

Concept Approval

Section 75O of the *Environmental Planning and Assessment Act 1979*

- I, the Minister for Planning, under the *Environmental Planning and Assessment Act 1979* determine:
- a) to approve the concept plan referred to in Schedule 1, subject to the conditions in Schedule 2;
 - b) pursuant to section 75P(1)(c) of the *Environmental Planning and Assessment Act 1979*, that Stage 1 of the Sydney CityGrid Project (Belmore Park Zone Substation and stub tunnel connection) requires no further environmental assessment;
 - c) pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979*, that the remaining components of the Sydney CityGrid Project requires further environmental assessment under Part 3A of the Act;



Hon Kristina Keneally MP
Minister for Planning

Sydney

20 Sept.

2009

File No: S07/01887

SCHEDULE 1

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| Application No: | 08_0075 |
| Proponent: | EnergyAustralia |
| Approval Authority: | Minister for Planning |
| Land: | The project will be located within the Sydney Central Business District, at the locations described in the Concept Plan Application, within the City of Sydney local government area. |
| Proposal: | Sydney CityGrid Project |
| Major Project: | The proposal is a project to which Part 3A of the <i>Environmental Planning and Assessment Act 1979</i> (the Act) applies by virtue of a specific Order made by the then Minister for Planning under section 75B of the Act on 11 February 2008. |
| Concept Plan Authorisation: | On 21 April 2008, the then Minister for Planning authorised the submission of a concept plan for the proposal. |

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SCHEDULE 2

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| Act, the | <i>Environmental Planning and Assessment Act, 1979</i> |
| Concept Plan | The concept plan the subject of this approval |
| Council | City of Sydney Council |
| DECC | Department of Environment and Climate Change |
| Department, the | Department of Planning |
| Director-General, the | Director-General of the Department of Planning (or delegate). |
| Director-General's Approval | <p>A written approval from the Director-General (or delegate).</p> <p>Where the Director-General's Approval is required under a condition the Director-General will endeavour to provide a response within one month of receiving an approval request. The Director-General may ask for additional information if the approval request is considered incomplete. When further information is requested the time taken for the Proponent to respond in writing will be added to the one month period.</p> |
| EA | <i>Sydney CityGrid Project Concept Environmental Assessment Report</i> , prepared by PlanCom Consulting Pty Ltd and dated 8 December 2008. |
| Minister, the | Minister for Planning |
| Proposal | Sydney CityGrid Concept Plan Application |
| Proponent | EnergyAustralia |
| Publicly Available | Available for inspection by a member of the general public (for example available on an internet site or at a display centre). |
| Site | Land on which all components of the Sydney CityGrid Project will be located. |
| Submissions report | <i>Sydney CityGrid Project Submissions Response & Preferred Project Report</i> , prepared by PlanCom Consulting Pty Ltd and dated May 2009. |

1. ADMINISTRATIVE CONDITIONS

Terms of Concept Approval

- 1.1 The Proponent shall carry out the project generally in accordance with the:
 - a) 08_0075 Major Project Application;
 - b) *Sydney CityGrid Project Concept Environmental Assessment Report*, prepared by PlanCom Consulting Pty Ltd and dated 8 December 2008;
 - c) *Sydney CityGrid Project Submissions Response & Preferred Project Report*, prepared by PlanCom Consulting Pty Ltd and dated May 2009; and
 - d) the conditions of this approval.
- 1.2 In the event of an inconsistency between:
 - a) the conditions of this approval and any document listed from condition 1.1a) and 1.1c) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
 - b) any document listed from condition 1.1a) and 1.1c) inclusive, and any other document listed from condition 1.1a) and 1.1c) inclusive, the most recent document shall prevail to the extent of the inconsistency.

Staging/ Scheduling of Concept Plan Components

- 1.3 For the purpose of this concept plan approval and any project approval granted under it, the concept plan shall be defined in components as follows:
 - a) **Stage 1**, being the works in and around the Belmore Park Zone substation site, comprising:
 - i) **Stage 1A** being the construction and operation of the Belmore Park Zone substation building and stub tunnel connect from the existing City South Cable Tunnel to Belmore Park Zone substation;
 - ii) **Stage 1B** being commercial/ retail development on the corner of Pitt, Campbell and Hay Streets, to be integrated with works comprising Stage 1A;
 - b) **Stage 2** being the balance of works required for the concept plan, other than those defined as Stage 1 works, and comprising:
 - i) **Stage 2A** being the construction and operation of the City East Zone substation in the vicinity of Phillip, Bent, Bligh and O'Connell Streets;
 - ii) **Stage 2B** being refurbishment of the existing Dalley Street Zone substation, or construction of a new building adjacent to the existing site;
 - iii) **Stage 2C** being the construction and operation of a sub-transmission switching station (STSS) at Riley Street;
 - iv) **Stage 2D** being the City East Cable Tunnel (CECT) to be constructed between Riley Street sub-transmission switching station (STSS) and the City North Zone substation, with connections to the proposed City East and existing Dalley Street Zone substations, and a potential services control room adjacent to the Riley Street STSS; and
 - v) **Stage 2E** being extension to the City South Cable Tunnel from Wade Place to Riley Street, Surry Hills.

2. PROJECT APPLICATION AND SPECIFIC REQUIREMENTS

Stage 1 Development

- 2.1 The construction and operation of Stage 1 (including Stage 1A and Stage 2B) and associated infrastructure requires no further environmental assessment and is the subject of a separate instrument of approval.

Stage 2 Development

- 2.2 The construction and operation of Stage 2 (including Stage 2A, 2B, 2C, 2D and 2E) is subject to further assessment under Part 3A of the *Environmental Planning and Assessment Act 1979*.
- 2.3 In seeking approval for Stage 2 works, the Proponent may submit an application for Stage 2 in its entirety, or may submit separate applications for each sub-stage (Stage 2A, 2B, 2C, 2D and 2E) or any combination of those sub-stages.

3. PROJECT APPLICATIONS AND SPECIFIC REQUIREMENTS

- 3.1 Pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979*, the following environmental assessment requirements apply with respect to the project application for Stage 2, or any sub-stage of Stage 2 (Stage 2A, 2B, 2C, 2D and 2E) or any combination of sub-stages submitted as a single project application:

General Requirements

- a) a demonstration that the project is consistent with the requirements of this approval and generally consistent with the scope and intent of the concept outlined in the documents under condition 1.1 of this approval;
- b) detailed description and location of all project components, including depth of tunnelling works, ancillary facilities and relevant buffer distances, as relevant. Environmental constraints shall be identified relative to the surrounding environment (including sensitive receivers), in which each component is to be situated and include a description of how the project can be carried out without causing an adverse impact to the environment and human amenity;
- c) a detailed project-specific Statement of Commitments, consistent with the Statement of Commitments prepared for the concept plan, with a clear indication of any new or amended commitments relating to the project;
- d) the outcomes of consultation with RailCorp and Sydney Metro in relation to any project components near existing or proposed infrastructure managed by those authorities to identify and address any potential conflicts between the project components and that infrastructure.

Issue-Specific Requirements

- e) a project level **Noise and Vibration Impact Assessment**, including both construction and operation noise, prepared in accordance with the *NSW Industrial Noise Policy* (EPA, 2000) for operational noise, the interim *Noise Control Guideline - Construction Site Noise* (DECC, 2008) for construction noise, the *Environmental Noise Management - Assessing Vibration: a Technical Guideline* (DECC, 2006) for vibration and the *Environment Criteria for Road Traffic Noise* (EPA, 1999) for construction traffic noise. The assessment shall include consideration of construction vibration and regenerated noise impacts against the standards specified in this approval, and shall provide a detailed review of the potential impacts to sensitive receptors from regenerated noise as a result of any proposed night-time construction tunnelling works and must justify the need for construction works to occur outside the standard hours. The assessment shall be prepared in consultation with the Department of Environment and Climate Change.
- f) a project level **Non-Indigenous Heritage Assessment**, including identification of heritage items under or adjacent to the areas affected by the project by appropriate field surveys and an assessment of the impact of the project on the heritage significance of the items. The items that the survey shall target include buildings, works, relics, gardens, landscapes, views, trees or places of non-Aboriginal heritage significance. The assessment must be prepared in consultation with the Heritage Council of New South Wales;
- g) a updated **Indigenous Heritage Assessment** in order to confirm, upon determination of specific locations for the components of the project, that Aboriginal items of significance will unlikely be present within the project areas. The assessment shall be informed by the views of the Metropolitan Local Aboriginal Land Council and any other relevant, readily contactable Aboriginal community;
- h) an updated **Air Quality Assessment** that identifies sensitive receptors that may be impacted by particulate matter, total suspended solids and other air pollutants generated by the project. The assessment shall include specific mitigation and management measures for identified impacts to prevent adverse impact to local air quality and sensitive receptors.
- i) a **Greenhouse Gas Potential Assessment** that outlines the measures to be employed to ensure the potential generation of greenhouse gases resulting from the use of insulating fluids for proposed substation transformers will be minimised for operational activities. The assessment must be undertaken in accordance with the methodology specified in the *National Greenhouse Accounts (NGA) Factors* (Department of Climate Change, November 2008).

- j) detailed information on **Water Quality Impacts** (surface water and groundwater) including, but is not necessarily limited to:
 - i. potential impacts on groundwater and measures to control or mitigate excessive water inflows;
 - ii. water quality impacts and proposed mitigation measures;
 - iii. likelihood of disturbing potential or actual acid sulphate soils and identification of proposed mitigation measures. Reference should be made to the "Acid Sulphate Soils Manual" (Acid Sulphate Soil Management Advisory Committee, 1998) or update;
 - iv. management of stormwater run-off;
 - v. erosion and sedimentation controls;
 - vi. dewatering of tunnels and impacts on water quality. Proposed disposal and treatment options shall be identified and the potential for re-use shall be addressed; and
 - vii. details of the use of existing water treatment plants, including performance and proposed new water treatment plants and discharge points, for the purposes of treating seepage water prior to discharging into waterways. This must include water treatment techniques for the infiltrated groundwater, prior to its discharge and details of post discharge monitoring and reporting.
- k) an updated **Traffic and Access Assessment** to detail transport routes to and from the construction sites and impacts on affected streets, intersections and property owners. This shall include consideration of disruption to recreational/business activities and vehicle movements/bus services, including safety impact. Proposed measures or arrangements for minimising impact on these activities shall be investigated and included.

3.2 Pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979*, the following environmental assessment requirements apply with respect to any project application including Stage 2A and/ or Stage 2B, in addition to the requirements listed under condition 3.1:

- a) a **design review process** for the proposed City East Zone Substation and Dalley Street Zone Substation shall form part of the Environmental Assessment. The outcome of this design review process shall be provided in the Environmental Assessment. This design review process shall be based on the principles of the design review competition of the *Sydney Local Environmental Plan 2005*, and include consultation with Council.

3.3 Pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979*, the following environmental assessment requirements apply with respect to any project application including Stage 2D, in addition to the requirements listed under condition 3.1:

- a) in confirming the preferred route for the City East Cable Tunnel component of the project, the Proponent shall consult with Sydney Water Corporation to ensure its major sewer assets, stormwater and associated infrastructure (existing or planned) are not located within the selected route and must continue to liaise with Sydney Water Corporation during the detailed design and construction stage in order to avoid any such impact;

4. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

4.1 Subject to confidentiality, the Proponent shall make all documents required under this approval available for public inspection on request.

Provision of Electronic Information

4.2 Prior to the commencement of construction of the project, the Proponent shall establish a dedicated website or maintain dedicated pages within its existing website for the provision of electronic information associated with the project subject to confidentiality. The Proponent shall publish and maintain up-to-date information on this website or dedicated pages including, but not necessarily limited to:

- a) information on the statutory context of project (including on any existing approvals obtained under the *Environmental Planning and Assessment Act 1979*) and the current implementation status of the project;
- b) a copy of this approval, any related project approvals and any future modification to this approval;
- c) a copy of each relevant environmental approval, licence or permit required and obtained in relation to the project; and

- d) details of the outcomes of compliance reviews and audits of the project.

Community Information Plan

- 4.3 Prior to the commencement of construction of the project, the Proponent shall prepare and implement a **Community Information Plan** which sets out the community communications and consultation processes to be undertaken during construction and operation of the project. The Plan must include but not be limited to:
- a) procedures to inform the local community of planned investigations and construction activities;
 - b) procedures to inform the relevant community of construction traffic routes and any potential disruptions to traffic flows and amenity impacts;
 - c) procedures to consult with local business owners with regard to construction traffic to ensure the safety of the public and to limit disruption to business operations;
 - d) procedures to inform the community where work has been approved to be undertaken outside the normal Construction hours, in particular noisy activities.

Complaints Procedure

- 4.4 Prior to the commencement of construction of the project, the Proponent shall ensure that the following are available for community complaints for the life of the project (including construction and operation):
- a) a telephone number on which complaints about construction and operational activities at the site may be registered;
 - b) a postal address to which written complaints may be sent; and
 - c) an email address to which electronic complaints may be transmitted.

The telephone number, the postal address and the e-mail address must be advertised in a newspaper circulating in the locality on at least one occasion prior to the commencement of construction and at six-monthly intervals thereafter. These details must also be provided on the Proponent's internet site. The telephone number, the postal address and the email address shall be displayed on a sign near the entrance to the proposed zone substation and sub-transmission switching station sites, in a position that is clearly visible to the public. For proposed works that involve tunnelling (City East Cable Tunnel and extension to the City South Cable Tunnel), the telephone number, the postal address and the email address shall be displayed on signs, placed at appropriate locations, as agreed to by the Director-General, prior to the respective construction and operation of the project.

- 4.5 The Proponent shall record details of all complaints received through the means listed under condition 4.4 of this approval in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:
- a) the date and time, where relevant, of the complaint;
 - b) the means by which the complaint was made (telephone, mail or email);
 - c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
 - d) the nature of the complaint;
 - e) any action(s) taken by the Proponent in relation to the complaint, including any follow-up contact with the complainant; and
 - f) if no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register shall be made available for inspection by the Director-General upon request.

5. COMPLIANCE MONITORING AND TRACKING

Compliance Tracking Program

- 5.1 Prior to the commencement of construction, the Proponent shall develop and implement a **Compliance Tracking Program** for the project, to track compliance with the requirements of this concept approval, the related project approvals and during the construction and operation of the project and shall include, but not necessarily limited to:

- a) provisions for an Annual Environmental Management Report (AEMR) that is to be prepared and submitted to the Director-General throughout the operational life of the project. The AEMR must review the performance of the project against the Operational Environmental Management Plan, the conditions of this approval and other licences and approvals relating to the project;
- b) provisions for periodic reporting of the compliance status to the Director-General including at least prior to the commencement of construction of the project and prior to the commencement of operation of the project;
- c) a program for independent environmental auditing in accordance with *AS/NZ ISO 19011:2003 - Guidelines for Quality and/or Environmental Management Systems Auditing*;
- d) procedures for rectifying any non-compliance identified during environmental auditing or review of compliance;
- e) mechanisms for recording environmental incidents and actions taken in response to those incidents;
- f) provisions for reporting environmental incidents to the Director-General during construction and operation; and
- g) provisions for ensuring all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this approval relevant to their respective activities.

6. ENVIRONMENTAL REPORTING

Incident Reporting

- 6.1 The Proponent shall notify the Director-General of any incident with actual or potential significant off-site impacts on people or the biophysical environment within 12 hours of becoming aware of the incident. The Proponent shall provide full written details of the incident, including demonstration that it has notified the appropriate owner of any assets which have been impacted from the incident, to the Director-General within seven days of the date on which the incident occurred.
 - 6.2 The Proponent shall meet the requirements of the Director-General to address the cause or impact of any incident, as it relates to this approval, reported in accordance with condition 6.1 of this approval, within such period as the Director-General may require.
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