

12 December 2018

Attn: Glenn Snow
Director, Transport Assessments
NSW Department of Planning & Environment
GPO Box 39
Sydney NSW 2001

Dear Glenn,

Sydney Metro Chatswood to Sydenham, SSI_7400, Request for administrative modification

Sydney Metro request an administrative modification to the conditions of approval for the Chatswood to Sydenham project (SSI_7400) in accordance with the requirements of section 5.25 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).


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

- Condition number
- Proposed modification to the condition
- Justification for the proposed modification.

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

Please do not hesitate to contact Yvette Buchli, Planning Approvals Manager, on 0403 886 560 if you have any questions.

Yours sincerely



Fil Cerone

Director, Sustainability, Environment and Planning
Sydney Metro City & Southwest

Table 1: Requests for administrative modification

Condition of approval	Requested modification				Justification
<u>Definitions</u>	Table 1: Definitions relevant to all CSSI projects				As per discussion during the negotiation of the draft conditions for Sydenham to Bankstown.
	Term	Definition			
	...				
	Construction	... However, where heritage items on the State heritage register, areas of known or expected archaeological potential , 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). The Low Impact Activities described in this definition become construction with the approval of a Construction Environmental Management Plan. Where Low Impact Activities have already commenced, these are considered to remain as Low Impact Activities and are managed in accordance with the framework under which they commenced.			
	...				
	Sensitive receiver	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). ⁷ 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, and retail spaces and industrial premises), and others as identified by the Secretary			
...					
<u>Summary of reporting requirements</u> Update table based on requested changes to conditions	Table 3: Reports and Notifications that must be submitted to the Secretary				Suggest deletion of some documents for ‘Approval’ by the Secretary as the ER would provide the necessary compliance check against the requirements of the conditions and the requirements have already been detailed by DPE in the conditions (see below). Editorial error regarding the Noise and Vibration Reports and relevant cross reference.
	Condition	Report / Notification	Timing ¹	Purpose	
	A17	Ancillary Facilities Management Plan	One month before installation of relevant ancillary facilities	Information Approval	
	A27 (b) (f) A267 (g)(iii) A267 (g)(vi)	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	
	

Condition of approval	Requested modification	Justification
<u>Condition A17: Ancillary Facilities Management Plan</u> Delete consultation requirement with EPA and remove Secretary approval	...The Ancillary Facilities Management Plan must be prepared in consultation with the EPA and the relevant council(s) and submitted to the Secretary for approval one month before the installation of the relevant ancillary facilities. ...	The EPA does not provide comments on management plans. The ER endorsement of the AFMP should satisfy the Secretary given that the condition requires the facilities to satisfy the criteria imposed by DPE in Condition A16. Condition A16 provides the Secretary with the mechanism to approve facilities that do not meet the criteria of Condition A16.
<u>Condition A18: Minor ancillary facilities</u> Provide the flexibility regarding these facilities	Minor ancillary facilities comprising lunch shed, office sheds, and portable toilet facilities, or the like , that are not identified...	To ensure that minor facilities are captured and that these facilities do not necessarily have to include lunch or office sheds to be considered a minor ancillary facility.
<u>Condition A24: Environmental Representative</u> Revise requirements for ER	... (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... 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 Planning Secretary (if those documents are required to be approved by the Planning 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 Planning Secretary for information or are not required to be submitted to the Secretary); (e) regularly monitor the implementation of the documents listed in Conditions C1, C3 and C9 to ensure implementation is being carried out in accordance with 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; ... (j) consider any minor amendments to be made to the CEMP, CEMP sub-plans and monitoring programs the documents listed in Conditions C1, C3 and C9 and any document that requires the approval of the Secretary (excluding noise and vibration documents and the documents listed in A24(d)) that comprise updating or are of an administrative 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.	Reviewing all documents is very extensive and duplicates work, causing resource issues and for some documents does not add value. The ER assists in management of construction environmental issues (not operational) and do not add value to design documents, which are subject to extensive consultation with relevant stakeholders already, including DRP review of the SDPP and independent review of the IAP, NSW Heritage Council (or delegate) and RAPs review of the Heritage Interpretation Plan. The ER is also only engaged for the duration of construction and not operations. Minor amendments to all documents approved by the Secretary, not just management plans, should be able to be approved by the ER if it remains consistent with the terms of the approval. Minor amendments should not instigate the need for re-submission and formal approval from DPE.
<u>Condition A27: Acoustic Advisor</u> Revise requirements for AA	... (g) in conjunction with the ER (where required), the AA must: ... 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 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 that such amendment is necessary, endorse the amendment. ... (f) review the Proponent's notification notify the Secretary of noise and vibration incidents in accordance with Condition A41 of this approval; ...	The ER condition has been previously modified to remove their endorsement of specialist content. The AA can perform this function for all noise and vibration documents. Some of the functions listed do not require interaction with the ER for the AA to be able to complete their role. The AA should be able to consider minor amendments to all noise and vibration documents. Similarly to the change made to Condition A24 as part of Modification 1, the AA should not have a role in providing incident notification as this is the responsibility of the Proponent. However, the AA should have a role in reviewing the notifications made by the Proponent.
<u>Condition A36: Pre-Operation Compliance Reports</u> Delete as not relevant	Operation of the CSSI must not commence until the Pre-Operation Compliance Report has been submitted for information to the Secretary.	The Condition duplicates the requirements of Condition A35.
<u>Condition B11: Community Complaints Commissioner</u> Rename commissioner to mediator to be consistent with S2B	A Community Complaints Mediator Commissioner that is... The nominated Community Complaints Mediator Commissioner must be...	Rename the commissioner to a mediator as they are not appointed to a commission and to be consistent with the Sydenham to Bankstown role.

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<u>Condition B12: Community Complaints Commissioner</u> Rename commissioner to mediator to be consistent with S2B	Replace with: The role of the Community Complaints Mediator must address 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 and executed through the Complaints Management System identified in Condition B6 may ask the Community Complaints Mediator to review the Proponent's response. The application must be submitted in writing and the Community Complaints Mediator must respond within 28 days of the request being made or other specified timeframe agreed between the Community Complaints Mediator and the member of the public.	Rename the commissioner to a mediator as they are not appointed to a commission and to be consistent with the Sydenham to Bankstown role.												
<u>Condition B13: Community Complaints Commissioner</u> Rename commissioner to mediator to be consistent with S2B	The Community Complaints Mediator Commissioner will: ...	Rename the commissioner to a mediator as they are not appointed to a commission and to be consistent with the Sydenham to Bankstown role.												
<u>Condition B14: Community Complaints Commissioner</u> Rename commissioner to mediator to be consistent with S2B	The Community Complaints Mediator Commissioner will ...	Rename the commissioner to a mediator as they are not appointed to a commission and to be consistent with the Sydenham to Bankstown role.												
<u>Condition B15: Website</u> Revise website requirements based on discussion with DPE to date	... (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 their endorsement / approval or before the commencement of any works to which they relate or before their implementation as the case may be.	The CSSI may work under existing EPLs to complete some components of the project. These EPLs are publicly available (i.e. Sydney Trains' website) but should not need to be duplicated on our website. Only new EPLs obtained specifically for the CSSI would be made available on the website. It is unnecessary for all approval and endorsements to be publicly provided and the amount of documentation on the website detracts from the documents themselves. The approval documents are publicly available on the DPE website produced by DPE. Sometimes we receive the consolidated conditions of approval some time after the modification has been approved and this is out of our control.												
<u>Condition C8: CEMP and CEMP sub-plans</u> Add AA role for relevant sub-plan	...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...	Revise to be consistent with approach regarding AA vs ER												
<u>Condition C13: Construction Monitoring Program</u> Add AA role for relevant programs and remove Secretary approval	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...	Revise to be consistent with approach regarding AA vs ER.												
<u>Condition C15: Construction Monitoring Program</u> Add AA role for relevant programs	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...	Revise to be consistent with approach regarding AA vs ER and approach for ER/AA approval												
<u>Condition D3: Operational Environmental Management Plan sub-plans</u> Delete consultation requirement with EPA	...the following OEMP sub-plans in the OEMP: <table border="1"> <thead> <tr> <th></th><th>Required OEMP sub-plan</th><th>Relevant government agencies to be consulted for each OEMP sub-plan</th></tr> </thead> <tbody> <tr> <td>(a)</td><td>Noise and vibration</td><td>EPA</td></tr> <tr> <td>(b)</td><td>Groundwater management</td><td>EPA and DPI Water</td></tr> <tr> <td>...</td><td>...</td><td>...</td></tr> </tbody> </table>		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	The EPA does not provide comments on management plans.
	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												
...												

Condition of approval	Requested modification	Justification
<u>Condition E100: Design Review Panel</u> Revise the chair of the DRP to provide flexibility, following the resignation of Peter Poulet as NSW Government Architect	... 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 nominated delegate) ii. a representative from the Heritage Council (c) ...	In September 2018, Peter Poulet resigned from the role of NSW Government Architect after being appointed the new Central City District Commissioner for the Greater Sydney Commission. Olivia Hyde has since been acting in the role of NSW Government Architect. Olivia has advised that she may not have the capacity to chair the Sydney Metro City & Southwest DRP and as such the condition should be revised to provide flexibility based on a delegated nominee from the NSW Government Architect.
<u>Condition E101: Station Design and Precinct Plan</u> Delete consultation requirement with the Chambers of Commerce and UrbanGrowth NSW	...The SDPP must be prepared by a suitable 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. ...	UrbanGrowth NSW has an interest in the Waterloo Station site only. They will be captured as a stakeholder for that relevant plan but will not be consulted for other plans. The Chambers of Commerce have not been actively involved / interested in the project. They never provided submissions during the exhibition of the EIS or expressed a desire to be part of this process.