

State Significant Infrastructure Template Conditions of Approval (Linear Infrastructure)

February 2022

PREAMBLE

Note: The purpose of this preamble is to describe the approach to conditioning State significant linear infrastructure (CSSI) projects and to provide context for the template conditions. This preamble is not intended for inclusion in project approval documentation. These conditions may be adopted with or without modifications to approvals for other State significant infrastructure projects as appropriate.

This document provides template conditions for State significant linear infrastructure (CSSI) projects.

The Environmental Planning & Assessment Regulation 2000 (EP&A Regulation) requires certain CSSI documents – such as environmental impact statements (EISs) – to be prepared having regard to the State Significant Infrastructure Guidelines. These documents include:

- State Significant Infrastructure Guidelines
- State Significant Infrastructure Guidelines – Preparing a Scoping Report
- State Significant Infrastructure Guidelines – Preparing an Environmental Impact Statement
- State Significant Infrastructure Guidelines – Preparing a Submissions Report
- State Significant Infrastructure Guidelines – Preparing an Amendment Report
- State Significant Infrastructure Guidelines – Preparing a Preferred Infrastructure Report
- State Significant Infrastructure Guidelines – Preparing a Modification Report.

The Department of Planning and Environment's (the Department) objectives when conditioning CSSI projects are to improve the environmental performance of the CSSI, protect the environment (including the community) and otherwise add value to the management of impacts from the CSSI. The Department's preferred approach to conditioning CSSI projects is through the provision of performance or outcome-focused conditions where appropriate. The Department issues Planning Secretary's Environmental Assessment Requirements (SEARs) to guide the preparation of Environmental Impact Statements (EISs) that are targeted, comprehensive, and support performance or outcome-focused approach to conditioning. The SEARs require the EIS to identify impacts, propose measures to mitigate impacts, nominate and commit to performance outcomes and identify detail of proposed management plans and monitoring programs. The quality and content of the EIS will have consequences for how the project is conditioned, with more rigorous and well-defined EISs attracting fewer conditions and post approval requirements. For example:

- If an EIS demonstrates that an impact will be avoided, and the Department is satisfied it will be, rather than imposing a condition specifically requiring the impact to be avoided, an obligation to avoid the impact will be imposed under a condition requiring the project to be designed, constructed and operated in accordance with the description of the project in the EIS.
- Similarly, if an EIS identifies an impact and specifies a mitigation measure or makes a commitment to achieve a specific performance outcome that the Department considers adequate, an obligation to carry out the mitigation measure or meet the performance outcome will be imposed under a condition requiring the project to be designed, constructed and operated in accordance with the commitments, performance criteria and mitigation measures provided in the EIS.

It is the Department's intention to reduce the reliance on management plans except where a particular issue requires detailed management actions during construction or operation.

It is anticipated that each of the template conditions will be applied to all CSSI projects where they are relevant. Where a template condition is not relevant to a project, or the requirement is already set out in the EIS, it may not need to be included in the approval.

Template conditions have not been provided for all key issues identified in the SEARs. This is because the need for many conditions will be driven by the content of the EIS and will be project specific. Project-specific conditions will be identified when the EIS is assessed, using the principles outlined above. Management plan and monitoring program requirements will also be included on a project-specific basis, as determined by the project needs and impacts identified in the EIS.

Infrastructure approval

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

I grant approval to the carrying out of the **Critical** State significant infrastructure (CSSI) referred to in Schedule 1, subject to the conditions in Schedule 2.

**The Hon.
Minister for Planning / Independent Planning Commission
(under delegation)**

Sydney

202X

SCHEDULE 1

Application no.:

[insert]

Proponent:

[insert]

Approval Authority:

Minister for Planning / Independent Planning
Commission under delegation

Land:

[insert the suburbs where the project is physically
located]

Description of State Significant Infrastructure:

[insert short description of proposal as determined
by the Minister/IPC on the basis of the
Department's assessment.]

Declaration as State Significant Infrastructure

The proposal is State Significant Infrastructure by
virtue of [Insert reason here. For example
Schedule 3, clause 1 of *State Environmental
Planning Policy (State and Regional Development)
2011*].

TABLE OF CONTENTS

PREAMBLE	2
SCHEDULE 1	3
DEFINITIONS	6
SUMMARY OF REPORTING REQUIREMENTS	12
SCHEDULE 2	16
PART A	16
ADMINISTRATIVE CONDITIONS	16
GENERAL	16
TIMING and APPROVALS	16
STAGING	17
ANCILLARY FACILITIES	19
SITE ESTABLISHMENT WORK	19
INDEPENDENT APPOINTMENTS	20
ENVIRONMENT REPRESENTATIVE	20
ACOUSTICS ADVISOR	22
NOTIFICATION OF COMMENCEMENT	23
AUDITING	23
INCIDENT AND NON-COMPLIANCE NOTIFICATION AND REPORTING	23
IDENTIFICATION OF WORKFORCE AND COMPOUNDS	24
PART B	25
COMMUNITY INFORMATION AND REPORTING	25
COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT	25
COMPLAINTS MANAGEMENT SYSTEM	25
PROVISION OF ELECTRONIC INFORMATION	27
PART C	28
CONSTRUCTION ENVIRONMENTAL MANAGEMENT	28
CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN	28
CONSTRUCTION MONITORING PROGRAMS	29
PART D	31
OPERATIONAL ENVIRONMENTAL MANAGEMENT	31
OPERATIONAL ENVIRONMENTAL MANAGEMENT	31
OPERATIONAL MONITORING PROGRAM	31

PART E – currently under review 2022 – readers should read recent determinations from 2020 onwards to familiarise themselves with potential conditions 33

KEY ISSUE CONDITIONS	33
AIR QUALITY	33
AIR QUALITY ROAD TUNNELS	33
BIODIVERSITY	33
FLOODING	33
HEALTH AND SAFETY	34
HERITAGE	34
NOISE AND VIBRATION	34
PLACE, DESIGN AND VISUAL AMENITY	41
SOCIO-ECONOMIC, LAND USE AND PROPERTY	44
SOILS	45
SUSTAINABILITY	45
TRAFFIC AND TRANSPORT	45
UTILITIES MANAGEMENT	47
WASTE	48
WATER	48
Appendix A	49
WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS	49

DEFINITIONS

Note: The definitions provided in the **Table 1** are relevant to most SSI projects and must be included in SSI approvals where the term is used. Definitions for terms not used must be deleted. Definitions of terms used in project-specific conditions may be added to if necessary, to clarify the meaning of such terms.]

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

Table 1: Definitions

Term	Definition
AA	The Acoustics Advisor for the CSSI approved by the Planning Secretary.
Aboriginal object	The same meaning as in the <i>National Parks and Wildlife Act 1974</i> (NSW).
Ancillary facility	A temporary facility for construction of the CSSI including an office and amenities compound, construction compound, material crushing and screening plant, materials storage compound, maintenance workshop, testing laboratory, a fixed material stockpile area and car parking facilities.
At-property acoustic treatment	Includes courtyard walls and building treatments. Building treatments may include but are not limited to ventilation, acoustic blinds / curtains, glazing, window and door seals, sealing of vents or underfloor areas, shutters and secondary glazing.
CALD	Culturally and Linguistically Diverse
CEMF	Construction Environmental Management Framework
CEMP	Construction Environmental Management Plan
Completion of construction	The date upon which works are completed and all requirements of the Planning Secretary (if any) have been met. If construction is staged, completion of construction is the date upon which construction is completed and all requirements of the Planning Secretary (if any) have been met, in respect of all stages of construction
Construction	Includes work required to construct the CSSI as defined in the Project Description described in the documents listed in Condition A1 including commissioning trials of equipment and temporary use of any part of the CSSI, but excluding Low Impact Work which is carried out or completed prior to approval of the CEMP .
Construction Boundary	The area physically affected by work as defined in the Project Description as described in the documents listed in Condition A1 .
CSSI	The Critical State Significant Infrastructure, as described in Schedule 1, the carrying out of which is approved under the terms of this approval
DAWE	Commonwealth Department of Agriculture, Water and Environment
Department	NSW Department of Planning and Environment
DECC	Former NSW Department of Environment and Climate Change
DPI Fisheries	NSW Department of Primary Industries, Fisheries
DPE Water	Water Group of the Department of Planning and Environment

Term	Definition
EES Group	Environment, Energy and Science Group of the Department of Planning and Environment
EIS	The Environmental Impact Statement referred to in Condition A1 , submitted to the Planning Secretary seeking approval to carry out the development described in it, and including any additional information provided by the Proponent in support of the application for approval of the project
EMS	Environmental Management System
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> (NSW)
EPA	NSW Environment Protection Authority
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Commonwealth)
EPL	Environment Protection Licence under the POEO Act
ER	The Environmental Representative(s) for the CSSI approved by the Planning Secretary
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
Environmental Representative Protocol	<i>Environmental Representative Protocol</i> (Department of Planning and Environment, October 2018)
Heavy Vehicle	Has the same meaning as in the <i>Heavy Vehicle National Law</i> (NSW)
Heritage item	A place, building, work, relic, archaeological site, tree, movable object or precinct of heritage significance, that is listed under one or more of the following registers: the State Heritage Register under the <i>Heritage Act 1977</i> (NSW), a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i> (NSW), a Local Environmental Plan under the EP&A Act, the World, National or Commonwealth Heritage lists under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), and an “Aboriginal object” or “Aboriginal place” as defined in section 5 of the <i>National Parks and Wildlife Act 1974</i> (NSW)
Heritage NSW	Heritage NSW, Department of Premier and Cabinet
Highly noise affected	As defined in the <i>Interim Construction Noise Guideline</i> (DECC, 2009)
Highly noise intensive work	Work which are defined as annoying under the <i>Interim Construction Noise Guideline</i> (DECC, 2009) including: (a) use of power saws, such as used for cutting timber, rail lines, masonry, road pavement or steel work; (b) grinding metal, concrete or masonry; (c) rock drilling; (d) line drilling; (e) vibratory rolling; (f) bitumen milling or profiling; (g) jackhammering, rock hammering or rock breaking; (h) impact piling; and (i) tamping (for rail projects).
ICNG	<i>Interim Construction Noise Guideline</i> (DECC, 2009)

Term	Definition
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance. Note: “material harm” is defined in this approval
LALC	Local Aboriginal Land Council
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act.
Landowner	Has the same meaning as “owner” in the <i>Local Government Act 1993</i> and in relation to a building means the owner of the building.
Local road	Any road that is not defined as a classified road under the <i>Roads Act 1993</i>
LOTE	Language Other than English

Term	Definition
Low Impact Work	Includes: (a) survey work including carrying out general alignment survey, installing survey controls (including installation of global positioning systems (GPS)), installing repeater stations, carrying out surveys of existing and future utilities and building and road dilapidation surveys; (b) investigations including investigative drilling, contamination investigations and excavation; (c) site establishment work approved under a Site Establishment Management Plan; (d) use of minor ancillary facilities if the ER has determined the operational activities will have a minor impact on the environment and the community; (e) minor clearing and relocation of native vegetation, as identified in the documents listed in Condition A1; (f) installation of mitigation measures including erosion and sediment controls, temporary exclusion fencing for sensitive areas and at-property treatments; (g) property acquisition adjustment work including installation of property fencing; (h) relocation and connection of utilities where the relocation or connection has been determined by the ER to have a minor impact to the environment and the community; (i) archaeological testing under the <i>Code of practice for archaeological investigation of Aboriginal objects in NSW (DECCW, 2010)</i> or archaeological monitoring undertaken in association with (a) - (h) above to ensure that there is no impact on heritage items; (j) maintenance of existing buildings and structures required to facilitate the carrying out of the CSSI; and (k) other activities determined by the ER to have minor impact on the environment and the community, which may include but not be limited to construction of minor access roads, temporary relocation of pedestrian and cycle paths and the provision of property access. Notwithstanding the following works are not Low Impact Work: (l) where heritage items (excluding those impacted by activities (h), (i) and (j) above), or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any low impact work, that work is construction, unless otherwise determined by the Planning Secretary, following consultation by the Proponent with Heritage NSW, EES Group or DPI Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation); and (m) any night time hours (as defined by the ICNG) work that exceeds noise management and vibration levels as identified in Condition E14(b). The low impact work described in this definition becomes construction when the Construction Environmental Management Plan is approved. This also applies to low impact work that has already commenced. Notes: 1. Early stages of Work are not necessarily low impact work. 2. Low Impact work is not construction as defined by this approval.

Term	Definition
Material harm	is harm that: (a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or (b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment).
Minister	NSW Minister for Planning
Minor Construction Ancillary Facility	Worker amenities and materials laydown and the like that are not part of a construction ancillary facility site.
NML	Noise Management Level as defined in the <i>Interim Construction Noise Guideline</i> (DECC, 2009).
Non-compliance	An occurrence, set of circumstances or development that is a breach of this approval.
NSW Heritage Council	Heritage Council of NSW
OEMP	Operational Environmental Management Plan
Operation	The carrying out of the CSSI (whether in full or in part) upon the completion of construction, unless otherwise agreed by the Planning Secretary. <u>Or for rail</u> - The commencement of paid services. Note: <i>There may be overlap between the carrying out of construction and operation if the phases of the development are staged. Commissioning trials of equipment and temporary use of any part of the CSSI are within the definition of construction.</i>
POEO Act	<i>Protection of the Environment Operations Act 1997</i> (NSW)
Planning Secretary	Planning Secretary of the Department (or nominee, whether nominated before or after the date on which this approval was granted)
Proponent	The person identified as such in Schedule 1 of this approval and any other person carrying out any part of the CSSI from time to time
Relic	Has the same meaning as the definition of the term in section 4 of the <i>Heritage Act 1977</i> (NSW)
RAPs	Registered Aboriginal Parties
Relevant council(s)	
Relevant roads authority	The same meaning as the roads authority defined in the <i>Roads Act 1993</i> (NSW)
Response to Submissions	The Proponent's response to issues raised in submissions received in relation to the application for approval for the CSSI under the EP&A Act
SSI	The State Significant Infrastructure, as generally described in Schedule 1 of this approval, the carrying out of which is approved under the terms of this approval

Term	Definition
Sensitive land use(s)	Includes residences, educational institutions (including preschools, schools, universities, TAFE colleges), health care facilities (including nursing homes, hospitals), religious facilities (including churches), child care centres and passive recreation areas (including outdoor grounds used for teaching). Receivers that may be considered to be sensitive include commercial premises (including film and television studios, research facilities, entertainment spaces, temporary accommodation such as caravan parks and camping grounds, restaurants, office premises, and retail spaces) and industrial premises as identified by the Planning Secretary <i>Note: For the purpose of determining appropriate mitigation, a multistorey residential flat building must not be counted as one sensitive receiver</i>
SES	NSW State Emergency Services
SMART	Specific, Measurable, Achievable, Realistic, and Timely
Tree	Long lived woody perennial plant greater than (or usually greater than) 3 metres in height with one or relatively few main stems or trunks (AS4373-2007 Pruning of amenity trees)
Unexpected heritage find	An object or place that is discovered during the carrying out of the CSSI and which may be a heritage item but was not identified in the documents listed in Condition A1 or suspected to be present. An unexpected heritage find does not include human remains
Useable Open Space	Open Space that is accessible by active transport and greater than 30 metres in width and length at any location
Work	Any physical activity for the purpose of the CSSI including Construction and Low Impact Work

Note: The further definitions provided in **Table 2** are not relevant to all SSI projects. These definitions are to be included if relevant to a project.

Table 2: Further definitions

Term	Definition
AQIA	Air Quality Impact Assessment
CO	Carbon monoxide
NATA	National Association of Testing Authorities, Australia
NO	Nitric oxide
NO ₂	Nitrogen dioxide
NO _x	Oxides of nitrogen
PAH	Polycyclic aromatic hydrocarbons
PM ₁₀	Particulate matter (10 micrometres or less in diameter)
PM _{2.5}	Particulate matter (2.5 micrometres or less in diameter)
Ventilation outlet	The location and structure from which air within a tunnel is expelled
VOC	Volatile organic compounds

SUMMARY OF REPORTING REQUIREMENTS

Reports and notifications that must be provided to the Planning Secretary under the terms of this approval are listed in **Table 3**. Note that under **Condition A7** of this approval the Proponent may seek the Planning Secretary's agreement to a later timeframe for submission (other than in relation to the immediate written notification of an incident required under **Condition A7**).

Table 3: Reports and Notifications that must be submitted to the Secretary

Condition	Report / Notification	Timing ¹	Purpose
Part A – Administrative			
A9	Staging Report	One month before commencement of construction (or operation if only staged operation is proposed) of the first of the proposed stages	Information
A13	Revised Staging Report	One month prior to the proposed change in the staging	Information
A15	Construction Environmental Management Framework	One month before the lodgement of any CEMP, CEMP sub plan or CMP	Approval
A17	Revised Construction Environmental Management Framework	One month prior to the proposed change in the staging	Approval
A20	Site Establishment Management Plan	One month before the installation of any ancillary facilities	Approval
A28	Environmental Representative	Must be sought one month before the commencement of works	Approval
A31(k)	Environmental Representative reports	Within seven (7) days following the end of each month for the duration of the ER's engagement	Information
A34	Acoustic Advisor	Must be sought one month before the commencement of works	Approval
A36(h)(v)	Acoustic Advisor Report	Within seven (7) days following the end of each month for the duration of the AA's engagement	Information
A37	Notification of commencement	One month before the commencement of works, construction and operation	Notification
A38	Notification of commencement of stages	One month before the commencement of each stage	Notification
A39	Independent Auditors	Prior to the commencement of an Independent Audit	Approval
A43	Independent Audit Reports	Within two months of undertaking the independent audit site inspection	Information
A45	Written notification of incident	Immediately upon becoming aware of the incident	Notification
A46 (and Appendix A)	Subsequent written notification of an incident	Subsequent written notification and an incident report are required seven (7) days after the Proponent became aware of the incident and 30 days after the date on which the incident occurred, respectively	Information

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

Condition	Report / Notification	Timing ¹	Purpose
A47	Notification of noncompliance	Within seven (7) days after becoming aware of a non-compliance	Notification
Part B - Communication Information and Reporting			
B3	Community Communication Strategy	One month before the commencement of any Work	Approval
B7	Complaints management system	Before the commencement of any work	Information
B11	Complaints Register	upon request from the Planning Secretary	Information
B12	Community Complaints Mediator	one month before the commencement of Work	Approval
Part C - Construction Environmental Management			
C4	CEMP	One month before the commencement of construction	Approval
C9	CEMP Sub-plans	One month before the commencement of construction	Approval
C13	Construction Monitoring Programs	One month before the commencement of construction	Approval
C17	Construction Monitoring Report	As specified in Construction Monitoring Programs	Information
Part D - Operation Environmental Management			
D2 / D7	OEMP or EMS	One month before the commencement of operation	Information
D6	OEMP Sub-plans	One month before the commencement of operation as part of the OEMP	Information
D11	Operational Monitoring Programs	Three months prior to the commencement of operation	Approval
D14	The results of the Operational Monitoring Programs	As specified in the conditions of approval or Operational Monitoring Programs	Information
Part E – Key Issues			
Heritage			
E6	Heritage Report	12 months after the completion of the work	Information
E9	Unexpected Heritage Finds and Humans Remains Procedure	One month before commencement of construction	Information
Noise and Vibration			
E15	Out-of-Hours Work Protocol	Before the commencement of out-of-hours work	Approval
E20	Construction Noise and Vibration Impact Statements	Upon request	Information
E27	Out-of-Hours Works – Community Consultation on Respite	Prior to Work scheduled for the subject period being undertaken	Information

Condition	Report / Notification	Timing ¹	Purpose
E32	Blast Management Strategy	One month before the commencement of blasting	Information
E33	Operational Noise and Vibration Review	Before the implementation of operational noise mitigation measures	Information
E34	Report on non-implementation of operational noise mitigation measures	Within six months of submitting the ONVR	Information
E36	Operational Noise Compliance Report	Within 60 days of completing the operational monitoring	Information
Place, Design and Visual Amenity			
E52	DRP advice and recommendations and the Proponent's response to each recommendation	Must be included when submitting the final PDLP to the Planning Secretary	Information
E56(c)	Place, Design and Landscape Plan	Prior to the construction of permanent surface built works or landscaping that are the subject of the Plan	Approval / information
E59	Transfer of assets	One month before the date of transfer of the asset(s) to the relevant authority	Information
Socio-economic, Land Use and Property			
E67	Social Infrastructure Plan	Six months after the commencement of construction	Approval
Soils			
E71	Site Audit Statement	One month before the commencement of operation	Information
E71	Site Audit Report	One month before the commencement of operation	Information
Sustainability			
E75	Sustainability Strategy	Six months of the date of the approval	Information
Traffic and Transport			
E76	Use of local roads for spoil haulage	Before the use of the local roads	Approval
E82	Road Safety Audits	Upon request of the Planning Secretary	Information
E84	Road Network Performance Plan	Before the operation of the full CSSI	Information
E85	Operational Road Network Performance Review	Within 60 days of completion of the Review	Information
Utilities Management			

Condition	Report / Notification	Timing ¹	Purpose
E86	Utilities Management Strategy	one month before the commencement of utility Work	Approval

Note: **Table 3** is not a condition of this approval. If there is an inconsistency between a requirement in **Table 3** and a requirement in a condition, the requirement of the condition prevails.

SCHEDULE 2

PART A

ADMINISTRATIVE CONDITIONS

GENERAL

- A1 The Proponent must carry out the CSSI in accordance with the terms of this approval and generally in accordance with the:
- (a) List the EIS
 - (b) List the RtS
 - (c) List the Amendment Report
 - (d) List the PIR.
- A2 The CSSI must only be carried out in accordance with all procedures, commitments, preventative actions, performance criteria and mitigation measures set out in the documents listed in **Condition A1** unless otherwise specified in, or required under, this approval.
- A3 In the event of an inconsistency between:
- (a) the terms of this approval and any document listed in **Condition A1** inclusive, the terms of this approval will prevail to the extent of the inconsistency; and
 - (b) any document listed in **Condition A1** inclusive, the most recent document will prevail to the extent of the inconsistency.
- Note: For the purpose of this condition, there will be an inconsistency between a term of this approval and any document if it is not possible to comply with both the term and the document.*
- A4 The Proponent must comply with all written requirements or directions of the Planning Secretary, including in relation to:
- (a) the environmental performance of the CSSI;
 - (b) any document or correspondence in relation to the CSSI;
 - (c) any notification given to the Planning Secretary under the terms of this approval;
 - (d) any audit of the construction or operation of the CSSI;
 - (e) the terms of this approval and compliance with the terms of this approval (including anything required to be done under this approval);
 - (f) the carrying out of any additional monitoring or mitigation measures; and
 - (g) in respect of ongoing monitoring and management obligations, compliance with an updated or revised version of a guideline, protocol, Australian Standard or policy required to be complied with under this approval.
- A5 This approval lapses five (5) years after the date on which it is granted, unless work has physically commenced on or before that date.
- A6 References in the terms of this approval to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Australian Standards or policies in the form they are in as at the date of this approval, unless otherwise approved by the Planning Secretary.

TIMING and APPROVALS

- A7 Any document that must be submitted or action taken within a timeframe specified in or under the terms of this approval may be submitted or undertaken within a later timeframe agreed in writing with the Planning Secretary. This condition does not apply to the written notification required in respect of an incident or a non-compliance.

- A8 Where the terms of this approval require consultation to be undertaken, evidence of the consultation undertaken must be submitted to the Planning Secretary and ER (as relevant) with the corresponding documentation. The evidence must include:
- (a) documentation of the engagement with the identified party in the condition of approval that has occurred before submitting the document for approval;
 - (b) a log of the dates of engagement or attempted engagement with the identified party;
 - (c) documentation of the follow-up with the identified party where engagement has not occurred to confirm that they do not wish to engage or have not attempted to engage after repeated invitations;
 - (d) outline of the issues raised by the identified party and how they have been addressed; and
 - (e) a description of the outstanding issues raised by the identified party and the reasons why they have not been addressed.

STAGING

Staging the delivery of the CSSI

- A9 The CSSI may be constructed and operated in stages (including but not limited to temporal, location or activity based staging). Where staged construction and/or operation is proposed, a **Staging Report** (for either or both construction and operation as the case may be) must be prepared. The **Staging Report** must be endorsed by the ER and then submitted to the Planning Secretary for information no later than one (1) month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one (1) month before the commencement of operation of the first of the proposed stages of operation), or as required by **Condition A15**.

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

- A10 The **Staging Report** must:

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

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

- A11 The CSSI must be staged in accordance with the **Staging Report**, and submitted for information to the Planning Secretary.
- A12 Where staging is proposed, the terms of this approval that apply or are relevant to the work or activities to be carried out in a specific stage must be complied with at the relevant time for that stage.
- A13 Where changes are proposed to the staging of construction or operation, a revised **Staging Report** must be prepared, endorsed by the ER and submitted to the Planning Secretary for information no later than one (1) month prior to the proposed change in the staging.
- A14 Should a **Construction Environmental Management Framework (CEMF)** be submitted for approval under **Condition A15**, the Staging Report must be submitted with the CEMF, i.e. no later than one (1) month before the lodgement of any CEMP, CEMP sub plan or CMP to the Planning Secretary for approval.

Construction Environmental Management Framework

A15 A **Construction Environmental Management Framework (CEMF)** may be prepared to facilitate the preparation and approval of construction environmental management and monitoring plans required under **Part C** of this approval. The **CEMF** must:

- (a) identify the **Construction Environmental Management Plans (CEMPs), CEMP Sub-plans and Construction Monitoring Programs (CMP)** required for each stage of construction consistent with the **Staging Report** prepared under **Condition A9**;
- (b) document the proposed structure of the **CEMPs, CEMP Sub-plans and CMPs** for the relevant stage of construction;
- (c) provide, by way of a Risk Matrix, an assessment of the predicted level of environmental and social risk, including the potential level of community concerns posed by each construction stage. This must use a process consistent with *AS/NZS ISO 31000: 2018; Risk Management – Guidelines*; and
- (d) nominate the consultation and endorsement level for the **CEMPs, CEMP Sub-plans and CMPs** required for each construction stage. The endorsement level being one of the following:
 - (i) Low Risk Stage – to be self endorsed and consultation with agency and council stakeholders is not mandatory,
 - (ii) Medium Risk Stage – to be endorsed by the **ER** and consultation with agency and council stakeholders required, and
 - (iii) High Risk Stage– to be endorsed by the Planning Secretary and consultation with agency and council stakeholders required.

For a Low Risk Stage(s) the requirements of **Part C** of this approval do not apply. In these circumstances, a **CEMP, CEMP sub-plan and CMP**, may be substituted with an alternate process such as a Construction Method Statement or the like.

The **CEMF** must be endorsed by the **ER** and then submitted no later than one (1) month before the lodgement of any **CEMP, CEMP sub plan or CMP** to the Planning Secretary for approval.

Note: *The Planning Secretary may vary the CEMF in relation to the endorsement authority for the CEMPs, CEMP Sub-plans and CMPs.*

A16 The approved **CEMF** must be implemented for the duration of construction.

A17 Where changes are proposed to the staging of construction, a revised **CEMF** must be prepared, endorsed by the **ER** and submitted to the Planning Secretary for approval no later than one (1) month prior to the proposed change in the staging.

Staging, Combining and Updating Strategies, Plans or Programs

A18 Strategies, plans or programs required by this approval can be submitted on a progressive basis, with the agreement of the Planning Secretary.

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

Notes:

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

ANCILLARY FACILITIES

Ancillary facilities

A19 Ancillary facilities that are not identified by description and location in the documents listed in **Condition A1** can only be established and used in each case if:

- (a) they are located within or immediately adjacent to the construction boundary; and
- (b) they are not located next to sensitive land use(s) (including where an access road is between the facility and the land use), unless the landowner and occupier have given written acceptance to the carrying out of the relevant facility in the proposed location; and
- (c) they have no impacts on heritage items (including areas of archaeological sensitivity), threatened species, populations or ecological communities beyond the impacts approved under the terms of this approval; and
- (d) the establishment and use of the facility can be carried out and managed within the outcomes set out in the terms of this approval, including in relation to environmental, social and economic impacts.

SITE ESTABLISHMENT WORK

Construction Ancillary Facility - Site Establishment Management Plan

A20 Before the establishment of a construction ancillary facility that is required prior to the approval of a **CEMP** (excluding minor construction ancillary facilities determined by the **ER** to have minimal environmental impact and those established under **Condition A22**), an **Ancillary Site Establishment Management Plan** must be prepared which outlines the environmental management practices and procedures to be implemented for the establishment of the construction ancillary facilities. The **Ancillary Site Establishment Management Plan** must be prepared in consultation with the relevant council and government agencies. The Plan must be submitted to the Planning Secretary for approval one (1) month before the establishment of any construction ancillary facilities. The **Ancillary Site Establishment Management Plan** must detail the management of the construction ancillary facilities and include:

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

Nothing in this condition prevents the preparation of individual **Ancillary Site Establishment Management Plans** for each construction ancillary facility.

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

Use of a Construction Ancillary Facility

A21 A construction ancillary facility established under **Condition A20** must not be used for Construction until the **CEMP** required by **Condition C1**, relevant **CEMP Sub-plans** required by **Condition C6** and relevant **Construction Monitoring Programs** required by **Condition C10** have been approved.

Minor Construction Ancillary Facilities

A22 Minor Construction Ancillary Facilities can be established and used where they have been assessed in the documents listed in **Condition A1** or satisfy the following criteria:

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

Boundary screening

A23 Boundary screening must be erected between construction ancillary facilities (excluding minor construction ancillary facilities) and adjacent to sensitive land use(s) for the duration of the time that the construction ancillary facility is in use, unless otherwise agreed with the owner and occupier of the adjacent sensitive land use(s).

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

INDEPENDENT APPOINTMENTS

A24 All **Independent Appointments** required by the terms of this approval must have regard to *Seeking approval from the Department for the appointment of independent experts* (DPIE, 2020). All **Independent Appointments** must hold current membership of a relevant professional body, unless otherwise agreed by the Planning Secretary.

A25 The Planning Secretary may at any time commission an audit of how an **Independent Appointment** has exercised their functions. The Proponent must:

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

A26 The Planning Secretary may withdraw its approval of an **Independent Appointment** should they consider the Independent Appointment has not exercised their functions in accordance with this approval.

Note: **Conditions A25 and A26** apply to all **Independent Appointments** including the **ER**, **AA**, **Community Complaints Mediator**.

ENVIRONMENT REPRESENTATIVE

A27 Work must not commence until an **Environmental Representative (ER)** has been nominated by the Proponent and approved by the Planning Secretary.

A28 The Planning Secretary's approval of an **ER** must be sought no later than one (1) month before the commencement of work.

A29 The proposed **ER** must meet the requirements of the *Environmental Representative Protocol* (Department of Planning and Environment, October 2018) and must be a suitably qualified and experienced person(s) who was not involved in the preparation of the documents listed in **Condition A1**, and is independent from the design and construction personnel for the **CSSI** and those involved in the delivery of it.

- A30 More than one **ER** may be engaged for the **CSSI**, in which case the functions to be exercised by an **ER** under the terms of this approval may be carried out by any **ER** that is approved by the Planning Secretary for the purposes of the **CSSI**.
- A31 For the duration of the work until the completion of construction, or as agreed with the Planning Secretary, the approved **ER** must:
- (a) receive and respond to communication from the Planning Secretary in relation to the environmental performance of the **CSSI**;
 - (b) consider and inform the Planning Secretary on matters specified in the terms of this approval;
 - (c) consider and recommend to the Proponent any improvements that may be made to work practices to avoid or minimise adverse impact to the environment and to the community;
 - (d) review documents identified in **Conditions A9, A15, A20, C1, C6 and C10** and any other documents that are identified by the Planning Secretary, to ensure they are consistent with requirements in or under this approval and if so:
 - (i) make a written statement to this effect before submission of such documents to the Planning Secretary (if those documents are required to be approved by the Planning Secretary); or
 - (ii) make a written statement to this effect before the implementation of such documents (if those documents are required to be submitted to the Planning Secretary / Department for information or are not required to be submitted to the Planning Secretary/Department);
- Note: The written statement must be made via the Major Projects Portal.*
- (e) regularly monitor the implementation of the documents listed in **Conditions A9, A15, A20, C1, C6 and C10** to ensure implementation is being carried out in accordance with the document and the terms of this approval;
 - (f) as may be requested by the Planning Secretary, help plan or attend audits of the development commissioned by the Department including scoping audits, programming audits, briefings and site visits, but not independent environmental audits required under **Condition A40** of this approval;
 - (g) as may be requested by the Planning Secretary, assist in the resolution of community complaints;
 - (h) review the appropriateness of any activities reliant on the definition of Low Impact Work;
 - (i) consider or assess the impacts of minor construction ancillary facilities comprising lunch sheds, office sheds and portable toilet facilities as required by **Condition A22** of this approval;
 - (j) consider any minor amendments to be made to the **Ancillary Site Establishment Management Plan, CEMP, CEMP Sub-plans** and **monitoring programs** without increasing impacts to nearby sensitive land use(s) or that comprise updating or are of an administrative nature, and are consistent with the terms of this approval and the CEMP, CEMP Sub-plans and monitoring programs approved by the Planning Secretary and, if satisfied such amendment is necessary, approve the amendment. This does not include any modifications to the terms of this approval; and
 - (k) prepare and submit to the Planning Secretary and other relevant regulatory agencies, for information, an **Environmental Representative Monthly Report** providing the information set out in the Environmental Representative Protocol under the heading "Environmental Representative Monthly Reports." **The Environmental Representative Monthly Report** must be submitted within seven (7) days following the end of each month for the duration of the ER's engagement for the **CSSI**, or as otherwise agreed by the Planning Secretary.
- A32 The Proponent must provide the **ER** with documentation requested in order for the **ER** to perform their functions specified in **Condition A31** (including preparation of the **ER** monthly report), as well as:
- (a) the complaints register (to be provided on a weekly basis or as requested where complaints have been received); and
 - (b) a copy of any assessment carried out by the Proponent of whether proposed work is consistent with the approval (which must be provided to the **ER** before the commencement of the subject work).

ACOUSTICS ADVISOR

- A33 A suitably qualified and experienced **Acoustics Advisor(s) (AA)** in noise and vibration management, who is independent of the design and construction personnel, must be nominated by the Proponent and engaged for the duration of Work.
- A34 Work must not commence until an **AA** has been approved by the Planning Secretary no later than one (1) month before commencement of work.
- A35 The Proponent must cooperate with the **AA** by:
- (a) providing access to noise and vibration monitoring activities as they take place;
 - (b) providing for review of noise and vibration plans, assessments, monitoring reports, data and analyses undertaken; and
 - (c) considering any recommendations to improve practices and demonstrating, to the satisfaction of the **AA**, why any recommendation is not adopted.
- A36 The approved **AA** must:
- (a) receive and respond to communication from the Planning Secretary in relation to the performance of the **CSSI** in relation to noise and vibration;
 - (b) consider and inform the Planning Secretary on matters specified in the terms of this approval relating to noise and vibration;
 - (c) consider and recommend to the Proponent, improvements that may be made to avoid or minimise adverse noise and vibration impacts;
 - (d) review proposed night-time works to determine if sleep disturbance would occur and recommend measures to avoid sleep disturbance or appropriate additional alternative mitigation measures;
 - (e) review noise and vibration documents required to be prepared under the terms of this approval, and should they be consistent with the terms of this approval, endorse them before submission to the Planning Secretary (if required to be submitted to the Planning Secretary) or before implementation (if not required to be submitted to the Planning Secretary);
 - (f) regularly monitor the implementation of all noise and vibration documents required to be prepared under the terms of this approval to ensure implementation is in accordance with what is stated in the document(s) and the terms of this approval;
 - (g) notify the Planning Secretary of noise and vibration incidents in accordance with **Conditions A45** and **A47** of this approval;
 - (h) in conjunction with the **ER**, the **AA** must:
 - (i) as may be requested by the Planning Secretary or **Community Complaints Mediator** (required by **Condition B13**), help plan, attend or undertake audits of noise and vibration management of the **CSSI** including briefings, and site visits,
 - (ii) in the event that conflict arises between the Proponent and the community in relation to the noise and vibration performance of the **CSSI**, follow the procedure in the **Community Communication Strategy** approved under **Condition B2** to attempt to resolve the conflict, and if it cannot be resolved, notify the Planning Secretary,
 - (iii) consider relevant minor amendments made to the **Ancillary Site Establishment Management Plan, CEMP**, relevant sub-plans and noise and vibration monitoring programs that require updating or are of an administrative nature, and are consistent with the terms of this approval and the management plans and monitoring programs approved by the Planning Secretary and, if satisfied such amendment is necessary, endorse the amendment, (this does not include any modifications to the terms of this approval),
 - (iv) review the noise impacts of minor construction ancillary facilities, and
 - (v) prepare and submit to the Planning Secretary and other relevant regulatory agencies, for information, a **Monthly Noise and Vibration Report** detailing the **AA**'s actions and decisions on matters for which the **AA** was responsible in the preceding month. The **Monthly Noise and Vibration Report** must be submitted within seven days following the end of each month for the duration of the **AA**'s engagement for the **CSSI**, or as otherwise agreed by the Planning Secretary.

NOTIFICATION OF COMMENCEMENT

- A37 The Department must be notified in writing of the dates of commencement of works, construction and operation at least one (1) month before those dates.
- A38 If the construction or operation of the CSSI is to be staged, the Department must be notified in writing at least one (1) month before the commencement of each stage, of the date of the commencement of the relevant works, construction and operation at least one (1) month before those dates.

AUDITING

- A39 Proposed independent auditors must be agreed to in writing by the Planning Secretary before the commencement of an **Independent Audit**. This condition does not apply to the engagement of auditors required under **Condition E82**.
- A40 **Independent Audits** of the CSSI must be conducted and carried out in accordance with the *Independent Audit Post Approval Requirements* (DPIE, 2020).
- A41 The Planning Secretary may require the initial and subsequent **Independent Audits** to be undertaken at different times to those specified above, upon giving at least four (4) weeks notice (or timing as stipulated by the Planning Secretary) to the Proponent of the date upon which the audit must be commenced.
- A42 In accordance with the specific requirements in the *Independent Audit Post Approval Requirements* (DPIE, 2020), the Proponent must:
- (a) review and respond to each **Independent Audit Report** prepared under **Condition A40** or **Condition A41**;
 - (b) submit the response to the Planning Secretary; and
 - (c) make each **Independent Audit Report** and response to it publicly available two months after submission to the Planning Secretary, or as otherwise agreed by the Planning Secretary.
- A43 **Independent Audit Reports** and the Proponent's response to audit findings must be submitted to the Planning Secretary within two (2) months of undertaking the independent audit site inspection as outlined in the *Independent Audit Post Approval Requirements* (DPIE, 2020).
- A44 Notwithstanding the requirements of the *Independent Audit Post Approval Requirements* (DPIE, 2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

INCIDENT AND NON-COMPLIANCE NOTIFICATION AND REPORTING

Incident Notification, Reporting and Response

- A45 The Planning Secretary must be notified via the Major Projects Website immediately after the Proponent becomes aware of an incident. The notification must identify the CSSI (including the application number and the name of the CSSI if it has one) and set out the location and nature of the incident.
- A46 Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix A**.

Non-Compliance Notification

- A47 The Planning Secretary must be notified via the Major Projects Website within seven days after the Proponent becomes aware of any non-compliance. The notification must identify the CSSI (including the application number and the name of the CSSI if it has one), identify the condition/s against which the CSSI is non-compliant, the nature of the non-compliance; the reason for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A48 A non-compliance which has been notified as an incident under **Condition A45** does not need to be notified as a non-compliance.

IDENTIFICATION OF WORKFORCE AND COMPOUNDS

- A49 Heavy vehicles used for spoil haulage must be clearly marked on the sides and rear with the project name and CSSI application number to enable immediate identification by a person viewing the heavy vehicle. No more than one set of project markings can be displayed on a heavy vehicle at any point of time.
- A50 The CSSI name; application number; telephone number, postal address and email address required under **Condition B8** of this approval must be made available on site boundary fencing / hoarding at each ancillary facility before the commencement of construction. This information must also be provided on the website required under **Condition B17** of this approval.

PART B

COMMUNITY INFORMATION AND REPORTING

COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

Community Communication Strategy

- B1 A **Community Communication Strategy** must be prepared to provide mechanisms to facilitate communication about construction and operation of the **CSSI** with:
- (a) the community (including adjoining affected landowners and businesses, and others directly impacted by the **CSSI**); and
 - (b) the relevant councils and relevant agencies.
- B2 The **Community Communication Strategy** must:
- (a) identify people, organisations, councils and agencies to be consulted during the design and work phases of the **CSSI**;
 - (b) identify details of the community and its demographics;
 - (c) identify timing of consultation;
 - (d) set out procedures and mechanisms for the regular distribution of accessible information including to LOTE and CALD and vulnerable communities about or relevant to the **CSSI**;
 - (e) identify opportunities for education within the community about construction sites;
 - (f) detail the measures for advising the community in advance of upcoming construction including upcoming out-of-hours work as required by **Condition E15 and blasting activities**;
 - (g) provide for the formation of issue or location-based community forums that focus on key environmental management issues of concern to the relevant community(ies) for the **CSSI**;
 - (h) set out procedures and mechanisms:
 - (i) through which the community can discuss or provide feedback to the Proponent;
 - (ii) through which the Proponent will respond to enquiries or feedback from the community;
 - (iii) to resolve any issues and mediate any disputes that may arise in relation to the environmental management and delivery of the **CSSI**, including disputes regarding rectification or compensation;
 - (i) address who will engage with the community, relevant councils and agencies; and
 - (j) detail the roles and responsibilities of the **Public Liaison Officer(s)** engaged under **Condition B6**.
- B3 The **Community Communication Strategy** must be submitted to the Planning Secretary and be approved prior to the commencement of any Work.
- B4 Work for the purposes of the **CSSI** must not commence until the **Community Communication Strategy** has been approved by the Planning Secretary.
- B5 The **Community Communication Strategy**, as approved by the Planning Secretary, must be implemented for the duration of the work and for 12 months following the completion of construction.

Public Liaison Officer

- B6 A **Public Liaison Officer** must be appointed to assist the public with questions and complaints they may have at any time during Work. The **Public Liaison Officer** must be available at all times that Work is occurring.

COMPLAINTS MANAGEMENT SYSTEM

- B7 A **Complaints Management System** must be prepared and implemented before the commencement of any Work and maintained for the duration of construction and for a minimum for 12 months following completion of construction of the **CSSI**.

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

B8 The following information must be available to facilitate community enquiries and manage complaints one (1) month before the commencement of Work and for 12 months following the completion of construction:

- (a) a 24- hour telephone number for the registration of complaints and enquiries about the CSSI;
- (b) a postal address to which written complaints and enquires may be sent;
- (c) an email address to which electronic complaints and enquiries may be transmitted; and
- (d) a mediation system for complaints unable to be resolved.

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

B9 A **Complaints Register** must be maintained recording information on all complaints received about the CSSI during the carrying out of any work and for a minimum of 12 months following the completion of construction. The **Complaints Register** must record the:

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

B10 Complainants must be advised of the following information before, or as soon as practicable after, providing personal information:

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

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

B11 The **Complaints Register** must be provided to the Planning Secretary upon request, within the timeframe stated in the request.

Community Complaints Mediator

B12 A **Community Complaints Mediator** that is independent of the design and construction personnel must be nominated by the Proponent, approved by the Planning Secretary and engaged during Work associated with the CSSI. The **Community Complaints Mediator** must be accredited under the National Mediator Accreditation System, administered by the Mediator Standards Board. The nomination of the **Community Complaints Mediator** must be submitted to the Planning Secretary for approval within one (1) month before the commencement of Work.

B13 The role of the **Community Complaints Mediator** is to address any complaint where a member of the public is not satisfied by the Proponent's response. Any member of the public that has lodged a complaint which is registered in the **Complaints Management System** identified in

Condition B7 may ask the **Community Complaints Mediator** to review the Proponent's response. The application must be submitted in writing and the **Community Complaints Mediator** must respond within 28 days of the request being made or other specified timeframe agreed between **the Community Complaints Mediator** and the member of the public.

B14 The **Community Complaints Mediator** will:

- (a) review unresolved disputes if the procedures and mechanisms under **Condition B2(i) (iii)** do not satisfactorily address complaints;
- (b) make recommendations to the Proponent to satisfactorily address complaints, resolve disputes or mitigate against the occurrence of future complaints or disputes; and
- (c) provide a copy of the recommendations, and the Proponent's response to the recommendations, to the Planning Secretary within one (1) month of the recommendations being made.

B15 The Proponent must implement the recommendations made by **the Community Complaints Mediator** in accordance with **Condition B14** and be within a timeframe agreed with the **Community Complaints Mediator**, unless otherwise agreed with the Planning Secretary.

B16 The **Community Complaints Mediator** will not act before the Complaints Management System required by **Condition B7** has been executed for a complaint and will not consider issues such as property acquisition, where other dispute processes are provided for in this approval or clear government policy and resolution processes are available, or matters which are not within the scope of this **CSSI**.

PROVISION OF ELECTRONIC INFORMATION

B17 A website or webpage providing information in relation to the **CSSI** must be established before commencement of Work and be maintained for the duration of construction, and for a minimum of 24 months following the completion of construction. The following up-to-date information (excluding confidential, private, commercial information or any other information that the Planning Secretary has approved to be excluded) must be published before the relevant work commences and maintained on the website or dedicated pages including:

- (a) information on the current implementation status of the **CSSI**;
- (b) a copy of the documents listed in **Condition A1**, and any documentation relating to any modifications made to the **CSSI** or the terms of this approval;
- (c) a copy of this approval in its original form, a current consolidated copy of this approval (that is, including any approved modifications to its terms), and copies of any approval granted by the Minister to a modification of the terms of this approval;
- (d) a copy of each statutory approval, licence or permit required and obtained in relation to the **CSSI**;
- (e) a copy of the current version of each document required under the terms of this approval; and
- (f) a copy of the audit reports required under this approval.

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

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

Note: *The intention of this condition is to increase transparency and for information/documents required as part of the approval to be provided proactively and publicly in an easily accessible manner. Where information is excepted by this condition, it is intended that these documents are provided in their redacted form.*

PART C

CONSTRUCTION ENVIRONMENTAL MANAGEMENT

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

Construction Environmental Management Plan

C1 **Except as provided by Condition A15**, a **Construction Environmental Management Plan (CEMP)** must be prepared having regard to the *Environmental Management Plan Guideline for Infrastructure Projects* (Department of Planning, Industry and Environment, 2020).

C2 The **CEMP** must provide:

- (a) a description of activities to be undertaken during construction (including the scheduling of construction);
- (b) details of environmental and social policies, guidelines and principles to be followed in the construction of the **CSSI**;
- (c) a program for ongoing analysis of the key environmental and social impact risks arising from the activities described in subsection (a) of this condition, including an initial risk assessment undertaken before the commencement of construction of the **CSSI**. **The initial risk assessment may be undertaken as part of the CEMP pursuant to Condition A15;**
- (d) details of how the activities described in subsection (a) of this condition will be carried out to:
 - (i) meet the performance outcomes stated in the documents listed in **Condition A1** and as required by this approval; and
 - (ii) manage the risks identified in the risk analysis undertaken in subsection (c) of this condition;
- (e) an inspection program detailing the activities to be inspected and frequency of inspections;
- (f) a protocol for managing and reporting any:
 - (i) incidents; and
 - (ii) non-compliances with this approval or statutory requirements;
- (g) procedures for rectifying any non-compliance with this approval identified during compliance auditing, incident management or at any time during construction;
- (h) a list of all the **CEMP Sub-plans** required in respect of construction, as set out in **Condition C6**. Where staged construction of the **CSSI** is proposed, the **CEMP** must also identify which **CEMP Sub-plan** applies to each of the proposed stages of construction;
- (i) an organisational chart including description of the roles and environmental responsibilities for relevant employees and any independent appointments;
- (j) for training and induction for employees, including contractors and sub-contractors, in relation to environmental, social and compliance obligations under the terms of this approval; and
- (k) for periodic review and update of the **CEMP** and all associated plans and programs

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

C3 **CEMP(s)** (and relevant **CEMP sub-plans**) must be submitted to the Planning Secretary for approval **except those permitted to be endorsed by others pursuant to a CEMP approved by the Planning Secretary under Condition A15.**

C4 Where a **CEMP** (and relevant **CEMP sub-plans**) requires Planning Secretary's approval, the **CEMP** (and relevant **CEMP sub-plans**) must be endorsed by the **ER** and then submitted to the Planning Secretary for approval no later than one (1) month before the commencement of construction, or where construction is staged, no later than one (1) month before the commencement of each stage.

C5 **CEMP(s)** (and relevant **CEMP sub-plans**) not requiring the Planning Secretary's approval, but requiring **ER** endorsement, must be submitted to the **ER** no later than one (1) month before the commencement of construction or where construction is staged no later than one (1) month

before the commencement of that stage. The **CEMPs** (and relevant **CEMP sub-plans**) must be endorsed by the **ER** as being consistent with the conditions of this approval and all undertakings made in the documents listed in **Condition A1**.

- C6 **Except as provided by Condition A15** the following **CEMP Sub-plans** must be prepared in consultation with the relevant government agencies identified for each **CEMP Sub-plan**. Details of all information requested by an agency during consultation must be provided to the Planning Secretary as part of any submission of the relevant **CEMP Sub-plan**, including copies of all correspondence from those agencies as required by **Condition A8**.

	Required CEMP Sub-plan	Relevant government agencies to be consulted for each CEMP Sub-plan
(a)	[insert additional required project specific CEMP Sub-plan]	[insert list of relevant government agencies to be consulted for each CEMP- Sub-plan]
(b)	[insert additional required project specific CEMP Sub-plan]	[insert list of relevant government agencies to be consulted for each CEMP- Sub-plan]

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

- C7 The **CEMP Sub-plans** must state how:
- (a) the environmental performance outcomes identified in the documents listed in **Condition A1** will be achieved;
 - (b) the mitigation measures identified in the documents listed in **Condition A1** will be implemented;
 - (c) the relevant terms of this approval will be complied with; and
 - (d) issues requiring management during construction (including cumulative impacts), as identified through ongoing environmental risk analysis, will be managed through SMART principles.
- C8 Construction must not commence until the relevant **CEMP(s)** and **CEMP Sub-plans** have been approved by the Planning Secretary **or endorsed by the ER, (as applicable and as identified in the CEMP approved under Condition A15)**.
- C9 The **CEMP(s)** and **CEMP Sub-plans** as approved **or endorsed (as relevant)**, including any minor amendments approved by the **ER**, must be implemented for the duration of construction.

CONSTRUCTION MONITORING PROGRAMS

- C10 **Except as provided by Condition A15** the following **Construction Monitoring Programs** must be prepared in consultation with the relevant government agencies identified for each to compare actual performance of construction of the **CSSI** against the performance predicted in the documents listed in **Condition A1** or in the **CEMP**:

	Required Construction Monitoring Programs	Relevant government agencies to be consulted for each Construction Monitoring Program
(a)	[insert additional required project specific monitoring program]	[insert list of relevant government agencies to be consulted for each monitoring program Sub-plan]
(b)	[insert additional required project specific monitoring program]	[insert list of relevant government agencies to be consulted for each monitoring program Sub-plan]

- C11 Each **Construction Monitoring Program (CMP)** must have consideration of SMART principles and provide:
- (a) details of baseline data available;
 - (b) details of baseline data to be obtained and when;
 - (c) details of all monitoring of the project to be undertaken;
 - (d) the parameters of the project to be monitored;

- (e) the frequency of monitoring to be undertaken;
 - (f) the location of monitoring;
 - (g) the reporting of monitoring results and analysis results against relevant criteria;
 - (h) details of the methods that will be used to analyse the monitoring data;
 - (i) procedures to identify and implement additional mitigation measures where the results of the monitoring indicate unacceptable project impacts; and
 - (j) any consultation to be undertaken in relation to the monitoring programs.
- C12 **CMP(s)** must be submitted to the Planning Secretary for approval except those permitted to be endorsed by others pursuant to a **CEMF** approved by the Planning Secretary under **Condition A15**.
- C13 Where a **CMP** requires Planning Secretary's approval, the **CMP** must be endorsed by the **ER** and then submitted to the Planning Secretary for approval no later than one (1) month before the commencement of construction, or where construction is staged, no later than one (1) month before the commencement of each stage.
- C14 **CMP(s)** not requiring the Planning Secretary's approval, but requiring ER endorsement, must be submitted to the **ER** no later than one (1) month before the commencement of construction or where construction is staged no later than one (1) month before the commencement of that stage. The **CMP(s)** must be endorsed by the **ER** as being consistent with the conditions of this approval and all undertakings made in the documents listed in **Condition A1**.
- C15 Construction must not commence until the relevant **CMP(s)** have been approved by the Planning Secretary or endorsed by the **ER**, (as applicable and as identified in the **CEMF** approved under **Condition A15**), and all relevant baseline data for the specific construction activity has been collected.
- C16 The **CMP(s)**, as approved or endorsed (as relevant), including any minor amendments approved by the **ER**, must be implemented for the duration of construction and for any longer period set out in the monitoring program or specified by the Planning Secretary, whichever is the greater.
- C17 The results of the **CMP(s)** must be submitted to the Planning Secretary, and relevant regulatory agencies, for information in the form of a **Construction Monitoring Report** at the frequency identified in the relevant **CMP**.

Note: Where a relevant **CEMP Sub-plan** exists, the relevant **Construction Monitoring Program** may be incorporated into that **CEMP Sub-plan**.

PART D

OPERATIONAL ENVIRONMENTAL MANAGEMENT

OPERATIONAL ENVIRONMENTAL MANAGEMENT

- D1 An **Operational Environmental Management Plan (OEMP)** must be prepared having regard to the *Environmental Management Plan Guideline for Infrastructure Projects* (Department of Planning, Industry and Environment, 2020). The **OEMP** must detail how the performance outcomes, commitments and mitigation measures made and identified in the documents listed in **Condition A1** will be implemented and achieved during operation. **Condition D1** does not apply if **Condition D2** of this approval applies.
- D2 An **OEMP** is not required for the **CSSI** if the Proponent has an **Environmental Management System (EMS)** or equivalent as agreed with the Planning Secretary, and demonstrates, to the satisfaction of the Planning Secretary, that through the **EMS** or equivalent:
- (a) the performance outcomes, commitments and mitigation measures, made and identified in the documents listed in **Condition A1**, and specified relevant terms of this approval can be achieved;
 - (b) issues identified through ongoing risk analysis can be managed; and
 - (c) procedures are in place for rectifying any non-compliance with this approval identified during compliance auditing, incident management or any other time during operation.
- D3 Where an **OEMP** is required, the following **OEMP Sub-plans** must be included in the **OEMP**:

	Required OEMP Sub-plan	Relevant government agencies to be consulted for each OEMP Sub-plan
(a)	[insert additional required project specific OEMP Sub-plans]	[insert additional required project specific OEMP Sub-plans]
(x)	[insert additional required project specific OEMP Sub-plans]	[insert list of relevant government agencies to be consulted for each OEMP Sub-plan]

- D4 Each of the **OEMP Sub-plans** must include the information set out in **Condition D2** of this approval.
- D5 The **OEMP Sub-plans** must be developed in consultation with relevant government agencies as identified in **Condition D3** and must include information requested by an agency to be included in an **OEMP Sub-plan** during such consultation. Details of all information requested by an agency to be included in an **OEMP Sub-plan** as a result of consultation, including copies of all correspondence from those agencies, must be provided with the relevant **OEMP Sub-Plan**.
- D6 The **OEMP Sub-plans** must be submitted to the Planning Secretary as part of the **OEMP**.
- D7 The **OEMP** or **EMS** or equivalent as agreed with the Planning Secretary, must be submitted to the Planning Secretary for information no later than one (1) month before the commencement of operation.
- D8 The **OEMP** or **EMS** or equivalent as agreed with the Planning Secretary, as submitted to the Planning Secretary and amended from time to time, must be implemented for the duration of operation and the **OEMP** or **EMS** or equivalent must be made publicly available before the commencement of operation.

OPERATIONAL MONITORING PROGRAM

- D9 The following **Operational Monitoring Programs** must be prepared in consultation with the relevant authorities identified for each **Operational Monitoring Program** to compare actual operational performance against predicted performance. Details of all information requested by

an agency during consultation must be provided to the Planning Secretary as part of any submission of the relevant **Operational Monitoring Program**, including copies of all correspondence from those agencies as required by **Condition A8**.

	Required Operational Monitoring Programs	Relevant authority(s) and council(s) to be consulted for each Operational Monitoring Program
(a)	[insert additional required project specific program]	[insert additional required project specific program]
(b)	[insert additional required project specific program]	[insert additional required project specific program]

D10 Each operational monitoring program must include:

- (a) details of baseline data;
- (b) details of all monitoring of the project to be undertaken;
- (c) the parameters of the project to be monitored;
- (d) the frequency and lifespan of monitoring to be undertaken;
- (e) the location of monitoring;
- (f) the reporting of monitoring and analysis results against relevant criteria;
- (g) details of the methods that will be employed to analyse the monitoring data;
- (h) procedures to identify and implement additional mitigation measures where results of monitoring are unsatisfactory; and
- (i) any consultation to be undertaken in relation to the monitoring programs.

Note: *Operational Monitoring Program requirements will be included in approvals on a project specific basis in consideration of the need for continuous improvement of environmental performance.*

- D11 The **Operational Monitoring Program(s)** must be submitted to the Planning Secretary for approval at least three (3) months prior to the commencement of operation.
- D12 Operation must not commence until the Planning Secretary has approved all of the required **Operational Monitoring Programs**, and all relevant baseline data has been collected.
- D13 The **Operational Monitoring Programs**, as approved by the Planning Secretary, must be implemented for the duration identified in the terms of this approval. Where no duration is specified in this approval, they must be implemented for the duration specified in the relevant **Operational Monitoring Program** or as specified by the Planning Secretary.
- D14 The results of the **Operational Monitoring Programs** must be submitted to the Planning Secretary, and relevant regulatory authorities, for information in the form of an **Operational Monitoring Report** at the frequency identified in the terms of this approval. Where no frequency is identified in this approval, the results must be submitted at the frequency identified in the relevant **Operational Monitoring Program**.
- D15 Where a relevant **OEMP Sub-plan** exists, the relevant **Operational Monitoring Program** may be **incorporated** into that **OEMP Sub-plan**.

PART E – currently under review 2022 – readers should read recent determinations from 2020 onwards to familiarise themselves with potential conditions

KEY ISSUE CONDITIONS

AIR QUALITY

- E1 In addition to the performance outcomes, commitments and mitigation measures specified in the documents listed in **Condition A1**, all reasonably practicable measures must be implemented to minimise the emission of dust and other air pollutants during the construction and operation of the CSSI.

AIR QUALITY ROAD TUNNELS

Note: Refer to most recent road tunnel approval.

BIODIVERSITY

Note: Refer to most recent project that requires biodiversity offsetting under the BC Act or EPBC Act.

FLOODING

- E2 Measures identified in the documents listed in **Condition A1** to not worsen flood characteristics or other measures that achieve the same outcomes, must be incorporated into the detailed design of the CSSI. The incorporation of these measures into the detailed design must be reviewed and endorsed by a suitably qualified flood consultant, who is independent of the project's design and construction, in consultation with directly affected landowners, DPE Water, DPI Fisheries, ESS Group, NSW State Emergency Service (SES) and relevant Councils.
- E3 Unless otherwise agreed by the Planning Secretary, the CSSI must be designed and constructed to limit impacts on flooding characteristics in areas outside the project boundary during any flood event up to and including the 1% AEP flood event, to the following:
- (a) a maximum increase in inundation time of one hour;
 - (b) a maximum increase of 10 mm in above-floor inundation to habitable rooms where floor levels are currently exceeded;
 - (c) no above-floor inundation of habitable rooms which are currently not inundated;
 - (d) a maximum increase of 50 mm in inundation of land zoned as residential, industrial or commercial;
 - (e) a maximum increase of 100 mm in inundation of land zoned as rural, primary production, environment zone or public recreation;
 - (f) no significant increase in the flood hazard or risk to life; and
 - (g) maximum relative increase in velocity of 10%, where the resulting velocity is greater than 1.0 m/s, unless adequate scour protection measures are implemented and/or the velocity increases do not exacerbate erosion as demonstrated through site-specific risk of scour or geomorphological assessments.

Where the requirements set out in clauses (d), (e) and (g) cannot be met alternative flood levels or mitigation measures may be agreed to with the affected landowner.

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

- E4 Flood information including flood reports, models and geographic information system outputs, and work as executed information from a registered surveyor certifying finished ground levels and the dimensions and finished levels of all structures within the flood prone land, must be provided to the relevant Council, ESS Group and the SES in order to assist in preparing relevant documents and to reflect changes in flood behaviour as a result of the **CSSI**. The Council, ESS Group and the SES must be notified in writing that the information is available no later than one (1) month following the completion of construction. Information requested by the relevant Council, ESS Group or the SES must be provided no later than six (6) months following the completion of construction or within another timeframe agreed with the relevant Council, ESS Group and the SES.

HEALTH AND SAFETY

Note: No template condition anticipated. Project specific condition to be applied if required.

HERITAGE

- E5 Following completion of all work described in the documents listed in **Condition A1** in relation to heritage items, a **Heritage Report** including the details of any archival recording, further historical research either undertaken or to be carried out and archaeological excavations (with artefact analysis and identification of a final repository for finds), must be prepared in accordance with any guidelines and standards required by the Heritage Council of NSW and Heritage NSW.
- E6 The **Heritage Report** must be submitted to the Planning Secretary, the Heritage Council of NSW and Heritage NSW for information no later than 12 months after the completion of the work referred to in **Condition E5**.
- E7 Before conducting acoustic treatment at any heritage item identified in the documents listed in **Condition A1**, the advice of a suitably qualified and experienced built heritage expert must be obtained and implemented to ensure any such work does not have an adverse impact on the heritage significance of the item.
- E8 An **Unexpected Heritage Finds and Human Remains Procedure** must be prepared to manage unexpected heritage finds in accordance with any guidelines and standards prepared by the Heritage Council of NSW or Heritage NSW.
- E9 The **Unexpected Heritage Finds and Human Remains Procedure** must be prepared by a suitably qualified and experienced heritage specialist in consultation with Heritage NSW and the Heritage Council of NSW and submitted to the Planning Secretary for information no later than one (1) month before the commencement of construction.
- E10 The **Unexpected Heritage Finds and Human Remains Procedure**, as submitted to the Planning Secretary, must be implemented for the duration of construction **and during operational maintenance work**.

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

NOISE AND VIBRATION

Note: Project-specific conditions relating to out of hours work and high noise and vibration impact work may be required based on predictions and statements included in the documents listed in **Condition A1**.

Land Use Survey

- E11 A detailed land use survey must be undertaken to confirm sensitive land use(s) (including critical working areas such as operating theatres and precision laboratories) potentially exposed to construction noise and vibration, construction ground-borne noise and operational noise. The survey may be undertaken on a progressive basis but must be undertaken in any one area before

the commencement of work which generates construction or operational noise, vibration or ground-borne noise in that area. The results of the survey must be included in the **Noise and Vibration CEMP Sub-plan** required by **Condition (Part C)**.

Work Hours

E12 Work must be undertaken during the following hours:

- (a) 7:00am to 6:00pm Mondays to Fridays, inclusive;
- (b) 8:00am to 1:00pm Saturdays; and
- (c) at no time on Sundays or public holidays.

Highly Noise Intensive Work

E13 Except as permitted by an EPL, highly noise intensive works that result in an exceedance of the applicable NML at the same receiver must only be undertaken:

- (a) between the hours of 8:00 am to 6:00 pm Monday to Friday;
- (b) between the hours of 8:00 am to 1:00 pm Saturday; and
- (c) if continuously, then not exceeding three (3) hours, with a minimum cessation of work of not less than one hour.

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

Variation to Work Hours

E14 Notwithstanding **Conditions E12 and E13** work may be undertaken outside the hours specified in the following circumstances (a, b, c or d):

- (a) **Safety and Emergencies**, including:
 - (i) for the delivery of materials required by the NSW Police Force or other authority for safety reasons; or
 - (ii) where it is required in an emergency to avoid injury or the loss of life, to avoid damage or loss of property or to prevent environmental harm.

On becoming aware of the need for emergency work in accordance with **Condition E14(a)**, the **AA**, the **ER**, the Planning Secretary and the EPA must be notified of the reasons for such work. Best endeavors must be used to notify all noise and/or vibration affected residents and owners/occupiers of properties identified sensitive land use(s) of the likely impact and duration of those work.

- (b) **Low noise or vibration impact**, including:
 - (i) construction that causes $L_{Aeq}(15 \text{ minute})$ noise levels:
 - no more than 5 dB(A) above the rating background level at any residence in accordance with the ICNG, and
 - no more than the 'Noise affected' NMLs specified in Table 3 of the ICNG at other sensitive land use(s); or
 - (ii) construction that causes:
 - continuous or impulsive vibration values, measured at the most affected residence are no more than the preferred values for human exposure to vibration, specified in Table 2.2 of *Assessing Vibration: a technical guideline* (DEC, 2006), or
 - intermittent vibration values measured at the most affected residence are no more than the preferred values for human exposure to vibration, specified in Table 2.4 of *Assessing Vibration: a technical guideline* (DEC, 2006).
- (c) **By Approval**, including:
 - (i) where different construction hours are permitted or required under an EPL in force in respect of the **CSSI**; or
 - (ii) works which are not subject to an EPL that are approved under an **Out-of-Hours Work Protocol** as required by **Condition E15**; or
 - (iii) negotiated agreements with directly affected residents and sensitive land use(s).

- (d) **By Prescribed Activity**, including:
- (i) tunnelling and ancillary support activities (excluding cut and cover tunnelling and surface works) and tunnel fit out works (excluding surface works) (which are permitted 24 hours a day, seven (7) days a week); or
 - (ii) delivery of material that is required to occur outside the hours identified in **Condition E12** to directly support tunnelling activities, except between the hours 10:00 pm and 7:00 am; or
 - (iii) works within an acoustic shed where there is no exceedance of the NMLs; or
 - (iv) tunnel and underground station box fit out works (which are permitted 24 hours per day, seven (7) days per week).

Notes:

1. Tunnelling does not include station box excavation.
2. Tunnelling ancillary support activities includes logistics support and material handling and delivery

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

E15 An **Out-of-Hours Work Protocol** must be prepared to identify a process for the consideration, management and approval of work which is outside the hours defined in **Conditions E12**, and that are not subject to an EPL. The Protocol must be approved by the Planning Secretary before commencement of the Out-of-Hours Work. The Protocol must be prepared in consultation with the **ER**, **AA** and EPA. The Protocol must include:

- (a) identification of low and high-risk activities and an approval process that considers the risk of activities, proposed mitigation, management, and coordination, including where:
 - (i) the **ER** and **AA** review all proposed out-of-hours activities and confirm their risk levels,
 - (ii) low risk activities can be approved by the **ER** in consultation with the **AA**, and
 - (iii) high risk activities that are approved by the Planning Secretary;
- (b) a process for the consideration of out-of-hours work against the relevant NML and vibration criteria;
- (c) a process for selecting and implementing mitigation measures for residual impacts in consultation with the community at each affected location, including respite periods consistent with the requirements of **Condition E27**. The measures must take into account the predicted noise levels and the likely frequency and duration of the out-of-hours works that sensitive land use(s) would be exposed to, including the number of noise awakening events;
- (d) procedures to facilitate the coordination of out-of-hours work including those approved by an EPL or undertaken by a third party, to ensure appropriate respite is provided; and
- (e) notification arrangements for affected receivers for approved out-of-hours work and notification to the Planning Secretary of approved low risk out-of-hours works.

This condition does not apply if the requirements of **Condition E14(b)** are met.

Construction Noise Management Levels and Vibration Criteria

E16 Mitigation measures must be implemented with the aim of achieving the following construction noise management levels and vibration objectives:

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

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

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

E17 Mitigation measures must be applied when the following residential ground-borne noise levels are exceeded:

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

The mitigation measures must be outlined in the **Noise and Vibration CEMP Sub-plan**, including in any **Out-of-Hours Work Protocol**, required by **Condition E15**.

E18 Noise generating work in the vicinity of community, religious, educational institutions, noise and vibration-sensitive businesses and critical working areas (such as theatres, laboratories and operating theatres) resulting in noise levels above the NMLs must not be timetabled during sensitive periods, unless other reasonable arrangements with the affected institutions are made at no cost to the affected institution.

E19 At no time can noise generated by construction exceed the National Standard for exposure to noise in the occupational environment of an eight-hour (8hr) equivalent continuous A-weighted sound pressure level of $L_{Aeq,8h}$ of 85 dB(A) for any employee working at a location near the **CSSI**.

E20 **Construction Noise and Vibration Impact Statements (CNVIS)** must be prepared for work that may exceed the noise management levels, vibration criteria and/or ground-borne noise levels specified in **Condition E16** and **Condition E17** at any residence outside construction hours identified in **Condition E12**, or where receivers will be highly noise affected. The **CNVIS** must include specific mitigation measures identified through consultation with affected sensitive land use(s) and the mitigation measures must be implemented for the duration of the works. A copy of the **CNVIS** must be provided to the **AA** and **ER** prior to the commencement of the associated works. The Planning Secretary may request a copy/ies of **CNVIS**.

E21 Owners and occupiers of properties at risk of exceeding the screening criteria for cosmetic damage must be notified before work that generates vibration commences in the vicinity of those properties. If the potential exceedance is to occur more than once or extend over a period of 24 hours, owners and occupiers are to be provided a schedule of potential exceedances on a monthly basis for the duration of the potential exceedances, unless otherwise agreed by the owner and occupier. These properties must be identified and considered in the **Noise and Vibration CEMP Sub-plan** required by **Condition (Part C)** and the **Community Communication Strategy** required by **Condition (Part B)**.

Construction Noise Mitigation - Acoustic Sheds

E22 All surface-based tunnelling support activities that generate noise levels above the noise management levels in **Condition E16** must occur within an acoustic shed.

Construction Vibration Mitigation - Heritage

E23 Vibration testing must be undertaken before and during vibration generating activities that have the potential to impact on heritage items to identify minimum working distances to prevent cosmetic damage. In the event that the vibration testing and attended monitoring shows that the preferred values for vibration are likely to be exceeded, the construction methodology must be reviewed and, if necessary, additional mitigation measures implemented.

E24 Advice from a heritage specialist must be sought on methods and locations for installing equipment used for vibration, movement and noise monitoring at heritage-listed structures.

E25 Before conducting at-property treatment at any heritage item identified in the documents listed in **Condition A1**, the advice of a suitably qualified and experienced built heritage expert must be obtained and implemented to ensure any such work does not have an adverse impact on the heritage significance of the item.

Utility Coordination and Respite

E26 All work undertaken for the delivery of the CSSI, including those undertaken by third parties (such as utility relocations), must be coordinated to ensure respite periods are provided. This must include:

- (a) rescheduling work to provide respite to impacted noise sensitive land use(s) so that the respite is achieved in accordance with **Condition E27**; or
- (b) the provision of alternative respite or mitigation to impacted noise sensitive land use(s); and
- (c) the provision of documentary evidence to the **AA** in support of any decision made in relation to respite or mitigation.

The consideration of respite must also include all other CSSI, SSI and SSD projects which may cause cumulative and/or consecutive impacts at receivers affected by the delivery of the CSSI.

Out-of-Hours Works – Community Consultation on Respite

E27 In order to undertake out-of-hours work outside the hours specified under **Condition E12**, the appropriate respite periods must be identified for the out-of-hours work in consultation with the community at each affected location on a regular basis.

This consultation must include (but not be limited to) providing the community with:

- (a) a progressive schedule for periods no less than three (3) months, of likely out-of-hours work;
- (b) a description of the potential work, location and duration of the out-of-hours work;
- (c) the noise characteristics and likely noise levels of the work; and
- (d) likely mitigation and management measures which aim to achieve the relevant noise management levels and vibration criteria under **Condition E16** (including the circumstances of when respite or relocation offers will be available and details about how the affected community can access these offers).

The outcomes of the community consultation, the identified respite periods and the scheduling of the likely out-of-hour work must be provided to the **AA**, **ER**, EPA and the Planning Secretary for information prior to undertaking the work scheduled for the subject period.

Note: Respite periods can be any combination of days or hours where out-of-hours work would not be more than 5 dB(A) above the rating background noise level at any residence.

Blasting

E28 Blasting associated with the CSSI must only be undertaken during the following hours:

- (a) 9:00am to 5:00pm, Monday to Friday, inclusive;
- (b) 9:00am to 1:00pm on Saturday;
- (c) at no time on Sunday or public holidays; or
- (d) as authorised through an EPL.

Blasting Management Strategy

Note: Project specific conditions specifying blasting hours may be required. Performance standards for blasting will be applied where appropriate, on a project-specific basis.

E29 A **Blast Management Strategy** must be prepared and must include:

- (a) sequencing and review of trial blasting to inform blasting;
- (b) regularity of blasting;
- (c) intensity of blasting;
- (d) periods of relief; and
- (e) blasting program.

E30 The **Blast Management Strategy** must be endorsed by a suitably qualified and experienced person.

- E31 The **Blast Management Strategy** must be prepared in accordance with relevant guidelines and in consultation with the EPA, in order to ensure that all blasting and associated activities are carried out so as not to generate unacceptable noise and vibration impacts or pose a significant risk to sensitive land use(s).
- E32 The **Blast Management Strategy** must be submitted to the Planning Secretary for information no later than one (1) month before the commencement of blasting. The Strategy as submitted to the Planning Secretary, must be implemented for all blasting activities.

Operational Noise and Vibration Mitigation Measures

E33 An **Operational Noise and Vibration Review (ONVR)** must be prepared to confirm noise and vibration control measures that would be implemented for the operation of the **CSSI for the ultimate service**. The **ONVR** must be prepared in consultation with relevant council(s) and the EPA and must:

- (a) confirm the appropriate operational noise and vibration objectives and levels for surrounding development, including existing sensitive land use(s);
- (b) confirm the operational noise and vibration predictions based on the final design. Confirmation must be based on an appropriately calibrated model(s) (which has incorporated noise monitoring, and concurrent traffic counting, where necessary for calibration purposes). The assessment must specifically include verification of noise levels at all fixed facilities, based on noise monitoring undertaken at appropriately identified noise catchment areas surrounding the facilities;
- (c) confirm the operational noise and vibration impacts at adjoining development based on the final design of the **CSSI**. Confirmation must be based on an appropriately calibrated noise model and include operational daytime $L_{Aeq,15 \text{ hour}}$ and night-time $L_{Aeq, 9\text{-hour}}$ traffic noise contours;
- (e) identify sensitive land use(s) that are predicted to exceed the requirements of:
 - (i) *NSW Road Noise Policy (DECCW, 2011)*,
 - (ii) *NSW Noise Policy for Industry (EPA, 2017)*,
 - (iii) *Rail Infrastructure Noise Guideline (EPA)*,
 - (iv) *Assessing vibration: a technical guideline (DEC 2006)*;
- (f) identify all noise and vibration mitigation measures including location, type and timing of mitigation measures, and how the final suite of mitigation measures will achieve the requirements of part (e) with a focus on:
 - (i) source control and design;
 - (ii) at the receiver (if relevant); and
 - (iii) 'best practice' achievable noise and vibration outcome for each activity;
- (d) include a consultation strategy to seek feedback from directly affected landowners on the noise and vibration mitigation measures; and
- (g) procedures for the management of operational noise and vibration complaints, including investigation and monitoring (subject to complainant agreement).

The **ONVR** must be verified by the **AA** or an independent acoustic expert. The **ONVR** must be undertaken at the projects expense and submitted to the Planning Secretary within 12 months of the commencement of construction unless otherwise agreed by the Planning Secretary.

The identified noise and vibration control measures must be implemented and the **ONVR** must be made publicly available.

Note: The design of noise barriers and the like must be undertaken in consultation with the community as part of the **Place Design and Landscape Plan** required under **Condition E56, E57 and E58**.

- E34 Operational noise mitigation measures identified in **Condition E33** that will not be physically affected by work, must be implemented within six (6) months of submitting the **ONVR**. Where implementation of operational noise mitigation measures are not proposed to be implemented in accordance with this requirement, a report must be submitted to the Planning Secretary providing justification as to why, along with details of temporary measures that would be implemented to reduce construction noise impacts, until such time that the operational noise mitigation measures

are implemented. The report must be endorsed by the **AA** and submitted to the Planning Secretary within six (6) months of submitting the **ONVR**.

Note: Not having finalised detailed design is not sufficient justification for not implementing the proposed mitigation measures.

Operational Noise and Vibration Validation

E35 Within 12 months of the commencement of operation of the **CSSI**, monitoring of operational noise and vibration must be undertaken to compare actual noise performance of the **CSSI** against the noise and vibration performance predicted in the review of noise and vibration mitigation measures required by **Condition E33**.

Operational Noise and Vibration Compliance Report

E36 An **Operational Noise and Vibration Compliance Report (ONCVR)** must be prepared to document the findings of the operational noise and vibration monitoring carried out under **Condition E35**. The **ONCVR** must address the following:

- (a) noise and vibration monitoring to assess compliance with the operational noise and vibration levels predicted in the review of operational noise and vibration mitigation measures required under **Condition E33**;
- (b) compliance with the operational noise levels in terms of criteria, noise goals and trigger levels established in the:
 - (i) *NSW Road Noise Policy (DECCW, 2011)*,
 - (ii) *NSW Noise Policy for Industry (EPA, 2017)*,
 - (iii) *Rail Infrastructure Noise Guideline (EPA)*,
 - (iv) *Assessing vibration: a technical guideline (DEC 2006)*;
- (c) methodology, location and frequency of noise and vibration monitoring undertaken, including monitoring sites at which **CSSI** noise and vibration levels are ascertained, with specific reference to locations indicative of impacts on receivers;
- (d) pavement corrections for light and heavy vehicles and an assessment of the acoustic performance of different pavement types over their design life;
- (e) details of any complaints (and the resolution of these complaints) and enquiries received in relation to operational noise and vibration generated by the **CSSI** between the date of commencement of operation and the date the report was prepared;
- (f) any required recalibrations of the noise and vibration model taking into consideration factors such as noise and vibration monitoring and actual traffic numbers and proportions;
- (g) an assessment of the performance and effectiveness of applied noise and vibration mitigation measures together with a review and if necessary, reassessment of mitigation measures;
- (h) identification of additional measures to those identified in the review of noise and vibration mitigation measures required by **Condition E33**, that are to be implemented with the objective of meeting the operational noise and vibration levels in terms of criteria, noise goals and trigger levels established in the:
 - (i) *NSW Road Noise Policy (DECCW, 2011)*,
 - (ii) *NSW Noise Policy for Industry (EPA, 2017)*,
 - (iii) *Rail Infrastructure Noise Guideline (EPA)*,
 - (iv) *Assessing vibration: a technical guideline (DEC 2006)*; and
- (i) identification of when these additional measures are to be implemented and how their effectiveness is to be measured and reported to the Planning Secretary and the EPA.

The **ONCVR** must be prepared in accordance with the *Model Validation Guideline (RMS, 16 May 2018 Version 1.1)*.

The **Operational Noise and Vibration Compliance Report** must be submitted to the Planning Secretary and the EPA within 60 days of completing the operational noise and vibration monitoring and made publicly available.

Maintenance of Low Noise Road Pavements

- E37 Low noise road pavements must be maintained to ensure that they continue to contribute to the compliance of mitigated noise levels identified in the **ONR (Condition E33)** throughout the life of the project.

PLACE, DESIGN AND VISUAL AMENITY

Construction Support Sites

- E38 The **CSSI** must be constructed in a manner that minimises visual impacts of construction sites, including providing temporary decorative hoarding, landscaping and vegetative screening of ancillary facilities, minimising light spill, and incorporating architectural treatment and finishes within key elements of temporary structures that reflect the context within which the construction sites are located, including recognition of Country.

Design Outcomes

- E39 The place making, design and landscape outcomes of the **CSSI** must be:
- (a) informed by and be consistent with **Appendix xx of the EIS**, including but not limited to the objectives and design principles, requirements, and opportunities; and
 - (b) prepared in consultation with the community (including the affected landowners and businesses or a representative of the businesses), LCACs, RAPs and relevant council(s).
- E40 Where works results in the temporary removal of a recreational or community use, and no similar use with sufficient capacity for regular users is located within two (2) kilometres of the site, then a temporary facility of comparable scale must be provided for the duration of the use of that site.
- E41 Operational noise barriers must be designed to minimise visual and amenity impacts. Opportunities should be explored to incorporate aesthetics, wayfinding and public art into the design of the noise barriers.

Lighting and Security

- E42 The **CSSI** must be constructed and operated with the objective of minimising light spillage to surrounding properties. All lighting associated with the construction and operation of the **CSSI** must be consistent with the requirements of *AS/NZS 4282:2019 Control of the obtrusive effects of outdoor lighting* and relevant Australian Standards in the series *AS/NZ 1158 – Lighting for Roads and Public Spaces*. Additionally, mitigation measures must be provided to manage any residual night lighting impacts to protect properties adjoining or adjacent to the **CSSI**, in consultation with affected landowners.

Active Transport Facilities

- E43 Temporary and permanent active transport facilities must be designed, constructed and/or rectified in accordance with:
- (a) the process set out in the Movement and Place Framework (NSW Government) including:
 - (i) the *Walking Space Guide: Toward Pedestrian Comfort and Safety* (TfNSW, 2020); and
 - (ii) the *Cycleway Design Toolbox: Designing for Cycling and Micromobility* (TfNSW, 2020).
 - (b) the *Guide to Road Design Part 6A: Paths for Walking and Cycling* (Austroads 2017) where not otherwise covered by (a);
 - (c) relevant Australian Standards (AS) such as *AS 1428.1-2009 Design for access and mobility*; and
 - (d) relevant Crime Prevention Through Environmental Design (CPTED) principles.

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

Design Review Panel and Design Review

E44 An independent **Design Review Panel (DRP)** must be established to provide advice and recommendations to the Proponent during the **CSSI's** design development and construction to facilitate quality design and place outcomes. The **DRP** must be formed and hold its first meeting within **six (6) months of the date of this approval**.

E45 The responsibilities of the **DRP** include:

- (a) providing advice on the application of the objectives to key design elements in relation to place making, accessibility; open space; architecture, heritage, urban and landscape design and aesthetic aspects of the **CSSI**.
- (b) providing advice and recommendations to the Proponent for consideration in the design development of the **CSSI**; including in relation to:
 - (i) the **Heritage Interpretation Plan** required by **Condition x**,
 - (ii) **subject to the project add extra items for the **DRP** to review**

The **DRPs** advice must be consistent with the **CSSI** as approved.

E46 The **DRP** must be chaired by the NSW Government Architect (or their nominee), and must be comprised of, where relevant, by suitably qualified, experienced and independent professional(s) in each of the fields of:

- (a) urban design and place making (including active transport);
- (b) landscape architecture **and bush regeneration**; and
- (c) architecture.

The **DRP** may seek advice from suitably qualified, experienced independent professionals in other fields as required. The **DRP** must also seek appropriate expertise to ensure Aboriginal cultural heritage and cultural values inform its advice.

E47 **DRP** members must be sourced from the NSW State Design Review Panel Pool or otherwise be approved by the NSW Government Architect.

Operation of the Design Review Process

E48 Prior to forming the **DRP**, a **Design Review Panel Terms of Reference** is to be developed and endorsed by the NSW Government Architect. The **Terms of Reference** must:

- (a) be consistent with the NSW State Design Review Panel Terms of Reference (version 5);
- (b) outline the frequency of **DRP** meetings, coordinated with the Proponent's program requirements, as outlined in **Condition E53**, to ensure timely advice and design adjustment; and
- (c) identify cessation arrangements.

The **Terms of Reference** must be endorsed by the NSW Government Architect and submitted to the Planning Secretary for information.

E49 The **DRP** must be operated and managed in accordance with the **Design Review Panel Terms of Reference**.

E50 The NSW Government Architect must, after consultation with the Proponent, appoint an appropriately qualified and experienced design advisor to the **DRP** and may also appoint an alternate design advisor. The advisor must attend meetings of the **DRP**. The advisor may also be invited by the **DRP** to assist with decisions regarding the **DRP's** recommendations and record the **DRP's** advice and recommendations.

E51 The relevant council may be invited to the meetings of the **DRP** as observers or to provide feedback on key design elements of the **CSSI**.

E52 **DRP** advice and recommendations and the Proponent's response to each recommendation must be included when submitting the final **PDL** to the Planning Secretary for information.

- E53 A design development schedule must be provided to the **DRP** prior to its first meeting, including details of when relevant elements of the detailed design will be available for review by the **DRP**. The schedule must be updated every three (3) months until the detailed design process is complete.
- E54 The Proponent may nominate an appropriately qualified and experienced representative to act as advisor to the **DRP**. The advisor must be invited to attend all meetings of the **DRP**. The advisor may also be invited by the **DRP** to assist with decisions regarding the **DRP's** recommendations.
- E55 The Proponent must provide independent secretarial resources to the Panel.

Place, Design and Landscape Plan

- E56 A **PDL** must be prepared to document and illustrate the permanent built works and landscape design of the **CSSI** and how these works are to be maintained. The **PDL** must be:
- (a) prepared by a suitably qualified and experienced person(s) in place, urban and landscape design and bush regeneration;
 - (b) reviewed by the **DRP**, including any sub-plans;
 - (c) submitted to the Planning Secretary for **approval/information** no later than one (1) month before the construction of permanent built surface works and/or landscaping in the area to which the **PDL** applies, excluding those elements which for ecological requirements, or technical requirements, or requirements as agreed by the Planning Secretary do not allow for alternate design outcomes; and
 - (d) implemented during construction and operation of the **CSSI**.

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

Place, Design and Landscape Plan

- E57 The **PDL** must document how the following matters have been considered in the design and landscaping of the project:
- (a) the **Heritage Interpretation Plan** required by **Condition x**;
 - (b) the requirements of **Conditions E39 to E41**;
 - (c) advice and recommendations from the **DRP**. In relation to any matter that is not consistent with the **DRP's** advice, advice on how the design provides an equivalent or superior quality place, design or landscaping outcome.
- E58 The **PDL** must include descriptions and visualisations (as appropriate) of:
- (a) the design of the permanent built elements of the **CSSI** including their form, materials and detail;
 - (b) the design of the project landform and landscaping elements;
 - (c) the type and design of public and open space;
 - (d) details of strategies to rehabilitate, regenerate or revegetate disturbed areas with local native species; and
 - (e) management and routine maintenance standards and regimes for design elements and landscaping work (including adequate watering of plants following planting depending on forecast weather conditions and weed management) to ensure the success of the design and landscape outcomes.

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

Operational Maintenance

- E59 The ongoing maintenance and operation costs of urban design, open space, landscaping and recreational items and work implemented as part of this approval remain the Proponent's responsibility until satisfactory arrangements have been put in place for the transfer of the asset to the relevant authority. Before the transfer of assets, the Proponent must maintain items and work to at least the design standards established in the **PDLP**, required by **Condition E58**.

The Planning Secretary must be advised of the date of transfer of the asset(s) to the relevant authority.

- E60 Plant maintenance (watering and weeding) must continue in perpetuity. Should any plant loss occur during the maintenance period, the plants should be replaced by the same plant species and growth form (i.e. a tree with a tree) unless it is determined by a suitably qualified person that a different species is more suitable for that location. Any replacement plantings must use local native provenance species.

SOCIO-ECONOMIC, LAND USE AND PROPERTY

- E61 Utilities and services (hereafter "services") potentially affected by Work must be identified to determine requirements for diversion, protection and/or support. Alterations to services must be determined by negotiation with the service providers. Disruption to services resulting from Work are to be minimised and advised to customers.

Condition Survey

- E62 Before commencement of any work, a structural engineer must undertake condition surveys of all buildings, structures, utilities and the like identified in the documents listed in **Condition A1** as being at risk of damage. The results of the surveys must be documented in a **Condition Survey Report** for each item surveyed. Copies of **Condition Survey Reports** must be provided to the owners of the items surveyed, and no later than one (1) month before the commencement of construction.
- E63 After completion of construction, condition surveys of all items for which condition surveys were undertaken in accordance with **Condition E62** of this approval must be undertaken by a structural engineer. The results of the surveys must be documented in a **Condition Survey Report** for each item surveyed. Copies of **Condition Survey Reports** must be provided to the landowners of the items surveyed, and no later than three (3) months following the completion of construction.
- E64 Property damage caused directly or indirectly (for example from vibration or from groundwater change) by the construction or operation must be rectified at no cost to the owner. Alternatively, compensation may be provided for the property damage as agreed with the property owner.

Social Infrastructure Plan

- E65 A **Social Infrastructure Plan** must be prepared to detail the delivery of measures identified in the documents listed in **Condition A1** including:
- (a) community connectivity, including pedestrian and cycle access;
 - (b) local centre and street revitalisation work;
 - (c) provision of community and social facilities, for example open space;
 - (d) future use of residual land with open space use, community uses and public housing as first priorities;
 - (e) access to public open space, community facilities, local businesses; and
 - (f) services to assist with property acquisitions and adjustments, and disruption to communities.
- E66 The **Social Infrastructure Plan** must be prepared by a suitably qualified and experienced person in consultation with the community and relevant Councils.

- E67 The **Social Infrastructure Plan** must be submitted to the Planning Secretary for approval within six (6) months after the commencement of Construction. The Plan as approved by the Planning Secretary, must be implemented for the duration of construction and operation.

SOILS

- E68 All reasonably practicable erosion and sediment controls must be installed and appropriately maintained to minimise water pollution. When implementing such controls, any relevant guidance in the *Managing Urban Stormwater* series must be considered.

Contaminated sites

- E69 A **Site Contamination Report**, documenting the outcomes of Stage 1 and Stage 2 contamination assessments of land upon which the **CSSI** is to be carried out, or land associated with the **CSSI**, that is suspected, or known to be, contaminated must be prepared by a suitably qualified and experienced person in accordance with guidelines made or approved under the *Contaminated Land Management Act 1997* (NSW).
- E70 If a **Site Contamination Report** prepared under **Condition E69** finds such land is contaminated, a site audit is required to determine the suitability of a site for a specified use. If a site audit is required, a **Site Audit Statement** and **Site Audit Report** must be prepared by a NSW EPA Accredited Site Auditor. Contaminated land must not be used for the purpose approved under the terms of this approval until a **Site Audit Statement** determines the land is suitable for that purpose and any conditions on the **Site Audit Statement** have been complied with.
- E71 A copy of the **Site Audit Statement** and **Site Audit Report** must be submitted to the Planning Secretary and Council for information no later than one (1) month before the commencement of operation.
- E72 An **Unexpected Contaminated Land and Asbestos Finds Procedure** must be prepared before the commencement of construction and must be followed should unexpected contaminated land or asbestos (or suspected contaminated land or asbestos) be excavated or otherwise discovered during construction.
- E73 The **Unexpected Contaminated Land and Asbestos Finds Procedure** must be implemented throughout construction.

SUSTAINABILITY

- E74 A **Sustainability Strategy** must be prepared to achieve a minimum [insert details as nominated in EIS/Response to Submissions/Amendment Report] 'Design' and 'As built' rating under the Infrastructure Sustainability Council rating tool.
- E75 The **Sustainability Strategy** must be submitted to the Planning Secretary one (1) month before the commencement of construction, and must be implemented throughout construction and operation.

TRAFFIC AND TRANSPORT

- E76 The Planning Secretary's approval is required before any heavy vehicles for the purpose of the development are driven on local roads within one (1) kilometre of construction and construction ancillary facilities. The local roads must be identified in the Traffic Management **CEMP Sub-plan**.
- E77 All requests to the Planning Secretary for approval to use local roads must include a traffic and pedestrian impact assessment, and a swept path analysis if required by the Department. The traffic and pedestrian impact assessment must be, incorporated in the **Site Establishment Management Plan** or Traffic Management **CEMP Sub-plan** as relevant, and:

- (a) demonstrate that the use of local roads will not compromise the safety of the public and have no more than minimal amenity impacts;
- (b) provide details as to the date of completion of the road dilapidation surveys for the subject local roads; and
- (c) describe the measures that will be implemented to avoid where practicable the use of local roads past schools, aged care facilities and child care facilities during peak times for operation.

E78 Before any local road is used by a heavy vehicle for the purposes of construction of the CSSI, a **Road Dilapidation Report** must be prepared for the road. A copy of the **Road Dilapidation Report** must be provided to the relevant Council within three (3) weeks of completion of the survey and at least two (2) weeks before the road is used by heavy vehicles associated with the construction of the CSSI.

E79 If damage to roads occurs as a result of the construction of the CSSI (at the landowner's discretion):

- (a) compensation must be provided to the landowner for the damage so caused. The amount of compensation may be agreed with the landowner, but compensation must be paid even if no agreement is reached; or
- (b) rectify the damage to restore the road to at least the condition it was in pre-construction.

E80 During construction, all reasonably practicable measures must be implemented to maintain pedestrian and vehicular access to, and parking in the vicinity of, businesses and affected properties. Disruptions are to be avoided, and where avoidance is not possible, minimised. Where disruption cannot be minimised, alternative pedestrian and vehicular access, and parking arrangements must be developed in consultation with affected businesses and implemented before the disruption. Adequate signage and directions to businesses must be provided before, and for the duration of, any disruption.

Road Safety

E81 The CSSI (including new or modified local roads, parking, pedestrian and cycle infrastructure) must be designed to meet relevant design, engineering and safety guidelines, including the Austroads Guide to Traffic Management.

E82 An independent **Road Safety Audit** is to be undertaken by an appropriately qualified and experienced person during detailed design to assess the safety performance of new or modified local road, parking, pedestrian and cycle infrastructure provided as part of the CSSI (including ancillary facilities) to ensure that they meet the requirements of relevant design, engineering and safety guidelines, including Austroads Guide to Traffic Management. Audit findings and recommendations must be actioned before construction of the relevant infrastructure and must be made available to the Planning Secretary on request.

Pedestrian and Cyclist Access

E83 Safe pedestrian and cyclist access must be maintained around work sites during construction. In circumstances where pedestrian and cyclist access is restricted or removed due to construction activities, an alternate route which complies with the relevant standards must be provided and signposted.

Road Network Performance Plan

E84 Before the commencement of operation of the CSSI, a **Road Network Performance Plan** must be prepared in consultation with Transport for NSW and the relevant council. The Plan must include:

- (a) consideration of traffic movement and local initiatives, such as local area improvement strategies, potential land use changes;
- (b) an updated analysis, including modelling of traffic impacts to the adjoining road network (including impacts on local roads from rat-running), because of the CSSI;
- (c) mitigation measures to manage predicted traffic performance impacts including local area traffic management and bus priority measures as relevant.

The **Road Network Performance Plan** must be submitted to the Planning Secretary and relevant council(s). The Plan must be implemented before the operation of the CSSI. The Proponent is responsible for the implementation of the identified measures under **Condition E84(c)**.

Note: Identified mitigation measures may need to be further assessed under the Environmental Planning and Assessment Act, 1979. Work will need to meet relevant design standards and be subject to independent road safety audits.

- E85** An **Operational Road Network Performance Review** must be prepared within 12 months and again within five (5) years after the commencement of operation of the CSSI. The Review must address road network performance and review the performance of the CSSI on the adjoining road network. The Review must confirm whether the mitigation measures identified in the **Road Network Performance Plan** required under **Condition E84** are adequate.

The Review must be undertaken in consultation with Transport for NSW and relevant council and be completed within six (6) months of the review timeframes. The Review must be provided to the Planning Secretary within 60 days of its completion.

Further mitigation measures, if required, must be included in the Review. The Proponent is responsible for the implementation of the identified measures.

Note: Identified mitigation measures may need to be further assessed under the Environmental Planning and Assessment Act, 1979. Work will need to meet relevant design standards and to subject to independent road safety audits.

UTILITIES MANAGEMENT

Utilities Management Strategy

- E86** A **Utilities Management Strategy** must be prepared and implemented for all utility work undertaken as a result of the CSSI. The Strategy must identify how utility Work will be defined and managed. The **Utilities Management Strategy** must include:

- (a) The functions of the Utility Coordination Manager as required by **Condition E88**;
- (b) A description of all utility Work to be undertaken; and
- (c) Management measures to be implemented to manage dust, noise, traffic, access, lighting and other relevant impacts associated with utility Work.

The **Utilities Management Strategy** must be submitted to the Planning Secretary for approval at least one (1) month before the commencement of utility Work.

- E87** Nothing in this approval permits the carrying out of any utility work not required for the purpose of the CSSI.

Utility Coordination Manager

- E88** A **Utility Coordination Manager** must be appointed for the duration of the CSSI Work. The role of the **Utility Coordination Manager** must include, but not be limited to:

- (a) the management and coordination of all utility Work associated with the delivery of the CSSI, to ensure respite is provided to the community;
- (b) providing advice to the Public Liaison Officer(s) regarding upcoming utility Work, including the scope of the work and the responsibility for the Work; and
- (c) investigating complaints received from the Community Complaints Mediator or the Public Liaison Officer(s) relating to utility Work and providing a response to the Community Complaints Mediator or Public Liaison Officer(s).

WASTE

- E89 Waste generated during construction and operation must be dealt with in accordance with the following priorities:
- (a) waste generation must be avoided and where avoidance is not reasonably practicable, waste generation must be reduced;
 - (b) where avoiding or reducing waste is not possible, waste must be re-used, recycled, or recovered; and
 - (c) where re-using, recycling or recovering waste is not possible, waste must be treated or disposed of.
- E90 The importation of waste and the storage, treatment, processing, reprocessing or disposal of such waste must comply with the conditions of the current EPL for the CSSI, or be done in accordance with a Resource Recovery Exemption or Order issued under the *Protection of the Environment Operations (Waste) Regulation 2014*, as the case may be.
- E91 Waste must only be exported to a site licensed by the EPA for the storage, treatment, processing, reprocessing or disposal of the subject waste, or in accordance with a Resource Recovery Exemption or Order issued under the *Protection of the Environment Operations (Waste) Regulation 2014*, or to any other place that can lawfully accept such waste.
- E92 All waste must be classified in accordance with the EPA's *Waste Classification Guidelines*, with appropriate records and disposal dockets retained for audit purposes.

WATER

- E93 The CSSI must be designed, constructed and operated so as to maintain the *NSW Water Quality Objectives* where they are being achieved as at the date of this approval, and contribute towards achievement of the *NSW Water Quality Objectives* over time where they are not being achieved as at the date of this approval, unless an EPL in force in respect of the CSSI contains different requirements in relation to the *NSW Water Quality Objectives*, in which case those requirements must be complied with.
- E94 Drainage feature crossings (permanent and temporary watercourse crossings and stream diversions) and drainage swales and depressions must be carried out in accordance with relevant guidelines and designed by a suitably qualified and experienced person.
- E95 Work on waterfront land must be carried out in accordance with controlled activity guidelines.

Appendix A

WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the Department via the Major Projects website within seven (7) days after the Proponent becomes aware of an incident. Notification is required to be given under this condition even if the Proponent fails to give the notification required under **Condition A45** or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - (a) identify the CSSI and application number;
 - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - (c) identify how the incident was detected;
 - (d) identify when the Proponent became aware of the incident;
 - (e) identify any actual or potential non-compliance with conditions of approval;
 - (f) describe what immediate steps were taken in relation to the incident;
 - (g) identify further action that will be taken in relation to the incident; and
 - (h) identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Proponent must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - (a) a summary of the incident;
 - (b) outcomes of an incident investigation, including identification of the cause of the incident;
 - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - (d) details of any communication with other stakeholders regarding the incident.