

Modification of Infrastructure Approval

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

As delegate of the Minister for Planning under the Instrument of Delegation dated 11 October 2017, I approve the modification of the State significant infrastructure approval referred to in Schedule 1, subject to the conditions in Schedule 2.



David Gainsford
Executive Director
Priority Projects Assessments

Sydney *21st February* 2019

SCHEDULE 1

Infrastructure Approval: SSI 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 5.13 of the *Environmental Planning and Assessment Act 1979* (NSW).

Modification:

Modification to amend conditions to clarify consultation requirements, differentiate the roles of the environmental representative and acoustic advisor, and minor editorial changes and corrections.

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 relevant to all CSSI projects as follows:

Term	Definition
Aboriginal object	The same meaning as in the <i>National Parks and Wildlife Act 1974</i> (NSW)
Ancillary facility	A facility established for construction of the project which will be decommissioned at the end of construction including an office and amenities compound, construction compound, material crushing and screening plant, materials storage compound, maintenance workshop, testing laboratory and material stockpile area
Annoying activities	As defined by the <i>Interim Construction Noise Guideline</i> to include: <ul style="list-style-type: none">• use of 'beeper' style reversing or movement alarms, particularly at night-time• use of power saws, such as used for cutting timber, rail lines, masonry, road pavement or steel work• grinding metal, concrete or masonry• rock drilling• line drilling• vibratory rolling• rail tamping and regulating• bitumen milling or profiling• jackhammering, rock hammering or rock breaking• impact piling
CEMP	Construction Environmental Management Plan
Completion of construction	The date on which all construction works and activities described in the EIS as amended by the PIR are completed, all construction related requirements of the Secretary (if any) have been met
Consistency assessment	An assessment of whether a proposed activity for the purpose of the CSSI is consistent with the terms of this approval

Construction	<p>Includes all physical work required to construct the CSSI, including demolition, other than the following low impact work:</p> <ul style="list-style-type: none"> (a) survey works including carrying out general alignment survey, installing survey controls (including installation of global positioning system (GPS)), installing repeater stations, carrying out survey of existing and future utilities and building and road dilapidation surveys; (b) investigations including investigative drilling and excavation; (c) heritage excavation and salvage works, subject to addressing related requirements of this approval, including Conditions E10-E27; (d) treatment of contaminated sites subject to the recommendations of a Site Contamination Report prepared in accordance with Condition E66. (e) establishment of ancillary facilities, except where demolition is required, in approved locations or in locations meeting the criteria identified in Condition A16 and Condition A18 of this approval, including constructing ancillary facility access roads and providing utilities to the facility; (f) operation of ancillary facilities if the ER has determined the operational activities will have minimal impact on the environment and community; (g) minor clearing and relocation of native vegetation, as identified in the EIS as amended by the description in the PIR; (h) installation of mitigation measures including erosion and sediment controls, temporary exclusion fencing for sensitive areas and acoustic treatments; (i) property acquisition adjustment works including installation of property fencing, and relocation and adjustments of utilities to property including water supply and electricity; (j) relocation and connection of utilities where the relocation or connection has a minor impact to the environment as determined by the ER; (k) 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)-(j) above to ensure that there is no impact on heritage items; (l) other activities determined by the ER to have minimal environmental impact which may include construction of minor access roads, temporary relocation of pedestrian and cycle paths and the provision of property access; and (m) maintenance of existing buildings and structures required to facilitate the carrying out of the CSSI. <p>However, where heritage items <u>on the State heritage register, areas of known or expected archaeological potential</u>, or threatened species, populations or ecological communities (within the meaning of the EP&A Act) are affected or potentially affected by any low impact work, that work is construction, unless otherwise determined by the Secretary in consultation with OEH 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 of a Construction Environmental Management Plan.</p>
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Term	Definition
	<u>Where low impact works have already commenced, these are considered to remain as low impact works and are managed in accordance with the framework under which they commenced</u>
CSSI	The Critical State Significant Infrastructure, as generally described in Schedule 1, the carrying out of which is approved under the terms of this approval
Department	NSW Department of Planning and Environment
DPI	NSW Department of Primary Industries including DPI Agriculture, DPI Biosecurity and Food Safety, DPI Land and Natural Resources, DPI Water and DPI Fisheries
EIS	The <i>Sydney Metro City and Southwest Chatswood to Sydenham</i> Environmental Impact Statement dated 3 May 2016 submitted to the Secretary seeking approval to carry out the CSSI and as revised if required by the Secretary under the EP&A Act
EMS	Environmental Management System
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> (NSW)
EPA	NSW Environment Protection Authority
EPL	Environment Protection Licence under the POEO Act
ER	The Environmental Representative for the CSSI
Heritage Division	The Heritage Division of OEH
Heritage item	A place, building, work, relic, archaeological site, tree, movable object or precinct of heritage significance that is listed under one or more of the following registers: the State Heritage Register under the <i>Heritage Act 1977</i> (NSW), a heritage item registered under a Local Environmental Plan under the EP&A Act, the World, National or Commonwealth Heritage lists under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Commonwealth), and an Aboriginal object or Aboriginal place as defined in section 5 of the <i>National Parks and Wildlife Act 1974</i> (NSW)
ICNG	<i>Interim Construction Noise Guideline</i>
Incident	An occurrence or set of circumstances that causes, or threatens to cause, material harm to the environment, community or any member of the community, being actual or potential harm to the health or safety of human beings or to threatened species, endangered ecological communities or ecosystems that is not trivial <i>Note: This meaning of “material harm” applies for the purpose of this approval only</i>
Land	Has the same meaning as in the EP&A Act
Landowner	Has the same meaning as “owner” in the <i>Local Government Act 1993</i> and in relation to a building means the owner of the building
Minister	NSW Minister for Planning
Noise Management Level	As derived from the <i>Interim Construction Noise Guideline</i>
Non-residential zones	Any other zone than defined as <i>Residential zone</i> in this approval
NSW Heritage Council	Heritage Council of NSW
OEH	NSW Office of Environment and Heritage
OEMP	Operational Environmental Management Plan

Term	Definition
Operation	<p>The operation of the CSSI (whether in full or in part) for its intended purpose, excluding the following activities carried out during construction:</p> <ul style="list-style-type: none"> • commissioning trials of equipment; • temporary use of any part of the CSSI; and • maintenance works <p><i>Note: Construction and Operation are not mutually exclusive</i></p>
Over Station Development	Includes non-rail related development that may occupy land or airspace above, within or in the immediate vicinity of the CSSI but excluding spaces and interface works such as structural elements may be constructed as part of the CSSI to make provision for future developments
Perceptible level of vibration	The value identified in the Preferred Peak velocity (mm/s) column in Table C1.1 <i>Criteria for exposure to continuous and impulsive vibration in the Assessing Vibration: A technical guideline</i> (DEC 2006)
PIR	The <i>Sydney Metro City and Southwest Chatswood to Sydenham Submissions and Preferred Infrastructure Report</i> dated October 2016 submitted to the Secretary under the EP&A Act
POEO Act	<i>Protection of the Environment Operations Act 1997</i> (NSW)
Proponent	The person or organisation identified as the proponent in Schedule 1 of this approval
Registered Aboriginal Parties	As defined in the <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i>
Relevant Council(s)	Any or all as relevant, Willoughby, Lane Cove, North Sydney, City of Sydney or Inner West
Relevant Road Authority	The same meaning as the Roads authorities defined in the <i>Roads Act 1993</i>
Relic	The same meaning as in the <i>Heritage Act 1977</i> (NSW)
Residential zones	As defined by the relevant Local Environment Plan including Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 high Density Residential
RMS	NSW Roads and Maritime Services
Secretary	Secretary of the NSW Department of Planning and Environment or nominee, whether nominated before or after the date on which this approval was granted
Sensitive receiver	<p>Includes residences, educational institutions (including preschools, schools, universities, TAFE colleges), health care facilities (including nursing homes, hospitals), religious facilities (including churches), child care centres, passive recreation areas (including outdoor grounds used for teaching), active recreation areas (including parks and sports grounds),</p> <p><i>Receivers that may be considered to be sensitive include commercial premises (including film and television studios, research facilities, entertainment spaces, temporary accommodation such as caravan parks and camping grounds, restaurants, office premises, <u>and</u> retail spaces) and industrial premises), and others as identified by the Secretary</i></p>
Sensitive periods	Period of time determined in consultation with affected sensitive receiver

Term	Definition
SES	NSW State Emergency Services
TBM	Tunnel Boring Machine
TMC	Transport Management Centre of Transport for NSW
Tree	Long lived woody perennial plant greater than (or usually greater than) 3 m in height with one or relatively few main stems or trunks
Unexpected heritage Finds	A potential heritage item discovered unexpectedly (usually during construction) but not identified in the EIS, PIR, or Archaeological Method Statements prepared under Condition E17 or E24 where assessment is required to determine if the item is a relic, or is an Aboriginal object. Unexpected heritage finds does not include human remains
Works	All physical activities to construct the CSSI

2. Amend SUMMARY OF REPORTING REQUIREMENTS as follows:

Reports and notifications that must be provided to the Secretary under the terms of this approval are listed in **Table 2**, ~~Table 3~~.

Table 2 ~~Table 3~~: Reports and Notifications that must be submitted to the Secretary

Where there is an inconsistency between Table 2 and a condition, the requirements of the condition prevail.

Condition	Report / Notification	Timing ¹	Purpose
Part A – Administrative			
A7	As Required	As required	As required
A9	Consultation Completed	As required by Condition of Approval	As Required
A12	Staging Report	No later than one month before the commencement of construction (or operation if only staged operation is proposed) of the first of the proposed stages or within another timeframe agreed with the Secretary	Information
A17	Ancillary Facilities Management Plan	One month before installation of the relevant ancillary facilities	Information Approval
A21	Consideration of Alternatives – Victoria Cross	Before construction	Approval
A22	Approval of Environmental Representative	No later than one month before the commencement of works or another timeframe agreed with the Secretary	Approval
(f) (h)	ER Notified of Incident	As required by Condition of Approval 40	As required
(l)	Environmental Representative Report	Within seven days following the end of each month for the duration of works and construction or as otherwise agreed with the Secretary	Information
A25	Approval of Acoustic Advisor	Two months before commencement of works or within another timeframe agreed with the Secretary	Approval
A27 (b) (f)	Noise and Vibration Reports	Monthly and within seven days following the end of each month for the duration of construction or as otherwise agreed with the Secretary	Information

¹ Where a project is staged, all required approvals must be obtained before the commencement of the relevant stage.

Condition	Report / Notification	Timing ¹	Purpose
A276(g)(iii) A276(g)(vi)			
A29	Compliance Tracking Program	Before commencement of works or within another timeframe agreed with the Secretary	Information
A31	Pre-Construction Compliance Report	No later than one month before commencement of construction or within another timeframe agreed with the Secretary	Information
A34	Construction Compliance Reports	Every 6 months from the date of the commencement of construction or within another timeframe agreed with the Secretary, for the duration of construction	Information
A35	Pre-Operation Compliance Report	No later than one month before commencement of operation or within another timeframe agreed with the Secretary	Information
A37	Environmental Audit Program	No later than one month before commencement of construction or within another timeframe agreed with the Secretary	Information
A40	Environmental Audit Report	Within 6 weeks of completing the audit, or within another timeframe agreed with the Secretary.	Information
A41	Notification of incident	As soon as possible and within 24 hours of any incident	Information
A44	Notification of incident notified to the EPA under the POEO Act	Within 24 hours of notifying the Environment Protection Authority (EPA)	Information
Part B - Communication Information and Reporting			
B3	Community Communication Strategy	No later than three months from the date of this approval or one month before commencement of any work, whichever is the latter	Approval
B8	Complaints Register	On request during on request within the timeframe stated in the request	Information
B11	Nomination of the Community Complaints Mediator Commissioner	Within one month of the date of this approval or within another timeframe agreed with the Secretary	Approval
Part C - Construction Environmental Management			
C5	Agency requests for CEMP	Where not included in the CEMP with CEMP submission	Information
C6	CEMP sub-plans	With or subsequent to CEMP submission but no later than one month before commencement of construction	Approval
C7	CEMP	No later than one months before the commencement of construction	Approval
C11	NVBMP – Real Time Data	Department must be provided with access to real time monitoring data	Information
C12	Construction Monitoring Programs	Include information requested by agencies during consultation to the written satisfaction of the Secretary with Construction Monitoring Program	For information as required
C13	Construction Monitoring Programs	At least one month before commencement of construction or within another timeframe agreed with the Secretary	Approval
C16	Construction Monitoring Report	As specified in Construction Monitoring Program	Information

Condition	Report / Notification	Timing ¹	Purpose
Part D - Operation Environmental Management			
D5	OEMP Sub-plans – Justification for not including Agency Comments	One month before commencement of operation or within another timeframe agreed with the Secretary	Information
D7	OEMP or EMS	No later than one month before commencement of operation or within another timeframe agreed with the Secretary	Information
D9	Ground-borne Noise Specialist	Ground borne noise specialist nominee must be submitted before the review commences	Approval
D9	Ground-borne Noise Review	The review must be submitted at least one month before the installation of track	As required for Information
D11	Approval of Independent Auditor	Within 15 months of the completion of construction, or any other timeframe as agreed with the Secretary, and prior to the Audit	Approval
D11	Operational Performance Audit	Within one month of the completion of the Audit or other timeframe as agreed with the Secretary	Information
D14	Operational Noise and Vibration Report	Within 3 months following the identification of an exceedance of the design objectives	Information
Part E – Key Issues			
Flora and Fauna			
E6	Tree Report	Before the removal, damage and/or pruning of any trees, including those affected by the site establishment works.	Information
E7	Assessment of potential impact to large fig at Blues Point Reserve	Any proposal to prune either canopy or tree roots of large fig tree at eastern end of Blues Point Reserve	Approval
Heritage			
E13	Heritage Archival Recording Report	Within two years of completing the archival recording	Information
E18	Nominate an Excavation Director	Before excavation of archaeological management sites	Information
E20	Relic discovery	At the same time as the Heritage Council of NSW and of consultation outcome with the Heritage Council of NSW	As required
E21	Heritage Interpretation Plan	Before commencement of construction	Information
E22.1	Approve a qualified heritage architect	Before commencement of demolition works at 9-19 Elizabeth Street	Approval
E27	Exhumation Management Plan	Before commencement of excavation works	Information
Noise and Vibration			
E28.1	Approve a qualified structural engineer	Before commencement of excavation works impacting 50 Martin Place	Approval
E32	Construction Noise and Vibration Strategy	At least one month before construction commences	Approval
E47	Out of Hours Work Protocol	Before construction commences for work not subject to an EPL	Approval
E53	Blast Management Strategy	One month before blasting commence	Information

Condition	Report / Notification	Timing ¹	Purpose
E54(b)(ii)	Approve a qualified structural engineer	Before commencement of blasting impacting heritage structures	Approval
E56	Notification of blasting schedule	Fortnightly and in advance of blasting schedule	Information
E62	Independent Property Impact Assessment Panel	Before relevant construction work commencing	Information
E63	Result of settlement monitoring	On request by Secretary	Information
E64 (f)	Monitoring Results	As part of Compliance Tracking Reports	As Required
Contaminated Sites			
E68	Site Audit Statement and Site Audit Report	No later than one month before commencement of operation	Information
Sustainability			
E72	Sustainability Strategy	Within six months of the date of this approval or within another timeframe agreed with the Secretary	Information
Traffic, Transport and Pedestrian Access			
E76	Safety Audits	On request by Secretary	Information
E81	Construction Traffic Management Framework	No later than one (1) month before the commencement of construction or within any other timeframe agreed with the Secretary	Approval
E82	Construction Traffic Management Plans	Following approval by Roads and Maritime Services	Information
E84	Investigation of non-road spoil haulage and material delivery	Before commencement and before completion of tunnel spoil generation as relevant	For information as required
E87	Safety audits	Available to the secretary on request	Information
Interchange (Station) Access Plans			
E92	Interchange (Station) Access Plans delivery and implementation program	Before commencement of permanent aboveground facilities at any stations site.	Approval
Station Design and Precinct Plan			
E101	Station Design and Precinct Plans (SDPP)	Before commencement of permanent aboveground work	Approval

3. Amend Condition A1 as follows:

- 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);
 - Sydney Metro City and Southwest Chatswood to Sydenham Sydenham Station and Sydney Metro Trains Facility South Modification Report (Transport for NSW) as amended by the Sydney Metro City and Southwest Chatswood to Sydenham Sydenham Station and Sydney Metro Trains Facility South Submissions Report (Transport for NSW);

- (d) Sydney Metro City and Southwest Chatswood to Sydenham Central Walk Modification Report (Transport for NSW) as amended by the Central Walk Modification Submission Report (Transport for NSW);
- (e) Sydney Metro City and Southwest Chatswood to Sydenham Martin Place Metro Station Modification Report as amended by the Sydney Metro City and Southwest Chatswood to Sydenham Martin Place Station Modification Submissions Report;
- (f) Sydney Metro City and Southwest Chatswood to Sydenham Blues Point Acoustic Shed Modification Report (Sydney Metro) as amended by the Response to Submissions (Sydney Metro) dated 2 October 2018; ~~and~~
- (g) Sydney Metro Chatswood to Sydenham, SSI 7400, Request for administrative modification (Sydney Metro) dated 12 December 2018; and
- (h) the terms of this approval.

4. Amend Condition A17 as follows:

A17 Before establishment of any ancillary facility that satisfies the criteria in Condition A16, the Proponent must prepare an **Ancillary Facilities Management Plan** which outlines the environmental management practices and procedures to be implemented for the establishment and operation of the ancillary facility. The **Ancillary Facilities Management Plan** must be prepared in consultation with ~~the EPA and~~ the relevant council(s) and submitted to the Secretary and EPA for information for approval one month before installation of the relevant ancillary facilities. The **Ancillary Facilities Management Plan** must detail the management of the ancillary facilities and include:

- (a) a description of activities to be undertaken during construction (including scheduling of construction);
- (b) a program for ongoing analysis of the key environmental risks arising from the activities described in subsection (a) of this condition, including an initial risk assessment undertaken before the commencement of construction of the CSSI; and
- (c) 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 documents listed in A1; and
 - ii. manage the risks identified in the risk analysis undertaken in subsection (b) of this condition.

5. Amend Condition A18 as follows:

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

- (a) have no greater environmental and amenity impacts than those that can be managed through the implementation of environmental measures detailed in the CEMP required under Condition C1 of this approval; and
- (b) have been assessed by the ER to have:
 - i. minimal amenity impacts to surrounding residences and businesses, after consideration of matters such as compliance with the Interim Construction Noise Guideline (DECC 2009), traffic and access impacts, dust and odour impacts, and visual (including light spill) impacts;
 - ii. minimal environmental impact with respect to waste management and flooding; and
 - iii. no impacts on biodiversity, soil and water, and heritage items beyond those already approved under other terms of this approval.

6. Amend Condition A24 as follows:

A24 From commencement of construction until completion of construction, the approved ER must:

- (a) receive and respond to communications from the Secretary in relation to the environmental performance of the CSSI;
- (b) consider and inform the Secretary on matters specified in the terms of this approval;
- (c) consider and recommend any improvements that may be made to work practices to avoid or minimise adverse impact to the environment and to the community;
- (d) review ~~all documents identified in **Conditions C1, C3 and C9** and any other documents that are identified by the Secretary, required to be prepared under the terms of this approval, to 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; are consistent with requirements in or under this approval and if so:
 - i. make a written statement to this effect before submission of such documents to the Secretary (if those documents are required to be approved by the Secretary), or
 - ii. make a written statement to this effect before the implementation of such documents (if those documents are required to be submitted to the Secretary for information or are not required to be submitted to the Secretary);
- (e) regularly monitor the implementation of environmental management related documents to ensure implementation is being carried out in accordance with what is stated in the document and the terms of this approval ~~all documents required by the terms of this approval for implementation in accordance with what is stated in the document and the terms of this approval;~~
- (f) review the Proponent's notification of incidents in accordance with Condition A41 of this approval;
- (g) as may be requested by the Secretary, help plan, attend or undertake Department audits of the CSSI, briefings, and site visits;
- (h) if conflict arises between the Proponent and the community in relation to the environmental performance of the CSSI, follow the procedure in the Community Communication Strategy approved under Condition B3 of this approval to attempt to resolve the conflict, and if it cannot be resolved, notify the Secretary;
- (i) review any draft consistency assessment that may be carried out by the Proponent, and provide advice on any additional mitigation measures required to minimise the impact of the work;
- (j) consider any minor amendments to be made to the documents listed in **Conditions C1, C3 and C9** and any document that requires the approval of the Secretary (excluding noise and vibration documents) ~~CEMP, CEMP sub-plans and monitoring programs~~ that comprise updating or are of an administrative or minor nature, and are consistent with the terms of this approval and the documents listed in **Conditions C1, C3 and C9** or other documents ~~CEMP, CEMP sub-plans and monitoring programs~~ approved by the Secretary and, if satisfied such amendment is necessary, approve the amendment. This does not include any modifications to the terms of this approval;
- (k) assess the impacts of minor ancillary facilities as required by Condition A18 of this approval; and
- (l) prepare and submit to the Secretary and other relevant regulatory agencies, for information, a monthly **Environmental Representative Report** detailing the ER's actions and decisions on matters for which the ER was responsible in the preceding month (or other timeframe agreed with the Secretary). The **Environmental Representative Report** must be submitted within seven (7) days following the end of each month for the duration of works and construction of the CSSI, or as otherwise agreed with the Secretary.

7. Amend Condition A27 as follows:

A27 Notwithstanding The approved AA must:

- (a) receive and respond to communication from the Secretary in relation to the performance of the CSSI in relation to noise and vibration;
- (b) consider and inform the Secretary on matters specified in the terms of this approval relating to noise and vibration;
- (c) consider and recommend, to the Proponent, improvements that may be made to work practices to avoid or minimise adverse noise and vibration impacts;

- (d) review all noise and vibration documents required to be prepared under the terms of this approval and, should they be consistent with the terms of this approval, 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);
- (e) regularly monitor the implementation of all noise and vibration documents required to be prepared under the terms of this approval to ensure implementation is in accordance with what is stated in the document and the terms of this approval;
- (f) ~~review the Proponent's notification~~ ~~notify the Secretary~~ of noise and vibration incidents in accordance with Condition A41 of this approval;
- (g) in conjunction with the ER (~~where required~~), the AA must:
 - i. consider requests for out of hours construction activities and determine whether to endorse the proposed activities in accordance with Condition E47;
 - ii. as may be requested by the Secretary or Complaints ~~Mediator Commissioner~~, help plan, attend or undertake audits of noise and vibration management of the CSSI including briefings, and site visits;
 - iii. if conflict arises between the Proponent and the community in relation to the noise and vibration performance during construction of the CSSI, follow the procedure in the Community Communication Strategy approved under Condition B3 of this approval to attempt to resolve the conflict, and if it cannot be resolved, notify the Secretary;
 - iv. consider relevant minor amendments made to ~~any noise and vibration document approved by the Secretary the CEMP, relevant sub-plans and noise and vibration monitoring programs~~ that require updating or are of an administrative ~~or minor~~ nature, and are consistent with the terms of this approval and the ~~document management plans and monitoring programs~~ approved by the Secretary and, if satisfied such amendment is necessary, ~~approve~~ ~~endorse~~ the amendment. This does not include any modifications to the terms of this approval;
 - v. assess the noise impacts of minor ancillary facilities as required by Condition A18 of this approval; and
 - vi. prepare and submit to the Secretary and other relevant regulatory agencies, for information, a monthly Noise and Vibration Report detailing the AAs actions and decisions on matters for which the AA was responsible in the preceding month (or other timeframe agreed with the Secretary). The Noise and Vibration Report must be submitted within seven (7) days following the end of each month for the duration of construction of the CSSI, or as otherwise agreed with the Secretary.

8. Delete Condition A36 and replace with the following:

A36 ~~Deleted~~

9. Amend Condition B11 as follows:

B11 A **Community Complaints ~~Mediator Commissioner~~** that is independent of the design and construction personnel must be nominated by the Proponent, approved by the Secretary and engaged during all works associated with the CSSI. The nominated **Community Complaints ~~Mediator Commissioner~~** must be submitted to the Secretary for approval within one month of the date of this approval or within another timeframe agreed with the Secretary.

10. Amend Condition B12 as follows:

B12 The role of the **Community Complaints ~~Mediator Commissioner~~** ~~must address is to follow up on~~ any complaint where a member of the public is not satisfied by the Proponent's response. Any member of the public that has lodged a complaint which is registered in the Complaints Management System identified in Condition B6 may ask the Community Complaints ~~Mediator Commissioner~~ to review the Proponent's response. The application must be submitted in writing and the Community Complaints ~~Mediator Commissioner~~ must respond within 28 days of the request being made or other specified timeframe agreed between the ~~Community Complaints ~~Mediator Commissioner~~~~ and the member of the public.

11. Amend Condition B13 as follows:

- B13 The **Community Complaints ~~Mediator Commissioner~~** will:
- (a) review the Proponent's unresolved disputes between the project and members of the public if the procedures and mechanisms under Condition B2(g)(iii) do not satisfactorily address complaints; and
 - (b) make recommendations to the Proponent to satisfactorily address complaints, resolve disputes or mitigate against the occurrence of future complaints or disputes.

12. Amend Condition B14 as follows:

- B14 The **Community Complaints ~~Mediator Commissioner~~** will not act before the Proponent has provided an initial response to a complaint and will not consider issues such as property acquisition where other dispute processes are provided for in this approval, or clear government policy and resolution processes are available, or matters which are not within the scope of the CSSI.

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 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 or link to any existing Environment Protection Licence applied 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 within one week of its endorsement / approval or before the commencement of any works to which they relate or before their implementation as the case may be.

Note: Environment Protection Licences relevant to each stage of the project need to be clearly differentiated to identify how and where they specifically apply.

14. Amend Condition C8 as follows:

- C8 Construction must not commence until the **CEMP** and all **CEMP sub-plans** have been approved by the Secretary. The **CEMP** and **CEMP sub-plans**, as approved by the Secretary, including any minor amendments approved by the ER (or AA in regards to the Noise and Vibration sub-plan), must be implemented for the duration of construction. Where the CSSI is being staged, construction of that stage is not to commence until the relevant CEMP and sub-plans have been approved by the Secretary.

15. Amend Condition C13 as follows:

- C13 The **Construction Monitoring Programs** must be endorsed by the ER (or AA in regards to the Noise and Vibration Construction Monitoring Program) and then submitted to the

Secretary for approval at least one (1) month before commencement of construction or within another timeframe agreed with the Secretary.

16. Amend Condition C15 as follows:

- C15 The **Construction Monitoring Programs**, as approved by the Secretary including any minor amendments approved by the ER *(or AA in regards to the Noise and Vibration Construction Monitoring Program)*, must be implemented for the duration of construction and for any longer period set out in the monitoring program or specified by the Secretary, whichever is the greater.

17. Amend Condition D3 as follows:

- D3 Where an **OEMP** is required, the Proponent must include the following **OEMP sub-plans** in the **OEMP**:

	Required OEMP sub-plan	Relevant government agencies to be consulted for each OEMP sub-plan
(a)	Noise and vibration	EPA
(b)	Groundwater Management	EPA and DPI Water
(c)	Traffic and Transport	Sydney Coordination Office, Relevant Road Authority and non-private transport operators
(d)	Flooding and hydrology (including emergency response planning)	Directly affected landowners, OEH, DPI Water, SES, Sydney Water and Relevant Council(s)

18. Amend Condition E100 as follows:

- E100 The Proponent must establish a Design Review Panel (DRP) to refine design objectives for place making, public realm and urban and heritage integration applicable to the length of the project and provide advice on the application of the objectives to key design elements in relation to place making, architecture, heritage, urban and landscape design and artistic aspects of the CSSI.

The DRP must:

- (a) comprise five members who are experts in one of the identified design elements;
- (b) include:
 - i. the NSW Government Architect as Chair *(or their representative)*;
 - ii. a representative from the Heritage Council,
- (c) meet at least four times a year, or any other timeframe agreed by the DRP; and
- (d) keep meeting minutes and a schedule of action items arising from each meeting.

Relevant Council(s) and other key stakeholders such as UrbanGrowth NSW and must be invited to participate in DRP meetings to advise on local issues and applicability of design review outcomes as they relate to the local context of each station location.

19. Amend Condition E101 as follows:

- E101 Before commencement of permanent built surface works and/or landscaping, the Proponent must prepare **Station Design and Precinct Plans (SDPP)** for each station. The SDPP must be prepared by a suitably qualified and experienced person(s), in collaboration and consultation with relevant stakeholders including but not limited to relevant council(s), ~~UrbanGrowth NSW~~, the Department, ~~Chambers of Commerce~~ and the local community. The SDPP(s) must present an integrated urban and place making outcome for each station or end state element. The SDPP(s) must be approved by the Secretary following review by the DRP and before commencement of permanent aboveground work.

Each SDPP must include, but not be limited to:

- (a) identification of specific design objectives, principles and standards based on –
 - i. the project design objectives as refined by the DRP;
 - ii. maximising the amenity of public spaces and permeability around entrances to stations;
 - iii. local environmental, heritage and place making values;
 - iv. urban design context;
 - v. sustainable design and maintenance;
 - vi. community safety, amenity and privacy, including 'safer by design' principles where relevant;
 - vii. relevant urban design and infrastructure standards and guidelines (including relevant council standards, policies and guidelines);
 - viii. minimising the footprint of the project (including at operational facilities);
- (b) opportunities for public art;
- (c) landscaping and building design opportunities to mitigate the visual impacts of rail infrastructure and operational fixed facilities (including the Chatswood Dive, Marrickville Dive, Sydney Metro Trains Facility South, Artarmon Substation, station structures and services, noise walls etc.);
- (d) the incorporation of salvaged historic and artistic elements onto the project design, including but not limited to the Tom Bass P&O fountain, the Douglas Annand glass screen (if present), the Douglas Annand wall frieze and heritage fabric from Martin Place Station, unless otherwise agreed by the Secretary;
- (e) details on the location of existing vegetation and proposed landscaping (including use of endemic and advanced tree species where practicable). Details of species to be replanted/revegetated must be provided, including their appropriateness to the area and habitat for threatened species;
- (f) a description of the CSSI design features, including graphics such as sections, perspective views and sketches for key elements of the CSSI;
- (g) the location, design and impacts of operational lighting associated with the CSSI and measures proposed to minimise lighting impacts;
- (h) details of where and how recommendations from the DRP have been considered in the plan;
- (i) the timing for implementation of access, landscaping and public realm initiatives;
- (j) monitoring and maintenance procedures for vegetation and landscaping (including weed control), performance indicators, responsibilities, timing and duration and contingencies where rehabilitation of vegetation and landscaping measures fail; and
- (k) evidence of consultation with the community, local Councils and agencies in the preparation of on the SDPP(s) and how feedback has been addressed before seeking endorsement by the DRP.

Elements covered by SDPP(s) must be complete no later than the commencement of operation of the Sydney Metro to paid services, unless otherwise agreed with the Secretary.

Note: The SDPP may be submitted in stages to address the built elements of the CSSI and landscaping aspects of the CSSI.