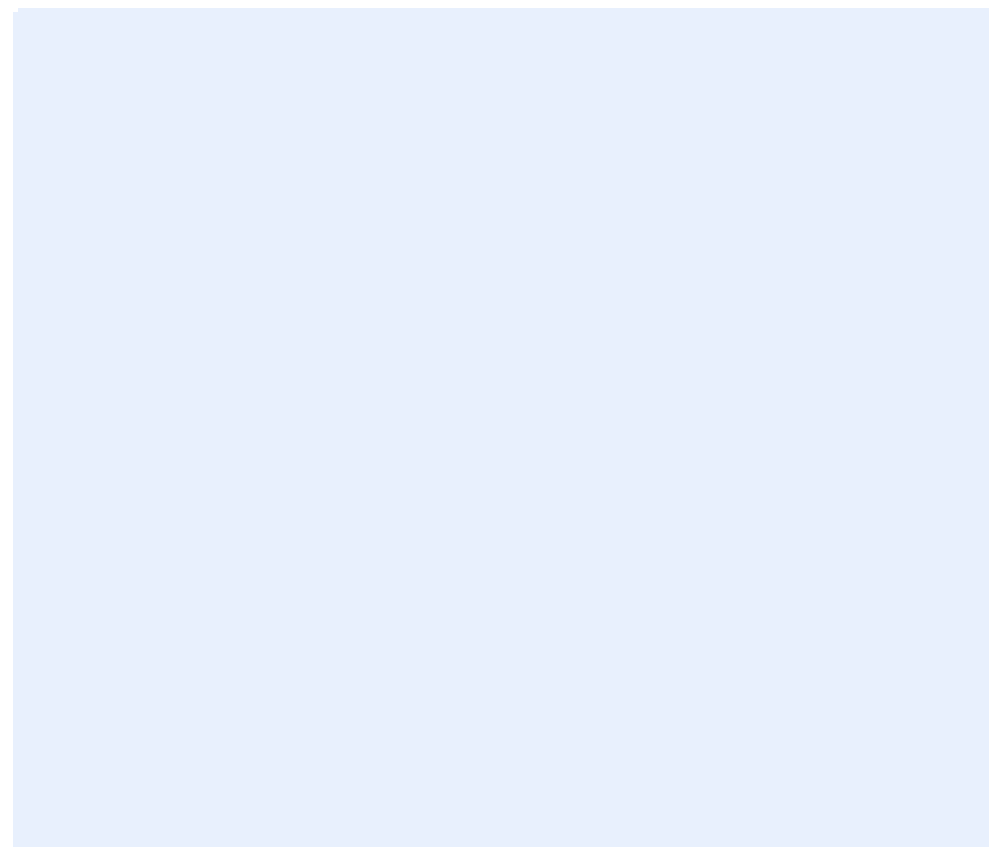




# Sydney Metro City and South West Chatswood to Sydenham Modification 7

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Amendment to Conditions E46 and E100  
State Significant Infrastructure Modification Assessment  
(SSI 7400 MOD 7)



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Title: Sydney Metro City & Southwest – Chatswood to Sydenham

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# Glossary

Abbreviation	Definition
<b>Department</b>	Department of Planning, Industry and Environment
<b>DRP</b>	Design Review Panel, Sydney Metro
<b>EESG</b>	Environment, Energy and Science Group, DPIE
<b>EIS</b>	Environmental Impact Statement
<b>EPA</b>	Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>Heritage</b>	Heritage NSW, Department of Premier and Cabinet
<b>Heritage Council</b>	NSW Heritage Council (or delegate)
<b>Minister</b>	Minister for Planning and Public Spaces
<b>Secretary</b>	Planning Secretary of the Department of Planning, Industry and Environment
<b>SSI</b>	State Significant Infrastructure
<b>The Proponent</b>	Sydney Metro

# Executive Summary

## The Proposal

The then 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, 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 (the Proponent) has submitted requests for administrative changes to the instrument of approval. Modification 7 “Administrative Changes” requests the following changes:

- amendment to Table 1. Definitions.
- amendment of two conditions being:
  - condition E46 to allow for rock breaking and other annoying activities out of standard construction hours to be regulated by an out of hours work protocol; and
  - condition E100 to amend the membership of the Sydney Metro Design Review Panel the its interaction with the Heritage Council of NSW.

Approval of these administrative modifications can be made under the Minister’s Delegations by the Director, Transport Assessments.

## Department’s Consideration

The Environment Protection Authority (in regard to Condition E46) and the Heritage NSW and the Government Architect NSW (in regard to Condition E100) were consulted and their comments considered in assessing the modification requests.

Sydney Metro’s justification for the proposed amendments are accepted; however, an alternative modification to condition E100 is recommended to better define the role of the NSW Heritage Council with respect to the Sydney Metro Design Review Panel and to strengthen the role of the heritage architect on matters that are not referred to the Heritage Council.

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# 1 Introduction

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

The modification application seeks approval for

- administrative changes to the definitions table;
- to amend condition E46 regarding the regulatory pathway for rock breaking and other annoying activities for station shaft construction outside of standard construction hours; and
- to amend condition E100, regarding Heritage Council's representation on the Sydney Metro Design Review Panel (**DRP**).

The requests to modify were lodged on 17 April 2020 (for E100) and 12 June 2020 (for E46) by Sydney Metro (the Proponent) pursuant to section 5.25 of the *Environmental Planning and Assessment Act 1979* (**EP&A 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 (opened May 2019) and the Sydney Metro City and Southwest - 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 running 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.

Since the project was approved, the Proponent has identified the need to modify the infrastructure approval on six previous occasions. The scope of these modifications are described in Section 1.2.

## 1.2 Approval history

The Sydney Metro City and Southwest – Chatswood to Sydenham project was approved by the then Minister for Planning on 9 January 2017.

The project approval includes **Condition E46\*** and **Condition E100** relevant to the current application which state:

- E46** *Notwithstanding Conditions **Error! Reference source not found.** and **Error! Reference source not found.**, rock breaking and other particularly annoying activities for station shaft or cut and cover stations is not permitted outside of standard construction hours, except at Central (excluding Central Walk works at 20-28 Chalmers Street, Surry Hills); or*
- where it is required in an emergency to avoid injury or the loss of life, to avoid damage or loss of property or to prevent environmental harm; or*
  - where different construction hours are permitted or required under an EPL in force in respect of the construction; or*
  - construction that causes  $L_{Aeq(15 min)}$  noise levels:*
    - no more than 5 dB(A) above the rating background level at any residence in accordance with the Interim Construction Noise Guideline (DECC, 2009); and*

- ii. no more than the noise management levels specified in Table 3 of the Interim Construction Noise Guideline (DECC, 2009) at other sensitive land uses; and
- iii. continuous or impulsive vibration values, measures at the most affected residence are no more than those for human exposure to vibration, specified in Table 2.2 of Assessing Vibration: a technical guideline (DEC, 2006); and
- iv. intermittent vibration values measured at the most affected residence are no more than those for human exposure to vibration, specified in Table 2.4 of Assessing Vibration: a technical guideline (DEC, 2006).

\* Condition E46 has been twice modified previously (MOD 1 and MOD 2)

**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.*

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

**Table 1 | Summary of Modifications**

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
<b>MOD 1</b>	Service Relocations	Department	115ZI	18 October 2017
<b>MOD 2</b>	Central Walk	Department	1115ZI	21 December 2017
<b>MOD 3</b>	Martin Place Metro Station	Minister	1115ZI(2)	22 March 2018
<b>MOD 4</b>	Sydenham Station and Metro Trains Facility	Department	1115ZI	13 December 2017
<b>MOD 5</b>	Blues Point Acoustic Shed	Department	5.25	2 November 2018
<b>MOD 6</b>	Administration changes	Department	5.25	21 February 2019

## 2 Proposed modification

The Proponent has requested modifications to conditions:

- E46 to also allow regulation of rock breaking and annoying activities for station shafts and cut and cover stations out of standard construction hours through an Out of Hours Work Protocol; and
- E100 to remove the mandated representation of the Heritage Council of NSW on the Sydney Metro DRP, and to modify the definition table to reflect this modification.

Condition E46 states the circumstances under which rock breaking and other annoying activities can be undertaken outside of standard construction hours at locations other than Central station. This includes for emergencies; where an EPL in respect of the construction allows for different hours; or where specified noise levels can be achieved.

Changes to Schedule 1 of the Protection of the Environment Operations Act which specifies scheduled premises and activities no longer apply to the work to which the condition refers. This circumstance was not anticipated at the time the condition was drafted. The proposed modification to allow this work to instead be regulated by an out of hours work protocol links the consideration process to an existing one established in Condition E7 for work outside standard construction hours which is not subject to an EPL.

Condition E100 requires the Proponent to establish a design review panel to refine design objectives and provide advice on the application of key design elements in relation to place making, urban and landscape design, and heritage. The condition requires that the design review panel, amongst others, include a representative from the Heritage Council of NSW.

The Proponent has become aware that many of the matters considered by the DRP do not include a heritage component requiring input by the Heritage Council. The mandatory attendance by a representative of the Heritage Council at each DRP meeting has become a significant resourcing burden, often for matters that are not within its remit.

The proposed modification to condition E100 seeks to address this concern by removing the mandated representation of the Heritage Council of NSW on the DRP and instead include the Council, or its delegate, as an invited advisory stakeholder on relevant matters on an as needs basis.

The definition of the Heritage Council in Table 1 of the Definitions in the project approval will also require amendment as a consequence of the proposed change to the condition to refer to the Heritage Council or its delegate. This change would be consistent with the definitions in the Sydney Metro Sydenham to Bankstown project approval (SSI\_8256).

The proposed modification does not include or change:

- physical alterations
- construction timeframes
- employment needs
- project impacts (e.g. traffic, noise, emissions, etc.)



## 3 Statutory context

### 3.1 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.

### 3.2 Delegated authority

The Minister is the approval authority under s. 5.25 of the EP&A Act unless the Minister has delegated his determination functions to the Department.

### 3.3 Ministers delegate as determining authority

Under the Instrument of Delegation dated 11 October 2017, the functions and powers of the Minister for Planning and Public Spaces under section 5.25 (previously 115ZI) of the EP&A Act to determine a modification of the Minister's approval may be delegated to the Director, Transport Assessments, whereby:

- the relevant local council has not made an objection;
- a political disclosure statement has not been made; and
- there are no public submissions in the nature of objections.

The proposed modification meets the terms of this delegation.

## 4 Engagement

### 4.1 Department's engagement

Under Section 5.28(1)(g) of the EP&A Act, the Planning Secretary is required to make requests for modification of approvals determined by the Minister publicly available. Accordingly, the modification report was made available on the Department's website.

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

- Environment Protection Authority
- Heritage NSW
- Government Architect NSW.

#### *Environment Protection Authority*

The Environment Protection Authority advised that it had no comment to make in regards to the application of an Out of Hours Work protocol, but requested that it be made clear that where an EPL is in force, that this takes precedence to an out of hours work protocol.

#### *Heritage NSW (delegate of the Heritage Council of NSW)*

Heritage NSW as the delegate of the Heritage Council of NSW advised that the proposed modification was supported and consistent with discussion with Sydney Metro on the matter. It further committed to continue its involvement through the Sydney Metro Heritage Working Group where the representative(s) on that group would identify where heritage matters should be referred to the Approvals Committee or other relevant Heritage Council meetings on an as needs basis. Heritage NSW would ensure that the representative of the NSW Heritage Council (or its delegate) would have the appropriate delegation and subject matter expertise.

#### *Government Architect NSW*

The Government Architect was consulted as the Chair of the Sydney Metro Design Review Panel. The advice stated support to amend the role of the NSW Heritage Council representative from permanent membership of the DRP to an invited stakeholder, subject to confirmation that an independent heritage expert would be appointed to the panel instead. This would make the panel consistent with the approach for the State Design Review Panels for the Central Precinct and Parramatta Light Rail.

## 5 Assessment

### 5.1 Department's Assessment

The proposed amendments reflect the need for

- an alternative approach to the regulation of rock breaking and annoying activities outside of construction hours for station shaft and cut and cover stations; and
- the Heritage Council to be a permanent representative on the Design Review Panel and the ability of the Heritage Council to provide a representative at every meeting.

The Department has considered the changes proposed by Sydney Metro. The conditions as shown in **Table 2** reflect Sydney Metro's recommended changes and its justification for each. The Department's assessment follows.

**Table 2 | Sydney Metro Proposed Amendments to Conditions**

Condition	Modified Condition	Sydney Metro Consideration				
Definitions	<p>Table 1: Definitions relevant to all CSSI projects</p> <table><tr><th>Term</th><th>Definition</th></tr><tr><td>NSW Heritage Council</td><td>Heritage Council of NSW (or delegate)</td></tr></table>	Term	Definition	NSW Heritage Council	Heritage Council of NSW (or delegate)	<p>To provide the flexibility to enable the NSW Heritage Council to delegate its role required by any of the conditions of approval. This change will also be consistent with the definitions in the Sydney Metro Sydenham to Bankstown project approval (SSI_8256).</p>
Term	Definition					
NSW Heritage Council	Heritage Council of NSW (or delegate)					
E46	<p>Notwithstanding Conditions <b>Error! Reference source not found.</b> and <b>Error! Reference source not found.</b>, rock breaking and other particularly annoying activities for station shaft or cut and cover stations is not permitted outside of standard construction hours, except at Central (excluding Central Walk works at 20-28 Chalmers Street, Surry Hills); or</p> <p>(a) where it is required in an emergency to avoid injury or the loss of life, to avoid damage or loss of property or to prevent environmental harm; or</p> <p>(b) where different construction hours are permitted or required under an EPL in force in respect of the construction <b>or approved through an Out of Hours Work Protocol developed in accordance with Condition Error! Reference source not found.</b>; or</p> <p>(c) construction that causes <math>L_{Aeq}(15 \text{ min})</math> noise levels:</p> <p>v. no more than 5 dB(A) above the rating background level at any residence in accordance with the <i>Interim Construction Noise Guideline</i> (DECC, 2009); and</p> <p>vi. no more than the noise management levels specified in Table 3 of the <i>Interim Construction Noise Guideline</i> (DECC, 2009) at other sensitive land uses; and</p>	<p>Condition E46(b) currently allows rock breaking and other particularly annoying activities for station shaft or cut and cover stations to occur out of standard hours under an Environment Protection Licence (EPL). However, with the change to the Protection of the Environment Operations Act 1997 (POEO Act) and associated schedule activities identified in Schedule 1 that occurred last year, most of the station excavation work that previously required an EPL now cannot be licenced. This change to scheduled activities was not anticipated at the time this Condition was originally drafted. Therefore, Sydney Metro recommend that undertaking this type of work out of standard construction hours should be subject to approval of an Out of Hours Work Protocol. This is aligned with other conditions of approval and provides a rigorous review and approval process, which includes a review of compliance with conditions and an assessment of risk by the Acoustic Advisor. It is noted that this type of work would also still need to comply with other conditions, such as E34, E35, E38, E41 and E42.</p>				

Condition	Modified Condition	Sydney Metro Consideration
	<p>vii. continuous or impulsive vibration values, measures at the most affected residence are no more than those for human exposure to vibration, specified in Table 2.2 of <i>Assessing Vibration: a technical guideline</i> (DEC, 2006); and</p> <p>viii. intermittent vibration values measured at the most affected residence are no more than those for human exposure to vibration, specified in Table 2.4 of <i>Assessing Vibration: a technical guideline</i> (DEC, 2006).</p>	
E100	<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 (or their representative)</li> <li><del>ii. a representative from the Heritage Council</del></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 <del>the NSW Heritage Council (or delegate)</del> 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>Sydney Metro has been advised by the Director of Heritage Operations at Heritage NSW that the Heritage Council are not in a position to regularly attend meetings as a member of the Sydney Metro Design Review Panel. It has been suggested that Sydney Metro instead seeks to formally engage with the Heritage Council on an as-needs basis through its Approvals Committee or other relevant Heritage Council meetings and continue officer and delegate-level involvement through the Sydney Metro Heritage Working Group.</p> <p>To this end, Sydney Metro propose to revise its Terms of Reference for the Sydney Metro Heritage Working Group to clarify the role of its members. This role clarification is to include attendance by Heritage NSW officers as either Heritage Council delegates and/or with responsibility for identifying heritage matters to be referred to the full Heritage Council or Heritage Council subcommittee. The proposed modification seeks to enable continued participation by the Heritage Council (or delegate) at relevant DRP meetings, and still ensures independent heritage advice is provided by the Panel.</p> <p>The proposed modification to remove their formal membership on the DRP is supported by the Director of Heritage Operations at Heritage NSW.</p>

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## 5.2 Condition E46

Assessment of the project acknowledged that rock breaking and other annoying activities can be particularly disruptive; that there are significant resident populations around most station locations, including in the CBD; and that construction would need to occur outside of standard construction hours to be built in a timely manner (which would also reduce exposure of affected community to periods over an extended period of time). Condition E46 established criteria under which that work could be undertaken. These include:

- for emergency purposes;

- where an Environment Protection Licence (EPL) for the work specifies different hours; or
- where certain noise and vibration criteria can be met.

An EPL can only be issued for activities that are listed in Schedule 1 of the *Protection of the Environment Operations Act 1997*. The schedule was amended in 2019 and excavation for stations no longer meets the threshold for an EPL under Clause 33 Railway activities – railway infrastructure construction and therefore this condition cannot be used as a regulatory pathway. Sydney Metro has suggested that a reference to the out of hours work protocol in Condition E47 would provide a suitable alternative pathway to regulate this work.

Condition E47 requires the development of an Out of Hours Work Protocol for work that is not subject to an EPL. It outlines what must be included in the protocol and adopts a risk management approach. Activities undertaken using this process must be reviewed and endorsed by the Acoustic Advisor and approved by the Environment Representative where they are low risk (at any time) or high risk (where work ceases by 9pm). All other high-risk construction must be approved by the Planning Secretary.

This approach would provide a rigorous assessment of the work with third party oversight and is consistent with the approach to other construction outside of standard hours across the project. To address the matter raised by the EPA about the precedence of an EPL in force, the following modification is proposed.

*E46. Notwithstanding Conditions E44 and E48, rock breaking and other particularly annoying activities for station shaft or cut and cover stations is not permitted outside of standard construction hours, except at Central (excluding Central Walk works at 20-28 Chalmers Street, Surry Hills); or*

*(a) where it is required in an emergency to avoid injury or the loss of life, to avoid damage or loss of property or to prevent environmental harm; or*

*(b) where different construction hours are permitted or required under an EPL in force in respect of the construction; or*

*(c) where an EPL is not required or in force, approved through an Out of Hours Work Protocol developed in accordance with Condition E47; or*

*(d) construction that causes  $L_{Aeq(15 min)}$  noise levels:*

- no more than 5 dB(A) above the rating background level at any residence in accordance with the Interim Construction Noise Guideline (DECC, 2009); and*
- no more than the noise management levels specified in Table 3 of the Interim Construction Noise Guideline (DECC, 2009) at other sensitive land uses; and*
- continuous or impulsive vibration values, measures at the most affected residence are no more than those for human exposure to vibration, specified in Table 2.2 of Assessing Vibration: a technical guideline (DEC, 2006); and*
- intermittent vibration values measured at the most affected residence are no more than those for human exposure to vibration, specified in Table 2.4 of Assessing Vibration: a technical guideline (DEC, 2006).*

### 5.3 Condition E100

#### *Role of the Heritage Council (or delegate)*

The Heritage Council requested in its submission to the original project to be included as a member of the Design Review Panel to ensure that appropriate consideration of design matters related to heritage be continued as the design continued to be refined through to construction. This reflected potential impacts to heritage at Martin Place, Barangaroo and Central and other items listed on the State Heritage Register or that were assessed as having State heritage significance.

The modification, as proposed by the Proponent, seeks to enable continued participation by the Heritage Council (or delegate) by invitation at relevant DRP meetings. This change in representation gives it an advisory role similar to local councils and other nominated stakeholders.

The Proponent has suggested retaining the function of the Heritage Council through the:

- Sydney Metro Heritage Working Group (HWG) at officer level with advice as to which matters would require further consideration by the Heritage Council;
- Heritage Council of NSW Approvals Committee and other Heritage Council meetings; and
- DRP by invitation as an interested stakeholder.

The HWG is working group comprising officers of Sydney Metro, Sydney Trains, Heritage NSW and the Department to provide advice on heritage matters for review and proposed station designs as they relate to the heritage status of station precincts or heritage finds during construction. The group was established during assessment of the original project, but its role has evolved as the project has progressed to construction and other metro projects have developed.

The Department considers that the existing commitments and processes are now sufficient to allow the Heritage Council (or delegate) to be invited on an as needs basis. To ensure that this occurs, the Department has recommended wording to the condition that requires ongoing consultation with the Heritage Office and independent heritage review, 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) invite the Heritage Council (or delegate) to participate in meetings on matters that have been referred to it by the Proponent in consultation with the Heritage Office. The independent heritage architect must also be invited to advise on matters relating to other heritage issues where this capability is not held by one of the members referred to in (a) or (b);*

- (d) *invite relevant Council(s) and other key stakeholders (such as UrbanGrowth NSW) to participate in meetings to advise on local issues and applicability of design review outcomes as they relate to the local context of each station;*
- (e) *meet at least four times a year, or any other timeframe agreed by the DRP;-and*
- (f) *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 the NSW Heritage Council (or delegate) 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.*~~

This proposed change results in consequential changes to the definitions table and Condition A1 listing the relevant documentation considered.

#### *Independent Heritage Expert*

The environmental impact statement for the project includes a commitment to include an appropriately qualified and experienced heritage architect as part of the Sydney Metro Design Review Panel to provide independent review periodically through detailed design. It is considered that this commitment addresses the NSW Government Architect's request for confirmation of an independent heritage expert being included on the DRP *in lieu* of the Heritage Council representative. This is considered appropriate provided the heritage architect is invited to meetings of the DRP for those matters relating to extant heritage structures for matters that may not be within the scope of the Heritage Council's considerations.

## **5.4 Other Consequential Modifications**

Condition A1 would need to be amended to include reference to the current request for modification as follows:

- A1 The CSSI must be constructed generally in accordance with the description of the CSSI in the EIS as amended by the:*
- a. description in the PIR;*
  - b. 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);*
  - c. 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;*
- g. *Sydney Metro Chatswood to Sydenham, SSI\_7400, Request for administrative modification (Sydney Metro) dated 12 December 2018;*
- h. *Sydney Metro correspondence dated 17 April 2020 requesting modification to Condition E100 and correspondence dated 12 June 2020 requesting modification to Condition E46; and*
- i. *the terms of this approval.*



## 6 Evaluation

Rock breaking and other annoying activities is an unavoidable consequence of construction and is acknowledged as part of station shaft excavation in the project approval. The proposed modification to E46 would not result in additional impacts. This work needs to be undertaken regardless and the impacts considered. An existing and rigorous risk based evaluation process for out of hours work with oversight by the Acoustic Advisor and Environment Representative (or the Planning Secretary for high risk activities) is considered an appropriate alternative regulatory process to manage this work.

The request to modify condition E100 was made to provide flexibility in the NSW Heritage Council's role on the Design Review Panel. The justification for the modification is accepted. The Department has sought to strengthen the link between the recommendations of the Heritage Working Group regarding matters to be referred to the Heritage Council and the need for its expertise to be available to the Design Review Panel when those same matters are discussed within the broader context of project design. The need for advice on built heritage on matters not referred to the Heritage Council of NSW would be fulfilled by ensuring that the independent heritage architect is invited to meetings where those matters would be considered.

For these reasons, the Department considers the modification to be justified and recommends that it be approved.

## 7 Recommendation

It is recommended that the Director, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the application Modification 7 falls within the scope of section 5.25 of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modify** the approval SSI 7400
- **signs** the attached Modification of Infrastructure Approval.

Recommended by:

A handwritten signature in blue ink that reads "Lisa Mitchell". The signature is written in a cursive, flowing style.

24 June 2020

**Lisa Mitchell**

Team Leader Metro Rail

Transport Assessments

## 8 Determination

The recommendation is **Adopted** / ~~Not adopted~~ by:



29 June 2020

**Glenn Snow**

Director

Transport Assessments

as delegate of the Minister for Planning and Public Spaces

# Appendices

**Appendix A – Modification Report**

**Appendix B – Consolidated Approval**