

Appendix C

Statutory compliance table

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Legislation title	Requirement	Where addressed
Commonwealth legislation		
<i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act)	<p>The EPBC Act provides a legal framework to protect and manage nationally internationally important flora, fauna, ecological communities and heritage places – defined in the EPBC Act as ‘Matters of National Environmental Significance (MNES)’. The EPBC Act requires the assessment of whether the project is likely to significantly impact on MNES or Commonwealth land.</p> <p>The project is not anticipated to impact on any MNES under the EPBC Act. A referral under the EPBC Act is not required to be prepared for the project.</p>	Chapter 2 (Approval framework)
<i>Disability Discrimination Act 1992</i> (DDA)	<p>The DDA Act aims to eliminate as far as possible, discrimination against persons on the ground of disability in areas including access to premises and the provisions of facilities, services and land.</p> <p>The project, including new station entrances and upgrades to existing station infrastructure is required to be DDA compliant.</p>	<p>Chapter 2 (Approval framework)</p> <p>Chapter 5 (Project description)</p> <p>Chapter 9 (Traffic, transport and access)</p> <p>Appendix H (Traffic, transport and access assessment)</p> <p>Chapter 13 (Socio-economic)</p> <p>Appendix L (Socio-economic impact assessment)</p>
Disability Standards for Accessible Public Transport 2002	<p>Section 33.1 of the Disability Standards for Accessible Public Transport 2002 requires all new public transport premises, infrastructure and conveyances to be compliant with the requirements of the standard and referenced to the Australian Standards and Design Rules therein, unless unjustifiable hardship is incurred by implementation.</p> <p>The design of the project is required to be compliant with the requirements of these standards.</p>	<p>Chapter 5 (Project description)</p> <p>Chapter 9 (Traffic, transport and access)</p> <p>Appendix H (Traffic, transport and access assessment)</p>

Legislation title	Requirement	Where addressed
NSW legislation		
<i>Environmental Planning and Assessment Act 1979</i> (EP&A Act)	<p>The EP&A Act and associated <i>Environmental Planning and Assessment Regulation 2000</i> (EP&A Regulation) provide the legislative framework for environmental planning in NSW. They include provisions to ensure that all development proposals that have the potential to impact on the environment are subject to an appropriate level of assessment, while also providing the opportunity for community involvement.</p> <p>Transport for NSW is seeking to have the project declared to be specified development on specified land as State significant infrastructure (SSI) under section 5.12(4) of the EP&A Act. The project would be subject to assessment and approval by the Minister for Planning under Part 5, Division 5.2 of the EP&A Act.</p>	Chapter 2 (Approval framework)
<i>Biodiversity Conservation Act 2016</i> (BC Act)	<p>Under Section 2.4 of the BC Act it is an offence to damage the habitat of a threatened species or threatened ecological community, as listed in Schedule 1 and 2 of the Act.</p> <p>Section 7.9 of the BC Act provides that any application under Division 5.2 of the EP&A Act for SSI must be accompanied by a biodiversity development assessment report (BDAR). However, it was determined the project is not likely to have any significant impact on biodiversity values and as a result, the requirement for a BDAR was waived on 26 July 2022 under Section 7.9(2) of the BC Act.</p>	<p>Chapter 2 (Approval framework)</p> <p>Chapter 14 (Biodiversity)</p> <p>Appendix M1 (BDAR waiver request)</p> <p>Appendix M2 (BDAR waiver determination)</p>
<i>Heritage Act 1977</i> (Heritage Act)	<p>Historical archaeological relics, buildings, structures, archaeological deposits and feature are protected under the Heritage Act and may be identified on the State Heritage Register (SHR) or by an active Interim Heritage Order.</p> <p>Where a project is considered SSI, Section 5.23 of the EP&A Act removes the need for approval under Part 4 or an excavation permit under Section 139 of the Heritage Act.</p> <p>Central Station was included on the State heritage register (SHR No. 01255) on 31 August 2018. Other State-heritage items near the station, consist of: Christ Church St Laurence Anglican Church and Pipe Organ (SHR No. 00123) Mortuary Railway Station and Site (SHR No. 00167), Railway Square Road Overbridge (SHR No. 01232) and the Railway Institute Building (SHR No. 01257).</p> <p>The Transport Asset Holding Entity of New South Wales heritage register (section 170 register) also includes the above items as Central Station (Item No. 4801296), Mortuary Railway Station and Gardens (Item No. 4803219) and Ultimo (Railway Square) Railway Overbridge (Item No. 4801079).</p> <p>The project has been designed with careful consideration of the building's heritage values to ensure these are maintained and celebrated while improving its function and enhancing the experience of visitors and users. In all areas where change is proposed to support the project's objectives, alternative options were considered to avoid, minimise or mitigate potential heritage impacts wherever possible.</p>	<p>Chapter 8 (Non-Aboriginal heritage)</p> <p>Appendix G (Non-Aboriginal heritage assessment)</p>
<i>Contaminated Land Management Act 1997</i> (CLM Act)	The CLM Act regulates significantly contaminated land through requirements for notification to the NSW Environmental Protection Authority (EPA), investigation, remediation and recovery of costs from the person responsible.	Chapter 16 (Groundwater, soils and contamination)

Legislation title	Requirement	Where addressed
	<p>The EPA must be notified by the property owner in writing of any contamination identified within the project in accordance with the requirements of section 60 of the CLM Act.</p> <p>The soil and contamination assessment concluded that due to the existing and historical uses of Central Station, it is likely that uncontrolled fill material will be encountered during construction. This represents a potential risk of contamination. Further assessment via intrusive methods and analysis of samples is proposed across the anticipated areas of excavation.</p> <p>Should contamination be identified during further environmental investigations or activities, the requirements of the CLM Act would apply.</p>	Appendix O (Soil and contamination)
<i>Protection of the Environment Operations Act 1997</i> (POEO Act)	<p>For works undertaken by public authorities, the EPA forms the regulator under the POEO Act.</p> <p>Schedule 1 of the POEO Act specifies scheduled activities for which the occupier of premises is required to hold an Environmental Protection License (EPL). Section 148(8) of the POEO Act specifies a 'duty to notify' the relevant authorities following pollution incidents where material harm to the environment is caused or threatened.</p> <p>Construction activities would require consideration of the requirements of the POEO Act, specifically the 'duty to notify' requirements should pollutions incidents occur during construction.</p> <p>An EPL is not required for the construction of the project as it does not meet the definition of a scheduled activity under the POEO Act. Operations are covered under an existing EPL (no. 12208).</p>	<p>Chapter 19 (Resource efficiency)</p> <p>Chapter 21 (Hazard and risk)</p>
<i>Waste Avoidance and Resource Recovery Act 2001</i> (WARR Act)	<p>The WARR Act provides a legal framework concerning the minimisation, recycling and reuse of waste in NSW.</p> <p>The requirements of the WARR Act would apply during both construction and operation of the project.</p> <p>With the implementation of the waste hierarchy and circular economy principles, it is anticipated that 90 per cent of demolition and construction waste would be diverted from landfill either by being reused onsite or recovered or recycled offsite.</p> <p>Methods for diverting waste generated from the construction and operation of the project from landfill include:</p> <ul style="list-style-type: none"> • Reuse of waste streams including metals, sand, soil, concrete, and fittings where possible • recycling of waste streams including brick, masonry, metals, plasterboard, plastic, and timber where possible • contract terms with suppliers that specify recyclable content and returnable packaging • co-operation in stewardship programs for compatible waste streams including pallets expansion of the current collection with additional waste streams such as plastic film derived from packaging, as well as a separate collection for food waste and commingled containers mainly from food generating tenancies • Measures to recover and treat waste will include recovery of compatible waste including metals, oils, solvents, bricks, metals, plasterboard, plastics, timber, food, plastic film, and commingled containers. 	Chapter 19 (Resource efficiency)
<i>National Parks and Wildlife Act 1974</i> (NPW Act)	<p>The NPW Act aims to promote both the conservation of nature and the conservation of objects, places and features of cultural value within the landscape.</p>	Chapter 7 (Aboriginal heritage)

Legislation title	Requirement	Where addressed
	<p>Under Section 90 of the NPW Act an Aboriginal heritage impact permit is required for any works which may impact an item of Aboriginal heritage. However, Section 5.23(1) of the EP&A Act provides that this is not required for approved SSI projects.</p> <p>There is one registered site on the NSW Aboriginal Heritage Information Management System (AHIMS) that is partially within the southern construction footprint at a depth of 0.3 to 1 metre below ground level. This item is an artefact scatter, recorded as AHIMS site ID 45-6-3654. As there is no ground disturbance or excavation in the southern construction footprint there will be no impact on this AHIMS site.</p>	Appendix F (Aboriginal heritage assessment)
<i>Water Management Act 2000</i> (WM Act)	<p>Approval under the WM Act is required for certain types of development and activities that are carried out in or near a river, lake or estuary. Under Section 91E of the WM Act, it is an offence to carry out a controlled activity in, on or under waterfront land unless a controlled activity approval has been issued.</p> <p>The project is not located on waterfront land and is therefore not considered to be a controlled activity. Should construction works require significant dewatering, a water access licence under the WM Act may be required.</p> <p>The depth of groundwater below the construction footprint is to be confirmed during the proposed intrusive investigation and will confirm the need for a water access licence.</p>	<p>Chapter 15 (Surface water and flooding)</p> <p>Appendix N (Hydrology and flooding assessment)</p>
Key State Environmental Planning Policies		
State Environmental Planning Policy (Transport and Infrastructure) 2021	<p>The Transport and Infrastructure SEPP is the key environmental planning instrument which determines the permissibility of a project and under which part of the EP&A Act an activity or development may be assessed.</p> <p>The project is categorised as development for the purpose of rail infrastructure facilities and is being carried out by or on behalf of a public authority. Under Division 15 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 the project is therefore permissible without consent.</p>	Chapter 2 (Approval framework)
State Environmental Planning Policy (Planning Systems) 2021	<p>The Planning Systems SEPP identifies development that is State significant development, State significant infrastructure and critical State significant infrastructure. As stated above, Transport for NSW is seeking to have the development declared SSI.</p> <p>Declaring the project SSI would require amending Schedule 4 of the Planning Systems SEPP 2021 to include the project as SSI. Under clause 2.14 and Schedule 4 of Planning Systems SEPP 2021, the project would be subject to assessment and approval by the Minister for Planning under Part 5, Division 5.2 of the EP&A Act.</p>	Chapter 2 (Approval framework)