

Sydney Terminal Building Revitalisation Conditions of Approval

Infrastructure approval

Section 5.19 of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning under the Instrument of Delegation dated 9 March 2022, I grant approval to the carrying out of the State significant infrastructure (SSI) referred to in Schedule 1, subject to the conditions in Schedule 2.



Glenn Snow
Director
Transport Assessments

Sydney

17 November 2023

SCHEDULE 1

| | |
|---|---|
| Application no.: | SSI-45421960 |
| Proponent: | Transport for NSW |
| Approval Authority: | Minister for Planning |
| Land: | Land in the suburb of Haymarket and Chippendale |
| Description of State Significant Infrastructure: | <p>Development for the purposes of the Sydney Terminal Building (Central Station) Revitalisation Project, including the following—</p> <ul style="list-style-type: none">(a) the restoration, refurbishment or redevelopment of—<ul style="list-style-type: none">(i) the Sydney Terminal Building at Central Station, including the Grand Concourse, and(ii) the adjacent Central Electric Building, Eddy Avenue Colonnade, Eddy Avenue Plaza, Western Forecourt and loading dock,(b) the erection of buildings used for one or more of the following—<ul style="list-style-type: none">(i) commercial premises,(ii) community facilities,(iii) information and education facilities,(c) associated works to improve access or provide parking,(d) the construction, installation or alteration of related infrastructure,(e) ancillary development, including development for the purposes of construction compounds, utilities infrastructure, including the alteration or relocation of existing utilities infrastructure. |
| Declaration as State Significant Infrastructure | <p>The proposal is State Significant Infrastructure by virtue of Schedule 4, Section 8 of <i>State Environmental Planning Policy (Planning Systems) 2021</i></p> |

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DEFINITIONS

The definitions below apply to terms used in this approval, unless otherwise stated or the context indicates otherwise.

Table 1: Definitions

| Term | Definition |
|---|--|
| Aboriginal object or place | The same meaning as in the <i>National Parks and Wildlife Act 1974</i> (NSW). |
| Ancillary facility | A temporary facility for construction of the SSI including site offices, workshops, delivery areas, storage areas, crib sheds, construction worker parking, materials, plant and equipment. |
| At-property acoustic treatment | Includes courtyard walls and building treatments. Building treatments may include but are not limited to ventilation, acoustic blinds / curtains, glazing, window and door seals, sealing of vents or underfloor areas, shutters and secondary glazing. |
| BCD | Biodiversity and Conservation Division of the Environment and Heritage Group of the Department of Planning and Environment |
| CALD | Culturally and Linguistically Diverse |
| CEMP | Construction Environmental Management Plan |
| Certified contaminated land consultant(s) | A contaminated land consultant certified under one of the following certifications: (a) Environment Institute of Australia and New Zealand – Certified Environmental Practitioner (Site Contamination) (CEnvP (SC)) (b) Soil Science Australia – Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) |
| Completion of construction | The date upon which Construction is completed and all requirements of the Planning Secretary (if any) have been met. If construction is staged, completion of construction is the date upon which construction is completed and all requirements of the Planning Secretary (if any) have been met, in respect of all stages of construction |
| Construction | Includes Work required to construct the SSI as defined in the Project Description described in the documents listed in Condition A1 including commissioning trials of equipment and temporary use of any part of the SSI but excluding Low Impact Work which is carried out or completed before approval of the CEMP . |
| Construction Boundary | The area physically affected by work as defined in the Project Description described in the documents listed in Condition A1 . |
| Consultation | To provide information and actively engage with, and obtain and consider feedback from, stakeholders during development of post approval documents. How the feedback has been considered and whether any changes have been made in response to this feedback is then documented and communicated back to stakeholders. Consultation should not be limited to one-way notification about the project. This definition must inform the Communication Strategy required under Condition B1 . |
| Council | City of Sydney Council |
| Department | NSW Department of Planning and Environment |

| Term | Definition |
|---------------------------------------|---|
| DPE Water | Water Group of the Department of Planning and Environment |
| EIS | The Environmental Impact Statement referred to in Condition A1 , submitted to the Planning Secretary seeking approval to carry out the development described in it, and including any additional information provided by the Proponent in support of the application for approval of the project |
| EMS | Environmental Management System |
| EP&A Act | <i>Environmental Planning and Assessment Act 1979</i> (NSW) |
| EPA | NSW Environment Protection Authority |
| EPBC Act | <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Commonwealth) |
| EPL | Environment Protection Licence under the POEO Act |
| ER | The Environmental Representative(s) for the SSI approved by the Planning Secretary |
| Environment | Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings |
| Environmental Representative Protocol | <i>Environmental Representative Protocol</i> (Department of Planning and Environment, October 2018) |
| Heavy Vehicle | Has the same meaning as in the <i>Heavy Vehicle National Law</i> (NSW) |
| Heritage item | A place, building, work, relic, archaeological site, tree, movable object or precinct of heritage significance, that is listed under one or more of the following registers: the State Heritage Register under the <i>Heritage Act 1977</i> (NSW), a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i> (NSW), a Local Environmental Plan under the EP&A Act, the World, National or Commonwealth Heritage lists under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), and an “Aboriginal object” or “Aboriginal place” as defined in section 5 of the <i>National Parks and Wildlife Act 1974</i> (NSW) |
| Heritage NSW | Heritage NSW, of Environment and Heritage Group of the Department of Planning and Environment |
| Highly noise affected | As defined in Table 2 of the <i>Interim Construction Noise Guideline</i> (DECC, 2009) |
| Highly noise intensive work | Work identified as particularly annoying in section 4.5 of the <i>Interim Construction Noise Guideline</i> (DECC, 2009) |
| ICNG | <i>Interim Construction Noise Guideline</i> (DECC, 2009) |
| Incident | An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance. Note: “material harm” is defined in this approval |
| Land | Has the same meaning as the definition of the term in the EP&A Act. |
| Landowner | Has the same meaning as “owner” in the <i>Local Government Act 1993</i> and in relation to a building means the owner of the building. |
| LALC | Local Aboriginal Land Council |
| Local road | Any road that is not defined as a classified road under the <i>Roads Act 1993</i> |
| Low Impact Work | Includes: |

| Term | Definition |
|------|---|
| | <p>(a) survey work including carrying out general alignment survey, installing survey controls (including installation of global positioning systems (GPS)), installing repeater stations, carrying out surveys of existing and future utilities and building and road dilapidation surveys;</p> <p>(b) investigations including investigative drilling, contamination investigations and excavation;</p> <p>(c) site establishment work approved under a Site Establishment Management Plan;</p> <p>(d) use of minor ancillary facilities if the ER has determined that use of the minor ancillary facilities will have a minor impact on the environment and the community;</p> <p>(e) minor clearing and/or relocation of native vegetation, as identified in the documents listed in Condition A1;</p> <p>(f) installation of mitigation measures including erosion and sediment controls, temporary exclusion fencing for sensitive areas and at-property treatments;</p> <p>(g) property acquisition adjustment work including installation of property fencing;</p> <p>(h) relocation and connection of utilities where the relocation or connection has been determined by the ER to have a minor impact to the environment and the community;</p> <p>(i) archaeological testing under the <i>Code of practice for archaeological investigation of Aboriginal objects in NSW (DECCW, 2010)</i> or archaeological monitoring undertaken in association with (a) - (h) above to ensure that there is no impact on heritage items;</p> <p>(j) maintenance of existing buildings and structures required to facilitate the carrying out of the SSI; and</p> <p>(k) other activities determined by the ER to have minor impact on the environment and the community, which may include but not be limited to construction of minor access roads, temporary relocation of pedestrian and cycle paths and the provision of property access.</p> <p>Notwithstanding, the following works are not Low Impact Work:</p> <p>(l) where heritage items (excluding those impacted by activities (h), (i) and (j) above), or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected* or potentially affected by any low impact work, that work is construction, unless otherwise determined by the Planning Secretary, following consultation by the Proponent with Heritage NSW, EES Group or DPI Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation); and</p> <p>(m) any Work undertaken outside the hours specified in Condition D24 that exceeds noise management and vibration levels as identified in Condition D27(b)</p> <p>*Note: Impacts due to Low Impact Work on Heritage items listed on the State Heritage Register must not be greater than “little to no impact” as defined in Heritage NSW <i>Material Threshold Policy</i></p> <p>The low impact work described in this definition becomes construction when the Construction Environmental Management Plan is approved. This also applies to low impact work that has already commenced.</p> <p>Notes:</p> <ol style="list-style-type: none"> 1. Early stages of Work are not necessarily low impact work 2. Low Impact work is not construction as defined by this approval. |

| Term | Definition |
|---------------------------------------|---|
| Material harm | Is harm that: <ul style="list-style-type: none"> (a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or (b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment). |
| Minister | NSW Minister for Planning and Public Spaces |
| Minor Construction Ancillary Facility | Worker amenities and materials laydown and the like that are not part of a construction ancillary facility site. |
| NML | Noise Management Level as defined in the <i>Interim Construction Noise Guideline</i> (DECC, 2009). |
| Non-compliance | An occurrence, set of circumstances or development that is a breach of this approval. |
| NSW Heritage Council | Heritage Council of NSW |
| OEMP | Operational Environmental Management Plan |
| Operation | The carrying out of the SSI (whether in full or in part) upon the completion of construction, unless otherwise agreed by the Planning Secretary. <i>Note: There may be overlap between the carrying out of construction and operation if the phases of the development are staged. Commissioning trials of equipment and temporary use of any part of the SSI are within the definition of construction.</i> |
| POEO Act | <i>Protection of the Environment Operations Act 1997</i> (NSW) |
| Planning Secretary | Planning Secretary of the Department (or nominee, whether nominated before or after the date on which this approval was granted) |
| Proponent | The person identified as such in Schedule 1 of this approval and any other person carrying out any part of the SSI from time to time |
| Relic | Has the same meaning as the definition in the <i>Heritage Act 1977</i> (NSW) |
| RAPs | Registered Aboriginal Parties as defined in <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> |
| Relevant council | City of Sydney |
| Relevant roads authority | The same meaning as the roads authority defined in the <i>Roads Act 1993</i> (NSW) |
| Response to Submissions Report | The Proponent's report which responds to issues raised in submissions received in relation to the application for approval for the SSI under the EP&A Act |
| SSI | The State Significant Infrastructure, as generally described in Schedule 1 of this approval, the carrying out of which is approved under the terms of this approval |
| Sensitive land use(s) | Includes residences, educational institutions (including preschools, schools, universities, TAFE colleges), health care facilities (including nursing homes, hospitals), religious facilities (including churches), childcare centres and passive recreation areas (including outdoor grounds used for teaching). 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 |

| Term | Definition |
|-----------------------------------|--|
| | camping grounds, restaurants, office premises, and retail spaces) and industrial premises as identified by the Planning Secretary Note For the purpose of determining appropriate mitigation, a multistorey residential flat building must not be counted as one sensitive receiver |
| SES | NSW State Emergency Services |
| SMART | Specific, Measurable, Achievable, Realistic, and Timely |
| TfNSW | Transport for NSW |
| Tree | Long lived woody perennial plant greater than (or usually greater than) 3 metres in height with one or relatively few main stems or trunks (AS4373-2007 Pruning of amenity trees) |
| Unexpected heritage find | An object or place (including a place, building, work, relic, archaeological site, tree, movable object or precinct of heritage significance) that is discovered during the carrying out of the SSI and which may be a heritage item but was not identified in the documents listed in Condition A1 or suspected to be present. An unexpected heritage find does not include human remains Note: "heritage item" is defined in this approval |
| Vulnerable or marginalised groups | Vulnerable or marginalised groups include those people: on very low incomes, living with disabilities or poor health, from culturally and linguistically diverse (CALD) communities, experiencing homelessness or insecure housing, and those who for whatever reason are unable or unwilling to express or represent themselves and their needs. |
| Work | Any physical activity for the purpose of the SSI including Construction and Low Impact Work |

SUMMARY OF REPORTING REQUIREMENTS

Reports and notifications that must be provided to the Planning Secretary under the terms of this approval are listed in Table 2. Note that under **Condition A10** of this approval the Proponent may seek the Planning Secretary's agreement to a later timeframe for submission (other than in relation to the immediate written notification of an incident required under **Condition A10**).

Table 2: Reports and Notifications that must be submitted to the Planning Secretary

| Condition | Report / Notification | Timing ¹ | Purpose |
|---|---|---|-------------|
| Part A – Administrative | | | |
| A12 & A16 | Staging Report | One month before commencement of Construction (or operation if only staged operation is proposed) or the first of the proposed stages | Information |
| A16 | Revised Staging Report | One month prior to the proposed change(s) to staging | Information |
| A18 | Ancillary Facility Site Establishment Management Plan | Upon request of the Planning Secretary | Information |
| A25 | Environmental Representative | Must be sought before the commencement of Work | Approval |
| A29(k) | Environmental Representative reports | Within seven days following the end of each month for the duration of the ER's engagement | Information |
| A31 & A32 | Notification of commencement | One month before the commencement of construction and operation | Information |
| A33 | Independent Auditors | Prior to the commencement of an Independent Audit | Approval |
| A37 | Independent Audit Reports | Within two months of undertaking the independent audit site inspection | Information |
| A39 | Written notification of incident | Immediately upon becoming aware of the incident | Information |
| A41 | Non-Compliance Notification | Within seven days after the Proponent becomes aware of any non-compliance | Information |
| Part B - Communication Information and Reporting | | | |
| B3 | Community Communication Strategy | Upon request of the Planning Secretary | Information |
| B9 | Complaints Register | Upon request of the Planning Secretary | Information |
| Part C - Construction Environmental Management | | | |
| C12 | Construction Noise and Vibration Monitoring Report | As specified in Construction Monitoring Programs | Information |
| Part D – Key Issues | | | |
| Heritage | | | |
| D9 | Annotated index and reference | Within 12 months after the completion of all Work | Information |
| D12 | Heritage Interpretation Plan | Prior to the construction of permanent built works that are the subject of the PDL | Approval |

¹ Where a project is staged, all required approvals must be obtained before the commencement of the relevant stage.

| Condition | Report / Notification | Timing ¹ | Purpose |
|--|--|--|-------------|
| D14 | Excavation Director | Prior to commencement of archaeological excavation | Approval |
| D17 | Final Excavation Report (environmental Heritage) | Within 12 months after the completion of archaeological excavations | Information |
| D18 | Unexpected Heritage Finds and Humans Remains Procedure | One month before commencement of Work | Approval |
| D22 | Aboriginal Cultural Heritage Excavation Report(s) | Within 12 months after the completion of Aboriginal archaeological excavations | Information |
| Noise and Vibration | | | |
| D27(a) | Safety and Emergencies | On becoming aware of the need for emergency work | Information |
| D28 | Out-of-Hours Work Protocol | Before the commencement of out-of-hours Work | Approval |
| D33 | Construction Noise and Vibration Impact Statements | Upon request of the Planning Secretary | Information |
| Place, Design and Visual Amenity | | | |
| D51 | SDRP advice report | Must be included with the PDLP when submitted for approval | Information |
| D53 | Place, Design and Landscape Plan | One month before Construction of permanent built works | Approval |
| Socio-Economic, Land use and Property | | | |
| D60 | Social Impact Management Plan | Upon request of the Planning Secretary | Information |
| D61 | Facilities report – Evidence of Implementation | Upon request of the Planning Secretary | Information |
| Contamination | | | |
| D67 | Site Audit Statement(s) | Upon request of the Planning Secretary | Information |
| | Site Audit Report(s) | Upon request of the Planning Secretary | Information |
| Traffic and Transport | | | |
| D77 | Construction Vehicle Management Strategy | Upon request of the Planning Secretary | Information |
| D81 | Engineering Audit | Upon request of the Planning Secretary | Information |

Note: *Table 2 is not a condition of this approval. If there is an inconsistency between a requirement in Table 2 and a requirement in a condition, the requirement of the condition prevails.*

SCHEDULE 2

PART A

ADMINISTRATIVE CONDITIONS

GENERAL

- A1 The Proponent must carry out the SSI in accordance with the terms of this approval and generally in accordance with the:
- (a) *Sydney Terminal Building Revitalisation Environmental Impact Statement* dated February 2023; and
 - (b) *Sydney Terminal Building Revitalisation Submissions Report* dated August 2023.
- A2 The SSI must only be carried out in accordance with all procedures, commitments, preventative actions, performance criteria and mitigation measures set out in the documents listed in **Condition A1** unless otherwise specified in, or required under, this approval.
- A3 In the event of an inconsistency between:
- (a) the terms of this approval and any document listed in **Condition A1** inclusive, the terms of this approval will prevail to the extent of the inconsistency; and
 - (b) any document listed in **Condition A1** inclusive, the most recent document will prevail to the extent of the inconsistency.
- Note:** *For the purpose of this condition, there will be an inconsistency between a term of this approval and any document if it is not possible to comply with both the term and the document.*
- A4 The Proponent must comply with all written requirements or directions of the Planning Secretary, including in relation to:
- (a) the environmental performance of the SSI;
 - (b) any document or correspondence in relation to the SSI;
 - (c) any notification given to the Planning Secretary under the terms of this approval;
 - (d) any audit of the construction or operation of the SSI;
 - (e) the terms of this approval and compliance with the terms of this approval (including anything required to be done under this approval);
 - (f) the carrying out of any additional monitoring or mitigation measures; and
 - (g) in respect of ongoing monitoring and management obligations, compliance with an updated or revised version of a guideline, protocol, Australian Standard or policy required to be complied with under this approval.
- A5 This approval lapses five years after the date on which it is granted, unless Work has physically commenced on or before that date.
- A6 Except as described by any document listed in **Condition A1**, any fit-out or future use of a new commercial, retail or food and drink premises, does not form part of this SSI and is subject to the relevant assessment pathway prescribed by the EP&A Act.
- A7 References in the terms of this approval to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Australian Standards or policies in the form they are in as at the date of this approval, unless otherwise approved by the Planning Secretary.

DOCUMENTATION

- A8 Any document required by this approval, and which requires the Planning Secretary's approval, must be approved by the Planning Secretary prior to the commencement of Works associated with that document.
- A9 Any document required to be prepared by this approval, must be implemented unless otherwise agreed by the Planning Secretary.
- A10 Any document that must be submitted or action taken within a timeframe specified in or under the terms of this approval may be submitted or undertaken within a later timeframe agreed in writing with the Planning Secretary. This condition does not apply to the written notification required in respect of an incident or a non-compliance.
- A11 Where the terms of this approval require consultation to be undertaken, evidence of the consultation undertaken must be submitted to the Planning Secretary and **ER** (as relevant) with the corresponding documentation. The evidence must include:
- (a) documentation of the engagement with the party identified in the condition of approval that has occurred before submitting the document for approval;
 - (b) a log of the dates of engagement or attempted engagement with the identified party;
 - (c) documentation of the follow-up with the identified party where engagement has not occurred to confirm that they do not wish to engage or have not attempted to engage after repeated invitations;
 - (d) outline of the issues raised by the identified party and how they have been addressed; and
 - (e) a description of the outstanding issues raised by the identified party and the reasons why they have not been addressed.

STAGING

Staging the delivery of the SSI

- A12 The SSI may be constructed and operated in stages (including but not limited to temporal, location or activity-based staging). Where staged construction and/or operation is proposed, a **Staging Report** (for either or both construction and operation as the case may be) must be prepared. The **Staging Report** must be endorsed by the **ER** and then submitted to the Planning Secretary for information no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).

***Note:** Unless otherwise specified in this approval, early works is a stage of construction.*

- A13 The **Staging Report** must:
- (a) if staged construction is proposed, set out how the construction of the whole of the SSI will be staged, including details of work and activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
 - (b) if staged operation is proposed, set out how the operation of the whole of the SSI will be staged, including details of activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
 - (c) specify how compliance with conditions will be achieved across and between each of the stages of the SSI; and
 - (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.

***Note:** A Staging Report may reflect the staged construction and operation of the project through geographical activities, temporal activities or activity-based contracting and staging.*

- A14 The SSI must be staged in accordance with the **Staging Report**, as submitted to the Planning Secretary.

- A15 Where staging is proposed, the terms of this approval that apply or are relevant to the work or activities to be carried out in a specific stage must be complied with at the relevant time for that stage.

Note: *Where an inconsistency arises between the staging report and the terms of this approval, the terms of this approval prevail.*

- A16 Where changes are proposed to the staging of construction or operation, a revised **Staging Report** must be prepared, endorsed by the **ER** and submitted to the Planning Secretary for information no later than one month prior to the proposed change in the staging.

Staging, Combining and Updating Strategies, Plans or Programs

- A17 Strategies, plans or programs required by this approval can be submitted on a progressive basis, with the agreement of the Planning Secretary.

With the agreement of the Planning Secretary, the Proponent may prepare the updated strategy, plan or program without undertaking all the consultation required under the applicable condition in this approval.

Notes:

1. *While any strategy, plan or program may be submitted on a progressive basis, the Proponent must ensure that the existing operations on site are covered by suitable strategies, plans or programs at all times; and*
2. *If the submission of any strategy, plan or program is to be undertaken in a progressive manner, then the relevant strategy, plan or program must clearly describe the specific stage to which strategy, plan or program applies, the relationship of this stage to future stages, and the trigger for updating the strategy, plan or program.*

SITE ESTABLISHMENT WORK

Construction Ancillary Facility - Site Establishment Management Plan

- A18 Before the establishment of a construction ancillary facility that is required before a **CEMP** is approved (excluding minor construction ancillary facilities determined by the **ER** to have minimal environmental impact and those established under **Condition A20**), the Proponent must prepare an **Ancillary Facility Site Establishment Management Plan** to be implemented for the establishment of the construction ancillary facilities. The **Ancillary Facility Site Establishment Management Plan** must be prepared in consultation with the relevant council and government agencies and endorsed by the **ER** one (1) month before the establishment of any construction ancillary facilities. The **Ancillary Facility Site Establishment Management Plan** must detail the environmental management practices and procedures for establishment of the construction ancillary facilities and include:

- (a) a description of activities to be undertaken to establish the construction ancillary facility (including scheduling and duration of work to be undertaken at the site);
- (b) figures illustrating the proposed ancillary site layout and the location of the closest sensitive land use(s);
- (c) a program for ongoing analysis of the key environmental risks arising from the site establishment activities described in subsection (a) of this condition, including an initial risk assessment undertaken prior to the commencement of site establishment work;
- (d) details of how the site establishment activities described in subsection (a) of this condition will be carried out to:
 - (i) meet the performance outcomes stated in the documents listed in **Condition A1**, and
 - (ii) manage the risks identified in the risk analysis undertaken in subsection (c) of this condition; and
- (e) a program for monitoring the performance outcomes, including a program for construction noise monitoring.

Nothing in this condition prevents the Proponent from preparing individual **Ancillary Facility Site Establishment Management Plans** for each construction ancillary facility. The **Ancillary**

Facility Site Establishment Management Plan(s) must be submitted to the planning Secretary upon request.

Note: *This plan is only needed before a **CEMP** is approved. Once a **CEMP** is approved an **Ancillary Site Establishment Management Plan(s)** is not required.*

Use of a Construction Ancillary Facility

A19 A construction ancillary facility established under **Condition A18** must not be used for Construction until the **CEMP** required by **Condition C1**, relevant **CEMP Sub-plans** required by **Condition C6** and relevant **Construction Monitoring Programs** required by **Condition C9** have been approved.

Minor Construction Ancillary Facilities

A20 Minor Construction Ancillary Facilities can be established and used where they have been assessed in the documents listed in **Condition A1** or satisfy the following criteria:

- (a) are located within or immediately adjacent to the construction boundary or within the rail corridor; and
- (b) have been assessed by the **ER** to have -
 - (i) minimal amenity impacts to surrounding residences and businesses, after consideration of matters such as compliance with the *Interim Construction Noise Guideline* (DECC, 2009) (ICNG), traffic and access impacts, dust and odour impacts, and visual (including light spill) impacts, and
 - (ii) minimal environmental impact with respect to waste management and flooding, and
 - (iii) no impacts on biodiversity, soil and water, and heritage items beyond those already approved under other terms of this approval.

Boundary screening

A21 Boundary screening must be erected between construction ancillary facilities (excluding minor construction ancillary facilities) and adjacent to sensitive land use(s) for the duration of the time that the construction ancillary facility is in use, unless otherwise agreed with the owner and occupier of the adjacent sensitive land use(s).

Boundary screening must minimise visual impacts on adjacent sensitive land use(s).

INDEPENDENT APPOINTMENTS

A22 All **Independent Appointments** required by the terms of this approval must have regard to *Seeking approval from the Department for the appointment of independent experts* (DPIE, 2020). All **Independent Appointments** must hold current membership of a relevant professional body, unless otherwise agreed by the Planning Secretary.

A23 The Planning Secretary may at any time commission an audit of how an **Independent Appointment** has exercised their functions. The Proponent must:

- (a) facilitate and assist the Planning Secretary in any such audit; and
- (b) make it a term of their engagement of an **Independent Appointment** that the **Independent Appointment** facilitate and assist the Planning Secretary in any such audit.

A24 The Planning Secretary may withdraw its approval of an **Independent Appointment** should they consider the Independent Appointment has not exercised their functions in accordance with this approval.

Note: *Conditions A23 and A24 apply to all **Independent Appointments** including the **ER**.*

ENVIRONMENTAL REPRESENTATIVE

- A25 Work must not commence until an **Environmental Representative (ER)** has been nominated by the Proponent and approved by the Planning Secretary.
- A26 The Planning Secretary's approval of an **ER** must be sought no later than one month before the commencement of work.
- A27 The proposed **ER** must meet the requirements of the *Environmental Representative Protocol* (Department of Planning and Environment, October 2018) and must be a suitably qualified and experienced person(s) who was not involved in the preparation of the documents listed in **Condition A1**, and is independent from the design and construction personnel for the SSI and those involved in the delivery of it.
- A28 More than one **ER** may be engaged for the SSI, in which case the functions to be exercised by an **ER** under the terms of this approval may be carried out by any **ER** that is approved by the Planning Secretary for the purposes of the SSI.
- A29 For the duration of the work until the completion of construction, or as agreed with the Planning Secretary, the approved **ER** must:
- (a) receive and respond to communication from the Planning Secretary in relation to the environmental performance of the SSI;
 - (b) consider and inform the Planning Secretary on matters specified in the terms of this approval;
 - (c) consider and recommend to the Proponent any improvements that may be made to work practices to avoid or minimise adverse impact to the environment and to the community;
 - (d) review documents identified in **Conditions A12, A18, C1, C6 and C9**, and any other documents that are identified by the Planning Secretary, to ensure they are consistent with requirements in or under this approval and if so:
 - (i) make a written statement to this effect before submission of such documents to the Planning Secretary (if those documents are required to be approved by the Planning Secretary); or
 - (ii) make a written statement to this effect before the implementation of such documents (if those documents are required to be submitted to the Planning Secretary / Department for information or are not required to be submitted to the Planning Secretary/Department);

***Note:** The written statement must be made via the Major Projects Portal.*
 - (e) regularly monitor the implementation of the documents listed in **Conditions A12, A18, C1, C6 and C9** to ensure implementation is being carried out in accordance with the document and the terms of this approval;
 - (f) as may be requested by the Planning Secretary, help plan or attend audits of the development commissioned by the Department including scoping audits, programming audits, briefings and site visits, but not independent environmental audits required under **Condition A34** of this approval;
 - (g) as may be requested by the Planning Secretary, assist in the resolution of community complaints;
 - (h) review the appropriateness of any activities reliant on the definition of Low Impact Work;
 - (i) consider, or assess as required by **Condition A20** of this approval, the impacts of minor construction ancillary facilities;
 - (j) consider any minor amendments to be made to the **Ancillary Site Establishment Management Plan, CEMP, CEMP Sub-plans** and **monitoring programs** without increasing impacts to nearby sensitive land uses or that comprise updating or are of an administrative nature, and are consistent with the terms of this approval and the **CEMP, CEMP Sub-plans** and monitoring programs that have previously been approved or endorsed and, if satisfied such amendment is necessary, approve the amendment. This does not include any modifications to the terms of this approval; and
 - (k) prepare and submit to the Planning Secretary and other relevant regulatory agencies, for information, an **Environmental Representative Monthly Report** providing the information set out in the Environmental Representative Protocol under the heading "Environmental Representative Monthly Reports." **The Environmental Representative Monthly Report**

must be submitted within seven days following the end of each month for the duration of the ER's engagement for the SSI, or as otherwise agreed by the Planning Secretary.

- A30 The Proponent must provide the **ER** with documentation requested in order for the **ER** to perform their functions specified in **Condition A29** (including preparation of the **ER** monthly report), as well as:
- (a) the complaints register (to be provided on a weekly basis where complaints have been received or as requested); and
 - (b) a copy of any assessment carried out by the Proponent of whether proposed work is consistent with the approval (which must be provided to the **ER** before the commencement of the subject work).

NOTIFICATION OF COMMENCEMENT

- A31 The Department must be notified in writing of the dates of commencement of Works, Construction and Operation at least five (5) days before those dates.
- A32 If the construction or operation of the SSI is to be staged, the Department must be notified in writing at least five (5) days before the commencement of each stage, of the date of the commencement of the relevant works, construction and operation at least one month before those dates.

AUDITING

- A33 Proposed independent auditors must be agreed to in writing by the Planning Secretary before the commencement of an **Independent Audit**. This condition does not apply to the engagement of auditors required under **Condition D81**.
- A34 **Independent Audits** of the SSI must be conducted and carried out in accordance with the *Independent Audit Post Approval Requirements* (DPIE, 2020).
- A35 The Planning Secretary may require the initial and subsequent **Independent Audits** to be undertaken at different times to those specified above, upon giving at least four weeks notice (or timing as stipulated by the Planning Secretary) to the Proponent of the date upon which the audit must be commenced.
- A36 In accordance with the specific requirements in the *Independent Audit Post Approval Requirements* (DPIE, 2020), the Proponent must:
- (a) review and respond to each **Independent Audit Report** prepared under **Condition A34** or **Condition A35**;
 - (b) submit the response to the Planning Secretary; and
 - (c) make each **Independent Audit Report** and response to it publicly available two months after submission to the Planning Secretary, or as otherwise agreed by the Planning Secretary.
- A37 **Independent Audit Reports** and the Proponent's response to audit findings must be submitted to the Planning Secretary within two months of undertaking the independent audit site inspection as outlined in the *Independent Audit Post Approval Requirements* (DPIE, 2020).
- A38 Operational compliance auditing is only required at 26 weeks following the commencement of operation, or as otherwise required by the Planning Secretary.

INCIDENT AND NON-COMPLIANCE NOTIFICATION AND REPORTING

Incident Notification, Reporting and Response

- A39 The Planning Secretary must be notified via the Major Projects Website immediately after the Proponent becomes aware of an incident. The notification must identify the SSI (including the application number and the name of the SSI) and set out the location and nature of the incident.
- A40 Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix A**.

Non-Compliance Notification

- A41 The Planning Secretary must be notified via the Major Projects Website within seven days after the Proponent becomes aware of any non-compliance. The notification must identify the SSI (including the application number and the name of the SSI), identify the condition/s against which the SSI is non-compliant, the nature of the non-compliance; the reason for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A42 A non-compliance which has been notified as an incident under **Condition A39** does not need to be notified as a non-compliance.

IDENTIFICATION OF WORKFORCE AND COMPOUNDS

- A43 The SSI name; application number; telephone number, postal address and email address required under **Condition B6** of this approval must be made available on site boundary fencing / hoarding at each ancillary facility before the commencement of construction. This information must also be provided on the website required under **Condition B10** of this approval.

PART B

COMMUNITY INFORMATION AND REPORTING

COMMUNITY INFORMATION, CONSULTATION, AND INVOLVEMENT

Community Communication Strategy

- B1 A **Community Communication Strategy** must be prepared to provide mechanisms to facilitate communication about construction and operation of the SSI with:
- (a) the community (including adjoining affected landowners and businesses, homeless and others directly impacted by the SSI);
 - (b) Aboriginal people, Registered Aboriginal Parties (RAPs) and LALCs; and
 - (c) the relevant councils and relevant agencies.
- B2 The **Community Communication Strategy** must:
- (a) identify people, organisations, councils and agencies to be consulted during the design and work phases of the SSI;
 - (b) identify details of the community and customers moving through the terminal and its demographics;
 - (c) identify timing of consultation;
 - (d) set out procedures and mechanisms for the regular distribution of accessible information including multicultural, vulnerable and Cultural And Linguistically Diverse (CALD) communities about or relevant to the SSI;
 - (e) identify opportunities for education within the community about construction and project benefits
 - (f) detail the measures for advising the community in advance of upcoming construction including upcoming out-of-hours work as required by **Condition D28**;
 - (g) set out procedures and mechanisms:
 - (i) through which the community can discuss or provide feedback to the Proponent;
 - (ii) through which the Proponent will respond to enquiries or feedback from the community;
 - (iii) to resolve any issues and mediate any disputes that may arise in relation to the environmental management and delivery of the SSI, including disputes regarding rectification or compensation; and
 - (h) address who will engage with the community, relevant councils and agencies.
- B3 The **Community Communication Strategy** must be endorsed by the **ER** one (1) month before the commencement of any Work and must be submitted to the Planning Secretary upon request.
- B4 The **Community Communication Strategy**, as endorsed by the **ER**, must be implemented for the duration of the Work and for 12 months following the completion of construction.

COMPLAINTS MANAGEMENT SYSTEM

- B5 A **Complaints Management System** must be prepared and implemented before the commencement of any Work and maintained for the duration of construction and for a minimum for 12 months following completion of construction of the SSI.

Note: *In the situation where there are different entities constructing and operating the SSI, continuity of access to the Complaints Management System must be maintained.*

- B6 The following information must be available to facilitate community enquiries and manage complaints 14 days before the commencement of Work and for 12 months following the completion of construction:
- (a) a 24- hour telephone number for the registration of complaints and enquiries about the SSI;
 - (b) a postal address to which written complaints and enquires may be sent;

- (c) an email address to which electronic complaints and enquiries may be transmitted; and
- (d) a mediation system for complaints unable to be resolved.

This information must be accessible to all in the community regardless of age, ethnicity, disability or literacy level.

B7 A **Complaints Register** must be maintained recording information on all complaints received about the SSI during the carrying out of any work and for a minimum of 12 months following the completion of construction. The **Complaints Register** must record the:

- (a) number of complaints received;
- (b) the date and time of the complaint;
- (c) the method by which the complaint was made;
- (d) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- (e) nature of the complaint;
- (f) means by which the complaint was addressed and whether resolution was reached, with or without mediation; and
- (g) if no action was taken, the reason(s) why no action was taken.

Note: *Personal details of the complainant must not be provided to the **ER** unless otherwise agreed to or requested by the complainant.*

B8 Complainants must be advised of the following information before, or as soon as practicable after, providing personal information:

- (a) the Complaints Register may be forwarded to government agencies, including the Department (Department of Planning and Environment, 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150), to allow them to undertake their regulatory duties;
- (b) by providing personal information, the complainant authorises the Proponent to provide that information to government agencies;
- (c) the supply of personal information by the complainant is voluntary; and
- (d) the complainant has the right to contact government agencies to access personal information held about them and to correct or amend that information (**Collection Statement**).

Prior to Work commencing, the **Collection Statement** must be included on the Proponent or development website to make prospective complainants aware of their rights under the *Privacy and Personal Information Protection Act 1998* (NSW). For any complaints made in person, the complainant must be made aware of the **Collection Statement**.

Note: *Should a complainant disagree with the collection statement, a note to that effect must be recorded in the Complaints Register.*

B9 The **Complaints Register** must be provided to the Planning Secretary upon request, within the timeframe stated in the request.

PROVISION OF ELECTRONIC INFORMATION

B10 A website or webpage providing information in relation to the SSI must be established before commencement of Work and be maintained for the duration of construction, and for a minimum of 24 months following the completion of construction or unless an alternative timeframe is agreed by the Planning Secretary. The following up-to-date information (excluding confidential, private, commercial information or any other information that the Planning Secretary has approved to be excluded) must be published before the relevant work commences and maintained on the website or dedicated pages including:

- (a) information on the current implementation status of the SSI;
- (b) a copy of the documents listed in **Condition A1**, and any documentation relating to any modifications made to the SSI or the terms of this approval;

- (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;
- (d) a copy of each statutory approval, licence or permit required and obtained in relation to the SSI;
- (e) a copy of the current version of each document required under the terms of this approval; and
- (f) a copy of the audit reports required under this approval.

Where the information / document relates to a particular work or is required to be implemented, it must be published before the commencement of the relevant work to which it relates or before its implementation.

All information required in this condition must be provided on the Proponent's website, ordered in a logical sequence and which is easy to navigate.

Notes:

1. *The intention of this condition is to increase transparency and for information/documents required as part of the approval to be provided proactively and publicly in an easily accessible manner. Where information is excepted by this condition, it is intended that these documents are provided in their redacted form.*
2. *The Planning Secretary may instruct the Proponent to finalise and upload any report or documents to the Project's website in accordance with **Condition A4**.*
3. *The publishing of documents should occur, as an objective, a week before the relevant Work / activity is to commence.*
4. *In determining what information should be published under this condition, the proponent should have regard to the principles in Division 2 of Part 2 of the Government Information (Public Access) Act, 2009.*
5. *Documents should be named to be consistent with the conditions of approval where possible. The name should also give an overall impression of what the document is about. The names should be simple and concise (no more than 50 characters) without any unnecessary punctuation or under scoring in the title.*

- B11 Where the agreement of the Planning Secretary is sought to cease providing information via a website or webpage in accordance with **Condition B10**, the Proponent must demonstrate:
- (a) operational compliance through independent audits completed in accordance with **Condition A33**; and
 - (b) how the public can request access to information that will no longer be available through a website or webpage.

PART C

CONSTRUCTION ENVIRONMENTAL MANAGEMENT

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

Construction Environmental Management Plan

- C1 A **Construction Environmental Management Plan (CEMP)** must be prepared to detail how the performance outcomes, commitments and mitigation measures specified in the documents listed in **Condition A1** will be implemented and achieved during construction.
- C2 A **Construction Environmental Management Plan (CEMP)** must be prepared having regard to the *Environmental Management Plan Guideline for Infrastructure Projects* (Department of Planning, Industry and Environment, 2020).
- C3 The **CEMP** must provide:
- (a) a description of activities to be undertaken during construction (including the scheduling of construction);
 - (b) details of environmental and social policies, guidelines and principles to be followed in the construction of the SSI;
 - (c) a program for ongoing analysis of the key environmental and social impact risks arising from the activities described in subsection (a) of this condition, including an initial risk assessment undertaken before the commencement of construction of the SSI;
 - (d) details of how the activities described in subsection (a) of this condition will be carried out to:
 - (i) meet the performance outcomes stated in the documents listed in **Condition A1** and as required by this approval; and
 - (ii) manage the risks identified in the risk analysis undertaken in subsection (c) of this condition;
 - (e) an inspection program detailing the activities to be inspected and frequency of inspections;
 - (f) a protocol for managing and reporting any:
 - (i) incidents; and
 - (ii) non-compliances with this approval or statutory requirements;
 - (g) procedures for rectifying any non-compliance with this approval identified during compliance auditing, incident management or at any time during construction;
 - (h) a list of all the **CEMP Sub-plans** required in respect of construction, as set out in **Condition C6** and identified in the documents listed in **Condition A1**. Where staged construction of the SSI is proposed, the **CEMP** must also identify which **CEMP Sub-plan** applies to each of the proposed stages of construction;
 - (i) an organisational chart including description of the roles and environmental responsibilities for relevant employees and any independent appointments;
 - (j) for training and induction for employees, including contractors and sub-contractors, in relation to environmental, social and compliance obligations under the terms of this approval; and
 - (k) for periodic review and update of the **CEMP** and all associated plans and programs

Note: *CEMP(s) may reflect the construction of the project through geographical activities, temporal activities or activity based staging.*

- C4 The **CEMP(s)** (and relevant **CEMP sub-plans**) must be submitted to the **ER** for endorsement no later than one (1) month before the commencement of construction or where construction is staged no later than one (1) month before the commencement of that stage.
- C5 Construction must not commence until the **ER** has endorsed the **CEMP** and all **CEMP Sub-plans**. The **CEMP** and all **CEMP Sub-plans** as endorsed, including any minor amendments approved by the **ER**, must be implemented for the duration of construction.

- C6 The following **CEMP Sub-plans** (and any **CEMP Sub-plan** identified in the documents listed in **Condition A1**) must be prepared in consultation with the relevant government agencies identified for each **CEMP Sub-plan**:

| | Required CEMP Sub-plan | Relevant government agencies to be consulted for each CEMP Sub-plan |
|-----|---------------------------------------|---|
| (a) | Heritage (Environmental & Aboriginal) | Heritage NSW and City of Sydney |
| (b) | Noise & Vibration | Heritage NSW |
| (c) | Traffic, Transport & Access | City of Sydney |

Note: *CEMP Sub-plan(s) may reflect the construction of the project through geographical activities, temporal activities or activity based staging.*

- C7 The **CEMP Sub-plans** must state how:

- (a) the environmental performance outcomes identified in the documents listed in **Condition A1** will be achieved;
- (b) the mitigation measures identified in the documents listed in **Condition A1** will be implemented;
- (c) the relevant terms of this approval will be complied with; and
- (d) issues requiring management during construction (including cumulative impacts), as identified through ongoing environmental risk analysis, will be managed through SMART principles.

- C8 The **Heritage (Environmental & Aboriginal) CEMP Sub-plan** must (in addition to the measures identified in the documents listed in **Condition A1**):

- (a) be prepared by a suitably qualified and experienced heritage practitioner/s engaged in consultation with Heritage NSW and the City of Sydney Council;
- (b) include an **Unexpected Heritage Finds and Human Remains Procedure** for Aboriginal and Environmental heritage consistent with **Condition D18** and associated communications procedure;
- (c) include temporary protection measures to ensure significant historic fabric is not damaged or removed, potential vibration impacts are minimised and traffic is appropriately managed during the works;
- (d) include a **Salvage and Reuse of Distinctive Elements Plan** that identifies each item of heritage fabric to be salvaged as required by **Condition D7**; and
- (e) include a **Removal and Storage Methodology** for the recording, tagging, removal and storage of any significant heritage fabric as required by **Condition D8**.

Notes:

1. The **Unexpected Heritage Finds and Human Remains Procedure** required by **Condition D18** must be prepared and implemented before any Work commences.
2. The **Unexpected Heritage Finds and Human Remains Procedure** can be standalone until the **Heritage CEMP Sub-Plan** has been prepared.
3. Significant heritage fabric is all the material of the place/item which contributes to an item's heritage significance

CONSTRUCTION MONITORING PROGRAMS

- C9 The Proponent must engage a suitably qualified and experienced person to prepare a **Construction Noise and Vibration Monitoring Program (CNVMP)**. The program must be prepared in consultation with the City of Sydney Council and include, but not be limited to:

- (a) noise and vibration monitoring at representative locations adjacent to construction activities (including at the most / worst affected residences) to confirm construction noise and vibration levels;

- (b) noise monitoring during the day, evening and night-time periods throughout the construction period, covering the range of activities (including worst-case construction noise levels) being undertaken;
 - (c) method and frequency for reporting of monitoring result;
 - (d) procedures to identify and implement additional mitigation measures where results of monitoring indicate noise levels in excess of predicted noise levels and / or vibration levels in excess of vibration criteria; and
 - (e) any consultation to be undertaken in relation to the monitoring program.
- C10 The **CNVMP** must be submitted to the **ER** for approval and be approved before the commencement of construction.
- C11 The approved **CNVMP** must be made publicly available before the commencement of construction and must be implemented for the duration of construction.
- C12 The results of the construction noise and vibration monitoring must be submitted to the Planning Secretary, and relevant regulatory agencies, for information in the form of a **Construction Noise and Vibration Monitoring Report** at the frequency identified in the relevant **CNVMP**.

PART D

KEY ISSUE CONDITIONS

AIR QUALITY AND ODOUR

- D1 All reasonably practicable measures must be implemented to minimise and manage the emission of dust, odour and other air pollutants during Work.

FLOODING

- D2 Measures identified in the documents listed in **Condition A1** to not worsen flood characteristics or other measures that achieve the same outcomes, must be incorporated into the detailed design of the SSI.
- D3 Unless otherwise agreed by the Planning Secretary, the SSI must be designed and constructed to limit impacts on flooding characteristics in areas outside the project boundary during any flood event up to and including the 1% AEP flood event, to the following:
- (a) a maximum increase in inundation time of one hour;
 - (b) a maximum increase of 50 mm in inundation of land zoned as residential, industrial or commercial;
 - (c) a maximum increase of 100 mm in inundation of land zoned as, environment zone or public recreation;
 - (d) no significant increase in the flood hazard or risk to life; and
 - (e) maximum relative increase in velocity of 10%, where the resulting velocity is greater than 1.0 m/s, unless adequate scour protection measures are implemented and/or the velocity increases do not exacerbate erosion as demonstrated through site-specific risk of scour or geomorphological assessments.

Where the requirements set out in clauses (b), (c) and (e) cannot be practically achieved, alternative flood levels or mitigation measures may be agreed to with the affected landowner.

In the event that the Proponent and the affected landowner cannot agree on the measures to mitigate the impact as described in clauses (b), (c) and (e), the Proponent must engage a suitably qualified and experienced independent person to advise and assist in determining the impact and relevant mitigation measures.

- D4 Flood information including flood reports, models and geographic information system outputs, and work as executed information from a registered surveyor certifying finished ground levels and the dimensions and finished levels of all structures within the flood prone land, must be provided to the City of Sydney, BCD and the SES in order to assist in preparing relevant documents and to reflect changes in flood behaviour as a result of the SSI no later than six (6) months following the completion of construction.

HERITAGE

Environmental Heritage

- D5 The Proponent must not destroy, or modify (beyond that permitted by **Condition D6**) any Heritage item not identified in the documents referred to in **Condition A1**.
- D6 Heritage items that have not identified in the documents referred to in **Condition A1**, may be physically affected where the effect of taking the action will not exceed "little to no impact" as defined in the *Material Threshold Policy* (Heritage NSW, 2020) and where supported by a **Statement of Heritage Impact (SOHI)**. The **SOHI** must be prepared in consultation with Heritage NSW and must include, but not be limited to:

- (a) a description of the actions required to be taken, the impact to the item and why the impact cannot be avoided;
- (b) justification for the actions required and that alternatives are not available or reasonable;
- (c) evidence that the significance values of the heritage item are not affected;
- (d) any comments from the **SDRP** where available; and
- (e) a description of any mitigation that is proposed or will be required.

The **SOHI** must be prepared before the proposed actions can be undertaken and the **SOHI** must be made available to the Planning Secretary upon request.

- D7 A **Salvage and Reuse of Distinctive Elements Plan** must be prepared by the **Heritage Consultant** engaged by the Proponent in accordance with **Condition D10**, to identify each item of heritage fabric to be salvaged, an assessment of its heritage significance and potential opportunities for repair or reuse. Any original fabric that is to be removed should be salvaged for future repair or reuse preferably within the scope of this SSI or alternatively within Central Station precinct. The Plan must be included in the **Heritage CEMP Sub-Plan** required by **Condition C6**.
- D8 A **Removal and Storage Methodology** must be prepared by the **Heritage Consultant** engaged by the Proponent in accordance with **Condition D10**, to identify the procedure for the recording, tagging, removal and storage of any significant heritage fabric, identified by **Condition D7** and the documents listed in **Condition A1**, to be removed, modified and/or reused. Significant heritage fabric that is to be removed or modified must be recorded and tagged on site and stored securely in accordance with the **Removal and Storage Methodology** for future use. The Methodology must be included in the **Heritage CEMP Sub-Plan** required by **Condition C6**.
- D9 Following completion of all Work described in the documents listed in **Condition A1** in relation to Heritage items, an annotated index and reference of all archival recordings, historical research, archaeological excavations (with artefact analysis and identification of a final repository for finds) and other heritage documents of the SSI must be prepared. This reference must be submitted to the Planning Secretary, the Heritage Council of NSW and Heritage NSW for information no later than 12 months after the completion of all relevant work.

Note: The intent of an Annotated Index and Reference is to collate all heritage related assessments, investigations, recordings, research and excavation reports, and all other heritage related documents prepared for this SSI in a single location.

Heritage Consultant

- D10 A suitably qualified and experienced Heritage Architect or **Heritage Consultant** with Architectural/Design experience (referred to as a **Heritage Consultant** in this approval) must be engaged for the duration of Works to provide input into the detailed design and oversee the works to minimise impacts to heritage values. The **Heritage Consultant** is to:
- (a) prepare plans and reports as required by this approval;
 - (b) undertake regular site inspections;
 - (c) provide heritage information and advice to all tradespeople during site inductions;
 - (d) maintain a diary of site inspections that includes photographs of the works, details of heritage advice and decisions arising out of each inspection and any further physical evidence uncovered during the works; and
 - (e) compile a final report, including the diary, verifying how the heritage conditions have been satisfied and the works completed in accordance with the *Central Precinct Renewal – Conservation Management Plan* (Artefact on behalf of TfNSW, 2023) and this approval.

Photographic Archival Recording

- D11 A photographic archival recording must be undertaken prior to the commencement of works, during works and at the completion of works. The recording must be undertaken by a suitably qualified heritage specialist and prepared in digital form, in accordance with the Heritage NSW publication *Photographic Recording of Heritage Items Using Film or Digital Capture* (2006). A copy must be provided to Heritage NSW and the City of Sydney and submitted as part of the annotated index required by **Condition D9**.

Heritage Interpretation

- D12 A **Heritage Interpretation Plan** must be prepared which identifies and interprets the key Aboriginal and Environmental heritage values and stories of Heritage items, and items of heritage significance impacted by the SSI and must inform the **Place Design and Landscape Plan (PDLP)** required by **Condition D53**. The plan must:
- (a) be prepared in accordance with Heritage NSW publication *Interpreting Heritage Places and Items Guidelines* (2005);
 - (b) be consistent with the *Central Precinct Renewal Heritage Interpretation Strategy* (TfNSW, 2023) and the heritage interpretation approach for the broader Central Precinct SSP;
 - (c) outline how SDRP advice has been considered and incorporated into the plan;
 - (d) have regard to the item's heritage values and its relationship to the broader Central Precinct SSP;
 - (e) communicate and strengthen the visual and historic connections within the precinct;
 - (f) recognise the spiritual, intangible and cultural values of the site to Aboriginal people and address the full story of the place (i.e. landscape through the eyes of Indigenous inhabitants);
 - (g) consider opportunities to incorporate the results of any site-specific archaeological finds/outcomes and contain specific information on how these would be displayed housed and conserved;
 - (h) detail how interpretation will be integrated into the broader design of the SSI (where relevant) including design elements (form and fabric), landscaping and cultural design principles. The plan must identify the types, locations, materials, colours, dimensions, fixings and text of interpretive devices that will be installed;
 - (i) detail how key interpretive themes and heritage values will be implemented and provide a timeframe for their installation during construction; and
 - (j) detail maintenance strategy for the interpretation, including any digital displays.
- D13 The **Heritage Interpretation Plan** must be prepared by a suitably qualified and experienced heritage specialist in consultation with the Heritage Council of NSW, the Aboriginal Cultural Heritage Advisory Committee, Heritage NSW, the relevant LALC, Aboriginal Stakeholders and the City of Sydney Council and submitted to the Planning Secretary for approval at least one (1) month prior to the construction of permanent built works that are the subject of the **PDLP** required by **Condition D53**.

Historical Archaeology

- D14 Prior to commencement of archaeological excavation, a suitably qualified and experienced **Excavation Director** who complies with *Heritage NSW's Criteria for Assessment of Excavation Directors* (September 2019) must be nominated for the approval of the Planning Secretary, in consultation with Heritage NSW, to oversee and advise on matters associated with historical archaeology. The **Excavation Director** must be present to oversee excavation, advise on archaeological issues, and advise on the duration and extent of oversight required during archaeological excavations consistent with the updated **Archaeological Assessment and Research Design/s** required under **Condition D15**.
- D15 Excavation works must be consistent with *Non-Aboriginal (historical) Archaeological Assessment and Research Design* (2023) prepared by Artefact (**Archaeological Assessment and Research Design**). If excavation works exceed a depth of two (2) metres, the **Archaeological Assessment and Research Design** must be updated to assess whether there are changes to the potential impact of the proposal. Updated report(s) should be prepared by the Excavation Director (approved under **Condition D14**) in consultation with Heritage NSW (as delegate of the Heritage Council).
- D16 If known or potential State significant archaeological deposits or relics are discovered during Work, then Work must cease in the affected area and the Heritage Council of NSW must be notified as soon as practicable. If determined to be of heritage significance by the **Excavation Director**, an archaeological assessment and management strategy may be required (if requested by the **Excavation Director**) before further Work can continue in that area. Work must only

recommence if agreed to by the **Excavation Director** following consultation with Heritage NSW (under delegation from the Heritage Council of NSW).

- D17 Following the completion of the archaeological excavation program, a **Final Excavation Report** must be prepared and be submitted to the Heritage Council of NSW and to the City of Sydney's local studies unit for information and be made publicly available no later than 12 months after the completion of archaeological excavation. The **Final Excavation Report** must include:
- (a) details of all archaeological findings; and
 - (b) details of any significant artefacts recovered, where they are located and details of their ongoing conservation and protection in perpetuity by the land owner.

Unexpected Heritage Finds and Human Remains

- D18 An **Unexpected Heritage Finds and Human Remains Procedure** must be prepared to manage unexpected heritage finds in accordance with any guidelines and standards prepared by Heritage NSW and submitted to the Planning Secretary for approval, in consultation with Heritage NSW at least one (1) month before the commencement of Work. The procedure must be included in the **Heritage CEMP Sub-Plan** required by **Condition C6**.
- D19 The **Unexpected Heritage Finds and Human Remains Procedure**, as approved by the Planning Secretary, must be implemented for the duration of Work.

Where archaeological investigations have been undertaken as a result of Unexpected Finds notifications then a **Final Archaeological Report** must be provided in accordance with Heritage Council guidance.

***Note:** Human remains that are found unexpectedly during the carrying out of work may be under the jurisdiction of the NSW State Coroner and must be reported to the NSW Police immediately.*

Aboriginal Cultural Heritage

- D20 All reasonable steps must be taken so as not to harm, modify or otherwise impact Aboriginal objects or places of cultural significance except as authorised by this approval.
- D21 The **Registered Aboriginal Parties (RAPs)** must be kept regularly informed about the SSI. The **RAPs** must continue to be provided with the opportunity to be consulted about the Aboriginal cultural heritage management requirements of the SSI throughout construction.
- D22 At the completion of Aboriginal cultural heritage test and salvage excavations, an **Aboriginal Cultural Heritage Excavation Report(s)** must be prepared by a suitably qualified person. The **Aboriginal Cultural Heritage Excavation Report(s)**, must:
- (a) be prepared in accordance with the *Guide to Investigation, assessing and reporting on Aboriginal cultural heritage in NSW*, OEH 2011 and the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*, DECCW 2010; and
 - (b) document the results of the archaeological test excavations and any subsequent salvage excavations (with artefact analysis and identification of a final repository for finds).

The RAPs must be given a minimum of 60 days to consider the report and provide comments before the report is finalised. The final report must be provided to the Planning Secretary, Heritage NSW, the relevant Council and LALCs, the RAPs and local libraries for information within 12 months of the completion of the Aboriginal archaeological excavations (both test and salvage).

- D23 Where previously unidentified Aboriginal objects or places of cultural significance are discovered, all work must immediately stop in the vicinity of the affected area. Work potentially affecting the previously unidentified objects and places must not recommence until the processes outlined in the **Unexpected Heritage Finds and Human Remains Procedure** have been followed and Heritage NSW has been informed. The measures to consider and manage this process must be specified in the **Unexpected Heritage Finds and Human Remains Procedure** required by

Condition D18 and D19 and include registration in the **Aboriginal Heritage Information Management System (AHIMS)**.

NOISE AND VIBRATION

Work Hours

D24 Work must be undertaken during the following hours:

- (a) 7:00am to 6:00pm Mondays to Fridays, inclusive;
- (b) 8:00am to 6:00pm Saturdays; and
- (c) at no time on Sundays or public holidays.

Highly Noise Intensive Work

D25 Except as permitted by an EPL, highly noise intensive works that result in an exceedance of the applicable NML at the same receiver must only be undertaken:

- (a) between the hours of 8:00 am to 6:00 pm Monday to Friday;
- (b) between the hours of 8:00 am to 6:00 pm Saturday; and
- (c) if continuously, then not exceeding three (3) hours, with a minimum cessation of work of not less than one hour.

For the purposes of this condition, 'continuously' includes any period during which there is less than one hour between ceasing and recommencing any of the work.

Construction Noise and Vibration Mitigation and Management

D26 Industry best practice construction methods must be implemented, where reasonably practicable, to ensure that noise levels are minimised. Practices must include, but are not limited to:

- (a) use of regularly serviced low sound power equipment;
- (b) early occupation and later release of construction sites;
- (c) scheduling of noisiest work during construction hours specified in **Condition D25**;
- (d) temporary noise barriers (including the arrangement of plant and equipment) around noisy equipment and activities such as rockhammering and concrete cutting; and
- (e) use of alternative construction and demolition techniques that achieve lower noise and vibration levels.

Variation to Work Hours

D27 Notwithstanding **Conditions D24 and D25** work may be undertaken outside the hours specified in the following circumstances (a, b, c or d):

- (a) **Safety and Emergencies**, including:
 - (i) for the delivery of materials required by the NSW Police Force or other authority for safety reasons; or
 - (ii) 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.

On becoming aware of the need for emergency work in accordance with **Condition D27(a)**, the **ER** and the Planning Secretary must be notified of the reasons for such work. Best endeavours must be used to notify all noise and/or vibration affected residents and owners/occupiers of properties identified sensitive land use(s) of the likely impact and duration of those work.

- (b) **Work that meets all of the following criteria:**

- (i) Work that causes $L_{Aeq}(15 \text{ minute})$ noise levels:
 - no more than 5 dB(A) above the rating background level at any residence in accordance with the ICNG, and
 - no more than the 'Noise affected' NMLs specified in Table 3 of the ICNG at other sensitive land use(s); and

- (ii) Work that causes L_{Amax} noise levels no more than 15 dBA above the RBL at any residence during the night-time; and
- (iii) Work that causes:
 - continuous or impulsive vibration values, measured at the most affected residence no more than the preferred values for human exposure to vibration, specified in Table 2.2 of *Assessing Vibration: a technical guideline* (DEC, 2006), or
 - intermittent vibration values measured at the most affected residence that are no more than the preferred values for human exposure to vibration, specified in Table 2.4 of *Assessing Vibration: a technical guideline* (DEC, 2006).
- (c) **By Approval**, including:
 - (i) where different construction hours are permitted or required under an EPL in force in respect of the SSI; or
 - (ii) work which is not subject to an EPL that is approved under an **Out-of-Hours Work Protocol** as required by **Condition D28**; or
 - (iii) negotiated agreements with directly affected residents and sensitive land use(s).
- (d) **By Activity**, including:
 - (i) Deliveries and load out;
 - (ii) Installation of services (Internal only);
 - (iii) Roof construction – Grand Concourse ;
 - (iv) Roof construction – Light Rail skylight;
 - (v) Demolition (Internal only – Eddy Avenue Plaza and Central Electric Building); and
 - (vi) Western forecourt strengthening.

The activities identified in **Condition D27(d)** are defined in Table 22, Appendix K in the documents listed in **Condition A1**.

Note: Although the activities identified in **Condition D27(d)** permit works to occur outside the Work hours identified in **Condition D24**, these activities still need to be managed within the **CEMP** and **CNVIS** frameworks and any other relevant conditions.

Out-Of-Hours Work Protocol – Works Not Subject to an EPL

D28 An **Out-of-Hours Work Protocol** must be prepared to identify a process for the consideration, management and approval of Work which is outside the hours defined in **Conditions D24**, and that is not subject to an EPL. The Protocol must be approved by the Planning Secretary before commencement of Out-of-Hours Work and implemented for the duration of the Out-of-Hours Work. The Protocol must be prepared in consultation with the **ER** and must include:

- (a) justification as to why these Works need to be undertaken as Out-of-Hours Work;
- (b) identification of low, medium and high-risk activities and an approval process that considers the risk of activities, proposed mitigation, management, and coordination, including where:
 - (i) the **ER** must review all proposed out-of-hours activities and confirm their risk levels,
 - (ii) low and medium risk activities can be approved by the **ER**, and
 - (iii) high risk activities that are approved by the Planning Secretary;
- (c) a process for the consideration of out-of-hours work against the relevant NML and vibration criteria;
- (d) a process for selecting, justifying and implementing mitigation measures for residual impacts in consultation with the community at each affected location, including respite periods. The measures must take into account the predicted noise levels (based off worst case scenarios and scenarios where mitigation measures will be implemented) and the likely frequency and duration of the out-of-hours works that sensitive land use(s) would be exposed to, including the number of noise awakening events;
- (e) procedures to facilitate the coordination of out-of-hours work including those approved by an EPL or undertaken by a third party, to ensure appropriate respite is provided; and
- (f) notification arrangements for affected receivers for approved out-of-hours work and notification to the Planning Secretary of approved low risk out-of-hours works.

The Protocol must be submitted to and approved by the Planning Secretary before the commencement of out-of-hours work. The approved Protocol must be implemented for the duration of Work.

This condition does not apply if the requirements of **Condition D27 (a),(b), (c)(ii) or (d)** are met, or if the Work is subject to an EPL or if a negotiated agreement is made with the impacted residents and sensitive land use(s).

Notes:

1. *If a certain activity or Work is regulated by the EPA via an EPL, the management of the activity or Work should not be co-regulated under the Protocol. The Protocol process should only be used if a certain activity or Work is not covered by an EPL.*
2. *The risk assessment(s) must be based on a risk assessment carried out in accordance with AS/NZS ISO 31000:2018 "Risk Management".*

Construction Noise Management Levels and Vibration Criteria

D29 Mitigation measures must be implemented with the aim of achieving the following noise management levels and vibration objectives:

- (a) construction 'Noise affected' NMLs established using the *Interim Construction Noise Guideline* (DECC, 2009);
- (b) vibration criteria established using the *Assessing vibration: a technical guideline* (DEC, 2006) (for human exposure);
- (c) Australian Standard AS 2187.2 - 2006 "*Explosives - Storage and Use - Use of Explosives*" DEI;
- (d) BS 7385 Part 2-1993 "*Evaluation and measurement for vibration in buildings Part 2*" as they are "applicable to Australian conditions"; and
- (e) the vibration limits set out in the *German Standard DIN 4150-3: Structural Vibration- effects of vibration on structures* (for structural damage).

Work that exceeds the noise management levels and/or vibration criteria must be managed in accordance with the **Noise and Vibration CEMP Sub-plan**.

Note: *The ICNG identifies 'particularly annoying' activities that require the addition of 5 dB(A) to the predicted level before comparing to the construction NML.*

D30 Mitigation measures must be applied when the following residential ground-borne noise levels are exceeded:

- (a) evening (6:00 pm to 10:00 pm) — internal $L_{Aeq(15 \text{ minute})}$: 40 dB(A); and
- (b) night (10:00 pm to 7:00 am) — internal $L_{Aeq(15 \text{ minute})}$: 35 dB(A).

The mitigation measures must be outlined in the **Noise and Vibration CEMP Sub-plan**, including in any **Out-of-Hours Work Protocol**, required by **Condition D28**.

D31 Noise generating work in the vicinity of community, religious, educational institutions, noise and vibration-sensitive businesses and critical working areas (such as theatres, laboratories and operating theatres) resulting in noise levels above the NMLs must not be timetabled during sensitive periods, unless other reasonable arrangements with the affected institutions are made at no cost to the affected institution.

Note: *Sensitive periods are to be determined in consultation with the affected community, religious, educational institutions, noise and vibration-sensitive businesses, noting that these may change throughout construction.*

D32 At no time can noise generated by construction result in any employee not associated with the SSI working at a location near the SSI exceed the National Standard for exposure to noise in the occupational environment of an eight-hour (8hr) equivalent continuous A-weighted sound pressure level of $L_{Aeq,8h}$ of 85 dB(A)

- D33 **Construction Noise and Vibration Impact Statements (CNVIS)** must be prepared for work that may exceed the noise management levels, vibration criteria and/or ground-borne noise levels specified in **Condition D29** and **Condition D30** at any residence outside construction hours identified in **Condition D24**, or where receivers will be highly noise affected. The **CNVIS** must include specific mitigation measures identified for the affected sensitive land use(s) through consultation and the mitigation measures must be implemented for the duration of the work. A copy of the **CNVIS** must be provided to the **ER** prior to the commencement of the associated work. A copy/ies of **CNVIS** must be made available to the Planning Secretary upon request.

Construction Vibration Mitigation - Heritage

- D34 Vibration testing must be undertaken before and during vibration generating activities that could result in damage to heritage items, to identify minimum working distances to prevent cosmetic damage. In the event that the vibration testing and attended monitoring shows that the preferred values for vibration are likely to be exceeded, the construction methodology must be reviewed and, if necessary, additional mitigation measures implemented.
- D35 Advice from the Heritage Consultant nominated under **Condition D10** must be sought on methods and locations for installing equipment used for vibration, movement and noise monitoring at heritage-listed structures.
- D36 Before installing at-property treatment at any heritage item identified in the documents listed in **Condition A1** or identified as a result of **Condition D34**, the advice of the Heritage Consultant nominated under **Condition D10** must be obtained and implemented to ensure any such work does not have an adverse impact on the heritage significance of the item.

Noise Mitigation – Operational Noise

- D37 The SSI must be designed and operated with the objective to not exceed the relevant predicted-noise trigger levels established in the documents listed in **Condition A1**.

***Note:** The selection of mechanical plant should consider the equipment sound power levels with reference to the noise criteria at nearby receivers and avoid sources with annoying characteristics (i.e. tonality, low frequency and intermittency) where possible. The operational noise impacts should be reviewed as the project progresses when the potential noise sources are known to confirm compliance before operation.*

- D38 The Proponent must monitor operational noise at representative sensitive receiver locations within four (4) months of the commencement of operation of new mechanical plant to confirm operational noise levels meet the outcomes identified in **Condition D37**. Noise monitoring must be undertaken during the day, evening and night-time periods in accordance with the relevant guidelines.
- D39 If the monitoring required by **Condition D38** identifies exceedances of the predicted noise trigger levels, at-source and/or at-property acoustic treatments to reduce noise impacts from the new project-specific elements at sensitive receivers must be developed in consultation with the impacted receivers. The noise mitigation measures must be implemented within 12 months of the completion of construction. The implemented noise mitigation measures must reduce noise so that the noise levels at sensitive receivers meet the relevant project-specific operational noise level criteria (determined in accordance with the *Noise Policy for Industry* (EPA, 2017)) unless otherwise approved by the Planning Secretary.

***Note:** This condition relates to all plant and equipment associated with the SSI including those that form part of the normal project operations.*

PLACE, DESIGN AND VISUAL AMENITY

Construction Sites

- D40 The SSI must be constructed in a manner that minimises visual impacts of construction sites, including providing temporary decorative hoarding, landscaping and vegetative screening of ancillary facilities, minimising light spill, and incorporating architectural treatment and finishes

within key elements of temporary structures that reflect the context within which the construction sites are located, including recognition of Country.

Design Outcomes

D41 The place making, design and landscape outcomes of the SSI must be:

- (a) informed by and be consistent with **Appendix I** of the EIS and other relevant documents listed in **Condition A1**, including but not limited to the objectives and design principles, requirements, and opportunities;
- (b) prepared in consultation with the community (including the affected landowners and businesses or a representative of the businesses), LALCs, RAPs and relevant council(s); and
- (c) designed with consideration of relevant land use changes, masterplans, initiatives, and existing and proposed future local context and character.

Lighting and Security

D42 The SSI must be constructed and operated with the objective of minimising light spillage to surrounding properties. All lighting associated with the construction and operation of the SSI must be consistent with the requirements of *AS/NZS 4282:2019 Control of the obtrusive effects of outdoor lighting* and relevant Australian Standards in the series *AS/NZ 1158 – Lighting for Roads and Public Spaces*. Additionally, mitigation measures must be provided to manage any residual night lighting impacts to protect properties adjoining or adjacent to the SSI, in consultation with affected landowners.

Tree replacement

D43 Where trees are to be removed, the Proponent must provide a net increase in the number of replacement trees and tree canopy cover. Replacement trees and tree canopy cover targets must be consistent with the objectives and targets outlined in the *Central Precinct Design Guide* (TfNSW, October 2023) or as agreed by the **State Design Review Panel (SDRP)**.

Tree Protection

D44 For the duration of the construction works all trees not identified for removal in the documents listed in **Condition A1** must be retained and protected, except where removal is required in an emergency to avoid the loss of life or damage to property. The Proponent must demonstrate consideration of options to avoid or minimise impacts on trees requiring removal that have not been identified for removal in the documents listed in **Condition A1**. The Proponent must engage a suitably qualified Arborist to assess the removal of trees not identified for removal in the documents listed in **Condition A1**.

Active Transport Facilities

D45 Temporary and permanent active transport facilities (including bike parking and end of trip facilities) must be designed, constructed and/or rectified in accordance with (as relevant):

- (a) the process set out in the Movement and Place Framework (NSW Government) including:
 - (i) the *Walking Space Guide: Toward Pedestrian Comfort and Safety* (TfNSW, 2020); and
 - (ii) the *Cycleway Design Toolbox: Designing for Cycling and Micromobility* (TfNSW, 2020).
- (b) the *Guide to Road Design Part 6A: Paths for Walking and Cycling* (Austroads 2017) where not otherwise covered by (a);
- (c) relevant Australian Standards (AS) such as *AS 1428.1-2009 Design for access and mobility*; and
- (d) relevant Crime Prevention Through Environmental Design (CPTED) principles.

Note: In the event of an inconsistency, the latest guidance document prevails to the extent of the inconsistency.

State Design Review Panel and Design Review

D46 The established **State Design Review Panel (SDRP)** for the SSI must be retained to provide advice and recommendations to the Proponent during the SSI's design development and construction to facilitate quality design and place outcomes. The **SDRP** must hold its first meeting

before the commencement of Work and within three (3) months of the date of this approval unless otherwise agreed by the Planning Secretary.

D47 The responsibilities of the **SDRP** include:

- (a) providing advice on design elements in relation to place making, public art, Connecting with Country, accessibility; active transport; open space; architecture, environmental heritage, Aboriginal Heritage, urban and landscape design and aesthetic aspects of the SSI.
- (b) providing advice and recommendations to the Proponent for consideration in the design development of the SSI, including in relation to:
 - (i) the **Heritage Interpretation Plan** required by **Condition D12**,
 - (ii) the **Place Design and Landscape Plan** (**Conditions D53 to D55** inclusive).

Advice from the **SDRP** that is incorporated into the project design must be generally consistent with the SSI as approved.

Operation of the State Design Review Process

D48 Prior to the first **SDRP** meeting after the date of this approval, a **State Design Review Panel Terms of Reference** must be developed (or updated) in consultation with the NSW Government Architect. The **Terms of Reference** must:

- (a) be consistent with the *NSW State Design Review Panel Terms of Reference* (version 6);
- (b) outline the frequency of **SDRP** meetings (including **SDRP** meetings at least every six weeks, unless otherwise agreed by the **SDRP**), coordinated with the Proponent's program requirements as outlined in **Condition D52**, to ensure timely advice and design adjustment;
- (c) outline the role and responsibilities of the Proponent's design advisor; and
- (d) identify cessation arrangements.

The **Terms of Reference** must be endorsed by the NSW Government Architect.

***Note:** The **Terms of Reference** for the existing **SDRP** can be updated to satisfy the requirements of his condition.*

D49 The **SDRP** must be operated and managed in accordance with the **State Design Review Panel Terms of Reference**.

D50 The relevant council and other key stakeholders may be invited to the meetings of the **SDRP** as observers or to provide feedback on key design elements of the SSI.

D51 **SDRP** advice and recommendations (and itemised list of actions), as issued by the **SDRP**, and the Proponent's response to each recommendation must be included when submitting the final **PDLP** to the Planning Secretary as required by **Condition D53**.

In relation to significant design elements that are not consistent with the **SDRP's** advice (and excluding those significant design elements which for technical requirements do not allow for consistency with the **SDRP's** advice), the Proponent must provide an explanation for the inconsistency, including a rationale for the alternate design and how it achieves the design objectives, principles and guidelines identified in documents listed in **Condition A1**.

D52 A design development schedule must be provided to the **SDRP** prior to its first meeting, including details of when relevant elements of the detailed design will be available for review by the **SDRP**. The schedule must be updated every three (3) months until the detailed design process is complete unless otherwise agreed by the Planning Secretary.

Place, Design and Landscape Plan

D53 A **Place, Design and Landscape Plan (PDLP)** must be prepared to document and illustrate the permanent built works and landscape design of the SSI and how these works will be maintained. The **PDLP** must be:

- (a) prepared by a suitably qualified and experienced person(s) in architecture, urban and landscape design;
- (b) reviewed by the **SDRP**, including any relevant detailed plans and schedules;
- (c) submitted to the Planning Secretary for approval, in consultation with Government Architect; no later than one (1) month before the Construction of permanent built Works and/or landscaping in the area to which the **PDL** applies, excluding those elements which for ecological requirements, or technical requirements, or requirements as agreed by the Planning Secretary do not allow for alternate design outcomes;
- (d) supported by a Design Review Report that outlines how **SDRP** advice has been addressed, including an advice action log to track and close-out **SDRP** advice as it is addressed.

Note: The **PDL** may be developed and considered in stages to facilitate design progression and construction. Any such staging and associated approval would need to facilitate a cohesive final design and not limit final design outcomes

D54 The **PDL** must document how the following matters have been considered in the design and landscaping of the project:

- (a) the **Heritage Interpretation Plan** required by **Condition D12**;
- (b) the requirements of **Conditions D41**;
- (c) Crime Prevention through Environmental Design (CPTED) principles;
- (d) Public Art and Connecting with Country;
- (e) advice and recommendations from the **SDRP**. In relation to any matter that is not consistent with the **SDRP's** advice, advice on how the design provides an equivalent or superior quality place, design or landscaping outcome; and
- (f) relevant requirements identified as a mitigation measure in the documents listed in **Condition A1**.

D55 The **PDL** must include descriptions, architectural and landscape documentation and visualisations (as appropriate) of:

- (a) the design of the permanent built elements of the SSI including their form, materials and detail including, but not limited to:
 - (i) internal alterations to the Terminal Building
 - (ii) external additions and alterations to the Terminal Building, including external illumination
 - (iii) the new building to the eastern edge of Eddy Plaza
 - (iv) station wayfinding and commercial signage
 - (v) design of the relocated light rail stop
 - (vi) schedule of typical finishes
 - (vii) lighting plans
- (b) visuals, cross sections, elevations and plans (general arrangement drawings) showing the proposed design outcome;
- (c) the design of the project landform and landscaping elements;
- (d) the type and design of public and open spaces including, but not limited to:
 - (i) Coach Plaza on the Western Concourse
 - (ii) Eddy Plaza
 - (iii) indicative future connections from the Grand Concourse to future over-station development
- (e) provision for public art and heritage interpretation installations (including Connecting with Country interpretation and art);
- (f) active transport connections, including:
 - (i) design of pedestrian and cyclist access,
 - (ii) facilities and fixtures (including end of trip facilities)
 - (iii) indicative dimensions of pedestrian and cyclist pathways and setbacks as well as
 - (iv) measures to ensure pedestrian and cyclist safety and movement which must consider Relevant Council's strategic plans;
- (g) landscaping, including:
 - (i) hard and soft elements;
 - (ii) plant species (including the use of native species);

- (h) water sensitive urban design initiatives;
- (i) management and routine maintenance standards and regimes for design elements and landscaping work to ensure the success of the design and landscape outcomes.

Unless otherwise agreed with the Planning Secretary, Construction of permanent built work or landscaping that are the subject of the **PDLP** must not be commenced (in the area to which the **PDLP** applies) until the **PDLP** has been approved by the Planning Secretary.

- D56 The **PDLP**, as approved by the Planning Secretary, must be implemented during construction and operation. If any changes to the project design are proposed that differ significantly from the approved **PDLP**, a revised **PDLP** must be prepared and reviewed by the **SDRP** and any advice responded to before being submitted to the Planning Secretary. Construction of design changes identified in a revised **PDLP** must not commence until the updated **PDLP** has been approved by the Planning Secretary.

Operational Maintenance

- D57 The ongoing maintenance and operation costs of urban design, open space, landscaping and recreational items and work implemented as part of this approval remain the Proponent's responsibility until satisfactory arrangements have been put in place for the transfer of the asset to the relevant authority. Before the transfer of assets, the Proponent must maintain items and work to at least the design standards established in the **PDLP**, required by **Condition D55**.
- D58 Plant maintenance (watering and weeding) must continue for the life of the SSI unless otherwise agreed by the Planning Secretary. Should any plant loss occur during the maintenance period, the plants must be replaced by the same plant species and growth form (i.e. a tree with a tree) unless it is determined by a suitably qualified person that a different species is more suitable for that location. Any replacement plantings must use local native provenance species and must be consistent with the documents listed in **Condition A1** and the relevant authority's plans / programs / strategies for vegetation management, street planting, or open space landscaping, or as agreed by the relevant authority(ies).

SOCIO-ECONOMIC, LAND USE AND PROPERTY

- D59 Adverse social impacts as a result of the SSI must be minimised and managed, and social benefits enhanced in accordance with the *Social Impact Assessment Guideline* (Department of Planning, Industry and Environment, November 2021) (SIAG).
- D60 A **Social Impact Management Plan (SIMP)** must be prepared to guide the management of the social impacts in accordance with the documents listed in **Condition A1**. The **SIMP** must also include measures to minimise construction impacts on vulnerable or marginalised groups (particularly rough sleepers). Impacts to vulnerable or marginalised groups are to be managed in accordance with relevant guidelines and in consultation with City of Sydney, relevant government agencies and local community service providers.

The **SIMP** must be prepared to inform the **CEMP** and **CEMP Sub-Plans** prior to the **CEMP** and **CEMP Sub-Plans** being submitted to the **ER** for endorsement. The **SIMP** must be made publicly available before the commencement of construction and a copy provided to the Planning Secretary upon request.

- D61 The Proponent must investigate and report on opportunities to include community, social and health service facilities to support vulnerable or marginalised groups (particularly rough sleepers) within the project area. The outcomes of the investigation must be made public at the completion of the investigation, and the recommendations must be implemented within twelve (12) months after the completion of construction. Evidence confirming the implementation of the recommendations must be submitted to the Planning Secretary upon request.

Condition Survey

- D62 The Proponent must offer pre-construction surveys to the owners of surface and sub-surface structures and other relevant assets identified at risk from vibration, including all listed heritage items and buildings/structures of heritage significance as identified in the documents listed in **Condition A1**. Where the offer of a survey is accepted, it must be carried out by a suitably qualified and experienced engineer and/or building surveyor before the commencement of vibration generating works that could impact on the structure/asset. The results of each survey must be documented in a **Pre-construction Condition Survey Report** and the report must be provided to the owner of the item(s) surveyed no later than one month before the commencement of all other potentially impacting works.
- D63 Where pre-construction surveys have been undertaken in accordance with **Condition D62**, subsequent post-construction surveys of the structure / asset must be undertaken by a suitably qualified and experienced engineer and/or building surveyor to assess damage that may have resulted from the vibration-generating works. The results of the post-construction surveys must be documented in a **Post-Construction Condition Survey Report** for each item surveyed. The Post-construction Condition Survey Reports must be provided to the owner of the structures/assets surveyed, and no later than four (4) months following the completion of construction activities that have the potential to impact on the structure / asset.
- D64 Where damage has been determined to occur as a result of the SSI, the Proponent must carry out rectification at its expense and to the reasonable requirements of the owner of the structure/asset within nine months of the completion of construction activities that have the potential to create damage unless another timeframe is agreed with the owner. Alternatively, the Proponent may pay compensation for the damage as agreed with the owner.

CONTAMINATION

- D65 Prior to the commencement of any Works that would result in the disturbance of potential or contaminated soils, materials, groundwater or sediments, a **Site Contamination Report**, documenting the outcomes of Phase 1 (Preliminary Site Investigation) and Phase 2 (Detailed Site Investigation) contamination assessments of land upon which the SSI is to be carried out, or land associated with the SSI, that is suspected, or known to be, contaminated must be prepared by a Certified Contaminated Land Consultant.
- D66 If a **Site Contamination Report** prepared under **Condition D65** finds such land is contaminated, a site audit is required to determine the suitability of a site for a specified use. If a site audit is required, a **Site Audit Statement** and **Site Audit Report** must be prepared by a NSW EPA Accredited Site Auditor. Contaminated land must not be used for the purpose approved under the terms of this approval until a **Site Audit Statement** determines the land is suitable for that purpose and any conditions on the **Site Audit Statement** have been complied with.
- D67 A copy of the **Site Audit Statement** and **Site Audit Report** must be made public in accordance with **Condition B10** and be submitted to Council for information no later than one month before the completion of construction. A copy of the **Site Audit Statement** and **Site Audit Report** must be submitted to the Planning Secretary upon request.
- D68 An **Unexpected Contaminated Land and Asbestos Finds Procedure** must be prepared before the commencement of construction and must be followed should unexpected contaminated land or asbestos (or suspected contaminated land or asbestos) be excavated or otherwise discovered during construction.
- D69 The **Unexpected Contaminated Land and Asbestos Finds Procedure** must be implemented throughout construction.

SUSTAINABILITY

D70 The Proponent must prepare a **Sustainability Strategy** which details how the project:

- (a) minimises carbon emissions;
- (b) maximises energy efficiency and water conservation;
- (c) includes sources of renewable energy;
- (d) includes resource efficiency measures and circular economy outcomes; and
- (e) incorporates the design responses listed in Table 20-4, Chapter 20 and Table 5-2, Appendix Q of the EIS in the documents listed in **Condition A1**.

The **Sustainability Strategy** must be implemented throughout construction and operation and be made publicly available prior to the commencement of Work. The Proponent must maintain a **Sustainability Initiatives Register** that tracks the implementation of initiatives/measures outlined in the strategy during design development and construction. The **Sustainability Initiatives Register** must be made available to the planning secretary upon request.

TRAFFIC AND TRANSPORT

Construction traffic management

D71 Access to all utilities and properties must be maintained during construction, where practicable, unless otherwise agreed with the relevant utility owner, landowner or occupier.

Pedestrian and Cyclist Access

D72 Safe pedestrian and cyclist access must be maintained around work sites during construction. Where pedestrian or cyclist access is restricted or removed due to construction, a nearby alternative route must be provided (including signposting) which complies with relevant standards, before the restriction or removal of the impacted access. If an alternative route cannot be provided which meets the relevant standards, including accessibility requirements, it must be reviewed and endorsed by an independent, appropriately qualified and experienced person.

D73 The Project must not reduce pedestrian safety or comfort or increase pedestrian congestion.

D74 The Proponent, in consultation with Council, must investigate opportunities to reduce pedestrian congestion and improve pedestrian comfort and performance at the following locations:

- (a) the footpath on the eastern side of Pitt Street, directly adjacent to the Project;
- (b) the footpath on the southern side of Eddy Avenue; and
- (c) the intersection of Eddy Avenue and Pitt Street.

D75 The SSI must include a minimum of 50 bicycle parking spaces as described in the documents listed in **Condition A1**. Opportunities to include end of trip facilities must be investigated and must be implemented if it is feasible to do so.

Note: *The bicycle parking and any proposed end of trip facilities must be identified in the **PDL**.*

Construction Vehicle Management

D76 Vehicles (including light and heavy vehicles) associated with the SSI must be managed to:

- (a) avoid parking on public roads;
- (b) avoid idling and queueing on state and regional roads;
- (c) not carry out marshalling of construction vehicles near sensitive land user(s);
- (d) not block or disrupt access across pedestrian or shared user paths at any time, except as permitted by **Condition D72**; and
- (e) ensure spoil haulage vehicles adhere to the nominated haulage routes identified in the documents listed in **Condition A1**.

D77 A **Construction Vehicle Management Strategy** must be prepared to identify how the objectives listed in **Condition D76** will be achieved.

The **Construction Vehicle Management Strategy** must be implemented and incorporated into the **Traffic, Transport and Access Management CEMP Sub-plan** identified in the documents listed in **Condition A1** at least one month before the commencement of any construction and must be submitted to the Planning Secretary upon request.

Parking, Loading and Active Transport Design

- D78 The SSI must be designed to meet relevant design, engineering and safety guidelines, including the *Austroads Guide to Traffic Management* for new or modified parking, loading, pedestrian and cycle infrastructure.
- D79 The loading dock must be designed and operated to not result in queueing on Pitt Street. Measures to achieve this must be implemented before any spaces are removed from the loading dock.
- D80 The loading dock must be designed and operated to enable safe and efficient one-way movements into and out of the loading docks. Measures to achieve this must be implemented before any spaces are removed from the loading dock.
- D81 An independent **Engineering Audit** must be undertaken to assess the safety and manoeuvring performance of new or modified parking, loading, pedestrian and cycle infrastructure provided as part of the SSI (including ancillary facilities) to ensure that they meet the requirements of relevant design, engineering and safety guidelines.

The audit must be undertaken by an appropriately qualified and experienced person during detailed design development (audit of plans) and prior to opening (pre-opening audit).

The audit findings and recommendations of the detailed design plans (audit of the plans) must be actioned prior to construction of the relevant infrastructure. The pre-opening audit findings and recommendations must be actioned prior to the relevant infrastructure being made available for use.

Public Transport – Construction

- D82 Bus stops (including coach bays) must not be closed or relocated (either temporarily or permanently) until replacement bus stops, within a 400 metre walking distance of the existing bus stop, that comply with relevant standards, are functioning with similar capacity and amenity to that which it has replaced. Closure and relocation of bus stops must be undertaken in consultation with relevant council(s) and bus service providers. Wayfinding signage must be provided to direct commuters to adjacent or relocated bus stops. Pedestrian access to relocated bus stops must meet accessibility and safety standards.
- D83 Before the completion of construction, all bus stops (including coach bays) temporarily closed must be reinstated in a manner that complies with relevant standards, provides equal or improved capacity, amenity and accessibility (including footpaths and road crossings) in consultation with relevant council(s).

UTILITIES MANAGEMENT

- D84 Before the commencement of Work that has the potential to impact utilities and services, the Proponent must identify the utilities and services (hereafter “services”) potentially affected by construction to determine requirements for diversion, protection and/or support. Disruption to services resulting from the Work must be avoided where practical and advised to customers. Alterations to services must be determined by negotiation between the Proponent and the service providers.
- D85 Nothing in this approval permits the carrying out of any utility work not required for the purpose of the SSI.

WASTE

- D86 Waste generated during construction and operation must be dealt with in accordance with the following priorities:
- (a) waste generation must be avoided and where avoidance is not reasonably practicable, waste generation must be reduced;
 - (b) where avoiding or reducing waste is not possible, waste must be re-used, recycled, or recovered; and
 - (c) where re-using, recycling or recovering waste is not possible, waste must be treated or disposed of.
- D87 The importation of waste and the storage, treatment, processing, reprocessing or disposal of such waste must comply with the conditions of the current EPL for the SSI, or be done in accordance with a Resource Recovery Exemption or Order issued under the *Protection of the Environment Operations (Waste) Regulation 2014*, as the case may be.
- D88 Waste must only be exported to a site licensed by the EPA for the storage, treatment, processing, reprocessing or disposal of the subject waste, or in accordance with a Resource Recovery Exemption or Order issued under the *Protection of the Environment Operations (Waste) Regulation 2014*, or to any other place that can lawfully accept such waste.
- D89 All waste must be classified in accordance with the EPA's *Waste Classification Guidelines*, with appropriate records and disposal dockets retained for audit purposes.

SOIL AND WATER

- D90 The SSI must be designed, constructed and operated so as to maintain the *NSW Water Quality Objectives* where they are being achieved as at the date of this approval, and contribute towards achievement of the *NSW Water Quality Objectives* over time where they are not being achieved as at the date of this approval, unless an EPL in force in respect of the SSI contains different requirements in relation to the *NSW Water Quality Objectives*, in which case those requirements must be complied with.

Construction Requirements

- D91 Before the commencement of any work, erosion and sediment controls must be installed and maintained, as a minimum, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom 2004) commonly referred to as the 'Blue Book'.
- D92 If construction stage stormwater discharges are proposed, a water pollution impact assessment will be required to inform licensing consistent with section 45 of the POEO Act. Any such assessment must be prepared in consultation with the EPA and be consistent with the *National Water Quality Guidelines*, with a level of detail commensurate with the potential water pollution risk.

Stormwater Drainage

- D93 All new or modified drainage systems associated with the SSI must be designed to:
- (a) meet the capacity constraints of any council's drainage system to receive and convey the proposed flows from the SSI, or otherwise upgrade council's drainage system at the Proponent's expense, in consultation with the relevant council(s);
 - (b) minimise impacts on the receiving environment at the final outflow point resulting from any flow volume (including, but not limited to scour, flooding, water quality impacts, and impacts on riparian vegetation, aquatic ecology and property);
 - (c) not worsen localised flooding, including along Eddy Avenue and Pitt Street; and
 - (d) ensure mitigation measures are implemented where increased flows through cross drainage systems adversely impact on council or Sydney Water drainage infrastructure and the receiving environment.

Appendix A

WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the Department via the Major Projects website within seven days after the Proponent becomes aware of an incident. Notification is required to be given under this condition even if the Proponent fails to give the notification required under **Condition A40** or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - (a) identify the SSI and application number;
 - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - (c) identify how the incident was detected;
 - (d) identify when the Proponent became aware of the incident;
 - (e) identify any actual or potential non-compliance with terms of the approval;
 - (f) describe what immediate steps were taken in relation to the incident;
 - (g) identify further action that will be taken in relation to the incident; and
 - (h) identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Proponent must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - (a) a summary of the incident;
 - (b) outcomes of an incident investigation, including identification of the cause of the incident;
 - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - (d) details of any communication with other stakeholders regarding the incident.