

Appendices

APPENDIX A. RECOMMENDATIONS TABLE PREPARED BY MILESTONE, DATED SEPTEMBER 2023

Appendix A – Recommendations Table September 2023

Table 1: REF Report Peer Review

EXECUTIVE SUMMARY		
REF Section	Page No	Milestone Comment/Recommendation
Acronym and Abbreviations Table	5 of 78	<p>Acronym and Abbreviations Table includes incorrect references to governing bodies or planning legislation.</p> <p>Recommendation 1: Acronym and Abbreviations Table</p> <ul style="list-style-type: none"> Review Acronym and Abbreviations Table to ensure all relevant governing bodies and current legislative framework is referenced correctly. For example: <p><u>Department of Planning, Industry and Environment (DPIE) is now - Department of Planning and Environment (DPE).</u></p> <p><u>State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) is now - State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP).</u></p> <p>Please note, there are further incorrect references in addition to the above.</p>
SECTION 1.0 INTRODUCTION		
REF Section	Page No	Milestone Comment/Recommendation
Section 1.2.1: Key Features	10 of 78	<p>The scope of works outlined does not capture all proposed works. For example, Section 1.3 of the Statement of Heritage Impact (SoHI) prepared by Artefact Heritage, dated 4 September 2023, identifies the following proposed work that is not included within the REF Report:</p> <p><i>“Installing an historic sandstone water trough and metal pump on the pavement within the study area along with modest interpretive signage”.</i></p> <p>Recommendation 2: Scope of Works</p> <ul style="list-style-type: none"> Update scope of works and sign off with Council’s Major Projects Team. The final scope of works is to be consistent across all documents submitted in support of this REF.
Section 1.2.2: Location	10 of 78	<p>No photos of the existing site conditions site have been included within the Site Description. Further, the ownership details of the project area (public land) are to be identified, for example, Waverley Council; Transport for New South Wales.</p> <p>Recommendation 3: Site Photos</p> <ul style="list-style-type: none"> Include photos of existing site conditions within the description of the site under Section 1.2.2. <p>Recommendation 4: Land Ownership</p> <ul style="list-style-type: none"> Add additional section (Section 1.2.3) within Section 1.2, which identifies the land ownership, noting whether any agency beyond Council owns the land, or if easements or land acquisitions will be required for the proposed works.
Section 1.3.2: Methodology	12 of 78	<p>It is stated under Section 1.3.2 of the draft REF that a site inspection was carried out, however, the date is not noted.</p> <p>Recommendation 5: Site Inspection</p> <ul style="list-style-type: none"> Note the date of the site inspection within the REF.
Section 1.3.3: Structure of the REF	13 of 78	<p>Table 1: Structure and Content is inconsistent with the structure of the REF. For example, Section 9.0: References, is omitted from Table 1.</p> <p>Recommendation 6: Review of Table 1</p> <ul style="list-style-type: none"> Review Table 1 to ensure the structure of the REF is correctly summarised.

SECTION 2.0 STATUTORY FRAMEWORK		
REF Section	Page No	Milestone Comment/Recommendation
Section 2.1: Approval and Assessment Requirements under the Environmental Planning and Assessment Act 1979	14 of 78	<p>The following SEPP is incorrectly referenced:</p> <p><i>State Environmental Planning Policy (Infrastructure) 2007</i> (Infrastructure SEPP) is now – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> (Transport and Infrastructure SEPP).</p> <p>Recommendation 7: SEPP Referencing</p> <ul style="list-style-type: none"> Review all SEPP titles referenced within the REF to ensure they are up to date with current legislation.
Section 2.2.1: Waverley Local Environmental Plan 2012	15 of 78	<p>The Land Zoning Map referenced within Figure 2 of the REF is incorrect and does not identify the new employment zoning. Land Zoning Maps are now accessible via the NSW Planning Portal Spatial Viewer – https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address</p> <p>Clause 5.10: Heritage Conservation of LEP 2012 has not been referenced as a relevant planning consideration. As the site sits within the Charing Cross Heritage Conservation Area, the proposed activity must be considered under Clause 5.10 of LEP 2012.</p> <p>Recommendation 8: LEP 2012 Provisions</p> <ul style="list-style-type: none"> Update Land Zoning Map under Figure 2. Refer to Clause 5.10 of LEP 2012, including LEP 2012 Heritage Map, noting Section 6.3.1 of the REF provides further discussion on surrounding heritage items.
Section 2.2.2: State Environmental Planning Policies (SEPPs)	16 of 78	<ul style="list-style-type: none"> The following SEPP is incorrectly referenced: <p><i>State Environmental Planning Policy (Infrastructure) 2007</i> (Infrastructure SEPP) is now – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> (Transport and Infrastructure SEPP).</p> <p>Milestone confirms that it is only the title of the SEPP that is incorrectly referenced within the draft REF. The relevant clauses of the Transport and Infrastructure SEPP have been correctly identified, however, it is noted that Clauses 2.13 and 2.14 of the Transport and Infrastructure SEPP are omitted from Table 2 of the draft REF.</p> <ul style="list-style-type: none"> The following SEPP is also incorrectly referenced: <p><i>State Environmental Planning Policy (State and Regional Development)</i> (State and Regional Development SEPP) is now – <i>State Environmental Planning Policy (Planning Systems) 2021</i> (Planning Systems SEPP).</p> <p>Recommendation 9: SEPP Referencing</p> <ul style="list-style-type: none"> Review all SEPPs referenced to ensure correct title. Consider Clauses 2.13 and 2.14 of Transport and Infrastructure SEPP within Table 2 of the REF. If they do not apply to the proposed activity, state this.
Section 2.3.1: NSW Legislation	18 of 78	<p>The following relevant planning legislation has not been considered within Table 3 of the REF:</p> <ul style="list-style-type: none"> Contaminated Land Management Act 1997. Waste Avoidance and Resource Recovery Act 2001. <p>Recommendation 10: Relevant NSW Legislation</p> <ul style="list-style-type: none"> Revise Table 3 of the REF and consider the proposed activity against the relevant provisions under the following policies: <ul style="list-style-type: none"> Contaminated Land Management Act 1997. Waste Avoidance and Resource Recovery Act 2001.

SECTION 3.0 STRATEGIC CONTEXT AND OPTIONS CONSIDERED		
REF Section	Page No	Milestone Comment/Recommendation
Section 3.2: Consultation required under State Environmental Planning Policy (Transport and Infrastructure) 2021	22 of 78	<p>Section 3.2 makes reference to a number of internal meetings facilitated by Council but does not note the dates of the meetings, nor are the outcomes of the meetings discussed:</p> <p><i>“A number of internal meetings were facilitated by Council with their Heritage team during development of the proposal. Potential impacts to heritage items within the vicinity of the proposal site were discussed during these meetings and measures to avoid and minimise impacts were identified”.</i></p> <p>Recommendation 10: Dates of Meetings</p> <ul style="list-style-type: none"> • Provide relevant dates within the REF and summarise the potential heritage impacts, and mitigation measures discussed.
SECTION 4.0 PROPOSAL DESCRIPTION		
REF Section	Page No	Milestone Comment/Recommendation
Section 4.0: Proposal Description	25 of 78	<p>The proposal description under Section 4.0 of the draft REF does not include visual references / photomontages.</p> <p>Recommendation 11: Photomontages</p> <ul style="list-style-type: none"> • Include 3D renders within Proposal Description. Milestone currently has two 3D Renders in-hand, which are provided in the following link - https://we.tl/t-CiZUICERFV. If any further 3D renders have been produced, it is recommended Council provide these to the Consultant for inclusion within the REF Report.
Section 4.2.2: Construction Timeframe, Hours and Duration	30 of 78	<p>The draft REF notes that the proposed works are anticipated to commence in November 2023 (subject to approvals) and are estimated to be completed within a 12 month period. As it is currently September 2023, this is unlikely to reflect the construction timeframe for the proposed activity.</p> <p>Recommendation 12: Construction Period and Night Works</p> <ul style="list-style-type: none"> • Confirm the anticipated construction start date and period with Council, as well as the number of calendar days anticipated for night works. Outlined in Section 4.2.2.
SECTION 5.0 CONSULTATION		
REF Section	Page No	Milestone Comment/Recommendation
Section 5.1.5: Ongoing Consultation	35 of 78	<p>No discussion is provided in relation to ongoing consultation with key government agencies, for example Transport for New South Wales (TfNSW).</p> <p>Recommendation 13: Ongoing Government Agency Consultation</p> <ul style="list-style-type: none"> • Provide further discussion regarding consultation to be carried out with key government agencies (TfNSW). Please insert the following: <p><i>“Consultation with key stakeholders including Transport for NSW, Charing Cross Precinct and the local businesses will continue through the procurement and construction stages of the project”.</i></p>
SECTION 6.0 ENVIRONMENTAL IMPACT ASSESSMENT		
Section 6.5 Visual Amenity		
REF Section	Page No	Milestone Comment/Recommendation
Section 6.5.2 Impact Assessment	45 of 78	<p>The positive visual impacts of the proposal should also be discussed within the REF. A number of positive visual impacts are discussed within the Statement of Heritage Impacts prepared by Artefact Heritage.</p> <p>Recommendation 14: Positive Visual Impacts</p> <ul style="list-style-type: none"> • Outline the positive visual impacts of the proposal as discussed within the SoHI and provide under Section 6.5.2.

Section 6.5.2: Mitigation Measures	45 of 78	<p>The mitigation measures noted for potential visual impacts, needs to be further clarified. For example, Point 1, which refers to locating equipment away from visually prominent areas, needs to be specific in identifying the nominated location, screening measures and practices specific to the site and proposed activity.</p> <p>Recommendation 15: Visual Impact Mitigation Measures</p> <ul style="list-style-type: none"> Review Section 6.5.3 of the REF and clarify the sensitive visual receivers/visually prominent areas that have been identified within the project area. Also identify the nominated areas for storage of construction equipment or stockpiles within the project area (refer to Section 4.2.6 of the REF Report, which discusses construction compound areas).
Section 6.6 Noise and Vibration		
REF Section	Page No	Milestone Comment/Recommendation
Section 6.6 Noise and Vibration	46 of 78	<p>Section 6.6 refers to a Noise and Vibration Assessment undertaken by GHD. Nick Prell advised Milestone via email on Tuesday, 8 August 2023, that the REF to be updated by the Consultant to not refer to the assessment undertaken by GHD but include commentary around mitigation measures that will reduce noise levels well below the upper allowed limit, as was the approach in a recent REF signed off by Council for another project.</p> <p>Recommendation 16: Noise and Vibration</p> <ul style="list-style-type: none"> Review Section 6.6 of the REF and remove mention of the previous Noise and Vibration Assessment carried out by GHD, as requested by Council. Provide Commentary around mitigation measures that will reduce noise to be inserted. Acoustic Consultant to undertake a Noise and Vibration Assessment prior to works commencing and conclusions outlined in the final CEMP.
Section 6.6.3 Impact Assessment	47 of 78	<p>Section 6.6.3 notes that some night works may be required, however provides limited information regarding frequency, duration and hours. Further clarification here would be helpful.</p> <p>Reference is made to the <i>Interim Construction Noise Guideline (2009)</i> (ICNG). Milestone notes that NSW Environmental Planning Authority (EPA), following a review of the ICNG, released the <i>Draft Construction Noise Guideline 2021</i>.</p> <p>Recommendation 17: Noise and Vibration (Impact Assessment)</p> <ul style="list-style-type: none"> Provide further detail in relation to the frequency and duration of night works, as well as the intended hours of work (for example, 7:00pm - 2:00am). Consider the <i>Draft Construction Noise Guideline 2021</i> within the final REF. If the anticipated number of calendar days required from night works is not known, it is recommended that a mitigation measure be included advising that public notification of the anticipated night works will be carried out prior to the commencement of the night works.
Section 6.6.4: Mitigation Measures	47 of 78	<p>The mitigation measures for potential noise and vibration impacts refer to a 'buffer zone', however, this area has not been clearly identified within the draft REF or any supporting documents.</p> <p>Recommendation 18: Noise and Vibration (Mitigation Measures)</p> <ul style="list-style-type: none"> Insert the noise and vibration 'buffer zone' map referred to within the draft REF. Alternatively, remove reference to the buffer zone and address the intention in another way.
Section 6.7 Socio-economic		
REF Section	Page No	Milestone Comment/Recommendation
Section 6.7.2: Impact Assessment	48 of 78	<p>Reference is made under Section 6.7.2 to 'arrangements' to be made with owners to minimise inconvenience during the construction period, however, does not specifically identify what these arrangements are. It is unclear if this intends to refer to future consultation with both owners and business operators.</p> <p>Recommendation 19: Socio-economic (Impact Assessment)</p> <ul style="list-style-type: none"> Clarify the 'arrangements' that will be made with business operators and owners. If these form part of the mitigation measures, this should be noted.

Section 6.8 Other Issues		
REF Section	Page No	Milestone Comment/Recommendation
Section 6.8.1: Biodiversity	51 of 78	<p>The mitigation measures for potential biodiversity impacts do not capture the recommendations within the Arborist Statement held at Appendix E of the draft REF. For example, the Arborist Statement recommends that all pavers in between the SRZ and TPZ are removed by hand to avoid damaging tree roots. This is not noted within the REF.</p> <p>It is stated that a search of relevant databases was completed to obtain records of threatened and migratory species, populations, and ecological communities within the project site, however, it is unclear by whom and when this search was carried out.</p> <p>Recommendation 20: Biodiversity</p> <ul style="list-style-type: none"> Review mitigation measures and ensure all recommendations provided within the Arborist Statement (held at Appendix E of the REF) are captured within the final draft REF Report. <p>Recommendation 21: Database Searches</p> <ul style="list-style-type: none"> Provide further detail on who undertook the database searches and when.
Section 6.8.2: Soils and Water Quality	53 of 78	<p>A search of the EPA Contaminated Land Record was undertaken on 24 March 2021, and a search of the list of NSW Contaminated Sited Notified on the EPA was carried out on 6 April 2021. These searches are considered to be outdated and cannot be relied upon for the assessment of the proposed activity.</p> <p>Recommendation 22: Contaminated Land Search</p> <ul style="list-style-type: none"> Undertake relevant/updated searches on the EPA Contaminated Land Record and the NSW Contaminated Sited Notified on the EPA and review Section 6.8.2 with current search data, to ensure that the most accurate and up to date information is presented and considered within the final draft REF Report.
Section 6.8.2.2: Soils and Water Quality (Impact Assessment)	54 of 78	<p>The impact assessment for soils and water quality generally discusses sediment and erosion control, however, does not provide any assessment on potential impacts of contamination and water quality.</p> <p>Recommendation 23: Soils and Water Quality (Impact Assessment)</p> <ul style="list-style-type: none"> Provide further assessment in relation to potential impacts on soils and contamination. For example: <ul style="list-style-type: none"> Any contamination risks associated with the proposed activity. Any potential impacts on surrounding water network. For example, contaminated water run-off from construction areas into stormwater drains. How will this be controlled, if required.
Section 6.8.3: Air Quality	55 of 78	<p>Section 6.8.3.1 notes that there are church grounds to the east, as well as sensitive receivers adjacent to the site. These sensitive receivers are generally noted, for example, 'businesses' and 'residences'.</p> <p>Recommendation 24: Air Quality - Sensitive Receivers</p> <ul style="list-style-type: none"> Note all surrounding development considered to be known sensitive receivers and clearly identify them on a Location Map. Provide further discussion on why the nominated sites are considered to be sensitive receivers.
Section 6.8.3.3 Air Quality (Mitigation Measures)	56 of 78	<p>The mitigation measures provided for air quality are generalised and rely on the CEMP. There is a lack of detail on the specific actions to be carried out during the construction phase.</p> <p>Recommendation 25: Air Quality (Mitigation Measures)</p> <ul style="list-style-type: none"> Provide further clarification on mitigation measures and proposed actions, for example: <ul style="list-style-type: none"> Monitor work areas and stockpiles for dust generation and cover/spray to suppress. Vehicles and vessels transporting waste or other materials that may produce odours or dust are to be covered during transportation. Do not leave vehicles idling to reduce emissions.

Section 6.8.4: Waste Management	56 of 78	<p>Section 6.8.4.1 of the draft REF Report notes that there are several bins within Charing Cross for disposal of day-to-day waste, however, specific number and location of the bins are not detailed.</p> <p>The following statement is made under Section 6.8.4.1 of the draft REF Report:</p> <p><i>"The proposal site currently contains several bins for visitors to Charing Cross for disposal of day-to-day waste. However, there are no opportunities to dispose of excess building materials produced by construction on-site".</i></p> <p>It is noted that the existing street furniture waste bins within Charing Cross the community waste <u>cannot</u> be used for the disposal of waste during the construction period. This statement must be removed from the final draft of the REF Report.</p> <p>No consideration of Council's waste management guidelines for construction have been provided within the assessment of proposal.</p> <p>Recommendation 26: Waste Management</p> <ul style="list-style-type: none"> • Provide further detail in relation to the current waste facilities within the Charing Cross Village Centre. Identify existing waste facilities on a map. • Delete the statement relating to the use of existing bins for disposal of building materials during construction. • Consider Part B1 of DCP 2022, relating to demolition and construction waste management, and ongoing waste management. • Include any additional mitigation measures that reflect Council's waste management policies under Section 6.8.4.3.
Section 6.8.5: Cumulative Impacts	56 of 78	<p>The desktop search for current surrounding projects on the NSW Major Projects Register is dated 24 March 2021, which is outdated and cannot be relied upon for the assessment of cumulative impacts.</p> <p>Recommendation 27: Cumulative Impacts</p> <ul style="list-style-type: none"> • Undertake a desktop search of the NSW Major Projects Register and review Section 6.8.5 based on results of the search. A search on Waverley Council's DA Tracker is also required – https://www.waverley.nsw.gov.au/building/development_applications/track_a_da or alternatively, liaise with Fletcher Rayner, Director of Planning, Sustainability, and Compliance at Waverley Council.
SECTION 7.0 ENVIRONMENTAL MANAGEMENT AND MITIGATION		
REF Section	Page No	Milestone Comment/Recommendation
Section 7.1: Environmental Management Plans	57 of 78	<p>We acknowledge Section 7.1.1 of the Draft REF, which states a CEMP will be prepared by the Contractor and endorsed by Council prior to the commencement of works. We confirm this approach is acceptable.</p>
Section 7.2: Summary of Mitigation Measures	57 of 78	<p>It is noted that some mitigation measures are repeated within Table 10. In addition to this, some mitigation measures previously discussed within the REF Report or within the appended consultant reports have been outlined and must be included.</p> <p>Recommendation 28: Summary of Mitigation Measures</p> <ul style="list-style-type: none"> • Refer to the REF Mark-up held at Appendix B for revisions and additional information to be provided within Section 7.2. • Provide a comprehensive list of all mitigation measures by cross referencing: <ul style="list-style-type: none"> – The REF Report, – The Statement of Heritage Impact prepared by Artefact Heritage, – The Preliminary Civil and Traffic Engineering Assessment Report prepared by TTW, and – The Arborist Statement prepared by Council's Arborist.