assessing Vibration: a technical guideline* (DEC, 2006); and
- iv. intermittent vibration values measured at the most affected residence are no more than those for human exposure to vibration, specified in Table 2.4 of *Assessing Vibration: a technical guideline* (DEC, 2006).

30. Amend the title to E47 as follows:

Out of Hours Work Protocol for works not subject to an EPL.

31. Amend condition E82 as follows:

E82 Construction Traffic Management Plans (CTMPs), consistent with the CEMF and CTMF required in Condition E81, must be prepared for each construction site in consultation with the TTLG(s), and submitted to the RMS for approval following Sydney Coordination Office endorsement before construction commences at the relevant construction site. A copy of any Construction Traffic Management Plans approved by the RMS must be submitted to the Secretary for information.

32. Insert new condition E86.1 following condition E86 as follows:

E86.1 Construction traffic is not to use Elliot Street, North Sydney except where required in an emergency to avoid injury or the loss of life, to avoid damage or loss of property or to prevent environmental harm.

33. Amend condition E88 as follows:

E88 Details of haulage routes and heavy vehicle sizes to transport material to and from any construction site must be specified in the Construction Traffic Management Plan(s) and be approved by the RMS following endorsement by Sydney Coordination Office and ~~the~~ Relevant Roads Authority consultation with the TTLG(s).