

REVIEW OF ENVIRONMENTAL FACTORS

George Street North, Sydney and Surroundings,
Pedestrianisation and Public Domain Works

Department: City of Sydney – City Design

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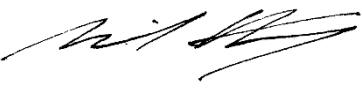
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1. INTRODUCTION

1.1 OVERVIEW

The City of Sydney (CoS) seeks to conduct public domain and pedestrian upgrade works along the northern section of George Street and adjacent streets in the Sydney CBD. The works seek to deliver public space for pedestrians, in addition to increasing the size of the existing pedestrian footpaths and raising road levels to align with the footpath level. The works will also encompass public embellishment works, including new trees, benches, bins, drinking fountains, and lighting poles (including Smartpoles). The works will result in associated road closures and intersection changes.

The works seek to revitalise and upgrade the public spaces through the prioritisation of pedestrian movements while maintaining appropriate vehicle access through a 'shared pedestrian/vehicle' traffic arrangements in addition to general traffic changes.

The works will result in additional public spaces being prioritised for pedestrians, through increasing the size of the pedestrian footpaths, creation of shared zones and provision of footpath continuations. The works will also encompass demolition, tree removal, earthworks, public embellishment works including new trees, benches, and lighting poles (including Smartpoles). The development works are primarily along George Street but extend towards Wynyard Street, Wynyard Lane, Margaret Street, York Street, Bond Street, Hunter Street, Jamison Street, Grosvenor Street, Bridge Street, Dalley Street and Essex Street.

The project is consistent with Council's strategic vision for the locality outlined in the City North Public Domain Plan 2015 and implements the City's Sustainable Sydney 2030-2050 Continuing the Vision Project Idea: City Space Improvement Program. This Plan highlights ideas for improving streets and open spaces, which can be used as guidelines for future development. The proposed works will implement targets set by the plan with regards to improving pedestrian links and providing for a more walkable CBD.

The works described above may be undertaken as "development permitted without consent" under State Environmental Planning Policy (Transport and Infrastructure) 2021, subject to undertaking an assessment of their environmental impacts pursuant to Part 5 of the *Environmental Planning and Assessment Act 1979* (EPAA). This Review of Environmental Factors (REF) has been prepared for this purpose.

As a result of the works, the northern end of George Street (north of Hunter Street) will be prioritised to pedestrians, with local access only for vehicles. This will involve several traffic changes, including new street terminals along Hunter Street, Margaret Street, Bond Street, Jamison Street and Dalley Street.

It is noted that the road closures and traffic changes described above are subject to a separate approval process and will be considered by the Council's Local Pedestrian, Cycling and Traffic Calming Committee (Traffic Committee). As such, they and their impacts are not assessed as part of this REF.

1.2 ENVIRONMENTAL ASSESSMENT AND APPROVALS PROCESS

The EPAA is the primary legislation in NSW which governs development / activity approvals.

Under the EPAA, a person cannot carry out development unless it is identified as ‘exempt’ or has obtained development consent / activity approval from the relevant consent / approval authority.

Under Clause 2.109(1) and 2.109(3)(c) of State Environmental Planning Policy (Transport and Infrastructure) 2021 (*‘Transport and Infrastructure SEPP’*), as the development is for the purpose of a road or road infrastructure facilities carried out by or on behalf of a public authority, it may be carried out as “development permitted without consent”.

Accordingly, proposed works do not require the lodgement, assessment or determination or a Development Application or CDC pursuant to Part 4 of the EPAA.

Rather, the relevant approval pathway is through Part 5 - *Infrastructure and environmental impact assessment*, under the EPAA. The proposed works are consistent with the definition of ‘activity’ as prescribed in Section 5.1 of the EPAA.

Before undertaking the activity, the determining authority, which in this case is City of Sydney (CoS), must examine and take into account to the fullest extent possible, all matters affecting or likely to affect the environment by reason of that activity, in accordance with Section 5.5(1) of the EPAA.

This REF undertakes the required environmental assessment considering the *Guidelines for Division 5.1 Assessments* dated June 2022 published by the Department of Planning and Environment.

Consultation has occurred with relevant stakeholders. Stakeholder Engagement is ongoing, and a mitigation strategy is in place to ensure all stakeholders are consulted prior to works taking place.

2. SITE ANALYSIS

2.1 SITE LOCATION AND CONTEXT

The site the subject of this REF includes the road reserves of George Street, Wynyard Street, Wynyard Lane, Margaret Street, York Street, Bond Street, Hunter Street, Jamison Street, Grosvenor Street, Bridge Street, Dalley Street and Essex Street - Sydney NSW as shown in Figure 1.

The road reserves are in the heart of the northern portion of Sydney CBD, in close proximity to Wynyard Park, Circular Quay, and The Rocks.

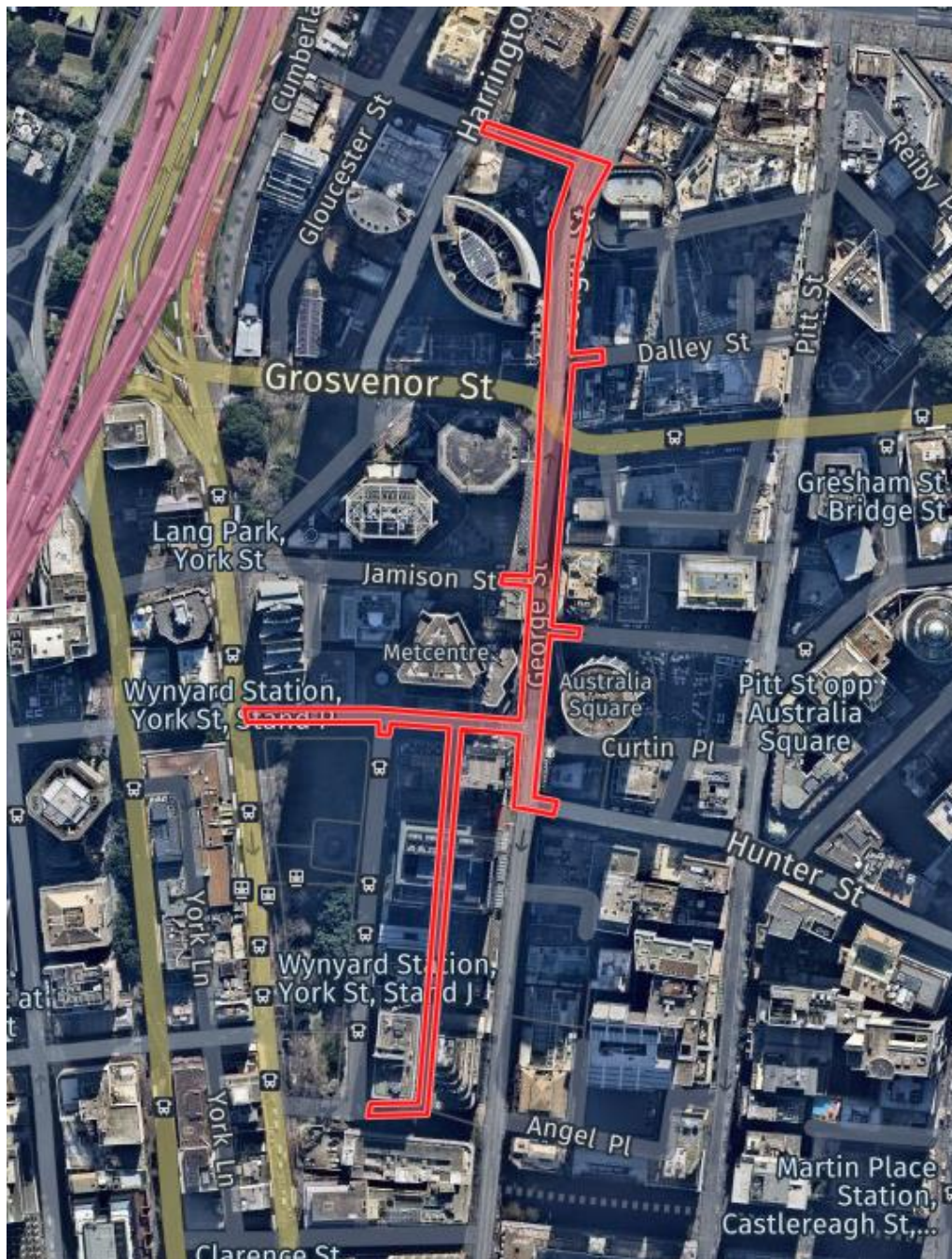


Figure 1: Aerial view of Location of site highlighted in red (approximate) (Source: Nearmap)

2.2 LAND OWNERSHIP AND PROPONENT

CoS is the owner of the subject land. CoS is also the proponent.

A portion of Essex Street is owned by Property NSW (Place Management NSW) given the area is part of The Rocks.

2.3 EXISTING ENVIRONMENT

The site consists of roads, most of which have been fully/partially restricted from vehicular access due to the CBD and South-East Light Rail (CSELR) corridor, which traverses along George Street in a north-south direction. Restrictions were implemented as part of

Infrastructure Approval SSI-6042 issued by the Minister for Planning. Most of the land is now directly associated with the CSELR corridor.

Much of its area retains the appearance of typical road surfaces, incorporating bitumen paving, concrete kerb and guttering, intermittent landscaping and some public amenities and furniture, such as seats and the like. The CSELR and its ancillary structures also influence the George Street visual setting.

Immediately beside the bitumen and kerbs are the existing paved pedestrian footpaths. Adjacent to the footpaths is a range of predominantly commercial buildings, although there are also several mixed-use developments. Their form and age of public and private improvements within and adjoining the corridor, vary significantly. It is noted that Bridge Street Light Rail Station is located within the site's perimeter.

The periphery roads which form the site (i.e. Wynyard Street, Wynyard Lane, Margaret Street, York Street, Bond Street, Hunter Street, Jamison Street, Grosvenor Street, Bridge Street, Dalley Street and Essex Street) are currently all or partially accessible to vehicles. Although not yet implemented, additional sections of George Street will be closed temporarily under Section 115 of the Roads Act, with permanent closures to follow.

George Street, which is the main artery of the project, currently contains two light rail tracks servicing the CSELR in a north-south direction. Generally, vehicles are permitted on sections of George Street via single car lanes along either side of the light rail tracks. Pedestrian footpaths are located along the outer edge of the road.

The works also extend across roads branching off George Street and include:

Road	General description
Wynyard Street	A dual lane two-way road with pedestrian footpaths along the outer edge. The subject section of Wynyard Street is currently a shared zone.
Wynyard Lane	A single lane one-way road providing service entrance to associated buildings and Wynyard Station. Currently a shared zone.
Margaret Street	A four-lane two-way road with pedestrian footpaths along the outer edge. Contains a signalised pedestrian crossing before George Street.
York Street	A five-lane road with a dedicated central bus zone. Road contains pedestrian footpaths along the outer edge.
Bond Street	A single lane one-way road leading onto George Street. Road contains pedestrian footpaths along the outer edge and a signalised pedestrian crossing before George Street.
Hunter Street	A four-lane two-way road leading onto George Street with pedestrian footpaths along the outer edge. Contains a signalised pedestrian crossing before George Street. Hunter Street will contain the Hunter Street Metro Station as part of Sydney Metro.
Jamison Street	A two-lane one-way road leading out of George Street. Road contains pedestrian footpaths along the outer edge and a signalised pedestrian crossing before George Street.
Bridge Street	A five-lane road leading onto and off George Street. Contains a signalised pedestrian crossing before George Street and footpaths along outer edge.

Grosvenor Street	A five-lane road leading onto and off George Street. Contains a signalised pedestrian crossing before George Street and footpaths along outer edge.
Dalley Street	A single lane one-way road leading out of George Street. Contains a non-signalised pedestrian crossing before George Street
Essex Street	<p>A four-lane two-way road leading onto and off George Street with pedestrian footpaths along the outer edge. Contains a signalised pedestrian crossing before George Street.</p> <p>Portions of Essex Street form part of The Rocks, which is managed by Property NSW (Place Management NSW)</p>

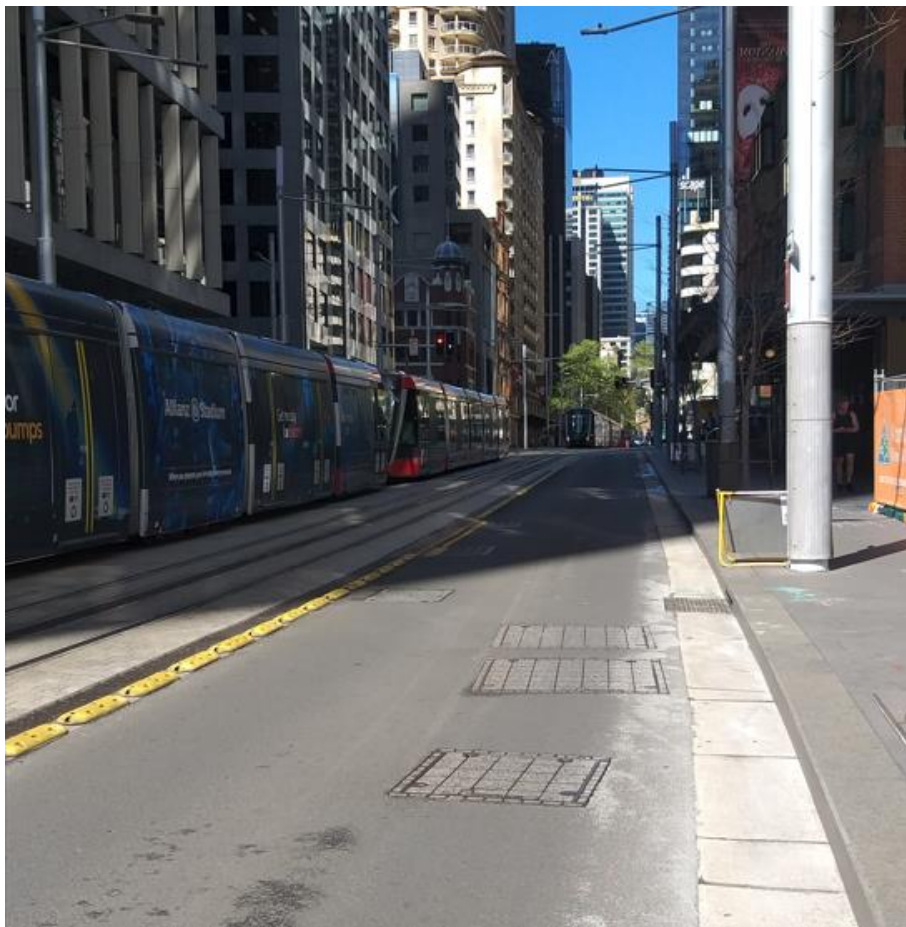


Figure 2: Example of George Street existing corridor looking south towards Bridge Street Light Rail Station (Source: Gyde Consulting)



Figure 3: Example of George Street existing corridor, taken from George Street x Essex Street looking west (Source: Gyde Consulting)

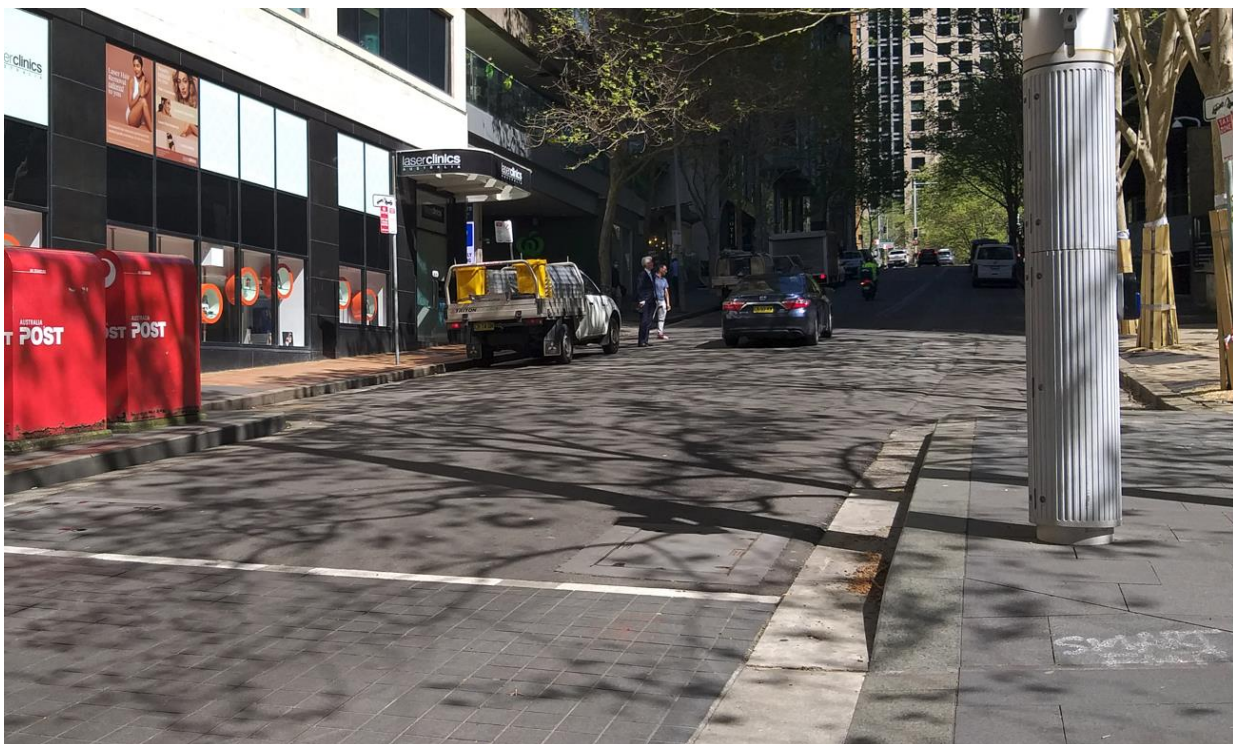


Figure 4: Example of road link to be removed. Along George Street x Jamison Street (Source: Gyde Consulting)



Figure 5: Example of road link to be removed. Along George Street x Hunter Street (Source: Gyde Consulting)



Figure 6: Example of road link to be removed. Along George Street x Margaret Street (Source: Gyde Consulting)

2.5 LAND USE ZONING

The George Street section of the site is entirely within zone B8 – Metropolitan Centre pursuant to the *Sydney Local Environmental Plan 2012* ('SLEP 2012'). The site borders two RE1 zones: one being adjacent to the corner of Wynyard Street and Wynyard Lane. A portion of the land along Essex Street is not zoned and is under the Sydney Cove Redevelopment Authority Scheme, now managed by Property NSW (Place Management NSW).

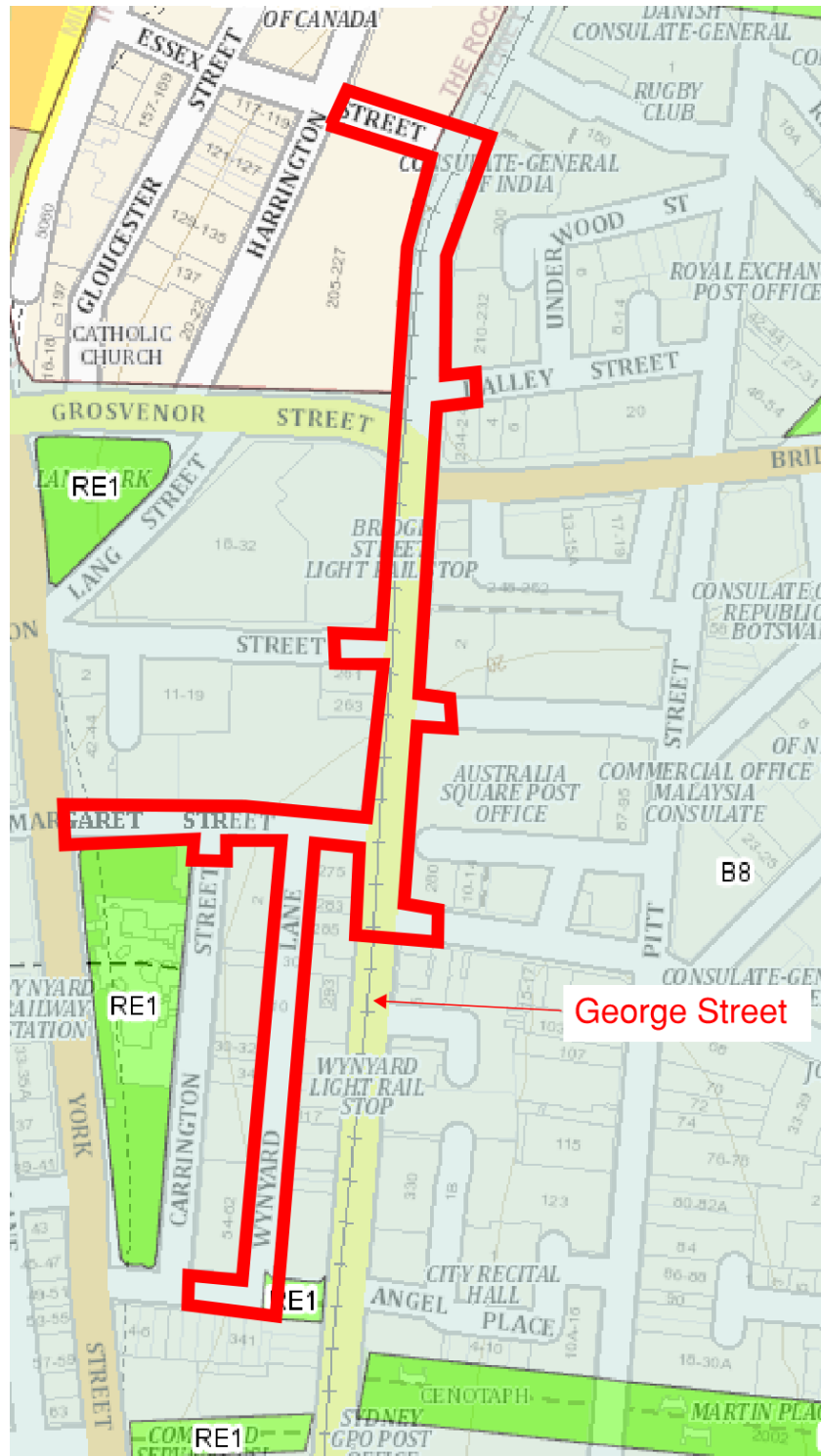


Figure 7: Zoning Map with locality in view (Source: ePlanning Spatial Viewer)

3. PROJECT DESCRIPTION

3.1 PROJECT OVERVIEW

The proposal seeks to implement public domain and pedestrian upgrade works along the northern section of George Street and the surrounding streets. The works seek to deliver public space for pedestrians, in addition to increasing the size of the existing pedestrian footpaths, granite infill paving of redundant road intersections and raising road levels to align with the footpath level. The works will also encompass public embellishment works, including new trees, benches, bicycle hoops, bins, drinking fountains, and lighting.

The works are associated with road closures and intersection changes. A portion of George Street will be closed temporarily under Section 115 of the Roads Act, with permanent closures to follow. CoS seeks to infill redundant road crossings to increase space for pedestrians and to improve the streetscape appearance generally. The new infilled footpaths will adopt the same (or similar) paving, kerb, landscaping and levels used for the existing adjacent footpaths.

It is noted that the road closures and traffic changes are subject to a separate approval process and will be considered by the Council's Local Pedestrian, Cycling and Traffic Calming Committee (Traffic Committee). As such, they and their impacts are not assessed as part of this REF.

3.2 NEED FOR THE ACTIVITY

Infrastructure Approval SSI-6042 by the Minister of Planning allowed for the construction and operation of the CBD and South-East Light Rail (CSELR). This approval implemented full or partial restrictions to vehicles on roads along most of the subject site. In addition, the *City North Public Domain Plan 2015* and *Sustainable Sydney 2030-2050 Continuing the Vision*, Council's community vision for Sydney highlights the strategic direction of reducing vehicles in the CBD, improving pedestrian movement, and increasing public spaces, which will result in a greener and more liveable city.

As a result of the changes to vehicle and pedestrian movement within the area, several pedestrian crossings were removed, to promote walking and increase pedestrianisation. The works are to facilitate an extension of the existing pedestrian area, which will see an expansion of the pedestrianisation along George Street from the Wynyard Train Station locality to Essex Street and through associated streets and lanes (to the north).

The works also seek to facilitate the implementation of the City North Public Domain Plan 2015, by incorporating the design parameter and concepts highlighted in the plan.

3.3 ALTERNATIVES

There are no viable alternatives that can replace the intended scope of works. The project aims to improve pedestrianisation and increase public spaces within the CBD. The associated road closures and intersection changes, although not under assessment in this REF, are consistent with the City North Public Domain Plan (CNPDP) 2015 which is already being implemented as seen across Alfred Street and portions of George Street south of Wynyard Street.

3.4 DO NOTHING SCENARIO

A 'do nothing' scenario in this case will mean that George Street and the surrounds will still be car-centric locations which will not align with the CNPDP. The current public domain will remain as existing, and no additional embellishments will occur in the subject locality.

Furthermore, there would be a loss of opportunity to better activate the subject area and connect it by continuous pedestrian paths to important destinations such as Circular Quay and The Rocks. The area will not benefit from the additional trees proposed, which have the benefit of improving urban microclimate, amenity and appearance. There could be a loss of economic and tourism potential given the absence of interconnected pedestrian corridors.

3.5 DETAILED DESCRIPTION OF PROJECT

The proposed works are summarised as per the below:

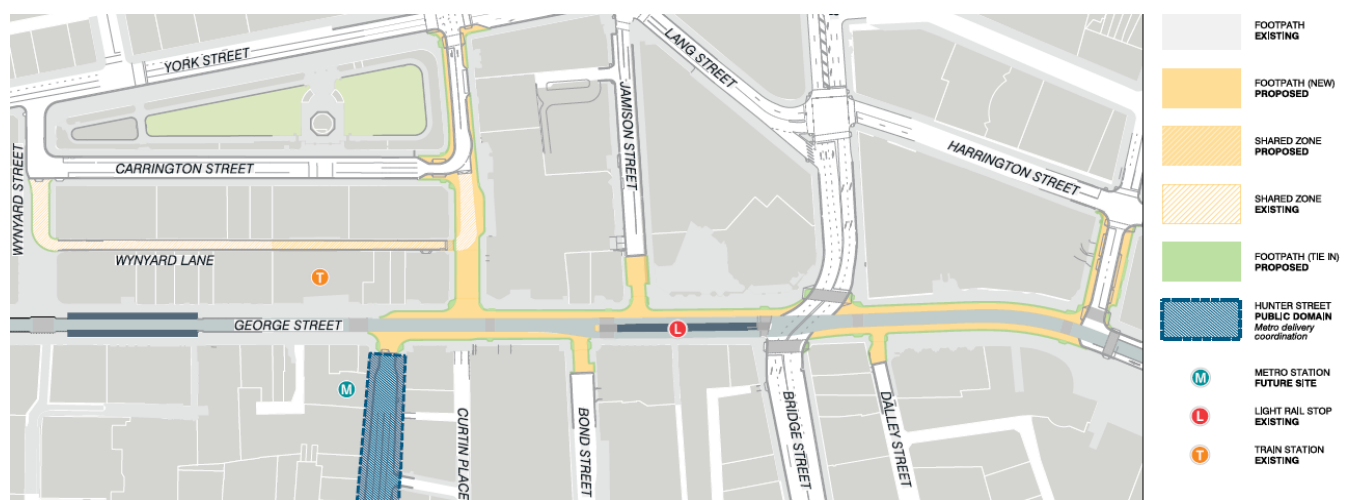


Figure 8: Extract of proposed works (Source: CoS)

Road	Proposal description
George Street	<ul style="list-style-type: none"> Excavation to remove the road bitumen, kerb and gutter, concrete, and plastic dividers. Excavation to allow for ancillary structures to be installed (utility considerations, benches, water fountains...). Raising level of road to align with current footpath levels (or close to). Tie in new pedestrian pavers to all branching streets including: Margaret Street, Bond Street, Hunter Street, Jamison Street, Bridge Street, Dalley Street and Essex Street Granite paving of new sections of pedestrianised roads. Public embellishment works including: <ul style="list-style-type: none"> Public benches and seating. New bin enclosures. New drinking fountains. Ancillary Infrastructure, paving, and utility works. Pedestrian and Traffic changes will occur mainly as a result of the removal of road intersections with Hunter Street, Margaret Street, Bond Street, Jamison Street and Dalley Street and Essex Street.

	<p>These traffic changes and impacts will be subject to separate approval by Council's Local Pedestrian, Cycling and Traffic Calming Committee (Traffic Committee).</p>
Wynyard Street	<ul style="list-style-type: none"> • Footpath extension and tie in with existing footpath levels. • Pedestrian and Traffic changes, involving new shared zone between vehicles and pedestrians, will occur and will be subject to separate approval by Council's Local Pedestrian, Cycling and Traffic Calming Committee (Traffic Committee).
Wynyard Lane	<ul style="list-style-type: none"> • Pedestrian and Traffic changes, involving new shared zone between vehicles and pedestrians, will occur and will be subject to separate approval by Council's Local Pedestrian, Cycling and Traffic Calming Committee (Traffic Committee).
Margaret Street	<ul style="list-style-type: none"> • Excavation to remove the road bitumen, kerb and gutter and concrete. • Excavation to allow for ancillary structures to be installed (utility considerations, benches, trees...). • Raising level of road to align with current footpath levels (or close to). • Tie in new pedestrian pavers to all branching streets including: George Street, Carrington Street and York Street. • Granite paving of new sections of pedestrianised roads. • Public embellishment works including: <ul style="list-style-type: none"> ○ Public benches and seating. ○ New bin enclosures. ○ Removal of one tree or more subject to detailed design. ○ New trees. ○ Removal / relocation of lighting poles, and addition of new lighting poles (including smartpoles). ○ Ancillary Infrastructure, paving, and utility works. • Pedestrian and Traffic changes will occur given partial use of road will change and given new street terminus along Carrington Street. This will be subject to separate approval by Council's Local Pedestrian, Cycling and Traffic Calming Committee (Traffic Committee).
York Street	<ul style="list-style-type: none"> • Ancillary excavation to allow for pedestrian footpath tie ins. • Relocation of lighting pole closer to street edge. • Pedestrian and Traffic changes will occur and will be subject to separate approval by Council's Local Pedestrian, Cycling and Traffic Calming Committee (Traffic Committee).
Bond Street	<ul style="list-style-type: none"> • Excavation to remove the road bitumen, kerb and gutter and concrete. • Excavation to allow for ancillary structures to be installed (utility considerations, benches, trees...). • Raising level of road to align with current footpath levels (or close to). • Tie in new pedestrian pavers to all branching streets including: George Street, Carrington Street and York Street.

	<ul style="list-style-type: none"> • Granite paving of new sections of pedestrianised roads. • Public embellishment works including: <ul style="list-style-type: none"> ○ Public benches and seating. ○ New bin enclosures. ○ New trees and water fountain. ○ Removal / relocation of lighting poles, and addition of new lighting poles (including smartpoles). ○ Ancillary Infrastructure, paving, and utility works. • Pedestrian and Traffic changes will occur given partial use of road will change and given new street terminus along George Street. This will be subject to approval by Council's Local Pedestrian, Cycling and Traffic Calming Committee (Traffic Committee).
Hunter Street	<ul style="list-style-type: none"> • Ancillary excavation to allow for pedestrian footpath tie ins. • Pedestrian and Traffic changes will occur given partial use of road will change and given new street terminus along George Street. This will be subject to separate approval by Council's Local Pedestrian, Cycling and Traffic Calming Committee (Traffic Committee). <p>Note: Hunter Street public domain is subject to Sydney Metro coordination works.</p>
Jamison Street	<ul style="list-style-type: none"> • Excavation to remove the road bitumen, kerb and gutter and concrete. • Excavation to allow for ancillary structures to be installed (utility considerations, benches, trees...). • Raising level of road to align with current footpath levels (or close to). • Relocation of three taxi shelters. • Tie in new pedestrian pavers to all branching streets including: George Street, Carrington Street and York Street. • Granite paving of new sections of pedestrianised roads. • Public embellishment works including: <ul style="list-style-type: none"> ○ Public benches and seating. ○ New bin enclosures. ○ New trees and water fountain. ○ Removal / relocation of lighting poles, and addition of new lighting poles (including Smartpoles). ○ Ancillary Infrastructure, paving, and utility works. • Pedestrian and Traffic changes will occur given partial use of road will change and given new street terminus along George Street. This will be subject to separate approval by Council's Local Pedestrian, Cycling and Traffic Calming Committee (Traffic Committee).
Bridge Street	<ul style="list-style-type: none"> • Ancillary excavation to allow for pedestrian footpath tie ins. • Relocation of lighting pole closer to street edge. • Pedestrian and Traffic changes will occur and will be subject to separate approval by Council's Local Pedestrian, Cycling and Traffic Calming Committee (Traffic Committee).

Grosvenor Street	<ul style="list-style-type: none"> • Ancillary excavation to allow for pedestrian footpath tie ins. • Relocation of lighting pole closer to street edge. • Removal of one tree or more subject to detailed design. • Addition of trees • Pedestrian and Traffic changes will occur and will be subject to separate approval by Council's Local Pedestrian, Cycling and Traffic Calming Committee (Traffic Committee).
Dalley Street	<ul style="list-style-type: none"> • Excavation to remove the road bitumen, kerb and gutter and concrete. • Excavation to allow for ancillary structures to be installed (utility considerations, benches, trees...). • Raising level of road to align with current footpath levels (or close to). • Tie in new pedestrian pavers to all branching streets including: George Street, Carrington Street and York Street. • Granite paving of new sections of pedestrianised roads. • Public embellishment works including: <ul style="list-style-type: none"> ○ New trees. ○ addition of new lighting poles (including Smartpoles). ○ Ancillary Infrastructure, paving, and utility works. • Pedestrian and Traffic changes will occur given partial use of road will change and given new street terminus along George Street. This will be subject to separate approval by Council's Local Pedestrian, Cycling and Traffic Calming Committee (Traffic Committee).
Essex Street	<ul style="list-style-type: none"> • Excavation to remove the road bitumen, kerb and gutter and concrete. • Excavation to allow for ancillary structures to be installed (utility considerations, benches, trees). • Public embellishment works including: <ul style="list-style-type: none"> ○ New trees. ○ Removal/addition of lighting poles (including Smartpoles). ○ New benches. ○ Ancillary Infrastructure, paving, and utility works. • Pedestrian and Traffic changes will occur and will be subject to separate approval by Council's Local Pedestrian, Cycling and Traffic Calming Committee (Traffic Committee). <p>Note: Portions of Essex Street form part of The Rocks which is managed by Property NSW (Place management NSW)</p>

3.6 CONSTRUCTION ACTIVITIES

Construction works required for the activity include (but are not limited to):

- Site establishment including temporary lay down areas (Temporary area for the receipt, temporary storage, and if relevant assembly of construction equipment and other supplies),

- Vegetation and topsoil stripping,
- Tree removal, including stump removal or grinding and mulching/chipping,
- Trench excavation,
- Dewatering (if necessary),
- Decommissioning and removal of existing services infrastructure,
- Removal of pavement and structures from Tree Protection Zones and non-destructive root exploration (hand-digging or Air Vac),
- Construction of electrical infrastructure,
- Construction of fencing and security infrastructure,
- Road construction including subsoil drainage, footpath formation and drainage,
- Signage and line marking to council's minimum standard,
- Construction of and changes to pathways and footpaths,
- Refurbishment of existing parking,
- Construction of and changes to roadside furniture and safety devices,
- Construction of and changes to stormwater infrastructure including, kerbs, gutters, drainage pipelines, stormwater pits,
- Construction of and changes to communications utilities including cabling and conduits,
- Construction of and changes to electrical utilities including cabling and conduits,
- New landscaping works,
- Removal of excess excavated material from site, and
- Restoration of the works area.

Plant and equipment likely to be used in the works (but are not limited to) include:

- Chainsaw and woodchippers,
- Excavators,
- Tipper trucks,
- Light vehicles,
- Flat-bed delivery trucks,
- Service vehicles,
- Mobile cranes,
- Rollers,
- Skid steers,
- Water carts,
- Jackhammers and generators,
- Pressure testing equipment,
- Compactor,

- Concrete agitators (or similar),
- Concrete pumps,
- Concrete saws,
- Air compressors,
- Mobile lighting, and
- Various hand tools and small machinery.

Other Construction Items

Construction workforce	Approximately 50 full time equivalents for the duration of the works. In some instances, additional worker may be required to allow for timely delivery of the project. The appointed contractor will determine the number of workers.
Construction period	Construction works are planned to commence in November 2023.
Construction hours	<p>Construction would generally occur during the standard working hours set out in the Draft Construction Noise Guideline (NSW EPA, 2020):</p> <ul style="list-style-type: none"> • Mondays to Fridays between 7am and 6pm • Saturdays between 8am and 4pm. Although not 1pm as per Draft Construction Noise Guideline, mitigation methods have been imposed to limit noise, traffic and environmental impacts. • No work would normally occur on Sundays or public holidays. <p>Construction may be required outside the recommended standard hours to install/construct public infrastructure. Night works will be required. This will not occur without approval from the relevant authority.</p>
Construction Environmental Management Plan	The appointed contractor will prepare a Construction Environmental Management Plan (CEMP) in consultation with relevant stakeholders and in accordance with relevant standards as part of the CEMP. The plan would provide information on traffic flow, vehicle moments, site access and parking arrangements during construction, and the measures to minimise the impacts on the relevant road network.
Public Utilities	Public utilities/services exist in the vicinity of the works. It will be the contractor's responsibility to locate all services prior to commencement of works.
Operation and Maintenance	The relevant infrastructure authority will be responsible for the ongoing maintenance and operational obligations, including fault rectification in accordance with the terms of their operating license.

3.7 DETERMINING AUTHORITIES AND REQUIRED APPROVALS

CoS is also the proponent and the determining authority of the development pursuant to section 5.1 of the Act.

The following referrals/consultations are required:

External Referrals		
Agency	Legislative Requirements	Response
TfNSW	Section 76 of the Roads Act 1993	In principle support obtained from TfNSW.
Traffic Committee	Transport Administration Act 1988	Separate approval required from Council's Local Pedestrian, Cycling and Traffic Calming Committee (Traffic Committee) in relation to the traffic changes and road closures.
Utility providers	Various	Detailed design and consultation occur with the relevant utility providers prior to works commencing.
Emergency Services	Various	Consultation with relevant emergency services (Police, Fire and Rescue and NSW Ambulance).
Place Management NSW	State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021	Referral required due to works on Essex Street (within The Rocks).
Transdev	-	Referral required due to Transdev being the operator of the CSELR.
Water NSW	Water Management Act 2000	Referral required if groundwater is encountered during works.

Internal Referrals		
Team	Legislative Requirements	Reasons
Council's Traffic Team	State Environmental Planning Policy (Transport and Infrastructure) 2021	Proposal was supported for traffic changes.
	Austroads Guidelines	
	Relevant Australian Standards	
Council's Landscaping Team	State Environmental Planning Policy (Biodiversity and Conservation) 2021	Proposal was supported for tree removal and tree plantings.

	Sydney Development Control Plan 2012	
Council's Heritage Team	Sydney Local Environmental Plan 2012	Proposal was supported on heritage grounds.

4. LEGISLATIVE AND PLANNING FRAMEWORK

4.1 COMMONWEALTH LEGISLATION

Disability Discrimination Act 1992 ('DDA Act')

The DDA provides a legal framework for the prohibition of discrimination against people with disabilities in employment, education, publicly available premises, provision of goods and services, accommodation, clubs and associations, and other contexts.

All works must be consistent with the provision of the DDA Act. A relevant mitigation strategy has been included in that regard.

As a mitigation strategy, all construction works are to be in accordance with the relevant provisions of the Building Code of Australia, Australian Standards, and Austroads guidelines. In addition, all construction works are to be in accordance with the Sydney Streets Technical Specifications, Version: 2019.

Environment Protection Biodiversity Conservation Act 1999 ('EPBC Act')

The EPBC Act provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places, which are defined in the Act as matters of national environmental significance (NES). The proposed activity has been assessed against this Act. The location of the site, relatively minor nature of the activity and the mitigation measures outlined in this report should avoid significant impact on the following:

- A declared World Heritage Property;
- A National Heritage place;
- A declared Ramsar wetland;
- Commonwealth listed migratory species;
- Commonwealth listed threatened species or endangered community;
- Commonwealth marine areas; or
- Commonwealth land.

Native Title Act 1993

The main objectives of the act are:

- (a) to provide for the recognition and protection of native title; and
- (b) to establish ways in which future dealings affecting native title may proceed and to set standards for those dealings; and
- (c) to establish a mechanism for determining claims to native title; and
- (d) to provide for, or permit, the validation of past acts, and intermediate period acts, invalidated because of the existence of native title.

The works are not located upon Crown land thus the provisions of the Act are not triggered.

4.2 PLANNING AND STATE LEGISLATION

Environmental Planning and Assessment Act 1979 ('EPAA')

As discussed in Section 1.2 above, the EPAA is the primary legislation in NSW which governs development / activity approvals.

The legislation is broad and covers the mandatory steps for creating strategic planning documents, undertaking application assessments (including Planning Proposals, Review of Environmental Factors, Development Applications, Modification to Consent Applications, Review of Determinations and Building Information Certificates), certifying development works and regulatory framework of how to address public safety and non-compliance development at both State and Local levels.

Under the EPAA, development includes land use, land subdivision, and the erection or demolition of a building or structure. Whilst “activity” includes land use, land subdivision, and the erection or demolition of a building or structure, the carrying out of work.

A person is not permitted to carry out development unless the works are identified as Exempt or have obtained development consent / activity approval through one of alternate pathways, from the relevant consent / approval authority.

For the subject works, the relevant approval pathway for the proposal is through Part 5 Infrastructure and environmental impact assessment in accordance with the EPAA.

Under Clause 2.109(1) and 2.109(3)(c) of State Environmental Planning Policy (Transport and Infrastructure) 2021 (*'Transport and Infrastructure SEPP'*), the development is for the purpose of a road or road infrastructure facilities carried out by or on behalf of a public authority.

Note:

Under the Standard Instrument, **road** means a public road or a private road within the meaning of the Roads Act 1993, and includes a classified road.

Under the Roads Act 1993, **road** includes—

- (a) the airspace above the surface of the road, and
- (b) the soil beneath the surface of the road, and
- (c) any bridge, tunnel, causeway, road-ferry, ford or other work or structure forming part of the road.

Accordingly, the proposal is identified as development permitted without consent for the purposes of ‘road’ works the proposal does not require the lodgement, assessment or determination or a Development Application or CDC pursuant to Part 4 of the EPAA.

The proposed works are consistent with the definition of ‘activity’ as prescribed in Section 5.1 (Part 5 – Infrastructure and Environmental Impact Assessment) of the EPAA.

Section 5.1 of the EPAA defines a “*determining authority*” as “*a Minister or public authority and, in relation to any activity, means the Minister or public authority by or on whose behalf the activity is or is to be carried out or any Minister or public authority whose approval is required in order to enable the activity to be carried out.*”

CoS is a public authority and is therefore the determining authority and the proponent for the activity.

Prior to proceeding with the activity, Section 5.5(1) of the EPAA requires a determining authority to examine and take into account to the fullest extent possible all matters affecting

or likely to affect the environment as a result of the activity. This report, in particular Section 6 below, provides the necessary assessment.

Section 5.5(3) of the EPAA also requires that the determining authority consider the effect of an activity on any “wilderness area” as defined by the *Wilderness Act 1987*. The subject site is not a “wilderness area” and is not in proximity to any such area. It will, therefore, not have any impact on any “wilderness area”.

In addition to Part 5, the objects of the EPAA are relevant. The objects, as provided by Section 1.3, are as follows:

- a. *“to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources,*
- b. *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- c. *to promote the orderly and economic use and development of land,*
- d. *to promote the delivery and maintenance of affordable housing,*
- e. *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- f. *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- g. *to promote good design and amenity of the built environment,*
- h. *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- i. *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- j. *to provide increased opportunity for community participation in environmental planning and assessment.”*

The activity is considered to be consistent with the relevant objects of the Act for the following reasons:

- It will improve the public accessibility along the corridor.
- Conditions for pedestrians will be improved.
- Streetscape appearance will be improved.
- Streetscape improvements are likely to improve trading conditions for nearby businesses given the general amenity is improved and there will be greater capacity for pedestrians and potential customers.

Environmental Planning & Assessment Regulation 2021 (‘EP&A Regulation’)

Section 170 - Planning Secretary guidelines about review of environmental factors—the Act, s 5.10(a)

Section 170 nominates that the Planning Secretary may issue guidelines that require to be considered when assessing the likely impact of an activity, and that consideration needs to be given to section 171.

This REF has been prepared in light of ‘*Guidelines for Division 5.1 assessments*’ issued by the department of Planning and Environment, dated June 2022.

Section 171 - Review of environmental factors—the Act, s 5.10(a)

Section 171 of the EP&A Regulation nominates those factors which must be taken into account when considering the impact of an activity on the environment. Those factors are listed and addressed below:

Matter to be addressed	Comment
<i>(1) When considering the likely impact of an activity on the environment, the determining authority must take into account the environmental factors specified in the environmental factors guidelines that apply to the activity.</i>	This REF has considered the environmental factors specified in the Guidelines as per below.
<i>(2) If there are no environmental factors guidelines in force, the determining authority must take into account the following environmental factors—</i>	Consideration has been given to the Guidelines for Division 5.1 assessments published by the NSW Department of Planning and Environment dated June 2022.
<i>(a) The environmental impact on a community</i>	Subject to the implementation of the mitigation measures set out in Section 6 and 8, the proposed works will not result in any unacceptable environmental impacts on the community.
<i>(b) The transformation of a locality</i>	The proposal itself would not ‘transform’ the subject locality. It would, although, have beneficial streetscape and accessibility impacts. These are likely to create an environment that has the potential to benefit trading conditions for nearby businesses as well as the general pedestrian experience.
<i>(c) The environmental impact on the ecosystems of the locality</i>	As will be described in detail in Section 6 of this REF, the proposal’s ecological impacts will be minimal, given the extent of necessary excavation is minimal. The proposal may involve a sizeable area of earthworks at surface level, however below ground excavation is limited. Similarly, the proposal proposes for the removal of likely two non-native trees and the planting of several trees.
<i>(d) Reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality</i>	The proposal will improve the aesthetic, recreational and general environmental quality of the subject locality given it involves new paving, wider footpaths, and more public amenities. It is considered that the road surface does not have any notable scientific value and the proposal would not, therefore, unreasonably impact any such value.
<i>(e) The effect on a locality, place or building that has</i>	The proposed streetscape improvements are likely to have positive effects on such values of adjoining development and the locality generally.

Matter to be addressed	Comment
<p>i. <i>having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance</i></p> <p>ii. <i>or other special value for present or future generations</i></p>	<p>The proposal is unlikely to adversely impact upon heritage items in the locality. Although the works are within the vicinity of a number of heritage items, the works do not seek to alter any heritage items, rather the public areas surrounding the heritage items in order to improve the context and allow for improved pedestrian activity.</p> <p>There may be European and Aboriginal archaeological value within the land which is proposed to be developed to deliver proposed embellishments, however an AIHMS search did not located any Aboriginal sites within the subject site. Sections 6 and 8 below discuss this matter further. In summary, mitigation measures can be implemented to avoid significant adverse archaeological impacts.</p> <p>It is noted that the presence of those heritage values cannot be determined until the road and pavement surfaces are removed. Therefore, unexpected finds strategies are proposed as a mitigation strategy.</p>
<p>(f) <i>The impact on the habitat of protected animals, within the meaning of the Biodiversity Conservation Act 2016,</i></p>	<p>The proposed works are unlikely to impact on the habitat of protected fauna under the <i>Biodiversity Conservation Act 2016</i>, given their central city location.</p> <p>The development proposes for the removal of two non-significant trees along Margret Street and Grosvenor Street. The removal was referred to Council's Landscape team for comment. The removal was supported and will be offset by the several new proposed tree plantings</p>
<p>(g) <i>The endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air</i></p>	<p>The site and locality are not known to cater for endangered species. Therefore, it is not expected to result in any significant impact. The proposal seeks to add several new trees which will also offset any tree removal proposed.</p>
<p>(h) <i>long-term effects on the environment</i></p>	<p>The long-term impacts are likely to be positive and the public domain will be significantly improved by the proposal. This has direct positive impacts for pedestrians and is likely to create an environment that has the potential to benefit trading conditions for nearby businesses.</p> <p>Furthermore, economic impacts are likely to be positive given additional pedestrian connecting to tourist area such as The Rocks and Circular Quay.</p> <p>The proposal may result in impacts upon traffic and pedestrian movement particularly vehicle movement, however this is to be separately considered by the Traffic Committee.</p>
<p>(i) <i>Degradation of the quality of the environment</i></p>	<p>Degradation is limited to the temporary construction phase, including likely noise, sedimentation, dust generation and the like. As discussed in detail at Section 6, however, adequate mitigation measures can be implemented for such possibilities.</p>

Matter to be addressed	Comment
	Overall, however, the proposal is likely to result in ongoing positive impacts to the social, cultural and economic environment.
(j) <i>Risk to the safety of the environment</i>	As discussed immediately above, risks to the environment are principally limited to the construction phase. Relevant mitigation measures can be implemented, as discussed in Section 6 of this REF.
(k) <i>Reduction in the range of beneficial uses of the environment</i>	<p>Vehicular access to most of the subject roads has already been restricted as part of City North Public Domain Plan and the construction of the Sydney Light Rail along George Street.</p> <p>The proposal will result in impacts upon traffic and pedestrian movement particularly vehicle movement however this will require to be separately considered by the Traffic Committee.</p> <p>The proposal increases options for use of the environment given it will extend footpaths and improve the amenity generally, with pedestrianisation.</p>
(l) <i>Pollution of the environment</i>	Pollution impacts are likely to be limited, during the construction phase, resulting from construction related machinery and potential noise, dust and water management. This is due to the temporary nature of the construction and having the ability to be mitigated such that they are not significant and, therefore, not unreasonable.
(m) <i>Environmental problems associated with the disposal of waste</i>	The proposal's construction phase is likely to result in some waste, such as removed bitumen, concrete and the like. Section 6 outlines how any associated impacts can be mitigated. In summary, mitigation measures revolve around recycling and/or reuse of such waste products.
(n) <i>Increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply</i>	<p>New trees will require intermittent watering. The chosen tree species will require to satisfy the Adapting for Climate Change Strategy published by the City of Sydney.</p> <p>The proposal will increase demand for paving however, we are not aware of any related shortages in obtaining relevant resources.</p> <p>The proposal includes additional public water fountains for drinking. These are limited in number and do not rely on large quantities of water. As such, these will not impact water supply in any significant manner.</p>
(o) <i>The cumulative environmental effect with other existing or likely future activities</i>	The proposal is small in scale and operation. In this case, any cumulative environmental impacts would be negligible, manageable and broadly positive.

Matter to be addressed	Comment
(p) <i>The impact on coastal processes and coastal hazards, including those under projected climate change conditions</i>	The vertical extent of excavation required for the proposal is limited and not in close proximity to any coastal areas. Excavation deeper than 1 m is generally in relation to trees or pole pits, hence is localised. Therefore, it would not jeopardise coastal processes, exacerbate existing coastal hazards, including those associated with climate change.
(q) <i>Applicable local strategic planning statement, regional strategic plan or district strategic plan made under the Act, Division 3.1</i>	The proposal is consistent with City Plan 2036: Local strategic planning statements specifically in relation to priority I1 (Movement for walkable neighbourhoods and a connected city).
(r) <i>Other relevant environmental factors</i>	Additional environmental factors and their relevant mitigation strategies are discussed in section 6 of this REF.

Roads Act 1993

Section 3 – Objects of Act

The objectives of the Roads Act 1993 are as follows:

- a. to set out the rights of members of the public to pass along public roads, and
- b. to set out the rights of persons who own land adjoining a public road to have access to the public road, and
- c. to establish the procedures for the opening and closing of a public road, and
- d. to provide for the classification of roads, and
- e. to provide for the declaration of TfNSW and other public authorities as roads authorities for both classified and unclassified roads, and
- f. to confer certain functions (in particular, the function of carrying out road work) on TfNSW and on other roads authorities, and
- g. to provide for the distribution of the functions conferred by this Act between TfNSW and other roads authorities, and
- h. to regulate the carrying out of various activities on public roads.

Vehicular access limitations to most of the roads which relate to the proposed activity were approved as part of the CSELR EIS and Infrastructure Approval SSI-6042. As a result, there are limited objectives of the Roads Act 1993 that apply to this proposed activity. The proposed activity is nevertheless consistent with the relevant objectives given it provides additional differentiation for those areas which are currently not accessible by pedestrians and/or vehicles, or not intended to be accessible due to CoS's imminent actions.

It should be noted that this assessment relates only to the repaving and embellishment of the roads in question. The assessment does not include any road closures, traffic redirection or the like, as these will be determined by Council's Local Pedestrian, Cycling and Traffic Calming Committee (Traffic Committee). A traffic management plans has been prepared and summarise the proposed traffic changes.

Part 4 – Closing of Public Roads

This Part outlines the approval pathway for the closure of public roads. The assessment does not include any road closures, traffic redirection or the like, as these will be determined by Council's Local Pedestrian, Cycling and Traffic Calming Committee (Traffic Committee). Works will not commence until such time as the Traffic Committee approves the road works.

Section 71 – Powers of Roads Authority with Respect to Road Work

Section 71, Part 6 of the Roads Act 1993 provides that a “roads authority” may carry out road work on any public road. CoS is a “roads authority” as prescribed in Section 7 of the Roads Act 1993. Therefore, CoS may carry out the proposed activity.

Section 75 – Public authorities to notify TfNSW of proposal to carry out road work on classified roads

This section requires approval by TfNSW for road works within a classified road, before such works are carried out. No part of the subject roads is identified as a classified road. In this instance no further action is required.



Figure 9: Road classification map showing local roads within area of site (outlines in red) (Source: Transport for NSW)

Section 76 – Roads authorities to notify TfNSW of proposal to carry out major road work

This section requires a roads authority to seek approval from the TfNSW for any works within a public road with a value of \$2 million. Approval from TfNSW is required and has been obtained.

Section 85 – Location of Conduits for Utility Services

This section requires the roads authority to consult with utility providers in relation to any road works which involve installation of conduits for utility services. The proposed activity includes works within the vicinity of utilities. Consultation has occurred with the relevant utility providers. A mitigation strategy has been included, requiring that detailed design and consultation occur with the relevant utility providers prior to works commencing.

Section 88 – Tree Felling

This section provides that a roads authority may, despite any other Act or law to the contrary, remove or lop any tree or other vegetation that is on or overhanging a public road if, in its opinion, it is necessary to do so for the purpose of carrying out road work or removing a traffic hazard.

Section 138 – Works and structures

In summary, this section provides that works cannot be undertaken to any public road without the consent of the appropriate “roads authority”. In the case of a local road, the consent of the Council is required.

No concurrence from TfNSW is required in this case as the roads are not classified roads. No further action is required in this case given the proponent and the road authority is Council.

Section 144A to 144E – Light Rail Systems

These sections state that a roads authority must not obstruct the operation of any light rail system, unless it has the prior approval of the TfNSW Secretary. In-principle support has been obtained from TfNSW. Consultation with Transdev will be required given it operates the light rail system along George Street.

Contaminated Land Management Act 1997 (‘CLM Act’)

The subject land is not generally recognised as contaminated land. It has been exposed to by-products from motor vehicles given its previous use as an operational road. There may also be contamination beneath the road surface which cannot be confirmed at this stage. In this case, the CLM Act is a relevant consideration.

The mitigation measures outlined in Section 6 of this REF ensure the obligations of the CLM Act are addressed. A Phase 1 contamination assessment shall be undertaken to determine the likelihood of contaminated material throughout the construction site. Treatment of contaminated material, if any, should also be undertaken in accordance with a Phase 2 assessment.

Heritage Act 1977

The subject land itself is not listed as an item of environmental heritage in the SLEP 2012, nor is it listed as an item of State heritage significance. It is adjacent to heritage items, however, and may contain items of archaeological significance given the historical importance of the road corridor to the Sydney CBD. The associated potential impacts are addressed with mitigation measures discussed earlier and detailed in Section 6 below. In summary however, the potential for impact is minimal given the proposal includes negligible built form and is not in close proximity to items of environmental heritage. Arguably, the proposal results in beneficial impacts given a wider footpath will allow improved viewing angles to heritage items,

whilst additional street trees will similarly complement heritage items and the streetscape generally.

Any potential adverse impacts would be limited to artefacts which may be discovered during excavation. These can be managed with the mitigation measures specified in Section 6.10.

Rural Fires Act 1997

This legislation is not applicable as the subject site is not bushfire prone.

Wilderness Act 1987

This legislation is not applicable as the subject site is not identified as “wilderness area” according to the Wilderness Act 1987 or the National Parks and Wildlife Act 1974.

Mining Act 1992

The works are not in relation to mining. In this case, this legislation is not applicable.

National Parks and Wildlife Act 1974

The works are not within a national park or likely to impact upon wildlife. In this case, this legislation is not applicable.

Petroleum (Onshore) Act 1991

The works are not in relation to petroleum mining. In this case, this legislation is not applicable.

Water Management Act 2000

The works are not likely to result in adverse impacts to the ground water quality. A mitigation strategy has been recommended, requiring that a geotechnical report be prepared. Should groundwater be encountered, it will be required that contact be made with Water NSW for relevant action.

Protection of the Environment Operations Act 1997 ('POEO Act')

The proposal does not trigger the need for licensing as outlined in the POEO Act and it is, therefore, not applicable in this instance.

Fisheries Management Act 1994

This legislation is not applicable as the proposal does not involve aquaculture, dredging or reclamation work, relate to public water land or an aquaculture lease or works that would create an obstruction of a water body.

Mine Subsidence Act 1997

The subject site is not within a mine subsidence area. In this case, this legislation is not applicable.

Local Government Act 1993

Given no works are occurring on community land, a Plan of Management in accordance to Section 36 of the Local Government Act 1993 is not required.

Biodiversity Conservation Act 2016

The proposed works are unlikely to impact on the habitat of protected fauna or flora under the *Biodiversity Conservation Act 2016*, given their central city location.

The development proposes for the removal of two non-significant trees along Margret Street and Grosvenor Street. The removal was referred to Council's Landscape team for comment. The removal was supported and will be offset by the several new proposed tree plantings

State Environmental Planning Policy (Transport and Infrastructure) 2021

This SEPP contains planning provisions for infrastructure in NSW.

Chapter 2 Infrastructure

Clause 2.1 – Aim of Chapter

The aims of the Chapter 2 Infrastructure require consideration. According to Clause 2.1 of the policy, the aims are as follows:

- (a) *“improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and*
- (b) *providing greater flexibility in the location of infrastructure and service facilities, and*
- (c) *allowing for the efficient development, redevelopment or disposal of surplus government owned land, and*
- (d) *identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and*
- (e) *identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and*
- (f) *providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and*
- (g) *providing opportunities for infrastructure to demonstrate good design outcomes.”*

It is considered that the proposal satisfies the relevant objectives of the policy for the following reasons:

- It utilises a nominated approval mechanism.
- The nominated approval mechanism will allow for the timely delivery of important infrastructure improvements.
- This assessment addresses the relevant matters for consideration.
- As will be demonstrated below, relevant consultation has been undertaken.
- The proposal will deliver good design outcomes, in that the streetscape will be greatly improved, particularly with the finishing of residual roadway, new paving, and improved pedestrianisation.

Clauses 2.10 – 2.27 Consultation

Chapter 2 outlines various forms of consultation which must be undertaken. The individual clauses are addressed in the table below.

The REF will require to be placed on public exhibition given the cost of works exceed \$5 million. In addition, prior to commencement of works, consultation will be required with several agencies as per section 3.7 of this REF. Mitigation measures have been included.

High-level engagement has occurred with several stakeholders; however, this requires to be summarised into a report. Mitigation measures have been included.

Matter to be addressed	Comment
<p><i>Clause 2.10</i> <i>Consultation with councils - development with impacts on council-related infrastructure or services</i></p>	<p>The proposal will not have substantial impact on key utilities or access to public spaces. Nevertheless, relevant CoS internal departments were consulted on these matters during the project's design development phase.</p> <p>It should be noted that this assessment relates only to the repaving and embellishment of the roads in question. The assessment does not include any road closures, traffic redirection or the like as these will be separately determined by Council's Local Pedestrian, Cycling and Traffic Calming Committee (Traffic Committee).</p>
<p><i>Clause 2.11</i> <i>Consultation with councils - development with impacts on local heritage</i></p>	<p>There are no heritage items on the subject land. There are heritage items adjacent the subject land. Further, artefacts may be identified as part of works associated with the proposal. Relevant Council internal departments were consulted in relation to these items during the proposal's design development phase. This aside, various mitigation measures, as outlined in Section 6 below, will be implemented to avoid or minimise heritage related impacts. These include, for example, implementing protective measures when proposed works will be in proximity to known heritage items, or stopping work if an archaeological item is identified during the civil works phase.</p>
<p><i>Clause 2.12</i> <i>Consultation with councils - development with impacts on flood liable land</i></p>	<p>The site is not identified as land within a flood planning area by the SLEP 2012.</p>
<p><i>Clause 2.13</i> <i>Consultation with State Emergency Service - development with impacts on flood liable land</i></p>	<p>The site is not identified as land within a flood planning area by the SLEP 2012. Consultation for the purposes of this clause therefore is not considered necessary.</p>
<p><i>Clause 2.14</i> <i>Consultation with councils - development with impacts on certain land within the coastal zone</i></p>	<p>The site adjoins a coastal environmental /use area with a small portion of the works along Essex Street being within the area. The works are a considerable distance from the waterway, and a mitigation measure in relation to the use of sediment control fencing during construction will mitigate against any construction materials spilling towards the nominated coastal areas and waterways.</p>
<p><i>Clause 2.15</i> <i>Consultation with public authorities other than councils</i></p>	<p>The proposed development is not specified development under this clause of the Transport and Infrastructure SEPP as it is not known to comprise any of the following:</p>

Matter to be addressed	Comment
	<ul style="list-style-type: none"> • Development adjacent to land reserved under the <i>National Parks and Wildlife Act 1974 (NPW Act)</i> or land to be acquired under Part 11 of that Act. • Development on land in Zone C1 National Parks and Nature Reserves under the SLEP 2012 or in a land use zone that is equivalent to that zone. • Development comprising a fixed or floating structure in or over navigable waters. • Development that may increase the amount of artificial light in the night sky and is on land within the dark sky region (i.e. within 200 kilometres of the Siding Spring Observatory) as identified on the dark sky region map. • Development on defence communications facility buffer land within the meaning of clause 5.15 of the Standard Instrument. • Development on land in a mine subsidence district within the meaning of the now repealed <i>Mine Subsidence Compensation Act 1961</i>.
2.16 Consideration of Planning for Bush Fire Protection	No Consultation with the Rural Fire Service is necessary as the site is not affected by bushfire.
Clause 2.17 Exceptions	Not applicable as the nominated exemptions do not apply to the subject site or the proposal.

Clause 2.69 – Public authority precincts

A portion of the site along Essex Street is within The Rocks. As per clause 2.70 (1)(a), development for the purposes of a road is exempt development if it is carried out by or on behalf of a public authority. CoS is a public authority; hence the exempt works can proceed without further assessment.

The Rocks is a public authority precinct as per clause 2.69. The Rocks is managed by Place Management NSW. A referral to Place Management NSW is required due to some works occurring along Essex Street (within The Rocks). A mitigation strategy has been included in that regard.

Clause 2.109 – Development permitted without consent - general

As discussed above, the proposal is for alterations to an existing road as referenced in Clause 2.109 of the *Transport and Infrastructure SEPP 2021*. The proposal is, therefore, development permitted without consent. As such, the proposal does not require assessment and determination according to Part 4 of the EPAA.

Clause 2.119 – Development with frontage to classified road

Site does not include frontage to a classified road. In this case consideration of the particulars of this clause is not required.

State Environmental Planning Policy (Exempt and Complying Development) 2008

This SEPP contains planning provisions which identify development which does not require approval (Exempt) or a reduced approval pathway (Complying Development).

There are no identifiable provisions enabling the proposed development works considered to be Exempt or Complying Development.

State Environmental Planning Policy (Industry and Employment) 2021

This SEPP relevantly contains planning provisions for advertising and signage in NSW.

The relevance of the SEPP to the development site relates primarily to the provision of any future onsite signage. In this instance, given no signage or advertisement is proposed, the provisions of the SEPP are not applicable.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

This SEPP contains planning rules and controls for the clearing of native vegetation in NSW on land zoned for urban and environmental purposes that is not linked to a development application.

The relevance of the SEPP to the development site relates primarily to the provision of water catchment areas associated with the Sydney Harbour catchment, vegetation removal, and ecological connectivity within the catchment.

Chapter 2 Vegetation in non-rural areas

Chapter 2 applies to the CoS Local Government Area (LGA). Its aims, as prescribed by clause 2.1, are as follows:

- a. *“to protect the biodiversity values of trees and other vegetation in non-rural areas of the State.*
- b. *to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.”*

The development proposes for the removal of two non-significant trees along Margret Street and Grosvenor Street. The removal was referred to Council's Landscape team for comment. The removal was supported and will be offset by the several new proposed tree plantings.

Chapter 10 Sydney Harbour Catchment

Chapter 10 aims to improve the health of the harbour, its foreshore, and its tributaries. A key objective is to maximise accessibility to the harbour and its foreshore for the general public. For the purposes of Chapter 10, access is generally considered in terms of physical as well as visual access.

The proposal is consistent with Chapter 10- Sydney Harbour Catchment's environmental matters, as prescribed by Clause 10.18- 10.24.

State Environmental Planning Policy (Resilience and Hazards) 2021

This SEPP contains planning provisions:

- for land use planning within the coastal zone, in a manner consistent with the objects of the Coastal Management Act 2016 to manage hazardous and offensive development.
- which provides a state-wide planning framework for the remediation of contaminated land and to minimise the risk of harm.

Chapter 2 Coastal management

The aims of this chapter as listed in clause 2.1 are:

- (a) *managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) *establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) *mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

The site adjoins a coastal environmental/use area, with a small portion of the works along Essex Street being within the area. The works are a considerable distance from the waterway, and a mitigation measure in relation to the use of sediment control fencing during construction will be implemented against any construction materials spilling towards the nominated coastal areas and waterways.



Figure 10: Coastal environmental / use area in orange along Essex Street (Source: ePlanning Spatial viewer)

Chapter 4 Remediation of Land

The object of Chapter 4 is to provide a State-wide planning approach for the remediation of contaminated land.

The proposal is likely to involve the removal of the existing road surface and disturbance of the existing road base. Such waste could escape the subject site in the form of erosion and sedimentation, some of which may be contaminated. There is also likely to be various 'off cuts' from construction materials such as pavers, concrete and the like.

In addition to the mitigation measures listed in 6.1 below, a Phase 1 contamination assessment shall be undertaken to determine the likelihood of contaminated material throughout the construction site. Treatment of contaminated material, if any, should also be undertaken in accordance with the Phase 2 assessment.

General construction waste shall be managed in accordance with the *Waste Avoidance and Resource Recovery Act 2001*. This legislation generally seeks to avoid waste generation or divert any waste to recycling.

State Environmental Planning Policy (Planning Systems) 2021

This SEPP contains planning provisions that:

- identifies State or regionally significant development, State significant Infrastructure, and critical State significant infrastructure.
- provides for consideration of development delivery plans by local Aboriginal land councils in planning assessment.
- allows the Planning Secretary to elect to be the concurrence authority for certain development that requires concurrence under nominated State environmental planning policies.

The works are not classified as regional or state significant.

State Environmental Planning Policy (Housing) 2021

This SEPP contains planning provisions for:

- affordable housing in NSW.
- diverse housing in NSW.

The works do not relate to the provision of this SEPP; hence the legislation is not applicable.

State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021

This SEPP contains planning provisions for specific precincts with the Eastern Harbour City.

No works are proposed in the specific precincts as per the SEPP.

Sydney Local Environmental Plan 2012 (SLEP 2012)

Clause 1.2(2) – Aims of Plan

The particular aims of the SLEP 2012 are as follows:

(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,

(a) to reinforce the role of the City of Sydney as the primary centre for Metropolitan Sydney,

(b) to support the City of Sydney as an important location for business, educational and cultural activities and tourism,

(c) to promote ecologically sustainable development,

(d) to encourage the economic growth of the City of Sydney by—

(i) providing for development at densities that permit employment to increase, and

(ii) retaining and enhancing land used for employment purposes that are significant for the Sydney region,

(e) to encourage the growth and diversity of the residential population of the City of Sydney by providing for a range of appropriately located housing, including affordable housing,

(f) to enable a range of services and infrastructure that meets the needs of residents, workers and visitors,

(g) to ensure that the pattern of land use and density in the City of Sydney reflects the existing and future capacity of the transport network and facilitates walking, cycling and the use of public transport,

(h) to enhance the amenity and quality of life of local communities,

(i) to provide for a range of existing and future mixed-use centres and to promote the economic strength of those centres,

(j) to achieve a high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities,

(k) to conserve the environmental heritage of the City of Sydney,

(l) to protect, and to enhance the enjoyment of, the natural environment of the City of Sydney, its harbour setting and its recreation areas.

The proposal satisfies the relevant objectives of the SLEP 2012 for the following reasons:

- The streetscape enhancement reinforces George Street as one of Sydney's primary streets, thereby reinforcing the City of Sydney as the primary centre in metropolitan Sydney.
- The streetscape enhancements are likely to create an environment that has the potential to benefit trading conditions for nearby businesses as well as the general pedestrian environment.
- The proposal will improve infrastructure for pedestrians, including accessibility to public transport.
- The proposal will not result in any significant impacts on any known heritage values. Mitigation measures are proposed to avoid unreasonable on to any unforeseen heritage value.

Clause 2.3 – Zone Objectives and Land Use Table

As shown in the land use zoning maps at Figure 7, the subject site is within zone B8 – Metropolitan Centre. The works adjoin some RE1 zone and works may overlay over those zones. In addition, a small portion of along Essex Street is unzoned land managed under the Sydney Cove Redevelopment Authority Scheme (now part of Property and Development NSW).

The proposal's consistency with the objectives of each zone is discussed below.

Zone B8 – Metropolitan Centre

- To recognise and provide for the pre-eminent role of business, office, retail, entertainment and tourist premises in Australia's participation in the global economy.*
- To provide opportunities for an intensity of land uses commensurate with Sydney's global status.*
- To permit a diversity of compatible land uses characteristic of Sydney's global status and that serve the workforce, visitors and wider community.*
- To encourage the use of alternatives to private motor vehicles, such as public transport, walking or cycling.*
- To promote uses with active street frontages within podiums that contribute to the character of the street.*
- To promote the efficient and orderly development of land in a compact urban centre.*
- To promote a diversity of commercial opportunities varying in size, type and function, including new cultural, social and community facilities.*
- To recognise the important role that Central Sydney's public spaces, streets and their amenity play in a global city.*
- To promote the primary role of the zone as a centre for employment and permit residential and serviced apartment accommodation where they complement employment generating uses.*

The proposal satisfies the relevant objectives of the B8 zone for the following reasons:

- The streetscape enhancement assists with reinforcing the pre-eminent role of business, office, retail and tourist land uses/activities within the City of Sydney LGA.
- The workforce, visitors and the wider community will be assisted by an improved and wider footpath.
- The proposed wider footpath will improve accessibility to public transport, and the City North Public Domain Plan in particular.

Zone RE1 – Public Recreation

- To enable land to be used for public open space or recreational purposes.*
- To provide a range of recreational settings and activities and compatible land uses.*
- To protect and enhance the natural environment for recreational purposes.*
- To provide links between open space areas.*
- To retain and promote access by members of the public to areas in the public domain including recreation facilities and waterways and other natural features.*
- To protect sun access to publicly accessible land.*

The proposal satisfies the relevant objectives of the RE1 zone for the following reasons:

- The improved, and in particular wider footpath, will encourage walking, cycling and provide improved pedestrian access to public space.
- A wider footpath and improved streetscape enhance links to existing open space areas.

Clause 5.10 – Heritage Conservation

The objectives of this clause are as follows—

- (a) to conserve the environmental heritage of the City of Sydney,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

The proposal is unlikely to adversely impact upon heritage items in the locality. The proposal is unlikely to adversely impact upon heritage items in the locality. Although the works are within the vicinity of a number of heritage items, the works do not seek to alter any heritage items, rather the public areas surrounding the heritage items in order to improve the context and allow for improved pedestrian activity. The works were supported by Council's Heritage team subject to mitigation measures.

There may be European and Aboriginal archaeological values within the subject land, however an AIHMS search did not located any Aboriginal sites within the land. Sections 6 and 8 below discuss this matter further. In summary, mitigation measures can be implemented to avoid significant adverse archaeological impacts.

It is noted that the presence of those heritage values cannot be determined until the road and pavement surfaces are removed. Therefore, unexpected finds strategies are proposed as a mitigation strategy.

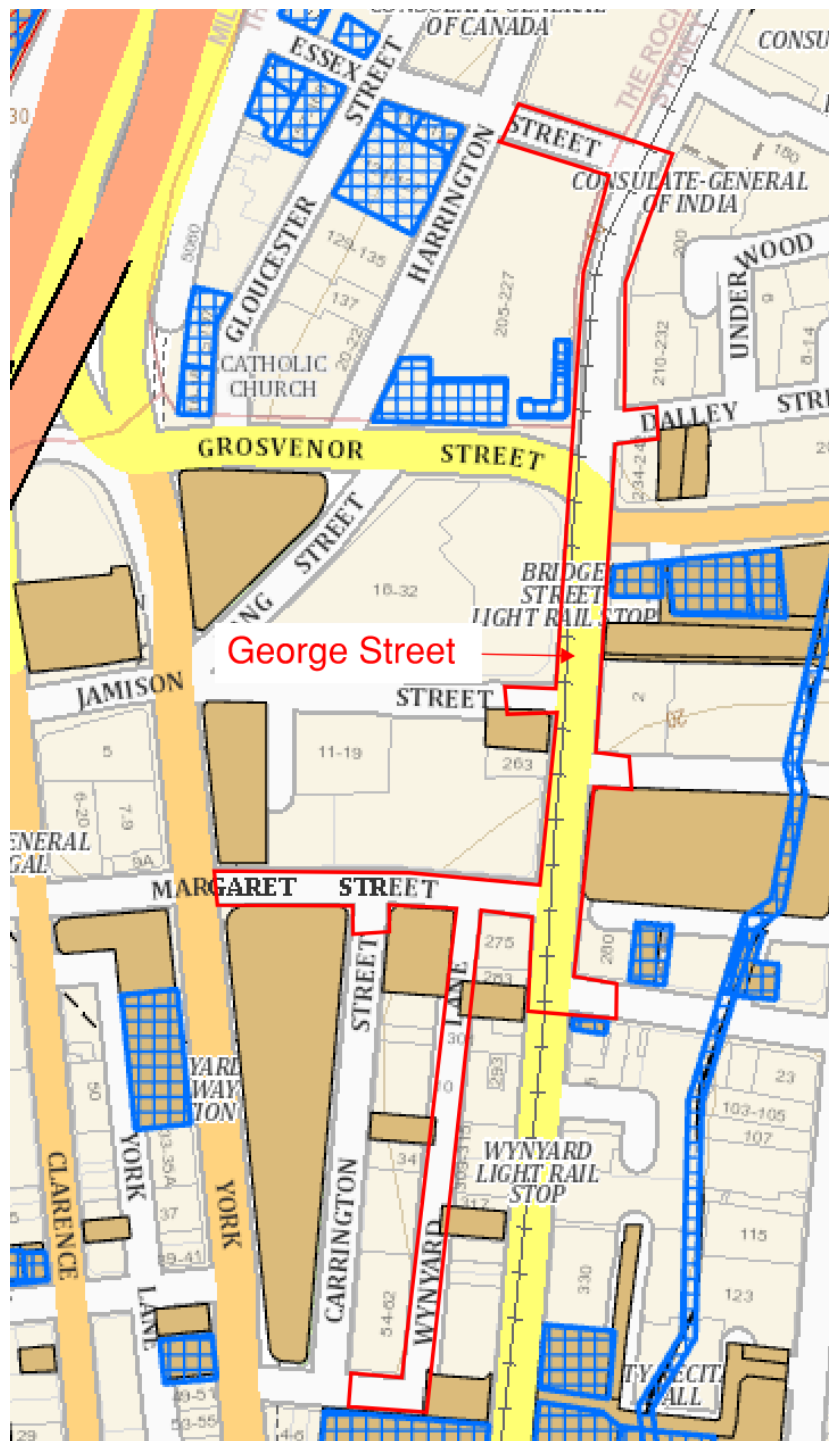


Figure 11: Heritage map- Blue representing Items under the State heritage Register and brown representing items under the Sydney Local Environmental Plan (Source: ePlanning Spatial viewer)

5.21 – Flood planning

The objectives of this clause are as follows—

- (a) to minimise the flood risk to life and property associated with the use of land,
- (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,
- (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,

(d) to enable the safe occupation and efficient evacuation of people in the event of a flood.

Based on Council maps and publicly available information, the site does not appear to be flood affected.

Clause 7.14 – Acid Sulfate Soils

The subject land is identified as being affected by Class 5 acid sulfate soils according to the SLEP 2012.



Figure 12: Acid Sulfate Soils Map with Class 5 area in yellow (Source: ePlanning Spatial viewer)

As per Clause 7.14 (3), the proposal was accompanied by an Acid Sulfate Soils Management Plan.

The Plan's recommendations are required to be complied with as part of the mitigation measures.

4.3 STRATEGIC PLANS

Greater Sydney Region Plan – A Metropolis of Three Cities

The Greater Sydney Region Plan – A Metropolis of Three Cities was released by the Greater Sydney Commission in 2018 and applies to the site. This document outlines the overarching plan for the future of the Sydney Metropolitan Area over the next 40 years (to 2056). The Plan contains numerous goals which include the provision of world-class service and transport, housing choice to accommodate varied needs and lifestyles, the creation of healthy and connected communities, and protection of the natural environment.

The proposed works are consistent with the objectives of the regional plan (Eastern Harbour City) given they assist in establishing a greener city with focus on active transport and liveability.

Community Strategic Plan 2022- Delivering Sustainable Sydney 2030–2050

The Community Strategic Plan presents a vision is for a sustainable future in response to the climate change. The Plan puts forward several strategic goals, including a focus on public transport and walking/cycling. The proposed works align with the strategic goal, given additional pedestrian areas will be created which will allow for more pedestrian infrastructure and in the long-term.

City Plan 2036: Local strategic planning statement (LSPS)

The works are consistent with the relevant provision of the LSPS including priority I1: 'Movement for walkable neighbourhoods and a connected city'.

City North Public Domain Plan 2015

The City North Public Domain Plan highlighted ideas for improving streets and open spaces which can be used as guidelines for future development. The proposed works currently implement targets set by the plan with regard to improving pedestrian links and providing for a more walkable CBD.

4.4 RELEVANT POLICIES

Sydney Development Control Plan 2012 (SDCP 2012)

The SDCP 2012 contains non-statutory planning controls generally intended to support the SLEP 2012. The proposal involves minimal built form and, in this case, the SDCP 2012 is of limited relevance. Regardless, the main controls which would apply to the proposal are identified and addressed below.

Section 2.1 – Locality Statements (Central Sydney)

For the purposes of the SDCP 2012, the subject land is located within both the Central Sydney and Surry Hills localities. The character-based objectives for the Central Sydney locality, as stated in Section 2.1, are as follows:

- a) *retain and enhance the unique character of each Special Character Area.*
- b) *ensure development has regard to the fabric and character of each area in scale, proportion, street alignment, materials and finishes and reinforce distinctive attributes and qualities of built form.*

- c) *conserve and protect heritage items and their settings.*
- d) *maintain a high level of daylight access to streets, lanes, parks and other public domain spaces.*
- e) *encourage active street frontages to the public domain.*
- f) *conserve, maintain and enhance existing views and vistas to buildings and places of historic and aesthetic significance.*

As the proposal includes minimal additional built form any impacts to existing and built form character of the locality will be negligible.

There may be potential to impact on below ground archaeological features once the proposal's necessary excavation commences. A mitigation strategy has been recommended with regards to unexpected archaeological finds.

Overall, adverse impacts to the character of the Central Sydney locality is not anticipated by the proposal. The proposal is likely to result in beneficial impacts given it will improve the streetscape appearance, particularly as a result of pedestrianisation. Further, the wider walkable public domain as a result of the proposal would improve opportunities for members of the public to visualise and experience the surrounding character.

Section 3.1 – Public Domain

It is evident that this section of the SDCP 2012 seeks to prioritise or at least improve public spaces, particularly for pedestrians. The proposal, given it seeks to increase footpath widths and improve the streetscape generally, will be consistent with this section's objectives.

Contaminated Land Development Control Plan 2004 (Contaminated Land DCP)

The objectives of the Contaminated Land DCP (i.e. Section 2.2) state:

- *Ensure that changes of land use will not increase the risk to health or the environment.*
- *Avoid inappropriate restrictions on land use; and*
- *Provide information to support decision making and to inform the community.*

It is considered that the matters relating to land contamination and remediation have been adequately addressed under Chapter 4 Remediation of Land of the *State Environmental Planning Policy (Resilience and Hazards) 2021*.

Heritage Development Control Plan 2006 (Heritage DCP)

The proposal is unlikely to adversely impact upon heritage items in the locality. The proposal is unlikely to adversely impact upon heritage items in the locality. Although the works are within the vicinity of a number of heritage items, the works do not seek to alter any heritage items, rather the public areas surrounding the heritage items in order to improve the context and allow for improved pedestrian activity.

There may be European and Aboriginal archaeological value within the land which is proposed to be developed to deliver proposed embellishments, however an AIHMS search did not located any Aboriginal sites within the subject site. Section 6 and 8 below discusses this matter further. In summary, mitigation measures can be implemented to avoid significant adverse archaeological impacts.

It is noted that the presence of those heritage values cannot be determined until the road and pavement surfaces are removed. Therefore, unexpected finds strategies are proposed as a mitigation strategy.

Section 2 – Vicinity Controls

The Heritage DCP contains the following objectives for development in the vicinity of heritage items, which is the case for this proposal. The objective of this section is as follows:

“...to ensure that development in the vicinity of heritage items is designed and sited to protect the heritage significance of the item.”

Given the proposal contains minimal built form and no buildings, it is not likely to result in any substantive impacts to the character of adjoining heritage items, and their surrounds. The proposal is likely to improve their character given it includes several streetscape enhancements such as wider footpaths, providing pedestrians with a wider viewing angle to interpret the subject heritage items.

5. CONSULTATION

Consultation for the purposes of the Infrastructure SEPP has been addressed at Section 4.2 of this REF. As discussed, the REF is required to be placed on public exhibition given the cost of works exceed \$5 million. In addition, prior to commencement of works, consultation will be required with several agencies as per section 3.7 of this REF. Mitigation measures have been included.

High-level stakeholder engagement has occurred with several stakeholders however this requires to be summarised into a report. Mitigation measures have been included.

6. ENVIRONMENTAL ASSESSMENT AND MITIGATION MEASURES

6.1 AIR AND WATER QUALITY

The proposal involves surface related excavation as well as a range of other construction related procedures, such as sawing of paving, concrete pouring, and construction related delivery vehicles. These are likely to generate dust, which may affect air and water quality without adequate mitigation measures. The machinery involved for these procedures is also likely to result in exhaust fumes.

All such impacts are temporary and can be managed in accordance with the preparation and implementation of a Construction Environmental Management Plan (CEMP). Some of the items the CEMP is required to include are:

- Ongoing management of soils and sediment in accordance with *Australian and New Zealand Environment and Conservation Council (ANZECC) (2000) Guidelines for Fresh and Marine Water Quality*.
- Ongoing management of soils and sediment in accordance with *Landcom's (2004) Managing Urban Stormwater: Soils and Construction*.
- Ongoing management of soils and sediment in accordance with Volume 2D of *Managing Urban Stormwater: Soils and Construction* (DECC 2008).
- Undertaking servicing of machinery to avoid excessive exhaust fumes.

- Ongoing monitoring of the construction site and its immediate surrounds to address any potential non-compliances with mitigation measures.
- Compliance with relevant provision of Protection of the Environment Operations Act 1997.

6.2 SOILS

As indicated above, the proposal involves surface excavation which is likely to impact on existing soils. However, the proposal relates to generally minor works, with only localised excavation under 1m in depth. As such, the proposal's likely soil related impacts should be minor. Any impacts can be managed in accordance with the mitigation measures identified in Section 6.1 above as well, as the undertaking of a pre-construction geotechnical assessment.

As discussed earlier in this REF, potential natural hazards relevant to the site are limited to acid sulfate soils. The accompanying Acid Sulfate Management Plan is required to be complied with.

A Phase 1 contamination assessment shall be undertaken to determine the likelihood of contaminated material throughout the construction site.

6.3 NOISE AND VIBRATION

The proposal's construction process will rely on mechanical equipment, including delivery vehicles, which will result in noise and vibration impacts. Commercial tenancies and dwellings in close proximity to the subject site in particular may be impacted. Such impacts will be temporary but can nevertheless be mitigated with the implementation of the Construction Noise and Vibration Management Plan (CNVMP). Such plan may include requirements for the installation of noise absorbing barriers for the full extent of the proposed works.

For the proposed works, construction hours should be limited to the following (as recommended by Draft Construction Noise Guideline prepared by Environment Protection Authority):

- Monday to Friday: 7.00am to 6.00pm. Some works will require to take place outside these hours due to some driveways requiring 24/7 access. Working outside standard hours will only be through the consultation with the relevant authorities and stakeholders.
- Saturday: 8:00am to 4:00pm.
- No works on Sundays or public holidays or as specified by any relevant legislation.
- Construction may be required outside the recommended standard hours to install/construct public infrastructure. Night works will be required. This will not occur without approval from the relevant authority.

6.4 FLORA, FAUNA AND TREES

The subject site is highly urbanised and does not contain any high volume of flora, fauna or native trees. For these reasons, the impact on flora, fauna and trees is minimal. This impact is considered acceptable given the proposal involves planting of several new, appropriate species of street trees. 2 trees are proposal to be removed as detailed in the above sections and the removal was supported by Council's landscaping team.

The area was not mapped within the Biodiversity Values Map. The works are unlikely to adversely impact upon any existing habitat areas within the adjoining parks, given the parks are not known to contain significant and /or endangered ecological communities.

Mitigation measures, in this case, will be limited to the preparation of a detailed landscape plans which confirm, amongst other items, the exact number of replacement trees, exact number of new trees, their species, and measures relating to their ongoing management to ensure they become adequately established. Landscape plans must be prepared by a suitably experienced landscape architect registered with the Australian Institute of Landscape Architects (AILA).

6.5 NATURAL HAZARDS

The proposal should adequately connect to the stormwater and drainage system in order to reduce the impact of adverse runoff into adjoining area and to avoid backflow in major rain events. It is not anticipated that the proposal will have adverse impacts upon stormwater given the nature of the works. A mitigation method has been added requiring any stormwater system be designed by a qualified person meeting all relevant civil design standards

It is noted that the site is not flood affected and is unlikely to exacerbate flooding impacts.

6.6 SEA LEVEL RISE

The subject site is not in the immediate vicinity of natural water bodies. Sea level rise is therefore, not considered to be a likely impact. Similarly, the proposal is of a minor nature in relative terms and does not give rise to any significant long term carbon dioxide emissions. Therefore, the proposal itself is not likely to impact on sea levels.

6.7 SPOIL AND WASTE MANAGEMENT

The proposal is likely to involve the removal of the existing road surface and disturbance of the existing road base, some of which could potentially be contaminated. Such waste could escape the subject site through erosion and sedimentation. There are also likely to be various 'off cuts' from construction materials such as pavers, concrete and the like.

General construction waste shall be managed in accordance with the *Waste Avoidance and Resource Recovery Act 2001*. This legislation generally seeks to avoid waste generation or divert any waste to recycling.

6.8 CHEMICAL AND HAZARDOUS SUBSTANCE MANAGEMENT

As indicated above, there may be contamination within the existing road corridor. This shall be managed in accordance with the measures outlined in Section 6.1 and 6.8 of this REF. In addition, contamination and hazardous materials should be managed in accordance with the following measures:

- National Environment Protection (Assessment of Site Contamination) Amendment Measure 2013 (No. 1) (NEPM) (National Environment Protection Council (NEPC, 2013)
- NSW Asbestos Blueprint 2017
- Waste Classification Guidelines (DECCW 2009).
- Protection of the Environment Operations Act 1997
- Waste Avoidance and Resource Recovery Act 2001
- Work Health and Safety Act 2011

6.9 TRANSPORT AND ACCESS

Disability Discrimination Act

The works must comply with the relevant provisions of the Disability Discrimination Act 1992.

Operational Transport and Access

Vehicular access to most of the roads in question was restricted as part of Infrastructure Approval SSI-6042. CoS has consulted with TfNSW in relation to the proposed works and no objections were raised by TfNSW in that regard.

It should be noted that this assessment relates only to the repaving and embellishment of the roads in question. The assessment does not include any road closures, traffic redirection or the like as these will be separately determined by Council's Local Pedestrian, Cycling and Traffic Calming Committee (Traffic Committee). The Traffic Committee is likely to have specific mitigation methods to manage traffic impacts.

No works shall commence until such a time that the Traffic Committee has consented to the works.

Although not part of the assessment in this REF, it is noted that the proposal intends to divert cars away from George Street and onto peripheral roads surrounding George Street. The intention is to limit cars along the George Street corridor with priority given to pedestrians and light rail services. Access to existing buildings should be maintained. All vehicles will still be able to commute around the city using alternative routes that allow traffic to flow around George Street instead of through it.

Impacts to pedestrian flows and accessibility are mostly positive, given footpaths will be widened to increase capacity and the streetscape will be improved with additional street trees and the like. No mitigation measures are required in relation to pedestrian accessibility.

In accordance with section 76 of the Roads Act, Council is required to seek approval from the TfNSW for any works within a public road with a value of \$2 million. Approval from TfNSW is thus required prior to works proceeding.

No works shall commence until such a time that approval is granted from TfNSW

Utility Providers

CoS is to consult with the relevant utility providers prior to works commencing to ensure no assets will be disrupted by the proposed works.

Construction Transport and Accessibility

The proposal will involve a number of construction related vehicles and machinery. This may increase traffic volumes and result in traffic delays. A Construction Traffic and Access Management Plan needs to be implemented for the project. Some noteworthy elements of the Plan should include:

- Creating temporary parking bays within the proposed construction zone for construction related vehicles, machinery or delivery of materials. Ample space exists within the proposed construction zone for such temporary bays. Such bays shall be identified prior to the construction of works.

- Install lighting for the duration of the project in accordance with relevant Australian Standards.
- Encouraging the delivery of any large machinery, which would otherwise disrupt traffic or pose a risk to pedestrians, outside of peak periods. Peak periods, if any, should be determined prior to the commencement of construction and following an observational analysis of traffic and pedestrian activity along the subject site.
- Install temporary barriers between any currently publicly accessible areas and the relevant construction zone to avoid pedestrians and any vehicles entering the construction zone. The type of temporary barrier in use on site will vary as the construction progresses in accordance with the requirements from Transdev (Light Rail Operator) and maximise sight lines for vehicles as well as pedestrians, where possible.
- Including pedestrian awareness as part of any induction program for any staff associated with the onsite works.

A public communications protocol shall also be established before and for the duration of the construction phase. The protocol should outline at least the following:

- Purpose of the project.
- When construction works are anticipated to commence, daily construction hours, and the approximate duration of the construction works.
- Any particular construction related processes which may generate amenity impacts which could be reasonably regarded as out of the ordinary.
- The means of communication, which should include at least onsite signage, notifications within local newspapers or other publications with local circulation, as well as social media, a project liaison officer from CoS for local business owners, and a contact phone number.
- Establishment of construction zone lighting in accordance with relevant Australian Standards.

During both the construction and operational phase, suitable materials shall be used to avoid pedestrian trips, slips and the like. Materials in accordance with the relevant Australian Standards shall be used. Such materials shall be maintained in accordance with the relevant standards and/or the manufacturer's requirements.

Impact on existing loading zones, taxi ranks and the like

Should the proposal result in the removal of a loading zones, consultation with the impacted stakeholders should occur and a reasonable alternative be provided so as to not disrupt day to day operations.

Although some taxi ranks will be removed along Jamison Street, these will be relocated further up the road.

6.10 ABORIGINAL AND NON-INDIGENOUS HERITAGE

As discussed earlier, the subject site does not contain any items of environmental heritage according to the SLEP 2012. Several items of environmental heritage and a conservation area are in proximity to the subject site, but the physical separation is sufficient to avoid any likely impacts.

Given the extended period of time George Street has been in operation, and the extent of maintenance and/or reconstruction they would have been subject to, it is unlikely that any unforeseen aboriginal or non-indigenous material would be found as part of the proposal's construction, including excavation.

Despite this, mitigation measures are warranted given the likely significance of any potential aboriginal or non-indigenous material that might be found. These mitigation measures include:

- Reviewing the results of geotechnical testing for any evidence of aboriginal or non-indigenous material.
- Stopping work in the event any material or potential material is identified during the construction phase.
- Nominating potential for aboriginal or non-indigenous heritage as part of any site induction process.
- Engaging a qualified heritage specialist/archaeologist prior to project commencement who will be available in the event that any material or potential material is identified during the construction phase. This consultant can offer advice and obtain any necessary approvals under the NSW National Parks and Wildlife Act 1974 and NSW Heritage Act 1977.

6.11 VISUAL IMPACTS

The following are the key elements of the proposal which are likely to have any visual impact:

- Replacement of existing road base with paving and associated kerb and gutter.
- Widening of public footpath area.
- Removal of 2 trees. Through the design process, additional tree removal may be required. Further consultation will only be undertaken should extensive tree removal or streetscape impacts be identified. Additional tree removal may be undertaken in favour over retention of existing street tree assets with low retention value / that obstruct pedestrian circulation in the newly configured streetscape where. All such instances will be subject to approval from an arborist within the City's Urban Forest unit.
- Addition of approximately 30+ trees.
- Addition of various public amenities such as street seating, water fountains, bins, bicycle hoops and the like.
- Addition of lighting poles including Smartpoles (TM).

The proposal will result in mostly positive visual impacts given the streetscape will be substantially improved. To avoid the streetscape becoming 'over crowded' with the additional street trees, Smartpoles (TM) and the like, these elements are sufficiently spaced and will not result in any adverse impacts. In this case, mitigation impacts will be limited to the following:

- Regular observation, within 3 months of the installation of proposed vegetation to ensure it becomes adequately established.
- Regular observation, within 3 months of the installation of proposed public amenities, to ensure they operate satisfactorily.
- Regular observation, within 3 months of the installation of footpath amenities, to ensure they have been constructed satisfactorily.

6.12 SOCIO-ECONOMIC IMPACT

The proposal does not impact directly or indirectly on any existing administrative, professional, or community services such as medical facilities, schools, childcare centres or the like.

The proposal's construction phase has the potential to impact on adjoining businesses and the like as a result of noise, dust, vibration, transportation and accessibility impacts outlined earlier. These impacts are temporary and acceptable with mitigation measures already discussed. Further, for the most part, the proposal works are substantially separated from places of business. The proposed works are not so close that access, for example, would be

restricted to places of business. In fact, the existing footpaths will be maintained for the vast majority of the subject site, ensuring existing accessibility will be retained.

Upon completion of the proposed works, the streetscape will be substantially improved with new paving, additional trees, public amenities and a wider footpath. As such, not only will the general atmosphere be improved, but this is likely to improve trading conditions for nearby places of business. Overall, this will assist with the implementation of the City North Public Domain Plan.

In light of the above, specific amenity impacts such as noise, dust and the like, can be managed acceptably subject to previously outlined mitigation measures so as not to impact upon the economic performances of businesses in the vicinity.

To discourage anti-social behaviour, additional lighting has been provided to help improve safety at night and would also help activate the precinct. The proposal aims to improve pedestrian safety, access and amenity, and provide opportunities to activate the area in the evenings.

The proposed amenity improvements are likely to have overall positive social and economic benefits for the community.

6.13 PEDESTRIAN SAFETY

There is no change to the use of the subject land, remaining part of the public road reserve. Given the proposal will improve the streetscape and increase footpaths widths, adverse impacts are not envisaged in relation to the future use of subject land itself. There may be potential for safety risks associated with widening the footpath and, new shared zones, and placing pedestrians closer to the light rail itself. In order to mitigate this, relevant traffic signage shall be erected and paving design and line marking of the area is required to ensure safety to pedestrian and motorists alike. Detailed design is required to ensure that such risks are mitigated.

Given the footpath will be widened and will now be closer to the light rail corridor, there is potential of for some increased risk to pedestrian safety. Mitigation measures are required which primarily revolve around building community awareness through a localised advertising campaign, permanent local signage, street markers, and the like.

In addition, a mitigation is in place requiring consultation with the local emergency management committee.

6.14 ECOLOGICALLY SUSTAINABLE DEVELOPMENT AND SUSTAINABILITY

The proposal is likely to result in some waste materials as well as carbon dioxide emissions from construction related machinery in particular. Overall, however, the proposal contributes significantly towards ecologically sustainable development and sustainability generally, for the following reasons:

- There will be a substantial net increase in trees in the subject site.
- Wider footpaths and an improved streetscape generally, will increase opportunities for 'green transport', in particular, walking.
- It is consistent with the Council's general intention to reduce cars within the CBD area, with focus on rail transit options, walking and cycling.
- In relation to water management and irrigation, the chosen tree species will be required to satisfy the *Adapting for Climate Change Strategy* published by the City of Sydney.

6.15 OTHER ENVIRONMENTAL IMPACTS

Given the addition of public lighting, there will be an increase in the demand for electricity. The matter will not require specific mitigation measures as there is no known shortage in electricity supply, however electricity supply procurement and the type of electrical assets erected shall be consistent with the aims of the *Adapting for Climate Change Strategy* published by the City of Sydney.

6.16 CUMULATIVE ENVIRONMENTAL IMPACTS

Vehicular access within the subject site in addition to traffic movement will change as a result of the proposal. To ensure the traffic matters are mitigated, the proposal will require to be presented to Council's Local Pedestrian, Cycling and Traffic Calming Committee (Traffic Committee) for support.

This aside, the proposal's overall impacts are considered to be beneficial and would outweigh the identified adverse impacts. This is largely because the proposal would result in significant streetscape upgrades, including new paving, trees and other public amenities. Similarly, the proposal will increase the pedestrian areas substantially. This increases accessible public space, increases the opportunity for pedestrians to view and interpret their surroundings (including heritage items), and increases opportunities for walking or 'green transport'.

All construction works will be in accordance with the relevant provisions of the Building Code of Australia, Australian Standards, and Austroads guidelines.

7. ENVIRONMENTAL FACTORS CONSIDERED

7.1 CONSIDERATION OF CLAUSE 171 OF EP&A REGULATIONS 2021

The matters for consideration under clause 171 of the Environmental Planning & Assessment Regulation 2021 have been addressed in detail in section 4.3 of this REF.

7.2 CONSIDERATION OF NATIONAL ENVIRONMENTAL SIGNIFICANCE

The proposal itself does not have any consequences of national significance. If any, the consequences are positives as the proposal will improve the appearance and amenity of George Street, an important thoroughfare within the Sydney CBD.

8. SUMMARY OF MITIGATION MEASURES

This proposal deals with works related to the City North Public Domain Plan. The relevant mitigation strategies described in this REF are summarised below:

Notification and Consultation (before construction)

- This REF is to be published on the Council website and on the NSW Planning Portal in accordance with clause 171 (4) of the Environmental Planning and Assessment Regulation 2021.
- Consult with Place Management NSW in relation to works along Essex Street.
- Consult with Transdev in relation to works in proximity to the Sydney Light Rail.
- An Engagement Report be prepared summarising all community engagement done and summarising outcome of engagement. The purpose of the report is to:
 - Seek early input from stakeholders on the proposal.
 - Understand stakeholder issues, service requirements and project impacts.
 - Capture feedback to help inform the development of a concept design.
 - Capture all relevant contact with stakeholders.
 - Consult key stakeholders and the wider community on the concept design, local access plan and REF.
- Should the works result in the removal/relocation of any loading zones, consultation with the impacted stakeholders should occur and a reasonable alternative be provided so as to not disrupt day to day operations.

Stakeholder Consultation (before and during construction)

- The City of Sydney and/or authorised contractors are required to inform stakeholders of timelines and project updates, to help them plan activities and mitigate disruptions.

Marketing Campaign (before and during construction)

- The City of Sydney and/or authorised contractors are required to inform the public via a marketing campaign through media / CoS website / advertisement, to inform public about the project (i.e. something which informs the public that shops will remain open during works, to assist with the temporary economic impacts associated with all the construction works).

Separate Approvals/Consultation (before construction)

- Ensure all emergency services are consulted (NSW Police, Fire and Rescue NSW, Ambulance NSW, State Emergency Services). This could include consultation with the relevant Local Emergency Management Committee.
- Obtain TfNSW approval for proposed works in accordance with Section 75 and 76 of the Roads Act 1993.
- Consult relevant utility providers with regard to the installation of any utility conduits for the purposes of Section 85 of the Roads Act.
- Obtain approval for any further temporary road closures in accordance with Section 138 of the Roads Act 1993.
- The proposed works be approved by Council's Local Pedestrian, Cycling and Traffic Calming Committee (Traffic Committee).

Loading Zones & Further Road Closures (before construction)

- Approval shall be obtained in accordance with Section 75 and 138 of the Roads Act 1993 for any further necessary road closures.

Landscaping (before construction)

- Prior to the commencement of any construction on the subject site, a landscape plan shall be prepared and endorsed by Council. The plan shall be prepared by a suitably experienced landscape architect registered with the Australian Institute of Landscape Architects (AILA). The plan shall detail the number of existing trees to be removed/replaced, the number of new trees, their species, as well as ongoing management requirements to ensure they become adequately established.
- Whilst new and replacement trees are encouraged, the landscape plan should ensure the number of trees is not excessive and would not, for example, hinder any sensitive built form character or unreasonably obstruct the passage of pedestrians. Through the design process, additional tree removal may be required. Further consultation will only be undertaken should extensive tree removal or streetscape impacts be identified. Additional tree removal may be undertaken in favour over retention of existing street tree assets with low retention value / that obstruct pedestrian circulation in the newly configured streetscape where. All such instances will be subject to approval from an arborist within the City's Urban Forest unit.

Whilst the exact number of replacement trees and new trees may not be able to be quantified prior to commencement of works due to the presence of underground services, utilities and the like, the plan should aim to include approximately 30+ new trees.

The chosen tree species will require to satisfy the Adapting for Climate Change Strategy published by the City of Sydney in relation to irrigation.

Stormwater design (before and during construction)

- Any stormwater system must be designed by a qualified person meeting all relevant civil design standards.

Contamination (before and during construction)

- Undertake and operate in accordance with a Phase 1 Preliminary Environmental Assessment (and any subsequent Phase 2 Environmental Assessment and Remediation Action Plan (if required) prepared by a qualified specialist. Works shall be undertaken in accordance the recommendations of the Assessment.
- Construction to be undertaken in accordance with the *National Environment Protection (Assessment of Site Contamination) Amendment Measure 2013 (No. 1) (NEPM) (National Environment Protection Council (NEPC, 2013).*
- Construction to be undertaken in accordance with the *Guidelines for the Assessment, Remediation and Management of Asbestos Contaminated Sites in Western Australia (Western Australia Department of Health 2009).*

Geotechnical Investigation (before construction)

- A geotechnical assessment shall be conducted to inform the Smartpole (or other poles) footing design. Should groundwater be identified, contact shall be made with WaterNSW for relevant actions and approvals.

Erosion & Sedimentation (before and during construction)

- Ongoing management of soils and sediment in accordance with *Australian and New Zealand Environment and Conservation Council (ANZECC) (2000) Guidelines for Fresh and Marine Water Quality.*
- Ongoing management of soils and sediment in accordance with *Landcom's (2004) Managing Urban Stormwater: Soils and Construction.*

- Ongoing management of soils and sediment in accordance with Volume 2D of Managing Urban Stormwater: Soils and Construction (DECC 2008).
- Construction to be undertaken in accordance with the *Protection of the Environment Operations Act 1997*.

Pedestrian Safety (before and during construction)

- Install temporary barriers between any currently publicly accessible areas and the relevant construction zone to avoid pedestrians and any vehicles entering the construction zone. The type of temporary barrier in use on site will vary as the construction progresses in accordance with the requirements from Transdev (Light Rail Operator) and maximise sight lines for vehicles as well as pedestrians, where possible.
- Including pedestrian awareness as part of any induction program for any staff associated with the onsite works.
- During both the construction and operational phase, suitable materials shall be used to avoid pedestrian trips, slips and the like. Materials in accordance with the relevant Australian Standards shall be used. Such materials shall be maintained in accordance with the relevant standards and/or the manufacturer's requirements.
- A public communications protocol shall also be established before and for the duration of the construction phase. The protocol should outline at least the following:
 - Purpose of the project.
 - When construction works are anticipated to commence, daily construction hours, and the approximate duration of the construction works.
 - Any particular construction related processes which may generate amenity impacts which could be reasonably regarded as out of the ordinary.
 - The means of communication, which should include at least onsite signage, notifications within local newspapers or other publications with local circulation, as well as social media, a project liaison officer from CoS for local business owners, and a contact phone number.
 - Establishment of construction zone lighting in accordance with relevant Australian Standards.

Transport and Access (before construction)

- A Construction Traffic and Access Management Plan shall be prepared and implemented addressing but not limited to the following:
 - Creating temporary parking bays within the proposed construction zone for construction related vehicles, machinery or delivery of materials. Such bays shall be identified prior to the construction of works.
 - Install lighting for the duration of the project in accordance with relevant Australian Standards.
 - Outline the construction conditions and temporary environmental protection measures to manage the impact of construction activities. The plans must be consistent with the environmental management measures documented in this REF, and the conditions of any licences or permits issued by government authorities (if any).
 - The Plan is to identify the auditing and inspection requirements and determine the framework for the management of key environmental and traffic issues for construction.
 - Encouraging the delivery of any large machinery, which would otherwise disrupt traffic or pose a risk to pedestrians, outside of peak periods. Peak periods, if any, should be determined prior to the commencement of construction and following an observational analysis of traffic and pedestrian activity along the subject site.

- Install temporary barriers between any currently publicly accessible areas and the relevant construction zone to avoid pedestrians and any vehicles entering the construction zone. The type of temporary barrier in use on site will vary as the construction progresses in accordance with the requirements from Transdev (Light Rail Operator) and maximise sight lines for vehicles as well as pedestrians, where possible.
- Including pedestrian awareness as part of any induction program for any staff associated with the onsite works.

Access for Persons with a Disability (before and during construction)

- The works must comply with the relevant provisions of the Disability Discrimination Act 1992.

Construction methodology (before and during construction)

- All construction works be in accordance with the relevant provisions of the Building Code of Australia, Australian Standards, and Austroads guidelines.
- All construction works be in accordance with the Sydney Streets Technical Specifications.
- All works to comply with relevant SafeWork NSW standards.
- Appropriate sediment control fencing be installed around construction site(s).

Protection of the Environment (during construction)

- Undertaking servicing of machinery to avoid excessive exhaust fumes.

Monitoring and Auditing (during construction)

- Undertake and operate in accordance with a geotechnical assessment.
- Ongoing monitoring of the construction site and its immediate surrounds to address any potential non-compliances with mitigation measures.

Acid Sulfate Soils (during construction)

- Undertake and operate in accordance with the accompanying acid sulfate management plan.

Waste Management & Avoidance (during construction)

- Construction and waste management to be in accordance with the *Waste Avoidance and Resource Recovery Act 2001*.
- Construction to be undertaken in accordance with the *Waste Classification Guidelines (DECCW 2009)*.
- Contamination and hazardous materials should be managed in accordance with the following measures:
 - National Environment Protection (Assessment of Site Contamination) Amendment Measure 2013 (No. 1) (NEPM) (National Environment Protection Council (NEPC, 2013)
 - NSW Asbestos Blueprint 2017
 - Waste Classification Guidelines (DECCW 2009).
 - Protection of the Environment Operations Act 1997
 - Waste Avoidance and Resource Recovery Act 2001
 - Work Health and Safety Act 2011

Parking and Deliveries (during construction)

- Install temporary parking bays within the proposed construction zone for construction related vehicles, machinery or delivery of materials prior to the commencement of construction works.

- The delivery of any large machinery is to generally occur outside of peak periods. Peak periods, if any, should be determined prior to the commencement of construction and following an observational analysis of traffic and pedestrian activity along the subject site.
- All works shall be carried out in accordance with the prepared Construction Network Management Plan as per the above mitigation point (*Transport and Access*).

Archaeology (before and during construction)

- Review the results of geotechnical testing for any evidence of aboriginal or non-indigenous material.
- Stop work in the event any aboriginal or non-indigenous material or potential material is identified during the construction phase. Advise City of Sydney's project director immediately after stopping work.
- Nominate potential for aboriginal or non-indigenous heritage as part of any site induction process.
- Engaging a qualified heritage specialist/archaeologist prior to project commencement who will be available in the event that any material or potential material is identified during the construction phase. This consultant can offer advice and obtain any necessary approvals under the NSW National Parks and Wildlife Act 1974 and NSW Heritage Act 1977.

Noise and Vibration (before and during construction)

- Develop and implement a Construction Environmental Management Plan which details how the proposal will mitigate for air pollution, dust, sediment control, noise, construction vibration, waste, contamination and water quality. Plan must detail any monitoring methods used to mitigate impacts.
- The proposal shall comply with the recommendation of the submitted geotechnical report.
- All works shall be carried out in accordance with the prepared Construction Traffic and Access Management Plan as per the above mitigation point (*Transport and Access*).
- Hours of construction:
 - Monday to Friday: 7.00 am to 6.00 pm. Some works will require to take place outside these hours. Working outside standard hours will only occur following consultation with the relevant authorities and stakeholders.
 - Saturday: 8:00 am to 4:00 pm.
 - No works on Sundays or public holidays or as specified by any relevant legislation.
 - Construction may be required outside the recommended standard hours to install/construct public infrastructure. Night works will be required. This will not occur without approval from the relevant authority.

Inspection of works (after construction)

- Regular observation, within 3 months of the installation of proposed public amenities, to ensure they operate satisfactorily.
- Regular observation, within 3 months of the installation of footpath amenities, to ensure they have been constructed satisfactorily.

Traffic Management (after construction)

- The approved Traffic Management Plan dated October 2022 shall be complied with in addition to any specific conditions set forth by the Traffic Committee.

Landscaping and public amenities (after construction)

- Undertake regular monitoring of new landscaping and public amenities to ensure they become adequately established and operate effectively.

9. CONCLUSION AND DETERMINATION

This REF identifies and assesses the likely impacts of the proposal on the environment and details the mitigation measures to be implemented to minimise the potential impact to the environment.

The assessment has concluded that the proposed works as described in this REF, subject to the identified management measures and safeguards described in Section 8, will not result in significant impacts on the environment.

The proposed activity will not be carried out in a declared area of outstanding biodiversity value and is not likely to significantly affect threatened species, populations or ecological communities, or their habitats or impact biodiversity values. As such, a Species Impact Statement (SIS) and a Biodiversity Development Assessment Report (BDAR) are not required.

Following the above assessment, it is concluded that the proposed activity is not likely to have a significant impact on the environment, and an Environmental Impact Statement (EIS) is not required to be prepared.

It is recommended that the proposed activity proceed for the following reasons:

- The proposed development will not result in adverse impacts on the natural and built environments.
- The proposed development will not result in adverse impacts on the amenity of adjoining residents and businesses.
- The proposed development will increase pedestrianisation along the George Street corridor, which aligns with the strategic direction of the City North Public Domain Plan.
- The project is in the public interest.

Prepared by: David Ryan (Executive Director)

Name of company: Gyde Consulting

Signature David Ryan



Date 26 October 2022

10. CERTIFICATION

It is considered that the proposed development will not result in adverse impacts upon the environment and is in the public interest.

I certify that I have reviewed and endorsed the contents of this REF document, and, to the best of my knowledge, it is in accordance with the Environmental Planning and Assessment Act 1979, the Environmental Planning and Assessment Regulation 2021 and the Guidelines approved under clause 170 of the Environmental Planning and Assessment Regulation 2021, and the information it contains is neither false nor misleading

Determining officer (print name) _____

Position _____

Signature _____

Date _____

APPENDICES

- A** – Agency Approval Summary Schedule (guide)
- B** – TfNSW In Principle Support
- C** – Concept Plans
- D** – Acid Sulfate Management Plan dated October 2022
- E** – Guidelines for Division 5.1 Assessments
- F** – Sydney Streets Technical Specifications
- G** – Traffic Management Plan dated October 2022

APPENDIX A

Agency Approval Summary Schedule (guide)

Issue	Approval	Approval Body	Act	Section
Aboriginal Heritage	Consent to destroy, deface or damage or cause or permit the destruction or defacement of or damage to, a relic or Aboriginal place	Environment and Heritage - Department of Planning and Environment	National Park and Wildlife Act 1974	Sec. 90
Clearing	Approval required to carry out clearing of native vegetation (defined to include cutting down, thinning, removing, ringbarking, posing, uprooting or burning and includes severing or lopping branches.	Department of Planning and Environment	Local Land Services Act 2003, Council TPO	Part 5A Division 6
Crown Land	Permit to enclose wholly or in part any road or watercourse by which land is traversed or bounded.	Crown Land - Department of Planning and Environment	Crown Lands Act 1989	Sec. 61
Dangerous Goods	Complete a 'notification of dangerous goods on premises form' and lodge it with WorkCover if dangerous goods exceed the 'manifest quantity'. Licence for demolition or asbestos removal work.	Safework NSW	Work Health and Safety Regulation 2017	Part 1.1, 1.2, 7.1,9.1 Schedule 11 and Schedule12
Emissions to Air, Water, Land.	Environment protection licence to authorise carrying out of scheduled development work at any premises.	NSW Environment Protection Authority	Protection of the Environment Operations Act 1997	Sec.s 43(a), 47 and 55
	Environment protection licence to authorise carrying out of scheduled activities at any premises	Department of Planning and Environment		Sec.s 43(b), 48 and 55
	Environment protection licences to authorise the carrying out of scheduled activities not relating to premises.			Sec.s 43(c), 49 and 55
	Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from activity.			Sec.s 43(d), 55 and 122
Fisheries	Aquaculture permit.	Department of Primary Industries (Fisheries)	Fisheries Management Act 1994	Sec. 144
	Permit to carry out dredging or reclamation work.			Sec. 201
	Permit to cut, remove damage or destroy marine vegetation on public land or			Sec. 205

	<p>an aquaculture lease, or on the foreshore of any such land.</p> <p>Permit to:</p> <ul style="list-style-type: none"> • Set a net, netting or other material • Construct or alter a dam, floodgate, causeway or weir • Otherwise create an obstruction • Across or within a bay, inlet, river or creek, or across or around a flat. 			Sec. 219
Gas	<p>Operators of a natural gas network must hold a 'Reticulator's Authorisation'.</p> <p>Suppliers of natural gas by a distribution pipeline must hold a 'Supplier's Authorisation'</p> <p>A 'Distributors Licence' is required for the operators of natural gas networks that convey gases other than natural gases.</p> <p>Erection, installation, extension, alteration, maintenance and removal of gas works can be carried out by a network operator, particularly on public roads. This work is exempt from approvals under the LGA Act 1993 except in relation to buildings (Section 47 of the Gas Supply Act 1996).</p> <p>Note: Part 5 of the EPAA applies to permits required under Section 8(3) of the <i>Pipelines Act 1967</i> unless the pipeline has been licenced). The network operator can carry out the work following notice to Council and consideration of any submissions that are made. Certain works may also not require consent by virtue of the Model Provisions.</p>	Minister for Energy	Gas Supply Act 1996	Sec.s 5, 6, 7, 34, 35, 36 and 47
Heritage	Approval in respect of doing or carrying out of any of the following referred to in s 57 (1) affecting an item on the Interim Heritage Order or	Heritage Council of NSW	Heritage Act 1977	Sec. 58

	<p>on the State Heritage Register:</p> <p>Demolish the building or work.</p> <p>Damage or despoil the place, precinct or land, or any part of the place precinct or land.</p> <p>Move, damage or destroy the relic or movable object.</p> <p>Excavate any land for the purpose of exposing or moving the relic.</p> <ul style="list-style-type: none">• Carry out any development in relation to the land on which the building, work or relic is situated, the land that comprises the place, or land within the precinct.• Alter the building, work, relic or movable object.• Display any notice or advertisement on the place, building, work, relic moveable object or land, on in the precinct.• Damage or destroy any tree or other vegetation on or remove any tree or other vegetation from the place, precinct or land.			
Threatened Species	Licence to harm or pick threatened species populations or ecological communities or damage habitat	Department of Planning and Environment	Biodiversity Conservation Act 2016	Division 3
Water	Work that affects a water course subject of a water sharing plan under the Water Management Act 2000 being:	Department of Planning and Environment	Water Management Act 2000	Sec. 89
	Water use approval (to use water for a particular purpose at a particular location)	Water NSW		
	Water management work approval (being water supply work approvals, drainage work approvals and flood work approvals) to carry out those activities at a specified location			Sec. 90
	Activity approval (being for a controlled activity or			Sec. 91

	aquifer interference approval) conferring on the holder a right to carry out a specified activity at a specified location			
Works Near/ On Water	Permit to cut, remove damage or destroy marine vegetation on public land or an aquaculture lease, or on the foreshore of any such land	Department of Primary Industries Department of Planning and Environment	Fisheries Management Act 1994	Sec. 205
	Permit to: <ul style="list-style-type: none"> • Set a net, netting or other material • Construct or alter a dam, floodgate, causeway or weir • Otherwise create an obstruction, across or within a bay, inlet, river or creek, or across or around a flat. 	Department of Primary Industries Department of Planning and Environment		Sec. 219
Works on Roads	Approval and concurrence from the RTA may be required to: <ul style="list-style-type: none"> • Erect a structure or carry out a work in, on or over a public road • Dig up or disturb the surface of a public road • Remove or interfere with a structure, work or tree on a public road • Dig Pump water into a public road from any land adjoining the road • Connect a road, whether public or private to a classified road 	Transport for NSW	Roads Act 1993	Sec. 138
Matters of National Environmental Significance	Approval to carry out work that is likely to have a significant effect on the following: <ul style="list-style-type: none"> • World heritage properties • National Heritage places • RAMSAR Wetlands • Listed threatened species and ecological communities • Listed migratory species 	Department of Agriculture, Fisheries and Forestry Department of Industry, Science and Resources	Environment Protections and Conservation of Biodiversity Act 1999	Div. 1 of Part 3

	<ul style="list-style-type: none">• Commonwealth marine areas• Nuclear actions			
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APPENDIX B

TfNSW In Principle Support

APPENDIX C

Concept Plans

APPENDIX D

Acid Sulfate Management Plan

APPENDIX E

Guidelines for Division 5.1 Assessments

APPENDIX F

Sydney Streets Technical Specifications – Version 2019

APPENDIX G

Traffic Management Plan dated October 2022