NSW GOVERNMENT

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City & Southwest

SYDENHAM TO BANKSTOWN

SUBMISSIONS AND PREFERRED INFRASTRUCTURE REPORT

> Appendix C - Applicability of Secretary's environmental assessment requirements

NSW GOVERNMENT

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Desired Performance Outcome	Requirement	Applicable to preferred project? (Yes/No (with explanation))
1. Environmental Impact Assessment The process for assessment of the proposal is transparent, balanced, well focussed and legal.	1. The Environmental Impact Statement must be prepared in accordance with Part 3 of Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (the Regulation).	Yes.
	2. It is the Proponent's responsibility to determine whether the project needs to be referred to the Commonwealth Department of the Environment for an approval under the Commonwealth Environment is transparent, balanced, well focussed and Protection and Biodiversity Conservation Act 1999 (EPBC Act). The Proponent must contact the Commonwealth Department of the Environment immediately if it is determined that an approval is required under the EPBC Act, as supplementary environmental assessment requirements may need to be issued to ensure a streamlined assessment under the Bilateral agreement can be achieved.	Yes.
	3. Where the project requires approval under the EPBC Act and is being assessed under the Bilateral Agreement the EIS should address: (a) Consideration of Protected Matters that may be impacted by the development where the Commonwealth Minister has determined that the proposal is a Controlled Action. (b) Identification and assessment of those Protected Matters that are likely to be significantly impacted. (c) Details of how significant impacts to Protected Matters have been avoided, mitigated and, if necessary, offset. (d) Consideration of, and reference to, relevant conservation advices, recovery plans and threat abatement plans.	Yes.
	4. The onus is on the Proponent to ensure legislative requirements relevant to the project are met.	Yes.
2. Environmental Impact Statement The project is described in sufficient detail to enable clear understanding that the project has been developed through an iterative process of impact identification and assessment and project refinement to avoid, minimise or offset impacts so that the project, on balance, has the least adverse environmental, social and economic impact, including its cumulative impacts.	1. The EIS must include, but not necessarily be limited to, the following: (a) executive summary; (b) a description of the project, including all components and activities (including ancillary components and activities) required to construct and operate it; (c) a statement of the objective(s) of the project; (d) a summary of the strategic need for the project with regard to its critical State significance and relevant State Government policy; (e) an analysis of feasible alternatives to the project; (f) a description of feasible options within the project;	Yes.

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	(g) a description of how alternatives to and options within the project were analysed to inform the selection of the preferred alternative/option. The description must contain sufficient detail to enable an understanding of why the preferred alternative to and options(s) within the project were selected; (h) describe opportunities for further network expansion and consideration of relationship to other Government public transport initiatives; (i) a concise description of the general biophysical and socio-economic environment that is likely to be impacted by the project (including offsite impacts). Elements of the environment that are not likely to be affected by the project do not need to be described; (j) a demonstration of how the project design has been developed to avoid or minimise likely adverse impacts; (k) the identification and assessment of key issues as provided in the 'Assessment of Key Issues' performance outcome; (l) a statement of the outcome(s) the proponent will achieve for each key issue; (m) measures to avoid, minimise or offset impacts must be linked to the impact(s) they treat, so it is clear which measures will be applied to each impact; (n) consideration of the interactions between measures proposed to avoid or minimise impact(s), between impacts themselves and between measures and impacts; (o) an assessment of the cumulative impacts of the project taking into account other projects that have been approved but where construction has not commenced, projects that have commenced construction, and projects that have recently been completed (for example WestConnex and approved construction in the relevant precincts); (p) statutory context of the project as a whole, including: - how the project meets the provisions of the EP&A Act and EP&A Regulation; - a list of approvals that must be obtained under other Acts or laws before the project may lawfully be carried out; (q) a chapter that synthesises the environmental impact assessment and provides: - a succinct but full description of the project for which approval is sought; - a description of uncertainties that still exist around design, construction methodologies and/or operational methodologies and how these will be resolved in the next stages of the project; - a compilation of the impacts of the project that have not been avoided; - a compilation of the proposed measures associated with each impact to avoid or minimise (through design refinements or ongoing management during construction and operation) or offset these impacts;	

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	- a compilation of the outcome(s) the proponent will achieve; and - the reasons justifying carrying out the project as proposed, having regard to the biophysical, economic and social considerations, including ecologically sustainable development and cumulative impacts. (r) relevant project plans, drawings, diagrams in an electronic format that enables integration with mapping and other technical software. 2. The EIS must only include data and analysis that is reasonably needed to make a decision on the proposal. Relevant information must be succinctly summarised in the EIS and included in full in appendices. Irrelevant, conflicting or duplicated information must be avoided.	
3. Assessment of Key Issues* Key issue impacts are assessed objectively and thoroughly to provide confidence that the project will be constructed and operated within acceptable levels of impact. * Key issues are nominated by the Proponent in the CSSI project application and by the Department in the SEARs. Key issues need to be reviewed throughout the preparation of the EIS to ensure any new key issues that emerge are captured. The key issues identified in this document are not exhaustive but are key issues common to most CSSI projects.	1. The level of assessment of likely impacts must be proportionate to the significance of, or degree of impact on, the issue, within the context of the proposal location and the surrounding environment. The level of assessment must be commensurate to the degree of impact and sufficient to ensure that the Department and other government agencies are able to understand and assess impacts. 2. For each key issue the Proponent must: (a) describe the biophysical and socio-economic environment, as far as it is relevant to that issue; (b) describe the legislative and policy context, as far as it is relevant to the issue; (c) identify, describe and quantify (if possible) the impacts associated with the issue, including the likelihood and consequence (including worst case scenario) of the impact (comprehensive risk assessment), and the cumulative impacts; (d) demonstrate how potential impacts have been avoided (through design, or construction or operation methodologies); (e) detail how likely impacts that have not been avoided through design will be minimised, and the predicted effectiveness of these measures (against performance criteria where relevant); and (f) detail how residual impacts will be managed or offset, and the approach and effectiveness of these measures. 3. Where multiple reasonable and feasible options to avoid or minimise impacts are available, they must be identified and considered and the proposed measure justified taking into account the public interest.	Yes.

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4. Consultation The project is developed with meaningful and effective engagement during project design and delivery.	1. The project and its assessment must be informed by consultation, including with relevant government agencies (including the Department of Planning and Environment (Growth, Designs and Programs) and within the Transport for NSW cluster (such as Roads and Maritime Services and Sydney Trains), local councils, infrastructure and service providers, special interest groups, affected landowners, businesses and the community. The consultation process must be undertaken in a manner commensurate with expected levels of impact and stakeholder significance. 2. The Proponent must document the consultation process, and demonstrate how the project has responded to the inputs received (inclusive of a strategy of engagement with key stakeholders on key design elements of the project). 3. The Proponent must describe the timing and type of community consultation proposed during the design and delivery of the project, the mechanisms for community feedback, the mechanisms for keeping the community informed, and procedures for complaints handling and resolution.	Yes.
5. Biodiversity The project design considers all feasible measures to avoid and minimise impacts on terrestrial and aquatic biodiversity. Offsets and/or supplementary measures are assured which are equivalent to remaining impacts of project construction and operation.	1. The Proponent must assess biodiversity impacts in accordance with the current guidelines including the Framework for Biodiversity Assessment FBA). 2. The Proponent must assess impacts on biodiversity values not covered by the FBA as specified in s2.3. 3. The Proponent must assess impacts on the Long-nosed Bandicoot Inner Western Sydney Population (including an assessment of vehicle strike (from more frequent trains) and a loss of threatened species and their habitat which is not associated with vegetation (e.g. building demolition, bridge reconstruction, etc.). and provide the information specified in s9.2 of the FBA. 4. The Proponent must identify whether the project as a whole, or a component of the project, would be classified as a Key Threatening Process (KTP) in accordance with the listings in the Threatened Species Conservation Act 1997 (TSC Act), Fisheries Management Act 1994 (FM Act) and Environmental Protection and Biodiversity Conservation Act 2000 (EPBC Act).	Yes.

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6. Flooding and Hydrology The project minimises adverse impacts on existing flooding characteristics. Construction and operation of the project avoids or minimises the risk of, and adverse impacts from, infrastructure flooding, flooding hazards, or dam failure. Long term impacts on surface water and groundwater hydrology (including drawdown, flow rates and volumes) are minimised. The environmental values of nearby, connected and affected water sources, groundwater and dependent ecological systems including estuarine and marine water (if applicable) are maintained (where values are achieved) or improved and maintained (where values are not achieved). Sustainable use of water resources.	1. The Proponent must assess and model (where appropriate), taking into account relevant Council-adopted flood models or latest flood data available from Councils, the impacts on flood behaviour during construction and operation for flood events ranging from the 1% AEP up to the probable maximum flood (taking into account sea level rise and storm intensity due to climate change) including: (a) detrimental increases in the potential flood affectation of other properties, assets and infrastructure; (b) consistency (or inconsistency) with applicable Council floodplain risk management plans; (c) compatibility with the flood hazard of the land; (d) compatibility with the hydraulic functions of flow conveyance in floodways and storage areas of the land; (e) downstream velocity and scour potential; (f) impacts the development may have upon existing community emergency management arrangements for flooding. These matters must be discussed with the State Emergency Services and Council; and (g) impacts the development may have on the social and economic costs to the community as a consequence of flooding. 2. The Proponent must describe (and map) the existing hydrological regime for surface and groundwater resource (including reliance by users and for ecological purposes} likely to be impacted by the project, including stream orders, as per the FBA. 3. The Proponent must assess (and model if appropriate) the impact of the construction and operation of the project and ancillary facilities (both built elements and discharges} on surface and groundwater hydrology in accordance with the current guidelines, including: (a) minimising the effects of proposed stormwater and wastewater management during construction and operation on natural hydrological attributes (such as volumes, flow rates, management methods and re-use options) and on the conveyance capacity of existing stormwater systems where discharges are proposed through such systems; and (b) water take (direct or passive} from surface and groundwater sources with estimates of annual volumes during construction and operation. 4. The Proponent must identify requirements for baseline monitoring of hydrological attributes.	Yes (for construction). The Environmental Impact Statement considered the impact of the construction of the exhibited project on potential flood events, water quality, surface water and groundwater resources. This is still relevant to the preferred project. Limited applicability (for operation). The operation of the preferred project would not result in a worsening of existing flooding or flood hazard within or surrounding the rail corridor (refer to Section 14.1 of this report).

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7. Heritage The design, construction and operation of the project facilitates, to the greatest extent possible, the long term protection, conservation and management of the heritage significance of items of environmental heritage and Aboriginal objects and places. The design, construction and operation of the project avoids or minimises impacts, to the greatest extent possible, on the heritage significance of environmental heritage and Aboriginal objects and places.	1. The Proponent must identify and assess direct and/or indirect impacts (including cumulative impacts) to the heritage significance of: (a) Aboriginal places and objects, as defined under the National Parks Aboriginal Cultural Heritage Consultation requirements and Wildlife Act 1974 and in accordance with the principles and methods of assessment identified in the current guidelines; (b) Aboriginal places of heritage significance, as defined in the Standard Instrument - Principal Local Environmental Plan; (c) environmental heritage, as defined under the Heritage Act 1977; and (d) items listed on the National and World Heritage lists. 2. Where impacts to State or locally significant heritage items are identified, the assessment must: (a) include a statement of heritage impact for all heritage items (including significance assessment); (b) consider impacts to the item of significance caused by, but not limited to, vibration, demolition, archaeological disturbance, altered historical arrangements and access, visual amenity, landscape and vistas, curtilage, subsidence and architectural noise treatment (as relevant); (c) outline measures to avoid and minimise those impacts in accordance with the current guidelines; (d) be undertaken by a suitably qualified heritage consultant(s) (note: where archaeological excavations are proposed the relevant consultant must meet the NSW Heritage Council's Excavation Director criteria); (e) have regard to the specific and broader values of historic structures (such as footbridges, overhead booking offices, platforms and platform buildings) and conservation approaches provided in the relevant conservation strategies and design guides and conservation management plans, as applicable; and (f) identify potential uses for heritage items to be retained within the corridor. 3. Where archaeological investigations of Aboriginal objects are proposed these must be conducted by a suitably qualified archaeologist, in accordance with section 1.6 of the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (DECCW 2010). 4. Where impacts to Aboriginal objects and/or places are proposed, consultation must be undertaken with Aboriginal people in accordance with the current guidelines. The significance of cultural heritage values for Aboriginal people who have a cultural association with the land must be assessed.	Yes.

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8. Noise and Vibration - Amenity Construction noise and vibration (including airborne noise, ground-borne noise and blasting) are effectively managed to minimise adverse impacts on acoustic amenity. Increases in noise emissions and vibration affecting nearby properties and other sensitive receivers during operation of the project are effectively managed to protect the amenity and well-being of the community.	1. The Proponent must assess construction and operational noise and vibration impacts in accordance with relevant NSW noise and vibration guidelines. The assessment must include consideration of impacts to sensitive receivers including small businesses, and include consideration of sleep disturbance and, as relevant, the characteristics of noise and vibration (for example, low frequency noise). 2. The EIS must include a framework for both an Out of Hours Works Strategy and the development of an Out of Hours Works Plan which incorporates community consultation.	Yes.
9. Noise and Vibration - Structural Construction noise and vibration (including airborne noise, ground-borne noise and blasting) are effectively managed to minimise adverse impacts on the structural integrity of buildings and items including Aboriginal places and environmental heritage. Increases in noise emissions and vibration affecting environmental heritage as defined in the Heritage Act 1977 during operation of the project are effectively managed.	1. The Proponent must assess construction and operation noise and vibration impacts in accordance with relevant NSW noise and vibration guidelines. The assessment must include consideration of impacts to the structural integrity and heritage significance of items (including Aboriginal places and items of environmental heritage). 2. The Proponent must demonstrate that blast impacts are capable of complying with the current guidelines, if blasting is required.	Yes.

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10. Socio-economic, Land Use and Property The project minimises adverse social and economic impacts and capitalises on opportunities potentially available to affected communities. The project minimises impacts to property and business and achieves appropriate integration with adjoining land uses, including maintenance of appropriate access to properties and community facilities, and minimisation of displacement of existing land use activities, dwellings and infrastructure.	1. The Proponent must assess social and economic impacts of the project. This must be done having regard to issues raised by relevant communities and businesses. 2. The Proponent must assess impacts from construction and operation on potentially affected properties, businesses, recreational users and land and water users including property acquisitions/adjustments, access, amenity and relevant statutory rights.	Yes.
11. Soils The environmental values of land, including soils, subsoils and landforms, are protected. Risks arising from the disturbance and excavation of land and disposal of soil are minimised, including disturbance to acid sulfate soils and site contamination.	1. The Proponent must assess whether the land is likely to be contaminated and identify if remediation of the land is required, having regard to the ecological and human health risks posed by the contamination in the context of past, existing and future land uses. Where assessment and/or remediation is required, the Proponent must document how the assessment and/or remediation would be undertaken in accordance with current guidelines.	Yes.
12. Sustainability The project reduces the NSW Government's environmental footprint and operating costs and optimises the social outcomes that can be leveraged through construction and operations. Conservation of natural resources is maximised.	1. The Proponent must assess the sustainability of the project in accordance with the Infrastructure Sustainability Council of Australia (ISCA) Infrastructure Sustainability Rating Tool or equivalent and relevant rating tool. 2. The Proponent must review the project against the current guidelines including targets and strategies to improve Government efficiency in use of water, energy and transport.	Yes.

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13. Transport and Traffic Network connectivity, safety and efficiency of the transport system in the vicinity of the project are managed to minimise impacts. The safety of transport system customers is maintained. Impacts on network capacity and the level of service are effectively managed. Works are compatible with existing infrastructure and future transport corridors.	1. The Proponent must assess construction transport and traffic (vehicle, pedestrian and cyclists) impacts, including, but not necessarily limited to: (a) a considered approach to route identification and scheduling of transport movements; (b) the number, frequency and size of construction related vehicles (passenger, commercial and heavy vehicles, including spoil management movements); (c) (d) the need to upgrade roads proposed for construction vehicle routes including impacts of road closures, construction worker parking and impacts on availability of public parking; (e) the nature of existing traffic (types and number of movements) on construction access routes (including consideration of peak traffic times and sensitive road users and parking arrangements); (f) information on how construction and scheduling of works will be coordinated in regard to cumulative traffic impacts resulting from concurrent work on WestConnex and other approved key construction projects. (g) access constraints and impacts on public transport, pedestrians and cyclists including: - impacts on customers and the reliability of suburban and intercity rail services (including increased demand for rail services on other lines, particularly the T2 Inner West, Tl North Shore, Northern and Western Lines) during possession periods and testing and commissioning of metro trains; - alternative transport arrangements for customers during rail possessions and closure of the rail line (including how the Temporary Transport Plan will be developed in consultation with relevant Councils and the community); and - identification of key traffic performance issues in the surrounding areas during rail shutdowns and implementation of alternate transport arrangements. (h) the need to close, divert or otherwise reconfigure elements of the road and cycle network associated with construction of the project. 2. The Proponent must assess the operational transport impacts of the project, including the wider transport interactions {local and regional roads, changes to commuter parking and loading zones, provision of kiss and ride facilities, cycling, public and freight transport). The EIS must define a transport hierarchy and a framework for an active transport strategy.	Yes.

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14. Place Making and Urban Design The project design capitalises on opportunities to improve place, character and quality of the surrounding built and natural environment (including adjoining public spaces). The project contributes to the accessibility and connectivity of communities.	1. The Proponent must deliver functional 'place' outcomes of public benefit, inclusive of how the project integrates with proposed land use changes occurring within the corridor, and how it contributes to the accessibility and connectivity of existing and future communities (with specific consideration given to the Sydenham to Bankstown Urban Renewal Corridor Strategy (as updated)). This must be done in collaboration with the Department of Planning and Environment and Councils, and must include but is not limited to: (a) the defining of existing and proposed station precincts including implications for urban renewal; (b) identifying design principles, strategies and opportunities to enhance healthy, cohesive and inclusive communities (including consideration of government strategies and plans); (c) identifying the urban design and landscaping aspects and user facilities of the project and its components; (d) assessing the impact of the project on the urban and natural fabric; (e) incorporating the use of Crime Prevention Through Environmental Design (CPTED) principles during the design development process. 2. The Proponent must describe the accessibility elements of the project including relevant accessibility legislation and guidelines and: (a) impacts on pedestrian access in and around stations and connecting streets (including consideration of land use change); (b) enhancing the accessibility of each station and the general vicinity of walking and cycling catchments; (c) the provision of infrastructure to support accessible paths of travel and interchange; (d) impacts on cyclists (including provision of and integration with active transport routes) and pedestrian access and safety; and (e) minimising barriers across the rail corridor and opportunities to integrate cycling and pedestrian elements with surrounding networks and in the project. 3. The Proponent must assess the visual and landscape impacts of the project and ancillary infrastructure on: (a) views and vistas; (b) streetscapes, key sites and buildings; (c) landscaping, green spaces and existing trees; (d) heritage items including Aboriginal places and environmental heritage; and (e) the local community. 4. The Proponent must provide artist impressions and perspective drawings of the project from key receiver locations to illustrate the project.	Limited applicability. The preferred project has been revised to retain all existing station entrances. The preferred project design around station entrances takes this outcome and requirement into account. Importantly, it does not preclude (and in some instances safeguards) further works to integrate with future development within the proposed urban renewal corridor. Once the planning for the urban renewal corridor is further advanced and has been established through the involvement of the community, the form of place around the preferred project interfaces with the corridor can be identified in order to deliver the long-term functional outcomes. As such, the applicability of the place making and urban design Secretary's environmental assessment requirements to the preferred project is limited.

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15. Water - Quality The project is designed, constructed and operated to protect the NSW Water Quality Objectives where they are currently being achieved, and contribute towards achievement of the Water Quality Objectives over time where they are currently not being achieved, including downstream of the project to the extent of the project impact including estuarine and marine waters (if applicable).	1. The Proponent must: (a) state the ambient NSW Water Quality Objectives (NSW WQO) and environmental values for the receiving waters relevant to the project, including the indicators and associated trigger values or criteria for the identified environmental values; (b) identify pollutants that may be introduced into the water cycle and describe the nature and degree of impact that discharge(s) may have on the receiving environment, including consideration of all pollutants that pose a risk of non-trivial harm to human health and the environment; (c) identify the rainfall event that the water quality protection measures will be designed to cope with; (d) assess the significance of identified impacts including consideration of the relevant ambient water quality outcomes; (e) demonstrate how construction and operation of the project will, to the extent that the project can influence, ensure that: - where the NSW WQOs for receiving waters are currently being met they will continue to be protected; and - where the NSW WQOs are not currently being met, activities will work toward their achievement over time.	Yes.
16. Utilities The project is designed, constructed and operated to minimise impacts to utilities and provision of such to the public.	1. The Proponent must identify and assess potential impacts on key identified active or disused public trunk utilities infrastructure (including communications, electricity, gas, and water and sewerage). 2. Where impacts on utilities are expected, the Proponent must prepare a utilities management framework, to identify a management strategy for options, including relocation or adjustment of the utilities. 3. The utilities management framework must identify ways in which opportunities to integrate with and support initiatives adopted by Councils and utilities providers and how access to assets will be maintained during construction.	Yes.

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