



# ***Sydney Metro City & Southwest – Chatswood to Sydenham***

## ***Administrative Changes***

BARANGAROO STATION

***State Significant  
Infrastructure  
Modification  
Assessment  
(SSI 7400 MOD 6)***

February 2019

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Sydney Metro City & Southwest: Chatswood to Sydenham – State Significant Infrastructure Application Report (2015)

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# Glossary

Abbreviation	Definition
AA	Acoustic Advisor
Approval	Infrastructure Approval
CEMP	Construction Environmental Management Plan
Department	Department of Planning and Environment
DPI	Department of Primary industries
DRP	Design Review Panel
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
the Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence
ER	Environmental Representative
LEP	Local Environmental Plan
Minister	Minister for Planning
OEH	Office of Environment and Heritage
OEMP	Operational Environmental Management Plan
Secretary	Secretary of the Department of Planning and Environment
SSI	State Significant Infrastructure
UrbanGrowth NSW	UrbanGrowth NSW Development Corporation





# Executive Summary

## The Proposal

The Minister for Planning approved the Sydney Metro City and Southwest – Chatswood to Sydenham project on 9 January 2017. The Chatswood to Sydenham project is approximately 16.5 kilometres of new metro standard rail (of which approximately 15.5 kilometres is located in underground rail tunnels), from Chatswood Station and under Sydney Harbour to Sydenham Station and includes five new stations and new underground platforms at Martin Place and Central.

Sydney Metro Authority (the Proponent) has submitted a request to modify the project approval by seeking administrative changes to the instrument of approval. Modification 6 “Administrative Changes” requests the following changes:

- delete one condition and change 15 other conditions; and
- amend specified definitions and update the table of reporting requirements.

The approval of this administrative modification can be made under the Minister’s Delegations to the Executive Director, Priority Projects Assessments.

## Department’s Consideration

The Proponent is seeking administrative changes such as refining and clarifying the specific functions of the environmental representative (ER) and acoustic advisor (AA), altering consultation and reporting requirements, and resolving typographical errors to provide consistency with similar conditions in the Sydney Metro City and Southwest Sydenham to Bankstown Upgrade (SSI 8256) approval. The proposed changes require amendments to the following conditions of approval:

- Condition A17, which requires an ancillary facilities management plan;
- Condition A18, which specifies the criteria for minor ancillary facilities;
- Condition A24, which specifies the requirements of the environmental representative;
- Condition A27, which specifies the requirements of the acoustic advisor;
- Condition A36, which requires the submission of a pre-operation compliance report prior to operational commencement;
- Condition B11, B12, B13 and B14, which relates to the community complaints commissioner;
- Condition B15, which requires the provision of electronic information;
- Condition C8, which relates to the construction environmental management plan and construction environmental management plan sub-plans;
- Condition C13 and C15, which relates to the construction monitoring programs;
- Condition D3, which requires operational environmental management plan sub-plans and compulsory relevant government agency consultation;
- Condition E100, which specifies the requirements of a design review panel; and
- Condition E101, which requires station design and precinct plans.

Additionally, the proposal seeks to amend the definitions of ‘construction’ and ‘sensitive receiver’ as well as update the table of reporting requirements to reflect the amended conditions.

The Department has reviewed the requested amendments and accepts that the majority of proposed amendments refine and clarify the subject conditions without materially changing the intended objectives of those conditions or materially affecting the assessed impacts of construction and operation of the project.

Furthermore, the Department acknowledges the broader objective of Sydney Metro City and Southwest – Chatswood to Sydenham project to facilitate and respond to Sydney’s forecast population, economic growth and the present and emerging constraints on the existing rail network. This modification will in turn contribute and support the delivery of the overall project. For these reasons, the Department considers the overall modification to be in the public interest and recommends it be approved, subject to suggested amendments being incorporated.



# Contents

<b>Glossary .....</b>	<b>iii</b>
<b>Executive Summary .....</b>	<b>iv</b>
The Proposal .....	iv
Department's Consideration .....	iv
<b>1. Introduction .....</b>	<b>1</b>
1.1 Background .....	1
1.2 Approval History .....	2
<b>2. Statutory Context .....</b>	<b>3</b>
2.1 Scope of Modifications .....	3
2.2 Delegated Authority .....	3
<b>3. Engagement .....</b>	<b>4</b>
3.1 Department's Engagement .....	4
<b>4. Assessment .....</b>	<b>5</b>
<b>5. Evaluation .....</b>	<b>15</b>
<b>6. Recommendation .....</b>	<b>16</b>
<b>7. Determination .....</b>	<b>17</b>
<b>Appendices .....</b>	<b>18</b>
Appendix A – List of Documents .....	18
Appendix B – Consolidated Approval .....	18
Appendix C – Instrument of Modification .....	18



# 1. Introduction

This report assesses a request to modify the State significant infrastructure (SSI) approval for the Sydney Metro City and Southwest – Chatswood to Sydenham project (SSI 7400).

The modification request seeks approval for administrative changes to amend various conditions of approval. The proposed changes include:

- delete one condition and change 15 other conditions; and
- amend specified definitions and update the table of reporting requirements.

The request was lodged by Sydney Metro (the Proponent) on 12 December 2018 pursuant to section 5.25 of the *Environmental Planning and Assessment Act 1979* (the Act).

## 1.1 Background

Sydney Metro City and Southwest – Chatswood to Sydenham forms part of a future modern high capacity rail network which includes Sydney Metro Northwest (nearing completion and estimated to open second quarter of 2019) and the recently approved Sydenham to Bankstown Upgrade project. The Chatswood to Sydenham project is approximately 16.5 kilometres of new metro standard rail (of which approximately 15.5 kilometres is located in underground rail tunnels), commencing at Chatswood Station and under Sydney Harbour to Sydenham Station, with new metro stations constructed at Crows Nest, Victoria Cross, Barangaroo, Pitt Street and Waterloo, and new underground platforms at Martin Place and Central. Construction commenced in late 2017 with services expected to commence in 2024.

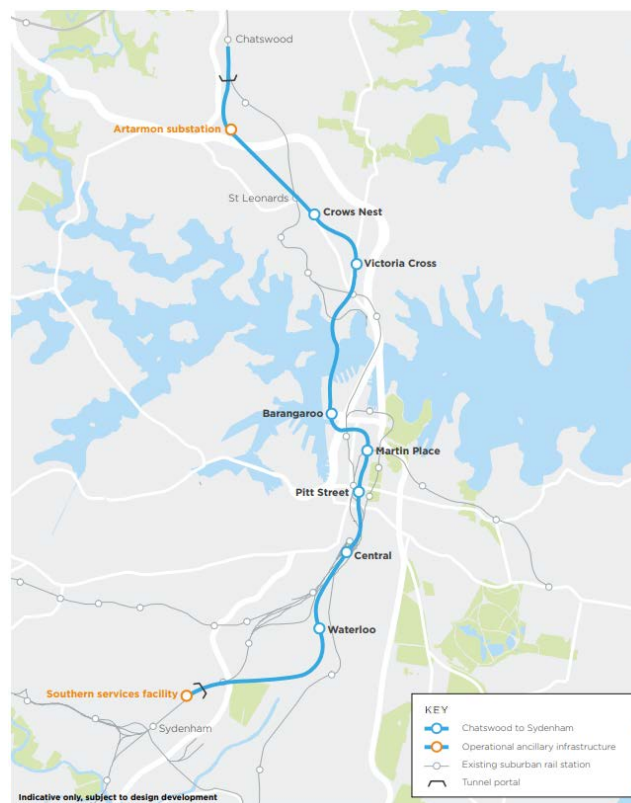


Figure 1 | The Project

Since the project was approved, the Proponent has identified the need to amend several conditions within the infrastructure approval to: provide consistency with corresponding conditions in the Sydney Metro City and Southwest Sydenham to Bankstown Upgrade approval; to refine and clarify the specific functions of the environmental representative (ER) and acoustic advisor (AA); and to resolve typographical errors.

## 1.2 Approval History

Project approval was granted on 9 January 2017 for the Sydney Metro City and Southwest – Chatswood to Sydenham project, by the then Minister for Planning.

On 12 December 2018, the Proponent lodged a request to modify the project approval by seeking administrative changes to the following:

- Condition A17, which requires an ancillary facilities management plan;
- Condition A18, which specifies the criteria for minor ancillary facilities;
- Condition A24, which specifies the requirements of the environmental representative;
- Condition A27, which specifies the requirements of the acoustic advisor;
- Condition A36, which requires the submission of a pre-operation compliance report prior to operational commencement;
- Condition B11, B12, B13 and B14, which relates to the community complaints commissioner;
- Condition B15, which requires the provision of electronic information;
- Condition C8, which relates to the construction environmental management plan and construction environmental management plan sub-plans;
- Condition C13 and C15, which relates to the construction monitoring programs;
- Condition D3, which requires operational environmental management plan sub-plans and compulsory relevant government agency consultation;
- Condition E100, which specifies the requirements of a design review panel; and
- Condition E101, which requires station design and precinct plans.

Additionally, the Proponent seeks to amend the definitions of ‘construction’ and ‘sensitive receiver’ and update the table of reporting requirements to reflect the updated conditions.

The project approval has been modified on five previous occasions (see **Table 1**).

**Table 1** | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Service relocations	Department	115ZI	18 October 2017
MOD 2	Central Walk	Department	115ZI	21 December 2017
MOD 3	Martin Place Metro Station	Minister	115ZI (2)	22 March 2018
MOD 4	Sydenham Station and Metro Trains Facility	Department	115ZI	13 December 2017
MOD 5	Blues Point Acoustic Shed	Department	5.25	2 November 2018





## 2. Statutory Context

### 2.1 Scope of Modifications

In accordance with section 5.25 of the EP&A Act, a proponent may request the Minister to modify the approval for State significant infrastructure. The Minister's approval for a modification is not required if the infrastructure as modified will be consistent with the existing approval. The administrative changes requested by the Proponent are not consistent with the existing approval. Consequently, modification of the Minister's approval under section 5.25 of the Act is required.

### 2.2 Delegated Authority

The Minister will be the approval authority under section 5.25 of the Act unless the Minister has delegated his determination functions to the Department.

#### **Minister's delegate as determining authority**

Under the Instrument of Delegation dated 11 October 2017, the functions and powers of the Minister for Planning under section 5.25 of the Act to determine a modification of the Minister's approval may be delegated to the Executive Director, Priority Projects Assessments, whereby:

- the relevant local council has not made an objection;
- a political disclosure statement has been made, but only in respect of a previous related application; and
- there are less than 10 public submissions in the nature of objections.

The proposed modification meets the terms of this delegation.



## 3. Engagement

### 3.1 Department's Engagement

Under section 5.28(1)(g) of the Act, the Planning Secretary is required to make requests for modification of approvals determined by the Minister publicly available. Accordingly, the Department made the modification request publicly available on its website from 17 December 2018.

The modification request was also referred to the following government agencies for comment:

- Environment Protection Authority;
- UrbanGrowth NSW Development Corporation; and
- Government Architect NSW.

#### **Environment Protection Authority (EPA)**

The EPA advised that it encourages the development of management plans to ensure that proponents have determined how the statutory obligations and designated environmental objectives will be met, however it is not its policy to approve or endorse these documents. The EPA further advised its role is to set environmental objectives/requirements for environmental management, rather than being directly involved in the development of strategies to achieve those objectives/requirements. Accordingly, the EPA raised no objections to removing the EPA consultation requirements in conditions A17 and D3, requesting however that the consultation requirement with the EPA in condition A17 be amended to a notification requirement.

EPA raised that the proposed removal of the requirement under Table 3 and condition A17 for the Secretary to approve Ancillary Facilities Management Plans would result in the Department having no approval oversight of ancillary facilities, and that this aspect of the proposal should be carefully examined by the Department to ensure that appropriate oversight of any environmental impacts can be maintained for the project.

#### **UrbanGrowth NSW Development Corporation (UrbanGrowth NSW)**

UrbanGrowth NSW made comments in relation to the Waterloo Station site, for which it is responsible for over station development, and that suitable processes for consultation with their agency are in place. Thus, they have no objection to condition E101 being modified.

#### **Government Architect NSW (GANSW)**

Government Architect NSW supports the proposed change in Condition E100 as it would provide for greater flexibility and the general need for the GANSW to be able to nominate a delegate when not able to attend.



## 4. Assessment

The proposed amendments are being sought to provide consistency with similar conditions outlined in the Sydney Metro City and Southwest Sydenham to Bankstown Upgrade (SSI 8256) approval, refine and clarify the specific functions of the environmental representative (ER) and acoustic advisor (AA), and to resolve typographical errors.

The Proponent provided suggested changes to conditions in its modification application (Appendix A). The Department has considered the changes proposed in the following table. The conditions as shown in **Table 2** reflect the Department's recommended changes when taking into account the Proponent's justification and comments raised in agency responses.

Please note: To interpret the following table, text with an underline has been added. Text that has been deleted is identified by a ~~strike through~~.

**Table 2** | Amendments to conditions

Condition	Modified Condition	Consideration				
Definitions	Table 1: Definitions relevant to all CSSI projects					
	<table><tr><th>Term</th><th>Definition</th></tr><tr><td>Construction</td><td><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"><li>(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;</li><li>(b) investigations including investigative drilling and excavation;</li><li>(c) heritage excavation and salvage works, subject to addressing related requirements of this approval, including Conditions E10- E27;</li><li>(d) treatment of contaminated sites subject to the recommendations of a Site Contamination Report prepared in accordance with Condition E66.</li><li>(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;</li><li>(f) operation of ancillary facilities if the ER has determined the operational activities will have minimal impact on the environment and community;</li><li>(g) minor clearing and relocation of native vegetation, as identified in the EIS as amended by the description in the PIR;</li><li>(h) installation of mitigation measures including erosion and sediment controls, temporary exclusion fencing</li></ul></td></tr></table>	Term	Definition	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"><li>(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;</li><li>(b) investigations including investigative drilling and excavation;</li><li>(c) heritage excavation and salvage works, subject to addressing related requirements of this approval, including Conditions E10- E27;</li><li>(d) treatment of contaminated sites subject to the recommendations of a Site Contamination Report prepared in accordance with Condition E66.</li><li>(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;</li><li>(f) operation of ancillary facilities if the ER has determined the operational activities will have minimal impact on the environment and community;</li><li>(g) minor clearing and relocation of native vegetation, as identified in the EIS as amended by the description in the PIR;</li><li>(h) installation of mitigation measures including erosion and sediment controls, temporary exclusion fencing</li></ul>	<p>The Department acknowledges that the proposed modification to the definition is consistent with the Sydney Metro City and Southwest – Sydenham to Bankstown Upgrade approval and is considered current best practice.</p> <p>The proposed wording further clarifies the particular type of heritage using a risk-based approach. This allows for the ER to determine that work involving local items listed on the s170 register or council LEPs could be considered ‘Low Impact Work’ provided it would have minimal environmental impact. Otherwise, the work to local items of heritage would be captured as ‘Construction’. This change would also avoid the need for consultation with Office of Environment and Heritage on non-State heritage register items which it does not regulate.</p> <p>Use of the term ‘potentially affected’ is ambiguous. It is reasoned that there would always be potential for impact to occur. This would restrict the enabling of low impact work whether or not actual impacts occur to the matters identified.</p> <p>The combination of these changes identifies, in a clearer</p>
Term	Definition					
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"><li>(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;</li><li>(b) investigations including investigative drilling and excavation;</li><li>(c) heritage excavation and salvage works, subject to addressing related requirements of this approval, including Conditions E10- E27;</li><li>(d) treatment of contaminated sites subject to the recommendations of a Site Contamination Report prepared in accordance with Condition E66.</li><li>(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;</li><li>(f) operation of ancillary facilities if the ER has determined the operational activities will have minimal impact on the environment and community;</li><li>(g) minor clearing and relocation of native vegetation, as identified in the EIS as amended by the description in the PIR;</li><li>(h) installation of mitigation measures including erosion and sediment controls, temporary exclusion fencing</li></ul>					

Condition	Modified Condition	Consideration
	<p>for sensitive areas and acoustic treatments;</p> <p>(i) property acquisition adjustment works including installation of property fencing, and relocation and adjustments of utilities to property including water supply and electricity;</p> <p>(j) relocation and connection of utilities where the relocation or connection has a minor impact to the environment as determined by the ER;</p> <p>(k) archaeological testing under the Code of practice for archaeological investigation of Aboriginal objects in NSW (DECCW, 2010) or archaeological monitoring undertaken in association with (a)-(j) above to ensure that there is no impact on heritage items;</p> <p>(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</p> <p>(m) maintenance of existing buildings and structures required to facilitate the carrying out of the CSSI.</p> <p>However, where heritage items <u>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&amp;A Act) are affected or potentially affected</u> 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. <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></p>	<p>manner, the trigger for becoming 'Construction'. These amendments are supported by the Department.</p>
	<p>Sensitive receiver</p> <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).<sup>27</sup></p> <p><u>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</u></p>	<p>The Department supports aligning the 'sensitive receiver' definition with the Interim Construction Noise Guidelines (DECC 2009), which acknowledges that some land use types may only be considered sensitive receivers in certain situations, and should be determined on a case by case basis. Industrial premises were requested by the Proponent to be removed from the definition. This is inconsistent with the Interim Construction Noise Guidelines and subsequently not supported by the Department. The condition</p>

Condition	Modified Condition	Consideration
	industrial premises), and others as identified by the Secretary	has been amended to reflect this position.

Summary of reporting requirements

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 <sup>1</sup>	Purpose
A17	Ancillary Facilities Management Plan	One month before installation of the relevant ancillary facilities	<del>Information</del> <del>Approval</del>
<del>A27</del> (b) (f) <del>A27</del> (g)(iii) <del>A27</del> (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
B11	Nomination of the Community Complaints <del>Mediator</del> <del>Commissioner</del>	Within one month of the date of this approval or within another timeframe agreed with the Secretary	Approval

Editorial change, to correct the cross-referencing

Amended to clarify that conditions have superiority over the reference table.

Editorial change to reflect amendment to A17

Editorial change to correct cross referencing

Editorial change to reflect amendment to B11 (refer to B11 for consideration)

A17  
Ancillary Facilities Management Plan

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 description of activities to be undertaken during construction (including scheduling of construction);
- 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

The EPA's role is to set and regulate environmental objectives / requirements for environmental management and remain independent of the development of strategies to achieve those objectives / requirements. The EPA advised that it does not approve or endorse these documents. As such, the EPA raised no objection to the removal of their consultation requirement. However, the EPA requested they be notified of ancillary facility developments. The condition has been amended to reflect this.

The Department accepts that if the ancillary facilities satisfy the criteria imposed under condition



Condition	Modified Condition	Consideration
	<p>undertaken before the commencement of construction of the CSSI; and</p> <p>(c) details of how the activities described in subsection (a) of this condition will be carried out to:</p> <ol style="list-style-type: none"> <li>meet the performance outcomes stated in the EIS as amended by the documents listed in A1; and</li> <li>manage the risks identified in the risk analysis undertaken in subsection (b) of this condition.</li> </ol>	<p>A16, the ER is capable of determining and endorsing the Ancillary Facilities Management Plan. Additionally, condition A16 provides the Secretary with an approval function for ancillary facilities that do not meet the specified criteria.</p> <p>This amendment is supported as it removes the administrative burden of seeking approval of the Secretary where ancillary facilities comply with criteria originally imposed by the Department but ensures appropriate review of ancillary facilities that have the potential for greater environmental impact.</p>
A18 Minor Ancillary Facilities	<p>Minor ancillary facilities comprising lunch sheds, office sheds, and portable toilet facilities, <del>or the like</del>, 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:</p> <ol style="list-style-type: none"> <li>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</li> <li>have been assessed by the ER to have: <ol style="list-style-type: none"> <li>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;</li> <li>minimal environmental impact with respect to waste management and flooding; and</li> <li>no impacts on biodiversity, soil and water, and heritage items beyond those already approved under other terms of this approval.</li> </ol> </li> </ol>	<p>This modification is consistent with the Sydney Metro City and Southwest – Sydenham to Bankstown Upgrade approval.</p> <p>It is considered that minor ancillary facilities will not necessarily comprise lunch sheds, office sheds and portable toilet facilities. Other examples could include laydown or storage facilities. As such, these other types facilities should not be excluded.</p> <p>The proposed wording provides flexibility for other minor facilities that may not be captured by the current wording.</p> <p>Furthermore, these facilities would still be subject to relevant conditions that minimise the potential environmental impact.</p>
A24 Environmental Representative	<p>From commencement of construction until completion of construction, the approved ER must:</p> <ol style="list-style-type: none"> <li>receive and respond to communications from the Secretary in relation to the environmental performance of the CSSI;</li> <li>consider and inform the Secretary on matters specified in the terms of this approval;</li> <li>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;</li> <li>review <del>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 are consistent with requirements address any requirements</del> in or under this approval and if so: <ol style="list-style-type: none"> <li><u>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</u></li> <li><u>make a written statement to this effect before the implementation of such documents (if those</u></li> </ol> </li> </ol>	<p>The Department acknowledges that the proposed modification of A24(d) is consistent with current CSSI standard conditions and the Sydney Metro City and Southwest – Sydenham to Bankstown Upgrade approval. It is also considered that the changes reflect current best practice.</p> <p>The Proponent has requested as part of amendments to A24(e) that the ER regularly monitor the implementation of the documents listed in Conditions C1, C3 and C9, being the CEMP, CEMP sub-plans and Construction Monitoring Programs. The Department recognises that the ER is only engaged during construction and therefore does not monitor the implementation</p>

Condition	Modified Condition	Consideration
	<p>documents are required to be submitted to the Secretary for information or are not required to be submitted to the Secretary)</p> <p><del>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).</del></p> <p>(e) regularly monitor the implementation of <u>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</u> <del>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;</del></p> <p>(f) review the Proponent's notification of incidents in accordance with Condition A41 of this approval;</p> <p>(g) as may be requested by the Secretary, help plan, attend or undertake Department audits of the CSSI, briefings, and site visits;</p> <p>(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;</p> <p>(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;</p> <p>(j) consider any minor amendments to be made to <u>the documents listed in Conditions C1, C3 and C9 and any document that requires the approval of the Secretary (excluding noise and vibration documents)</u> <del>the CEMP, CEMP sub-plans, and monitoring programs</del> 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 <del>CEMP, CEMP sub-plans, and monitoring programs</del> 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;</p> <p>(k) assess the impacts of minor ancillary facilities as required by Condition A18 of this approval; and</p> <p>(l) prepare and submit to the Secretary and other relevant regulatory agencies, for information, a monthly <b>Environmental Representative Report</b> 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 <b>Environmental Representative Report</b> 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.</p>	<p>of operational documentation. However, it is the Department's view that construction related documentation should not be limited to only the CEMP, CEMP sub-plans and Construction Monitoring Programs. As such it is recommended that the ER monitor the implementation of all environmental management related documentation. This would allow for the ER to effectively perform their role under Condition A24 (a), (b), (c) and (l).</p> <p>The Department acknowledges that the proposed amendment to A24(j) is consistent (apart from noise and vibration documents) with the Sydney Metro City and Southwest – Sydenham to Bankstown Upgrade approval and the standard conditions for CSSI. It is reasoned that the ER does not have the technical expertise to approve amendments to noise and vibration documents and this role is better placed with the AA. Subsequently, Condition A27 below has been amended to reflect this new responsibility of the AA.</p>
A27 Acoustic Advisor	<p>The approved AA must:</p> <p>(a) receive and respond to communication from the Secretary in relation to the performance of the CSSI in relation to noise and vibration;</p> <p>(b) consider and inform the Secretary on matters specified in the terms of this approval relating to noise and vibration;</p> <p>(c) consider and recommend, to the Proponent, improvements that may be made to work practices to avoid or minimise adverse noise and vibration impacts;</p>	<p>The Department considers that it is not the role of the AA to provide incident notification to the Secretary, and that this is the responsibility of the Proponent.</p> <p>The Department agrees that the AA should have a role in reviewing the notifications made by the Proponent, and</p>

Condition	Modified Condition	Consideration
	<p>(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);</p> <p>(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;</p> <p>(f) <del>review the Proponent's notification</del> <u>notify the Secretary</u> of noise and vibration incidents in accordance with Condition A41 of this approval;</p> <p>(g) in conjunction with the ER (where required), the AA must:</p> <ol style="list-style-type: none"> <li>consider requests for out of hours construction activities and determine whether to endorse the proposed activities in accordance with Condition E47;</li> <li>as may be requested by the Secretary or Complaints Mediator <del>Commissioner</del>, help plan, attend or undertake audits of noise and vibration management of the CSSI including briefings, and site visits;</li> <li>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;</li> <li>consider relevant minor amendments made to <u>any noise and vibration document approved by the Secretary</u> <del>the CEMP, relevant sub-plans and noise and vibration monitoring programs</del> that require updating or are of an administrative or minor nature, and are consistent with the terms of this approval and the document <del>management plans and monitoring programs</del> approved by the Secretary and, if satisfied such amendment is necessary, <u>approve</u> <del>endorse</del> the amendment. This does not include any modifications to the terms of this approval;</li> <li>assess the noise impacts of minor ancillary facilities as required by Condition A18 of this approval; and</li> <li>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.</li> </ol>	<p>subsequently supports the proposed amendment.</p> <p>The Department acknowledges that not all functions listed require interaction with the ER for the AA to be able to complete their role.</p> <p>Editorial change (Commissioner to Mediator) to reflect amendments to Conditions B11, B12, B13, B14.</p> <p>It is acknowledged that the AA, being qualified, is capable and more appropriate to consider and approve minor amendments to noise and vibration documentation in comparison to the ER. Furthermore, MOD 1 previously removed the requirement of the ER to endorse specialist content. It is therefore reasonable for the AA to adopt this role.</p> <p>Subsequently, Condition A24 above has been amended to reflect this change.</p>
A36 Pre-Operation Compliance Report	<p><del>Operation of the CSSI must not commence until the Pre-Operation Compliance Report has been submitted for information to the Secretary.</del></p>	<p>The modification proposes to delete this condition. This is considered justified as the objectives of this condition are covered by Condition A35 which requires a Pre-Operation Compliance Report be prepared and submitted to the Secretary for information no later than one month before the commencement of operation or within another timeframe agreed with the Secretary.</p>

Condition	Modified Condition	Consideration
B11 Community Complaints Commissioner	A <b>Community Complaints Mediator Commissioner</b> 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 <b>Community Complaints Mediator Commissioner</b> 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.	This role is not appointed to or by a commission. As such, the Department supports the proposed change.  Additionally, the Department recognises that the proposed modification is consistent with the Sydney Metro City and Southwest – Sydenham to Bankstown Upgrade approval.
B12 Community Complaints Commissioner	The role of the <b>Community Complaints Mediator Commissioner</b> 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.	Refer to consideration provided above.
B13 Community Complaints Commissioner	The <b>Community Complaints Mediator Commissioner</b> 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.	Refer to consideration provided above.
B14 Community Complaints Commissioner	The <b>Community Complaints Mediator Commissioner</b> 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.	Refer to consideration provided above.
B15 Website	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;	The Department acknowledges that different elements of work for the project may be carried out under existing EPLs (i.e. not specific to the project) and that these should be displayed on or available from the Proponent's website. The Department supports placement of a copy or link to an existing EPL/s and sufficient information being provided such that a member of the public can determine how it/they apply to the project.  The Department recognises that publishing extensive amounts of additional documentation, such as endorsements, approvals or

Condition	Modified Condition	Consideration															
	<p>(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;</p> <p>(d) a copy of any Environment Protection Licence <del>required and obtained in relation to the CSSI or link to any existing Environment Protection Licence applied to the CSSI</del>; and</p> <p>(e) a current copy of each document required under the terms of this approval <del>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.</del></p> <p><i>Note: Environment Protection Licences relevant to each stage of the project need to be clearly differentiated to identify how and where they specifically apply.</i></p>	<p>requirements could make finding key environmental management documents difficult to locate for users, and place additional administrative burden for little public benefit. It is agreed that additional documentation is unnecessary and only the principle documentation should be displayed for ease of navigating the website and understanding the project.</p> <p>Furthermore, the amendment request is also consistent with the Sydney Metro City and Southwest – Sydenham to Bankstown Upgrade approval and the Department’s standard conditions. The change to the condition is therefore supported.</p>															
C8 CEMP and CEMP Sub-Plans	Construction must not commence until the <b>CEMP</b> and all <b>CEMP sub-plans</b> have been approved by the Secretary. The <b>CEMP</b> and <b>CEMP sub-plans</b> , 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.	Amended for consistency to reflect the division of roles for the AA and ER. This is a consequential change resulting from amendments to Conditions A24 and A27.															
C13 Construction Monitoring Programs	The <b>Construction Monitoring Programs</b> 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.	Refer to consideration provided above.															
C15 Construction Monitoring Programs	The <b>Construction Monitoring Programs</b> , 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.	Refer to consideration provided above.															
D3 Operational Environmental Management Plan Sub-Plans	<p>Where an <b>OEMP</b> is required, the Proponent must include the following <b>OEMP sub-plans</b> in the <b>OEMP</b>:</p> <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>(c)</td><td>Traffic and Transport</td><td>Sydney Coordination Office, Relevant Road Authority and non-private transport operators</td></tr> <tr> <td>(d)</td><td>Flooding and hydrology (including emergency response planning)</td><td>Directly affected landowners, OEH, DPI Water, SES, Sydney Water and Relevant Council(s)</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	(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)	<p>The EPA’s role is to set and regulate environmental objectives / requirements for environmental management, and remain independent of the development of strategies to achieve those objectives / requirements. The EPA advised that it does not approve or endorse these documents. As such, the EPA raised no objection to the removal of their consultation requirement. The condition has been amended to reflect this. The Department would effectively assume the role of liaising and consulting with the EPA on any outstanding issues relating to the OEMP sub-plans</p>
	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															
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Condition	Modified Condition	Consideration
E100 Design Review Panel	<p>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.</p> <p>The DRP must:</p> <ul style="list-style-type: none"> <li>(a) comprise five members who are experts in one of the identified design elements;</li> <li>(b) include: <ul style="list-style-type: none"> <li>i. the NSW Government Architect as Chair <u>(or their representative)</u>;</li> <li>ii. a representative from the Heritage Council,</li> </ul> </li> <li>(c) meet at least four times a year, or any other timeframe agreed by the DRP; and</li> <li>(d) keep meeting minutes and a schedule of action items arising from each meeting.</li> </ul> <p>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.</p>	<p>Currently the condition reads that only the person with the title of NSW Government Architect can chair the DRP. This is restrictive and imposes a significant resource burden on the role. It is considered reasonable that the office of the Government Architect NSW (GANSW) should be able to nominate a delegate with the appropriate skills to chair a panel of this nature. The DRP Chair should be open to any GANSW representative with approved delegation.</p> <p>The GANSW supports the proposed change as it would provide for greater flexibility and, should the need arise, the ability to nominate a delegate when they cannot attend.</p> <p>The Department agrees with the amendment.</p>
E101 Station Design and Precinct Plan	<p>Before commencement of permanent built surface works and/or landscaping, the Proponent must prepare <b>Station Design and Precinct Plans (SDPP)</b> 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), <del>UrbanGrowth NSW</del>, the Department, <del>Chambers of Commerce</del> 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.</p> <p>Each SDPP must include, but not be limited to:</p> <ul style="list-style-type: none"> <li>(a) identification of specific design objectives, principles and standards based on – <ul style="list-style-type: none"> <li>i. the project design objectives as refined by the DRP;</li> <li>ii. maximising the amenity of public spaces and permeability around entrances to stations;</li> <li>iii. local environmental, heritage and place making values;</li> <li>iv. urban design context;</li> <li>v. sustainable design and maintenance;</li> <li>vi. community safety, amenity and privacy, including ‘safer by design’ principles where relevant;</li> <li>vii. relevant urban design and infrastructure standards and guidelines (including relevant council standards, policies and guidelines);</li> <li>viii. minimising the footprint of the project (including at operational facilities);</li> </ul> </li> <li>(b) opportunities for public art;</li> <li>(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.);</li> </ul>	<p>The Department considers that the removal of these stakeholders from the condition wording does not exclude them from consultation, but removes the need for them to be consulted where they are not stakeholders (e.g. in the case of UrbanGrowth NSW at locations other than Waterloo) or where they have not previously expressed interest in a formal role. These changes would not preclude them from seeking future involvement in the development of the SDPPs if circumstances changed.</p> <p>UrbanGrowth NSW advised that it is only interested in the Waterloo Station site, for which it is responsible for over station development, and that suitable processes for consultation are in place. UrbanGrowth NSW has no objection to the proposed condition changes.</p> <p>The Proponent’s justification for removing the Chambers of Commerce is that none has been actively involved or interested in the project to date. This is evident insofar as that no Chamber of Commerce has provided a submission on the original EIS or any subsequent modifications. The Proponent’s project and communications team has not received any correspondence</p>

Condition	Modified Condition	Consideration
	<ul style="list-style-type: none"> <li>(d) the incorporation of salvaged historic and artistic elements onto the project design, including but not limited to the Tom Bass P&amp;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;</li> <li>(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;</li> <li>(f) a description of the CSSI design features, including graphics such as sections, perspective views and sketches for key elements of the CSSI;</li> <li>(g) the location, design and impacts of operational lighting associated with the CSSI and measures proposed to minimise lighting impacts;</li> <li>(h) details of where and how recommendations from the DRP have been considered in the plan;</li> <li>(i) the timing for implementation of access, landscaping and public realm initiatives;</li> <li>(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</li> <li>(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.</li> </ul> <p>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.</p> <p><i>Note: The SDPP may be submitted in stages to address the built elements of the CSSI and landscaping aspects of the CSSI.</i></p>	<p>from any Chamber of Commerce. The Proponent further advises they have unreturned phone calls and no responses to emails. The Proponent has indicated that the SDPP for Sydenham Station involved a presentation to the Marrickville Chamber of Commerce, with no comments received and no questions asked during the presentation.</p> <p>The Department acknowledges that by removing the identified stakeholders the opportunity for consultation remains available and that the justification provided is adequate. As such, the amendments are supported.</p>



## 5. Evaluation

The key justifications for the proposed changes are to provide consistency with similar conditions in the Sydney Metro City and Southwest Sydney to Bankstown Upgrade (SSI 8256) approval, reflect recently adopted standards, to refine and clarify the specific functions of the environmental representative (ER) and acoustic advisor (AA), and to resolve typographical errors.

The Department has reviewed the requested amendments, and accepts that the majority of proposed amendments refine and clarify the subject conditions without materially changing the intended objectives of those conditions, or materially affecting the assessed impacts of construction and operation of the project. There are a few requested changes that have not been accepted including;

- removing industrial premises from the sensitive receiver definition;
- the environmental representative monitoring the implementation of selected documents rather than all environmental management documentation; and
- providing a link on the website to any existing Environment Protection Licence applied to the CSSI without differentiating how and where it applies.

Furthermore, the Department acknowledges the broader objective of Sydney Metro City and Southwest – Chatswood to Sydney project is to facilitate and respond to Sydney's forecast population, economic growth and the present and emerging constraints on the existing rail network. This modification will in turn contribute and support the delivery of the overall project. For these reasons, the Department considers the proposed modification to be in the public interest and recommends it be approved.



## 6. Recommendation

It is recommended that the Executive Director, Priority Projects Assessments, as delegate of the Minister for Planning:

- **consider** the findings and recommendations of this report; and
- **determine** that the request SSI 7400 MOD 6 falls within the scope of section 5.25 of the EP&A Act;
- **accept and adopt** all of the findings and recommendations in this report as the reasons for making the decision to approve the request;
- **modify** the approval SSI 7400;
- **sign** the attached Instrument of Modification (Appendix C).

Recommended by:

**Lisa Mitchell**

Team Leader

Transport Assessments

Recommended by:

**Glenn Snow**

Director

Transport Assessments



## 7. Determination

The recommendation is: **Adopted by:**

**David Gainsford**

21/2/19.

Executive Director

Priority Projects Assessments





# ***Appendices***

## **Appendix A – List of Documents**

Sydney Metro Chatswood to Sydenham, SSL\_7400, Request for administrative modification (12 December 2018)

## **Appendix B – Consolidated Approval**

## **Appendix C – Instrument of Modification**