

Sydney Metro West –
Concept and Stage 1
Conditions of Approval

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 and Schedule 3.

The Hon. Rob Stokes MP
Minister for Planning and Public Spaces

Sydney

11 March 2021

SCHEDULE 1

Application no.:	SSI 10038
Proponent:	Sydney Metro
Approval Authority:	Minister for Planning and Public Spaces
Land:	Land in the local government areas of Burwood, City of Canada Bay, Cumberland, Inner West, City of Parramatta, Strathfield and City of Sydney, and the parts of Sydney Harbour and the Parramatta River that adjoin these local government areas.
Description of CSSI:	<p>Development of the Sydney Metro West project comprising:</p> <ul style="list-style-type: none">• new passenger rail infrastructure between Westmead and the central business district (CBD) of Sydney, including:<ul style="list-style-type: none">○ tunnels, stations (including surrounding areas) and associated rail facilities, and○ stabling and maintenance facilities (including associated underground and overground connections to tunnels), and• modification of existing rail infrastructure (including stations and surrounding areas), and• ancillary development. <p>The development does not include the following:</p> <ul style="list-style-type: none">• surveys, test drilling, test excavations, geotechnical or contamination investigations or other tests, surveys, sampling or investigation for the purposes of the design or assessment of the Sydney Metro West project, and• the relocation or upgrade of existing roads, intersections or parking areas that:<ul style="list-style-type: none">○ is carried out on land identified as being within the Bays Precinct Site on the State Significant Development Sites

- Map of the *State Environmental Planning Policy (State and Regional Development) 2011*, and
- o is the subject of a determination under Division 5.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Staged CSSI

The proposal is for a staged CSSI by virtue of section 5.20 of the EP&A Act.

Description of Concept of the CSSI:

Concept proposal for the staged CSSI, which includes approximately 24 kilometres of underground metro rail between Westmead and the Sydney CBD.

Description of Stage 1 of the CSSI:

Stage 1 works of the CSSI, including:

- station excavation for the new metro stations,
- shaft excavation for services facilities,
- civil work for the stabling and maintenance facility at Clyde, and
- tunnel excavation including tunnel support activities between Westmead and The Bays.

Declaration as CSSI:

The proposal is CSSI by virtue of Schedule 5, clause 21 of *State Environmental Planning Policy (State and Regional Development) 2011*.

SSI 10038 MOD 1 (July 2021) shown in purple text

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DEFINITIONS

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

Table 1: Definitions

Term	Definition
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)
AEP	Annual Exceedance Probability
AHIMS	Aboriginal Heritage Information Management System
Amendment Report	The Amendment Report submitted to the Planning Secretary under the EP&A Act
Ancillary facility	A temporary facility for construction of Stage 1 of the CSSI including an office and amenities compound, construction compound, material crushing and screening plant, materials storage compound, maintenance workshop, testing laboratory and material stockpile area and parking facilities
At-property treatment	Includes building treatments and courtyard walls. Building treatments may include but are not limited to ventilation, glazing, window and door seals, sealing of vents and underfloor areas as described in Appendix B of <i>At Receiver Noise Treatment Guideline</i> (Roads and Maritime Services, 2017) and other treatments including, but not limited to, noise curtains, shutters and secondary glazing
ANZG (2018)	<i>Australian and New Zealand Guidelines for Fresh and Marine Water Quality (2018)</i>
BC Act	<i>Biodiversity Conservation Act 2016</i> (NSW)
CBD	Central business district
CEMF	Construction Environmental Management Framework
CEMP	Construction Environmental Management Plan
Completion of construction	The date upon which construction of Stage 1 of the CSSI is completed and all construction related requirements of the Planning Secretary (if any) have been met. If construction is phased, completion of construction of Stage 1 of the CSSI is the date upon which construction of Stage 1 is completed and all construction related requirements of the Planning Secretary (if any) have been met, in respect of all phases of construction
Construction	Includes all work required to construct Stage 1 of the CSSI as described in the documents listed in Condition A1 of Schedule 3 , including commissioning trials of equipment and temporary use of any part of the CSSI, but excluding Low Impact Work
Construction Boundary	The area physically affected by work as described in the documents listed in Condition A1 of Schedule 3

Term	Definition
CSSI	The critical State Significant Infrastructure, as described in Schedule 1, the carrying out of which is approved under the conditions of this approval
CTMP	Construction Traffic Management Plan
Department	NSW Department of Planning, Industry and Environment
DNVIS	Detailed Noise and Vibration Impact Statement(s)
DPI EES	Environment, Energy and Science Group of the Department
DPI Fisheries	NSW Department of Primary Industries, Fisheries
DPIE Water	Water Group of the Department
EIS	The Environmental Impact Statement submitted to the Planning Secretary seeking approval to carry out the development described in it, as revised if required by the Planning Secretary under the EP&A Act, and including any additional information provided by the Proponent in support of the application for approval of the project
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	The document of the same title published by the Department of Planning and Environment (now the Department) dated October 2018
Exempt or complying development	Has the same meaning as the definition of the terms in the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>
Heavy Vehicle	Has the same meaning as in the <i>Heavy Vehicle National Law</i> (NSW)
Heritage Council	Heritage Council of 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> (Commonwealth), 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 or its predecessor agencies
Highly noise affected	As defined in the ICNG

Term	Definition
Highly noise intensive works	Works which are defined as annoying under the ICNG, including: <ul style="list-style-type: none"> (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) rail tamping and regulating; and (i) impact piling.
ICNG	<i>Interim Construction Noise Guideline (DECC, 2009)</i>
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 with the conditions of this approval <i>Note: "material harm" is defined in this approval</i>
IPIAP	Independent Property Impact Assessment Panel
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 Local Government Act 1993 (NSW) 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 (NSW)</i>

Term	Definition
Low Impact Work	<p data-bbox="563 253 676 277">Includes:</p> <ul style="list-style-type: none"> <li data-bbox="592 315 1401 465">(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; <li data-bbox="592 468 1401 524">(b) investigations including investigative drilling, contamination investigations and excavation; <li data-bbox="592 526 1401 582">(c) site establishment work approved under a Site Establishment Management Plan; <li data-bbox="592 584 1401 674">(d) operation of ancillary facilities if the ER has determined the operational activities will have minimal impact on the environment and community; <li data-bbox="592 676 1401 732">(e) minor clearing and relocation of native vegetation, as identified in the documents listed in Condition A1 of Schedule 3; <li data-bbox="592 734 1401 824">(f) installation of mitigation measures including erosion and sediment controls, temporary exclusion fencing for sensitive areas and acoustic treatments; <li data-bbox="592 826 1401 916">(g) property acquisition adjustment work including installation of property fencing, and relocation and adjustments of utilities to property including water supply and electricity; <li data-bbox="592 918 1401 1008">(h) relocation and connection of utilities where the relocation or connection has a minor impact to the environment as determined by the ER; <li data-bbox="592 1010 1401 1160">(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; <li data-bbox="592 1162 1401 1285">(j) archaeological testing for historical archaeological resources to identify and seek to reduce impact on state significant archaeology where it is proposed, ahead of construction or in association with (a)-(h) above; <li data-bbox="592 1288 1401 1344">(k) maintenance of existing buildings and structures required to facilitate the carrying out of the CSSI; and <li data-bbox="592 1346 1401 1469">(l) other activities determined by the ER to have minimal environmental impact which may include but not limited to construction of minor access roads, temporary relocation of pedestrian and cycle paths and the provision of property access. <p data-bbox="563 1503 1401 1715">However, where Heritage items on the State heritage register, areas of known or expected archaeological potential, or threatened species or threatened ecological communities (within the meaning of the BC Act) are affected by any Low Impact Work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with Heritage NSW, DPIE EES or DPI Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation).</p> <p data-bbox="563 1749 1401 1895">The low impact work described in this definition becomes Construction with the approval or endorsement of a CEMP. Where Low Impact Work has already commenced, this is considered to remain as Low Impact Work and is managed in accordance with the framework under which it commenced.</p>

Term	Definition
Material harm	Is harm that: <ul style="list-style-type: none"> (a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or (b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good the harm to the environment)
Minister	NSW Minister for Planning and Public Spaces
NML	Noise Management Level as defined in the ICNG
Non-compliance	An occurrence or set of circumstances or development that is a breach of this approval
NSW WQO	<i>NSW Water Quality Objectives</i>
Operation	The commencement of paid services.
POEO Act	<i>Protection of the Environment Operations Act 1997 (NSW)</i>
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 (NSW)</i>
RAPs	Registered Aboriginal Parties
RBL	Rating background noise level
Relevant Council(s)	Any or all as relevant, Cumberland City, City of Parramatta, Strathfield, City of Canada Bay, Burwood, Inner West or City of Sydney
Relevant Roads Authority	The same meaning as the roads authority defined in the <i>Roads Act 1993 (NSW)</i>
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 multi-storey residential flat building must not be counted as a single sensitive receiver.</i>
SES	NSW State Emergency Services
SHR	State Heritage Register

Term	Definition
Sleep disturbance event	Where the subject development / premises night-time noise levels at a residential location exceed: (a) $L_{Aeq,15min}$ 40 dB(A) or the prevailing RBL plus 5 dB, whichever is the greater, and / or (b) L_{AFmax} 52 dB(A) or the prevailing RBL plus 15 dB, whichever is the greater.
SMART principles	Specific, Measurable, Achievable, Realistic, and Timely
SOPA	Former Sydney Olympic Park Authority, now part of Place Management NSW
Stage 1 or future stages	As described by the documents listed in Condition A1 of Schedule 3
Submissions Report	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
TBM	Tunnel Boring Machine
TfNSW	Transport for NSW
Tree	Long lived woody perennial plant greater than (or usually greater than) three (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 of Schedule 3 or suspected to be present. An unexpected heritage find does not include human remains
Work	Any physical work to construct or facilitate the construction of the CSSI, including Low Impact Work , environmental management measures and utility work. However, does not include activities that informs or enables detailed design of the CSSI or generates noise that is not more than 5 dB(A) above the RBL at any sensitive land user(s)

SUMMARY OF REPORTING REQUIREMENTS

Reports and notifications that must be provided to the Planning Secretary under the conditions of this approval are listed in **Table 2**. Note that under **Condition A9** of **Schedule 3** 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 A9** of **Schedule 3**).

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

Condition	Report / Notification	Timing ¹	Purpose
Part A – Administrative (Stage 1)			
A10	Phasing Report	One month before commencement of construction of the first of the proposed phases	Information
A18	Site Establishment Management Plan (except for Silverwater or any other expressly nominated by the Planning Secretary)	One month before the establishment of the relevant ancillary facility	Approval
A19 A30(e)	Site Establishment Management Plan (Silverwater and any other expressly nominated by the Planning Secretary)	As soon as practicable after endorsement by the ER	Information
A27	Environmental Representative	Must be approved before the commencement of work	Approval
A30(e)	Documents requiring ER endorsement only	As soon as practicable after endorsement by the ER	Information
A30(k)	Environmental Representative Monthly Reports	Within seven (7) days following the end of each month for the duration of the ER's engagement	Information
A33	Acoustic Advisor	Must be approved before the commencement of work	Approval
A40	Independent Auditors	Must be approved before the commencement of an Independent Audit	Approval
A42	Independent Audit Reports and Proponent's response	Within two (2) months of undertaking the independent audit site inspection	Information
A43	Initial notification of incident	Immediately upon becoming aware of the incident via phone or writing. Subsequent written notification within 24 hours if originally notified via phone	Information
A45	Written notification of non-compliance	Non-compliance notification required in writing seven (7) days after the	Information

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

Condition	Report / Notification	Timing ¹	Purpose
		Proponent becomes aware of the non-compliance	
Part B - Communication Information and Reporting (Stage 1)			
B6	Complaints Register	Upon request of the Planning Secretary	Information
Part C - Construction Environmental Management (Stage 1)			
C2 C4	CEMPs (except for any CEMPs expressly nominated by the Planning Secretary to be endorsed by the ER only)	One month before the commencement of construction or where construction is phased no later than one (1) month before the commencement of that phase	Approval
C7 C9	CEMP Sub-plans (except for any sub-plans expressly nominated by the Planning Secretary to be endorsed by the ER only)	One month before the commencement of construction or where construction is phased no later than one (1) month before the commencement of that phase	Approval
C18 C20	Construction Monitoring Programs (except for any programs expressly nominated by the Planning Secretary to be endorsed by the ER only)	One month before the commencement of construction or where construction is phased no later than one (1) month before the commencement of that phase	Approval
C23	Construction Monitoring Report	As specified in Construction Monitoring Programs	Information
Part D – Key Issues (Stage 1)			
Biodiversity and Trees			
D6	Evidence of Credit Retirement	Within one month of receiving evidence of retirement of credits / certificate of payment	Information
Heritage			
D27	Excavation Director	Before the commencement of archaeological excavation	Approval
D29	Final Excavation Report and Aboriginal Cultural Heritage Excavation Report	No later than 24 months after the completion of the work	Information
D32	Unexpected Heritage Finds and Human Remains Procedure	One month before commencement of construction	Information
Noise and Vibration			
D37(a)(ii)	Variation to Work Hours	On becoming aware of the need for emergency work	Information

Condition	Report / Notification	Timing ¹	Purpose
D38	Out-of-Hours Work Protocol	Before the commencement of out-of-hours works	Approval
D43	Detailed Noise and Vibration Impact Statements	Upon request of the Planning Secretary	Information
D51	Out-of-Hours Works Community Consultation Outcomes on Respite	Upon completion of the outcomes of community consultation	Information
D57	Blast Management Strategy	One month before the commencement of blasting	Information
Socio-economic, Land Use and Property			
D64	Independent Property Impact Assessment Panel	Planning Secretary to be informed of the members of the panel after its establishment	Information
D66	Settlement Monitoring	Upon request of the Planning Secretary	Information
D68	Community Benefit Plan(s)	Before commencement of construction	Information
D70	Small Business Owners Engagement Plan(s)	Before commencement of construction at the relevant construction site	Information
Soils and Contamination			
D75	Site Audit Statement and Site Audit Report	Before the commencement of operation	Information
D76	Detailed Site Investigation Report(s), Remedial Action Plan(s), Validation Report(s), Site Audit Report(s) and Site Audit Statement(s)	As soon as practicable following receipt of the final report(s)	Information
Traffic and Transport			
D83	Heavy Vehicle Monitoring	Upon request of the Planning Secretary	Information
D85	Construction Traffic Management Plans	Before commencement of construction in the area identified and managed within the relevant CTMP	Information
D86	Additional Local Roads to be Used by Heavy Vehicles	Before the use of the additional local road	Approval
D92	Construction Parking and Access Strategy	One month before the commencement of construction	Approval
D97	Road Safety Audits	Upon request of the Planning Secretary	Information

Condition	Report / Notification	Timing ¹	Purpose
Urban Design and Visual Amenity			
D107	Visual Amenity, Solar Access and Overshadowing Report	Within one month prior to the installation of the acoustic shed at the Five Dock Metro station eastern construction site	Approval
Water			
D122	Groundwater Modelling Report	Before bulk excavation at the relevant construction location	Information

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

SCHEDULE 2

CONDITIONS OF APPROVAL FOR CONCEPT PROPOSAL

PART C-A

ADMINISTRATIVE CONDITIONS

GENERAL

C-A1 Approval is granted to the 'Concept' as described in Schedule 1 and in Chapter 6 and in Chapter 7 of the *Sydney Metro West – Westmead to The Bays and Sydney CBD Environmental Impact Statement* dated 15 April 2020, as amended by the following:

- (a) *Sydney Metro West – Westmead to The Bays and Sydney CBD Amendment Report* dated 20 November 2020; and
- (b) *Sydney Metro West – Westmead to The Bays and Sydney CBD Submissions Report* dated 20 November 2020.

C-A2 The Proponent must carry out the CSSI Concept in accordance with the conditions of this approval and the documents listed in **Condition C-A1** of this schedule unless otherwise specified in, or required under, the conditions of this approval.

C-A3 In the event of an inconsistency between:

- (a) the conditions of this approval and any document listed in **Condition C-A1** of this schedule inclusive, the conditions of this approval will prevail to the extent of the inconsistency; and
- (b) any document listed in **Condition C-A1** of this schedule, 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.

C-A4 Except to the extent described in any document listed in **Condition C-A1** of this schedule, any over station development, including any future uses, does not form part of this CSSI and will be subject to the relevant assessment pathway prescribed by the EP&A Act.

PART C-B

KEY ISSUE CONDITIONS

PLACE AND DESIGN

Place and Design

C-B1 To ensure that a high-quality urban design response is achieved, the CSSI must have regard to, and be generally consistent with, the place and design principles for each location outlined in the documents listed in **Condition C-A1** of this schedule, unless expressly specified in the conditions of this approval.

Clyde Stabling and Maintenance Facility Site

C-B2 For the relevant future stage application, the following must be considered at the Clyde Maintenance and Stabling Facility site:

- (a) publicly-accessible active transport corridors immediately around the site adjoining James Ruse Drive that connects to existing and future links and open spaces;
- (b) public spaces for recreational use on residual land to offset the loss of the private recreational land, or any alternate and commensurate opportunity that achieves the objective and provides value for money, developed in consultation with City of Parramatta Council;
- (c) renaturalisation of parts of Duck Creek and A'Becketts Creek and rehabilitation of the riparian corridor; and
- (d) integration with strategic planning for the precinct.

Parramatta Metro Station Site

C-B3 The delivery of the section of the future Parramatta Civic Link located on the Parramatta metro station construction site must be facilitated to enable completion before operation of the CSSI.

ABORIGINAL AND NON-ABORIGINAL HERITAGE

C-B4 The relevant future stage application relating to the design of stations must include a **Heritage Interpretation Strategy**, prepared in consultation with Heritage NSW, which outlines how key Aboriginal and non-Aboriginal heritage values and stories of Heritage items will be interpreted in the project design, including station and precinct urban design. The **Heritage Interpretation Strategy** must include procedures for how to include results of archaeological findings (historical and Aboriginal archaeological results) when they become available.

C-B5 The **Heritage Interpretation Strategy** must be prepared in accordance with the *NSW Heritage Manual*, the NSW Heritage Office's *Interpreting Heritage Places and Items: Guidelines* (August 2005), and the NSW Heritage Council's *Heritage Interpretation Policy*.

C-B6 The **Heritage Interpretation Strategy** must include, but not be limited to:

- (a) a discussion of key interpretive themes, stories and messages proposed to interpret the history and significance of archaeological excavation, the affected Heritage items and sections of heritage conservation areas (if applicable);
- (b) options for the re-purposing of archaeological finds (results and artefacts), heritage features or listed items salvaged or protected during construction stages of the CSSI, and how they will be integrated into the final project design;
- (c) Aboriginal cultural and heritage values of the project area including the results of any archaeological investigations undertaken (or any interim results of any archaeological investigations that have commenced but have yet to be completed) and key socio-cultural values identified in the **Aboriginal Cultural Heritage Assessment Report** referred to in **Condition C-A1** of this schedule, and those of any future stages of the CSSI;

- (d) details of the audience, potential devices to be employed in interpretation, possible locations for interpretation and how this will be incorporated into design;
- (e) engagement with the Relevant Council(s) and regard for any relevant council heritage interpretation guidelines; and
- (f) with respect to the Parramatta construction site and (a) above, any discussion must include how the heritage interpretation of the CSSI relates to the heritage interpretations of other projects in Parramatta, including State Significant Development projects and other SSI projects.

SUSTAINABILITY

C-B7 The CSSI must achieve a minimum Infrastructure Sustainability Council of Australia (ISCA) Infrastructure Sustainability rating of 75 (Version 1.2) (or equivalent level of performance using a demonstrated equivalent rating tool) or a 5-Star Green Star rating (or equivalent level of performance using a demonstrated equivalent rating tool).

BIODIVERSITY AND TREES

C-B8 As many mature trees as practicable must be retained. In addition, within ten (10) years of the date of this approval or no later than the commencement of operation of the CSSI (whichever is earlier) there must be a net increase in the number of mature trees provided at a ratio of 2:1.

A net increase in the number of mature trees does not apply to trees that are subject to a biodiversity offset.

C-B9 The CSSI must result in an increase in tree canopy coverage.

C-B10 Parts of Duck Creek and A'Becketts Creek that remain open channels at the Clyde Stabling and Maintenance Facility site must be rehabilitated and / or renaturalised before operation of the CSSI commences. Only species that are representative of PCT 920 (Mangrove Forests in estuaries of the Sydney Basin Bioregion and South East Corner Bioregion) must be used in the revegetation of the riparian zone along the open channels to Duck Creek and A'Becketts Creek.

CLIMATE CHANGE

C-B11 The CSSI must be designed to withstand known impacts associated with climate change to year 2100.

SCHEDULE 3

CONDITIONS OF APPROVAL FOR STAGE 1

PART A

ADMINISTRATIVE CONDITIONS

GENERAL

- A1 The Proponent must carry out Stage 1 of the CSSI in accordance with the conditions of this approval and generally in accordance with the:
- (a) *Sydney Metro West – Westmead to The Bays and Sydney CBD Environmental Impact Statement* dated 15 April 2020;
 - (b) *Sydney Metro West – Westmead to The Bays and Sydney CBD Submissions Report* dated 20 November 2020; and
 - (c) *Sydney Metro West – Westmead to The Bays and Sydney CBD Amendment Report* dated 20 November 2020; and
 - (d) *Sydney Metro West – Westmead to The Bays and Sydney CBD Modification Request Letter* dated 21 June 2021.
- A2 Stage 1 of 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** of this schedule unless otherwise specified in, or required under, this approval.
- A3 In the event of an inconsistency between:
- (a) the conditions of this approval and any document listed in **Condition A1** of this schedule, the conditions of this approval will prevail to the extent of the inconsistency; and
 - (b) any document listed in **Condition A1** of this schedule, the most recent document will prevail to the extent of the inconsistency.
- Note: For the purpose of this condition, there is 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 In the event that there are differing interpretations of the conditions of this approval, including in relation to a condition of this approval, the Planning Secretary's interpretation is final.
- A5 The Proponent must comply with all written requirements or directions of the Planning Secretary, including in relation to:
- (a) the environmental performance of Stage 1 of the CSSI;
 - (b) any document or correspondence in relation to Stage 1 of the CSSI;
 - (c) any notification given to the Planning Secretary under the conditions of this approval;
 - (d) any audit of Stage 1 of the CSSI;
 - (e) the conditions of this approval and compliance with the conditions 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 the conditions of this approval.

- A6 Where the conditions of this approval require a document or monitoring program to be prepared, or a review to be undertaken, in consultation with identified parties, evidence of the consultation undertaken must be submitted to the Planning Secretary with the document. The evidence must include:
- (a) documentation of the engagement with the party identified in the condition of approval that has occurred before submitting the document for approval;
 - (b) a log of the dates of engagement or attempted engagement with the identified party and a summary of the issues raised by them;
 - (c) documentation of the follow-up with the identified party(s) where feedback has not been provided to confirm that the party(s) has none or has failed to provide feedback after repeated requests;
 - (d) outline of the issues raised by the identified party(s) and how they have been addressed; and
 - (e) a description of the outstanding issues raised by the identified party(s) and the reasons why they have not been addressed.
- A7 This approval lapses five (5) years after the date on which it is granted, unless work has physically commenced on or before that date.
- A8 References in the conditions of this approval to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, standards or policies in the form they are in as at the date of this approval.
- A9 Any document that must be submitted or action taken within a timeframe specified in or under the conditions of this approval may be submitted or undertaken within a later timeframe agreed with the Planning Secretary. This condition does not apply to the written notification required in respect of an incident under **Condition A43** of this schedule.

PHASING

- A10 Stage 1 of the CSSI may be constructed in phases. Where phased construction is proposed, a **Phasing Report** must be prepared and submitted to the Planning Secretary for information. The **Phasing Report** must be submitted to the Planning Secretary for information no later than one (1) month before the commencement of construction of the first of the proposed phases of construction.
- A11 The **Phasing Report** must:
- (a) set out how construction of the whole of Stage 1 of the CSSI will be phased, including details of work and other activities to be carried out in each phase and the general timing of when construction of each phase will commence and finish;
 - (b) specify the relevant conditions that apply to each phase and how compliance with conditions will be achieved across and between each of the phases of Stage 1 of the CSSI;
 - (c) set out mechanisms for managing any cumulative impacts arising from the proposed phasing; and
 - (d) for the purposes of informing Conditions C2, C7 and C18, include an assessment of the predicted level of environmental risk and potential level of community concern posed by the construction activities required to construct each phase of Stage 1 of the CSSI.

With respect to (d) above, the risk assessment must use an appropriate process consistent with AS/NZS ISO 31000: 2009; Risk Management - Principles and Guidelines and must be endorsed by the ER.

- A12 Stage 1 of the CSSI must be phased in accordance with the **Phasing Report**, as submitted to the Planning Secretary for information.
- A13 Where phasing is proposed, the conditions of this approval that apply or are relevant to the work or activities to be carried out in a specific phase must be complied with at the relevant time for that phase.
- A14 Where changes are proposed to the phasing of construction, a revised **Phasing Report** must be prepared and submitted to the Planning Secretary for information before the commencement of changes to the phasing of construction.
- A15 With the approval of the Planning Secretary, the Proponent may submit any strategies, plans or programs required by this approval on a progressive basis within each phase of Stage 1 of the CSSI.

Notes:

1. *While any strategy, plan or program may be submitted on a progressive basis, the Proponent will need to ensure that the existing activities 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 submitted on a progressive basis, then the relevant strategy, plan or program must clearly describe the activities to which the strategy, plan or program applies, the relationship of this activity to any future activities within the phase, and the trigger for updating the strategy, plan or program.*

ANCILLARY FACILITIES

Ancillary facilities

- A16 Ancillary facilities that are not identified by description and location in the documents listed in **Condition A1** of this schedule 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 user(s) (including where an access road is between the facility and the receiver), 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 conditions 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 conditions of this approval, including in relation to environmental, social and economic impacts.

*Note: This condition does not apply to any ancillary facilities or work that are exempt or complying development, established before the commencement of construction under this approval or minor ancillary facilities established under **Condition A21** of this schedule.*

SITE ESTABLISHMENT WORK

Site Establishment Management Plan

- A17 Before establishment of any ancillary facility (excluding exempt or complying development, minor ancillary facilities determined by the **ER** to have minimal environmental impact and those established under **Condition A21** of this schedule, and those considered in an approved **CEMP**), the Proponent must prepare a **Site Establishment Management Plan** which outlines the environmental management practices and procedures to be implemented for the establishment of the ancillary facilities. The **Site Establishment Management Plan** must be prepared in consultation with the Relevant Council(s) and relevant government agencies. The **Site Establishment Management Plan** must include:

- (a) a description of activities to be undertaken during establishment of the 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 user(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 before 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** of this schedule, 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, where appropriate or required.

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

A18 With the exception of a **Site Establishment Management Plan** relating to the Silverwater ancillary facility referred to in **Condition A19** below and any other **Site Establishment Management Plan** expressly nominated by the Planning Secretary to be endorsed by the **ER**, all **Site Establishment Management Plans** must be submitted to the Planning Secretary for approval one (1) month before the establishment of any ancillary facilities.

A19 A **Site Establishment Management Plan** relating to the Silverwater ancillary facility and any other **Site Establishment Management Plan** expressly nominated by the Planning Secretary must be submitted to the **ER** for endorsement one (1) month before the establishment of that ancillary facility or as otherwise agreed with the **ER**.

Use of Ancillary Facilities

A20 The use of an ancillary facility for construction must not commence until the **CEMP** required by **Condition C1** of this schedule, relevant **CEMP Sub-plans** required by **Condition C5** of this schedule and relevant **Construction Monitoring Programs** required by **Condition C14** of this schedule have been approved by the Planning Secretary or endorsed by the **ER** (whichever is applicable).

*Note: This condition does not apply to **Condition A21** of this schedule or where the use of an ancillary facility is Low Impact Work or for Low Impact Work.*

Minor Ancillary Facilities

A21 Lunch sheds, office sheds, portable toilet facilities, and the like, can be established and used where they have been assessed in the documents listed in **Condition A1** of this schedule or satisfy the following criteria:

- (a) are located within or 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 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 conditions of this approval.

Boundary screening

A22 Boundary screening must be erected around ancillary facilities that are adjacent to sensitive land user(s) for the duration that the ancillary facility is in use unless otherwise agreed with relevant affected residents, business operators or landowners.

A23 Boundary screening required under **Condition A22** of this schedule must minimise visual impacts on adjacent sensitive land user(s).

INDEPENDENT APPOINTMENTS

A24 All **Independent Appointments** required by the conditions of this approval 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 Upon completion of an audit under **Conditions A25** above, 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** of this schedule apply to all **Independent Appointments** including the **ER, AA and Independent Auditor**.*

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 proposed **ER** must be a suitably qualified and experienced person(s) who was not involved in the preparation of the documents listed in **Condition A1** of this schedule, and is independent from the design and construction personnel for the CSSI and those involved in the delivery of it.

A29 The Proponent may engage more than one **ER** for Stage 1 of the CSSI, in which case the functions to be exercised by an **ER** under the conditions of this approval may be carried out by any **ER** that is approved by the Planning Secretary for the purposes of Stage 1 of the CSSI. The **ER** must meet the requirements of the Department's *Environmental Representative Protocol* (DPE, 2018). The appointment of the **ER** must have regard to the Department's guideline *Seeking approval from the Department for the appointment of independent experts* (DPIE, 2020).

A30 For the duration of the work 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 Stage 1 of the CSSI;
- (b) consider and inform the Planning Secretary on matters specified in the conditions 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 A10, A17, A19, C1, C5 and C14** of this schedule 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) endorse the documents before submission of such documents to the Planning Secretary (if those documents are required to be approved by the Planning Secretary); or
 - (ii) endorse the documents before the implementation of such documents (if those documents are only required to be submitted to the Planning Secretary / Department for information or are not required to be submitted to the Planning Secretary / Department);
- (e) for documents that are required to be submitted to the Planning Secretary / Department for information under **(d)(ii)** above, the documents must be submitted as soon as practicable to

- the Planning Secretary / Department after endorsement by the **ER**, unless otherwise agreed by the Planning Secretary;
- (f) regularly monitor the implementation of the documents listed in **Conditions A10, A17, A19, C1, C5 and C14** of this schedule to ensure implementation is being carried out in accordance with the document and the conditions of this approval;
 - (g) 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 A39** of this schedule;
 - (h) as may be requested by the Planning Secretary, assist in the resolution of community complaints received directly by the Department;
 - (i) consider or assess the impacts of minor ancillary facilities comprising lunch sheds, office sheds and portable toilet facilities as required by **Condition A21** of this schedule; and
 - (j) consider any minor amendments to be made to the **Site Establishment Management Plan, CEMP, CEMP Sub-plans** and construction monitoring programs without increasing impacts to nearby sensitive receivers, and are consistent with the conditions of this approval and the **Site Establishment Management Plan, CEMP, CEMP Sub-plans** and construction 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 conditions of this approval;
 - (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 Stage 1 of the CSSI, or as otherwise agreed by the Planning Secretary; and
 - (l) assess the impacts of activities as required by the **Low Impact Work** definition.

With respect to **(d)** above, the **ER** is not required to endorse the specialist content in documents requiring specialist review and / or endorsement.

- A31 The Proponent must provide the **ER** with all documentation requested by the **ER** in order for the **ER** to perform their functions specified in **Condition A30** of this schedule (including preparation of the **ER** monthly report), as well as:
- (a) the **Complaints Register** (to be provided on a weekly basis or as requested); and
 - (b) a copy of any assessment carried out by the Proponent of whether proposed work is consistent with the approval (which must be provided to the **ER** before the commencement of the subject work).

ACOUSTICS ADVISOR

- A32 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 (as required by **Condition A35** of this schedule) and for no less than six (6) months following completion of construction of Stage 1 of the CSSI.
- A33 Work must not commence until an **AA** has been nominated by the Proponent and approved by the Planning Secretary.
- A34 The Proponent must cooperate with the **AA** by:
- (a) providing access to noise and vibration monitoring activities as they take place;
 - (b) providing access to the **Complaints Register** if requested;

- (c) providing for review of noise and vibration documents required to be prepared under the conditions of this approval; and
- (d) considering any recommendations to improve practices and demonstrating, to the satisfaction of the **AA**, why any recommendation is not adopted.

A35 The Proponent may nominate additional suitably qualified and experienced persons to assist the lead **AA** for the Planning Secretary's approval.

A36 The approved **AA** must:

- (a) receive and respond to communication from the Planning Secretary in relation to the performance of Stage 1 of the CSSI in relation to noise and vibration;
- (b) consider and inform the Planning Secretary on matters specified in the conditions 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 all proposed night-time works (with the exception of low risk activities) to determine if sleep disturbance would occur and recommend measures to avoid sleep disturbance or appropriate additional alternative mitigation measures;
- (e) review all noise and vibration documents required to be prepared under the conditions of this approval and, should they be consistent with the conditions 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 conditions of this approval to ensure implementation is in accordance with what is stated in the document and the conditions of this approval;
- (g) review the Proponent's notification of incidents in accordance with **Condition A43** of this schedule;
- (h) in conjunction with the **ER** (where required), the **AA** must:
 - (i) as may be requested by the Planning Secretary or **Community Complaints Mediator** (required by **Condition B8** of this schedule), help plan, attend or undertake audits of noise and vibration management of Stage 1 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 Stage 1 of the CSSI, follow the procedure in the **Overarching Community Communication Strategy** referenced in **Condition B1** of this schedule to attempt to resolve the conflict, and if it cannot be resolved, notify the Planning Secretary,
 - (iii) if requested by the **ER**, consider relevant minor amendments made to the **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 conditions 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 conditions of this approval),
 - (iv) if requested by the **ER**, review the noise impacts of minor 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 (7) days following the end of each month for the duration of the **AA**'s engagement for Stage 1 of the CSSI, or as otherwise agreed by the Planning Secretary.

NOTIFICATION OF COMMENCEMENT

A37 The Department must be notified in writing of the date of commencement of construction before the commencement of construction.

- A38 If construction of Stage 1 of the CSSI is to be phased, the Department must be notified in writing before the commencement of each phase, of the date of the commencement of that phase.

INDEPENDENT ENVIRONMENTAL AUDIT

- A39 **Independent Audits** of Stage 1 of the CSSI must be conducted and carried out in accordance with the *Independent Audit Post Approval Requirements* (DPIE, 2020).

A39.1 Notwithstanding Condition A39, the Proponent may prepare an audit program to outline the scope and timing of each independent audit that will be undertaken during construction. If prepared, the audit program must be developed in consultation with, and approved by, the Planning Secretary before commencement of the first audit and implemented throughout construction.

- A40 Proposed independent auditors must be approved by the Planning Secretary before the commencement of an **Independent Audit**.

A41 The Planning Secretary may require the initial and subsequent **Independent Audits** to be undertaken at different times to those specified in the *Independent Audit Post Approval Requirements* (DPIE, 2020), 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 **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), unless otherwise agreed by the Planning Secretary.

INCIDENT AND NON-COMPLIANCE NOTIFICATION AND REPORTING

A43 The Planning Secretary must be notified via phone or in writing via the Major Projects website immediately after the Proponent becomes aware of an incident. Any notification via phone must be followed up by a notification in writing via the Major Projects website within 24 hours of the initial phone call.

The written 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 general nature of the incident.

A44 Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix A**.

A45 The Planning Secretary must be notified in writing via the Major Projects website within seven (7) days after the Proponent becomes aware of any non-compliance with the conditions of this approval.

A46 A non-compliance notification must identify the CSSI (including the application number for it), set out the condition of approval that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be undertaken to address the non-compliance.

Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

IDENTIFICATION OF WORKFORCE

- A47 All Heavy Vehicles used for spoil haulage must be clearly marked on the sides and rear with the project name and application number to enable immediate identification by a person viewing the Heavy Vehicle standing 20 metres away.
- A48 The CSSI name, application number, telephone number, postal address and email address required under **Condition B3** of this schedule must be 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 B11** of this schedule.

PART B

COMMUNITY INFORMATION AND REPORTING

COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

Community Communication

B1 The **Overarching Community Communication Strategy** as provided in the documents listed in **Condition A1** of this schedule must be implemented for the duration of the work.

COMPLAINTS MANAGEMENT SYSTEM

B2 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 Stage 1 of the CSSI.

B3 The following information must be available to facilitate community enquiries and manage complaints 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.

B4 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) date and time of the complaint;
- (c) number of people in the household affected in relation to a complaint, if relevant;
- (d) method by which the complaint was made;
- (e) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- (f) issue of the complaint;
- (g) means by which the complaint was addressed and whether resolution was reached, with or without mediation; and
- (h) if no action was taken, the reason(s) why no action was taken.

B5 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**.

- B6 The **Complaints Register** must be provided to the Planning Secretary upon request, within the timeframe stated in the request.

*Note: Complainants must be advised that the **Complaints Register** may be forwarded to Government agencies to allow them to undertake their regulatory duties.*

- B7 A **Community Complaints Mediator** that is independent of the design and construction personnel must be engaged by the Proponent, upon the referral of the complaint by the **ER** in accordance with the **Overarching Community Communication Strategy**.

- B8 The role of the **Community Complaints Mediator** is to provide independent mediation services for any reasonable and unresolved complaint referred by the **ER** where a member of the public is not satisfied by the Proponent's response. Where a **Community Complaints Mediator** is required, a mediator accredited under the National Mediator Accreditation System (NMAS), administered by the Mediator Standards Board must be appointed.

- B9 **Community Complaints Mediation** will:

- (a) review any unresolved disputes, referred by the **ER** in accordance with the **Overarching Community Communication Strategy**;
- (b) make recommendations to the Proponent to satisfactorily address complaints, resolve disputes or mitigate against the occurrence of future complaints or disputes.

- B10 **Community Complaints Mediation** will not be enacted before the **Complaints Management System** required by **Condition B2** of this schedule 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

- B11 A website or webpage providing information in relation to the CSSI must be established before commencement of work and maintained for the duration of construction, and for a minimum of 24 months following the completion of all phases of construction of Stage 1 of the CSSI. Up-to-date information (excluding confidential, private, commercial information or other documents as agreed to by the Planning Secretary) must be published before the relevant work commencing and maintained on the website or dedicated pages including:

- (a) information on the current implementation status of Stage 1 of the CSSI;
- (b) a copy of the documents listed in **Condition A1** of this schedule, and any documentation relating to any modifications made to the CSSI or the conditions 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 conditions), and copies of any approval granted by the Minister to a modification of the conditions of this approval, or links to the referenced documents where available;
- (d) a copy of each statutory approval, licence or permit required and obtained in relation to Stage 1 of the CSSI, or where the issuing agency maintains a website of approvals, licences or permits, a link to that website;
- (e) a current copy of each document required under the conditions of this approval, which must be published within one (1) week of its approval or before the commencement of any work to which they relate or before their implementation, as the case may be; 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 is to be provided on the website or webpage, and easy to navigate.

PART C

CONSTRUCTION ENVIRONMENTAL MANAGEMENT

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C1 **Construction Environmental Management Plans (CEMPs)** and **CEMP Sub-plans** must be prepared in accordance with the **Construction Environmental Management Framework (CEMF)** included in the documents listed in **Condition A1** of this schedule to detail how the performance outcomes, commitments and mitigation measures specified in the documents listed in **Condition A1** of this schedule will be implemented and achieved during construction.
- C2 With the exception of any **CEMPs** expressly nominated by the Planning Secretary to be endorsed by the **ER**, all **CEMPs** must be submitted to the Planning Secretary for approval.
- C3 The **CEMP(s)** not requiring the Planning Secretary's approval must be submitted to the **ER** for endorsement no later than one (1) month before the commencement of construction or where construction is phased no later than one (1) month before the commencement of that phase. That **CEMP** must obtain the endorsement of the **ER** as being consistent with the conditions of this approval and all undertakings made in the documents listed in **Condition A1** of this schedule.
- C4 Any **CEMP** to be approved by the Planning Secretary 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 phased no later than one (1) month before the commencement of that phase.
- C5 Of the **CEMP Sub-plans** required under **Condition C1** of this schedule, the following **CEMP Sub-plans** must be prepared in consultation with the relevant government agencies identified for each **CEMP Sub-plan**. Details of issues raised by a government agency during consultation must be included in the relevant **CEMP Sub-plan**, including copies of all correspondence from those government agencies as required by **Condition A6** of this schedule. Where a government agency (ies) request(s) is not included, the Proponent must provide the Planning Secretary / **ER** (whichever is applicable) justification as to why:

	Required CEMP Sub-plan	Relevant government agencies to be consulted for each CEMP Sub-plan
(a)	Noise and vibration	SOPA (in respect of Sydney Olympic Park), Place Management NSW (in respect of The Bays) and Relevant Council(s)
(b)	Flora and fauna	DPIE EES, DPI Fisheries, SOPA (in respect of Sydney Olympic Park) and Relevant Council(s)
(c)	Soil and water	DPIE EES, Relevant Council(s), SOPA (in respect of Sydney Olympic Park) and Sydney Water (if Sydney Water's assets are affected)
(d)	Heritage (Non-Aboriginal and Aboriginal)	Heritage NSW, SOPA (in respect of Sydney Olympic Park), Place Management NSW (in respect of The Bays) and Relevant Council(s)
(e)	Spoil	Relevant Council(s) and SOPA (in respect of Sydney Olympic Park)

- C6 The **CEMP Sub-plans** must state how:
- the environmental performance outcomes identified in the documents listed in **Condition A1** of this schedule will be achieved;
 - the mitigation measures identified in the documents listed in **Condition A1** of this schedule will be implemented;

- (c) the relevant conditions 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.
- C7 With the exception of any **CEMP Sub-plans** expressly nominated by the Planning Secretary to be endorsed by the **ER**, all **CEMP Sub-plans** must be submitted to the Planning Secretary for approval.
- C8 The **CEMP Sub-plans** not requiring the Planning Secretary's approval must obtain the endorsement of the **ER** as being in accordance with the conditions of approval and all relevant undertakings made in the documents listed in **Condition A1** of this schedule. Any of these **CEMP Sub-plans** must be submitted to the **ER** with, or subsequent to, the submission of the **CEMP** but in any event, no later than one (1) month before construction or where construction is phased no later than one (1) month before the commencement of that phase.
- C9 Any of the **CEMP Sub-plans** to be approved by the Planning Secretary must be submitted to the Planning Secretary with, or subsequent to, the submission of the **CEMP** but in any event, no later than one (1) month before construction or where construction is phased no later than one (1) month before the commencement of that phase.
- C10 Construction must not commence until the **CEMP** and all **CEMP Sub-plans** have been approved by the Planning Secretary or endorsed by the **ER** (whichever is applicable), unless otherwise agreed by the Planning Secretary. The **CEMP** and **CEMP Sub-plans**, as approved by the Planning Secretary or endorsed by the **ER** (whichever is applicable), including any minor amendments approved by the **ER**, must be implemented for the duration of construction. Where construction of Stage 1 of the CSSI is phased, construction of a phase must not commence until the **CEMP** and **CEMP Sub-plans** for that phase have been approved by the Planning Secretary or **endorsed** by the **ER** upon nomination by the Planning Secretary (whichever is applicable).
- C11 In addition to the relevant requirements of the **CEMF**, the **Flora and fauna CEMP Sub-plan** must include, but not be limited to:
- (a) site specific mitigation measures to manage impacts (including proposed techniques, timing, frequency and responsibility of implementing);
 - (b) measures to minimise disturbance to habitat associated with *Myotis macropus* / Southern Myotis, including demolition inspections by a suitably qualified ecologist of any vegetation to be cleared and any buildings or structures identified as potential roosting habitat for microbats that are to be demolished or refurbished;
 - (c) measures to minimise and mitigate disturbance to mangrove forests at the Clyde Maintenance and Stabling construction site to the extent necessary; and
 - (d) details for undertaking and mitigating vegetation clearance through improved environmental outcomes.
- C12 In addition to the relevant requirements of the **CEMF**, the **Soil and Water CEMP Sub-plan** must include, but not be limited to:
- (a) details of construction activities and their locations which have the potential to expose areas known to contain, or potentially contain, contaminated soils and / or materials;
 - (b) measures for the handling, treatment and management of hazardous and contaminated soils and materials including measures to manage and / or minimise worker and public health and safety with regards to exposure to contamination; and
 - (c) a description of how the effectiveness of the actions and measures for managing contamination impacts would be monitored during the proposed works, clearly indicating how often this monitoring would be undertaken, the locations where monitoring would take place, and how the results of the monitoring would be recorded and reported.

C13 In addition to the relevant requirements of the **CEMF**, the **Heritage CEMP Sub-plan** must include, but not be limited to:

- (a) be prepared in consultation with a suitably qualified and experienced heritage expert;
- (b) identify exclusion zones, archival recording requirements, baseline and periodic monitoring protocols (including before and during construction);
- (c) identify and assess the heritage significance of the ancillary structures proposed to be demolished or significantly impacted that are within the curtilage of White Bay Power Station and other items identified as retaining 'potential heritage significance' in the documents listed in **Condition A1** of this schedule and which will be impacted by the CSSI;
- (d) in association with **Condition D61** of this schedule, set out the final site inspections to be conducted within three (3) months of completion of construction for the following heritage sites unless otherwise agreed by the Planning Secretary:
 - (i) the Roxy Theatre (SHR I00711);
 - (ii) White Bay Power Station (SHR I01015);
 - (iii) the former State Abattoirs (*State Environmental Planning Policy (State Significant Precincts) 2005* Item 141); and
 - (iv) the RTA Depot facade fronting Unwin Street (*Parramatta Local Environmental Plan 2011* I576); and
- (e) set out means of rectification of any damage by the CSSI to Heritage items **(d)(i)** to **(d)(iv)** above within six (6) months of the completion of construction at the construction site identified in the relevant **Heritage CEMP Sub-plan**. This rectification work must be in consultation with a suitably qualified and experienced heritage consultant to ensure the use of appropriate materials, appropriate conservation practices and in accordance with existing heritage management documents (for example, conservation management plans or strategies) to protect and conserve the heritage significance of the items.

The **Heritage CEMP Sub-plan** must include Aboriginal cultural heritage management and mitigation measures (that may include conservation, archaeological salvage excavation and community collection) based on the **Aboriginal Cultural Heritage Excavation Report** and continuing Aboriginal community consultation.

CONSTRUCTION MONITORING PROGRAMS

C14 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 Stage 1 of the CSSI against the performance predicted in the documents listed in **Condition A1** of this schedule or in the **CEMP**:

	Required Construction Monitoring Programs	Relevant government agencies to be consulted for each Construction Monitoring Program
(a)	Noise and vibration	EPA, SOPA (in respect of Sydney Olympic Park), Place Management NSW (in respect of The Bays) and Relevant Council(s)
(b)	Blasting	SOPA (in respect of Sydney Olympic Park), Place Management NSW (in respect of The Bays) and Relevant Council(s)
(c)	Surface water quality	DPIE Water, Relevant Council(s) and Sydney Water (if any Sydney Water assets are impacted)
(d)	Groundwater	DPIE Water and SOPA (in respect of Sydney Olympic Park)

*Note: The **Blasting Construction Monitoring Program** is only required to be prepared if blasting is proposed to be conducted during construction.*

C15 Each **Construction Monitoring Program** must provide:

- (a) details of baseline data available including the period of baseline monitoring;
- (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 indicated unacceptable project impacts;
- (j) a consideration of SMART principles; and
- (k) any consultation to be undertaken in relation to the monitoring programs; and
- (l) any specific requirements as required by **Conditions C16 to C17** of this schedule.

C16 The Noise and Vibration Construction Monitoring Program and Blasting Construction Monitoring Program must include:

- (a) noise and vibration monitoring determined in consultation with the **AA** to confirm the best-achievable construction noise and vibration levels with consideration of all reasonable and feasible mitigation and management measures that will be implemented;
- (b) for the purposes of (a), noise monitoring must be undertaken during the day, evening and night-time periods and within the first month of work as well as throughout the construction period and cover the range of activities being undertaken at the sites; and
- (c) a process to undertake real time noise and vibration monitoring. The results of the monitoring must be readily available to the construction team, the Proponent, **ER** and **AA**. The Planning Secretary and EPA must be provided with access to the results on request.

C17 Groundwater Construction Monitoring Program must include:

- (a) groundwater monitoring networks at each construction excavation site;
- (b) detail of the location of all monitoring bores with nested sites to monitor both shallow and deep groundwater levels and quality;
- (c) define the location of saltwater interception monitoring where sentinel groundwater monitoring bores will be installed between the saline sources of the estuary or river and that of the stations or shafts;
- (d) results from existing monitoring bores;
- (e) monitoring and gauging of groundwater inflow to the excavations, appropriate trigger action response plan for all predicted groundwater impacts upon each noted neighbouring groundwater system component for each excavation construction site;
- (f) trigger levels for groundwater quality, salinity and groundwater drawdown in monitoring bores and / or other groundwater users;
- (g) daily measurement of the amount of water discharged from the water treatment plants;
- (h) water quality testing of the water discharged from treatment plants;
- (i) management and mitigation measures and criteria;
- (j) groundwater inflow to the excavations to enable a full accounting of the groundwater take from the Sydney Basin Central Groundwater Source; and
- (k) reporting of groundwater gauging at excavations, groundwater monitoring, groundwater trigger events and action responses; and
- (l) methods for providing the data collected to Sydney Water where discharges are directed to their assets.

C18 With the exception of any **Construction Monitoring Programs** expressly nominated by the Planning Secretary to be endorsed by the **ER**, all **Construction Monitoring Programs** must be submitted to the Planning Secretary for approval.

C19 The **Construction Monitoring Programs** not requiring the Planning Secretary's approval must obtain the endorsement of the **ER** as being in accordance with the conditions of approval and all undertakings made in the documents listed in **Condition A1** of this schedule. Any of these

Construction Monitoring Programs must be submitted to the **ER** for endorsement at least one (1) month before the commencement of construction or where construction is phased no later than one (1) month before the commencement of that phase.

- C20 Any of the **Construction Monitoring Programs** which require Planning Secretary approval must be endorsed by the **ER** and then submitted to the Planning Secretary for approval at least one (1) month before the commencement of construction or where construction is phased no later than one (1) month before the commencement of that phase.
- C21 Unless otherwise agreed with the Planning Secretary, construction must not commence until the Planning Secretary has approved, or the **ER** has endorsed (whichever is applicable), all of the required **Construction Monitoring Programs** and all relevant baseline data for the specific construction activity has been collected.
- C22 The **Construction Monitoring Programs**, as approved by the Planning Secretary or the **ER** has endorsed (whichever is applicable), 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 or the **ER** (whichever is applicable), whichever is the greater.
- C23 The results of the **Construction Monitoring Programs** must be submitted to the Planning Secretary, **ER** and relevant regulatory agencies, for information in the form of a **Construction Monitoring Report** at the frequency identified in the relevant **Construction Monitoring Program**.

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

PART D

KEY ISSUE CONDITIONS

AIR QUALITY

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

BIODIVERSITY AND TREES

Biodiversity Credits

- D2 The clearing of native vegetation must be minimised to the greatest extent practicable with the objective of reducing impacts to threatened ecological communities and threatened species habitat.
- D3 Impacts to plant community types must not exceed those identified in the documents listed in **Condition A1** of this schedule, unless otherwise approved by the Planning Secretary. In requesting the Planning Secretary's approval, an assessment of the additional impact(s) to plant community types and an updated ecosystem and / or species credit requirement under **Condition D4** below, if required, must be provided.
- D4 Before any vegetation clearing or tree removal that must be offset, credits specified in Table 3 below must be purchased and retired. The retirement of credits must be carried out in accordance with the offset rules of the BC Act.

Table 3: Biodiversity Credits to be Retired

Credit Type	Number of Credits
Ecosystem Credits	
Mangrove Forests in estuaries of the Sydney Basin Bioregion and South East Corner Bioregion (Plant Community Type 920) - Poor	3
Species Credits for Threatened Species	
<i>Myotis macropus</i> / Southern Myotis (Fauna)	3

Note: Credits have been calculated using the Biodiversity Assessment Method.

- D5 The requirement to retire credits in **Condition D4** above may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the Biodiversity Offsets Payment Calculator.
- D6 The Proponent must submit evidence of the retirement of credits required by **Condition D4** above to the Planning Secretary for information within one (1) month of receiving evidence of the retirement of credits and / or a certificate confirming payment under **Condition D5** above before any vegetation clearing or tree removal that must be offset.

Microbat Management

- D7 Before the removal or clearing of any vegetation, or the demolition of structures identified as potential roosting sites for microbats at the Clyde Stabling and Maintenance Facility site commences, pre-clearing / demolition inspections for the threatened species must be undertaken. The inspections, and any subsequent relocation of fauna and associated management / offset measures, must be undertaken under the guidance of a suitably qualified and experienced ecologist. Survey and relocation methodologies and management / offset

measures must be included in the **Flora and fauna CEMP Sub-plan** required under **Condition C5** of this schedule or the relevant **Site Establishment Management Plan** required by **Condition A17** of this schedule.

- D8 In the event roosting sites have been identified under **Condition D7** above, bat boxes must be provided or suitable habitat built within the Clyde Stabling and Maintenance Facility site.

Tree Removal

- D9 As many mature trees and as much urban canopy as practicable must be retained during construction. Canopy trimming should be considered where practicable prior to any mature tree removal.

FLOODING

- D10 Stage 1 of the CSSI must be designed and constructed to not worsen flooding characteristics within and in the vicinity of the CSSI. Not worsen existing flooding characteristics means the following:

- (a) a maximum increase in inundation time of one hour in a one (1) per cent Annual Exceedance Probability (AEP) flood event;
- (b) a maximum increase of 10 mm in inundation at properties where floor levels are currently exceeded in a one (1) per cent AEP flood event;
- (c) a maximum increase of 50 mm in inundation of land at properties where floor levels would not be exceeded in a one (1) per cent AEP flood event; and
- (d) no inundation of floor levels which are currently not inundated in a one (1) per cent AEP flood event.

Measures identified in the documents listed in **Condition A1** of this schedule to not worsen flooding characteristics or measures that achieve the same outcome must be incorporated into the detailed design of Stage 1 of the CSSI. The incorporation of these measures must be reviewed and endorsed by a suitably qualified and experienced person in consultation with directly affected landowners, DPIE Water, DPI Fisheries, DPIE EES, NSW State Emergency Service (SES), SOPA (in respect of Sydney Olympic Park) and Relevant Council(s).

- D11 Where flooding characteristics exceed the levels identified in **Condition D10** above the Proponent must undertake the following:

- (a) consult with property owners for properties adversely flood affected as a result of Stage 1 of the CSSI and mitigate where necessary; and
- (b) consult with the NSW State Emergency Service (SES), SOPA (in respect of Sydney Olympic Park) and Relevant Council(s) regarding the management of any residual flood risk beyond the 1 per cent AEP flood event and up to the probable maximum flood.

- D12 Flood information including flood reports, models and geographic information system outputs must be provided to the Relevant Council(s), SOPA (in respect of Sydney Olympic Park), DPIE EES and the SES in order to assist in preparing relevant documents and to reflect changes in flood behaviour as a result of Stage 1 of the CSSI. The Relevant Council(s), SOPA (in respect of Sydney Olympic Park), DPIE EES 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(s), SOPA (in respect of Sydney Olympic Park), DPIE EES 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(s), SOPA (in respect of Sydney Olympic Park), DPIE EES and the SES. The project flood models and data must be uploaded to the NSW Flood Data Portal and access must be provided to the Relevant Council(s), DPIE EES, SES and SOPA (in respect of Sydney Olympic Park) no later than one (1) month following the completion of construction.

HERITAGE

Non-Aboriginal Heritage

- D13 The Proponent must not destroy, modify or otherwise physically affect any Heritage item not identified in documents referred to in **Condition A1** of this schedule. Unexpected heritage finds identified by Stage 1 of the CSSI must be managed in accordance with the **Unexpected Finds Protocol** outlined in **Conditions D31 to D33** of this schedule. Consideration of avoidance and redesign to protect state significant unexpected finds must be addressed where this condition applies.
- D14 Before installing protective site boundary hoarding or equipment used for vibration and noise monitoring at any Heritage item identified in the documents listed in **Condition A1** of this schedule, 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. The installation must also consider and avoid impacts to potential historical archaeology and seek advice from the Excavation Director approved under **Condition D27** below.
- D15 Before commencement of any excavation at the Parramatta metro station construction site, a detailed investigation must be undertaken to precisely locate the Parramatta Convict Drain. All options available to retain the Parramatta Convict Drain *in situ* must be considered. If retention of any part of the Parramatta Convict Drain located *in situ* is not feasible, the Proponent must satisfactorily demonstrate to the Planning Secretary why its removal is appropriate. If it is not feasible to retain the Parramatta Convict Drain *in situ*, archival recording must be undertaken on the affected section of the item in accordance with Heritage Council of NSW guidelines.
- D16 During construction, the Proponent must implement protective measures to prevent adverse impacts on the heritage significance of the Victorian Regency terraced shops at 41-45 George Street, Parramatta and Kia Ora Georgian House at 64 Macquarie Street, Parramatta. Before installing such measures, 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. Protection measures must also consider and avoid potential impacts to significant historical archaeology and seek the advice from the Excavation Director approved under **Condition D27** below.
- D17 The Roxy Theatre, White Bay Power Station, the former State Abattoirs and the former RTA Depot facade fronting Unwin Street must not be destroyed, modified or otherwise adversely affected, except as identified in the documents listed in **Condition A1** of this schedule.
- D18 Where Heritage items, or items assessed to be of local heritage significance in the documents listed in **Condition A1** of this schedule, are proposed to be fully or partially destroyed, heritage salvage must occur in consultation with a suitably qualified heritage specialist. The Proponent must develop a salvaged materials and moveable heritage register. The register must identify significant items to be salvaged. Salvage must occur where significance is retained and / or the potential for re-use, reinstatement or re-sale has been identified. The salvage from any State-listed items must be undertaken in consultation with Heritage NSW.

Aboriginal Heritage

- D19 All reasonable steps must be taken not to harm, modify or otherwise impact Aboriginal objects except as authorised by this approval.
- D20 The Registered Aboriginal Parties (RAPs) must be kept informed about Stage 1 of the CSSI. The RAPs must continue to be provided with the opportunity to be consulted about the Aboriginal cultural heritage management requirements of Stage 1 of the CSSI.
- D21 Aboriginal archaeological test excavation must be undertaken at those areas identified in Table 25 of the revised Aboriginal Cultural Heritage Assessment Report (ACHAR) prepared by Artefact Heritage and dated November 2020.

- D22 An **Aboriginal Archaeological Test Excavation Methodology(s)** must be prepared and appropriately integrated with the revised **Archaeological Research Design and Excavation Methodology**. The **Aboriginal Archaeological Salvage Excavation Methodology(s)** must be prepared after analysis of the test excavation results.
- D23 At the completion of Aboriginal cultural heritage test and salvage excavations, an **Aboriginal Cultural Heritage Excavation Report(s)**, prepared by a suitably qualified expert, must be prepared in accordance with the *Guide to Investigation, assessing and reporting on Aboriginal cultural heritage in NSW*, OEH 2011 and the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*, DECCW 2010. The **Aboriginal Cultural Heritage Excavation Report(s)** must document the results of the archaeological test excavations and any subsequent salvage excavations. The RAPs must be given a minimum of 28 days to consider the report and provide comments before the report is finalised. The final report must be provided to Heritage NSW within 24 months of the completion of the Aboriginal archaeological excavations (both test and salvage).
- D24 Where previously unidentified Aboriginal objects are discovered, all work must immediately stop in the vicinity of the affected area and a suitably qualified and experienced Aboriginal heritage expert must be contacted to provide specialist heritage advice, before construction recommences. The measures to consider and manage this process must be specified in the **Heritage CEMP Sub-plan** required by **Condition C5** of this schedule and, where relevant, include registration in the Aboriginal Heritage Information Management System (AHIMS).

Excavation and Archaeology

- D25 Before the commencement of any **excavation** at Parramatta and The Bays metro station construction sites, a revised **Archaeological Research Design and Excavation Methodology(s)** must be prepared in accordance with Heritage Council of NSW guidelines and with reference to the detailed design of Stage 1 construction of the CSSI to guide archaeological excavation. The revised **Archaeological Research Design and Excavation Methodology(s)** must be prepared by the **Excavation Director** (approved under **Condition D27** below) and must include:
- (a) site specific research for the Parramatta and The Bays metro station construction sites which is conducted by a professional historian to clearly articulate the historical development of the allotments to assist with the reassessment of potential and significance;
 - (b) comparative analysis from archaeological investigations in Parramatta (including theses, publications and grey literature reports);
 - (c) preparation of research questions based on the additional site-specific research required by this condition, and relevant research agendas from previously excavated early historical occupation in Parramatta including recovered artefact assemblages; and
 - (d) a reconsideration of archaeological methods to manage the sites based on this additional assessment.

The revised **Archaeological Research Design and Excavation Methodology(s)** must apply to both Parramatta and The Bays metro station construction sites and be prepared in consultation with Heritage NSW and Place Management NSW (in respect of The Bays) and submitted to the Planning Secretary for approval.

The revised **Archaeological Research Design and Excavation Methodology(s)** must be implemented throughout the archaeological excavation programs.

*Note: Nothing in these conditions prevents the **Archaeological Research Design and Excavation Methodology** to be separate procedures.*

- D26 The revised **Archaeological Research Design and Excavation Methodology(s)** must include provision for early physical investigation of areas of impact identified as likely to contain State significant archaeology or subterranean Heritage items in the research design to inform

excavation in these areas. This must include the Parramatta and The Bays metro station sites, including Parramatta Convict Drain, Parramatta Sand Body, White Bay Power Station (inlet) Canal and Beattie Street Stormwater Channel.

- D27 Before commencement of archaeological excavation, the Proponent must nominate a suitably qualified **Excavation Director**, who complies with Heritage Council of NSW's *Criteria for Assessment of Excavation Director* (September 2019), to oversee and advise on matters associated with historical archaeology for the approval of the Planning Secretary, in consultation with Heritage NSW. The **Excavation Director** must be present to oversee excavation, advise on archaeological issues, advise on the duration and extent of oversight required during archaeological excavations consistent with the approved **Archaeological Research Design and Excavation Methodology(s)** required under **Condition D25** of this schedule. Aboriginal archaeological excavations must be conducted by a suitably qualified person in accordance with the requirements of the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010). More than one **Excavation Director** may be engaged for Stage 1 of the CSSI to exercise the functions required under the conditions of this approval.
- D28 Following completion of archaeological excavation programs, a **Final Excavation Report** and an **Aboriginal Cultural Heritage Excavation Report** must be prepared that includes further detailed and site-specific historical research undertaken to enhance the final reporting, and results of archaeological excavations. The report must include details of any significant artefacts recovered (salvaged), where they are located and details of their ongoing conservation. The **Final Excavation Report** must document significant results and artefacts which may be re-used in future stages of the CSSI. The **Final Excavation Report** must be prepared in accordance with guidelines and standards required by Heritage Council of NSW.
- D29 The **Final Excavation Report** and **Aboriginal Cultural Heritage Excavation Report** must be submitted to the Planning Secretary, Heritage NSW and the Relevant Council for information no later than 24 months after the completion of the archaeological excavation.
- D30 In the event the CSSI salvages state significant historical archaeology associated with early convict occupation at the Parramatta metro station construction site for which retention and future conservation is not possible:
- (a) the key findings of the archaeological investigations must be documented which explain their significance within the context of Parramatta and NSW no later than two (2) years after the completion of the archaeological excavations; and
 - (b) provide for the curation, display and public access of artefacts, site records and final reports.

Note: In reference to (b) above, this may involve partnerships with museums, local heritage centres and/or universities.

Unexpected Finds

- D31 An **Unexpected Heritage Finds and Human Remains Procedure** must be prepared to manage unexpected heritage finds (heritage items and values) in accordance with any guidelines and standards prepared by the Heritage Council of NSW or Heritage NSW.
- D32 The **Unexpected Heritage Finds and Human Remains Procedure** must be prepared by a suitably qualified and experienced heritage specialist in consultation with the Heritage Council of NSW (with respect to non-Aboriginal cultural heritage) and in relation to Aboriginal cultural heritage, in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010) and submitted to the Planning Secretary for information no later than one (1) month before the commencement of construction.
- D33 The **Unexpected Heritage Finds and Human Remains Procedure**, as submitted to the Planning Secretary, must be implemented for the duration of construction.

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. Management

of human remains in NSW is subject to requirements set out in the Public Health Act 2010 (NSW) and Public Health Regulation 2012 (NSW). Nothing in these conditions prevents separate procedures for the **Unexpected Heritage Finds and Human Remains Procedure**.

NOISE AND VIBRATION

Land Use Survey

D34 A detailed land use survey must be undertaken to confirm sensitive receivers (including critical working areas such as operating theatres and precision laboratories) potentially exposed to construction noise and vibration and construction ground-borne 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 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 under **Condition C5** of this schedule.

Construction Hours

D35 Work must only be undertaken during the following hours:

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

Highly Noise Intensive Work

D36 Except as permitted by an EPL, highly noise intensive work that results 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 (1) hour.

For the purposes of this condition, 'continuously' includes any period during which there is less than one (1) hour between ceasing and recommencing any of the work.

Variation to Work Hours

D37 Notwithstanding **Conditions D35** and **D36** of this schedule work may be undertaken outside the hours specified in the following circumstances:

- (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 **(a)(ii)** above, the **AA**, the **ER**, the Planning Secretary and the EPA must be notified of the reasons for such work. The Proponent must use best endeavours to notify as soon as practicable all noise and/or vibration affected sensitive land user(s) of the likely impact and duration of those work.

- (b) **Low 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 user(s); and
 - (ii) construction that causes $L_{AFmax(15\text{ minute})}$ noise levels no more than 15 dB(A) above the rating background level at any residence; or

- (iii) 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 D38** of this schedule; or
 - (iii) negotiated agreements with directly affected residents and sensitive land user(s).
- (d) **By Prescribed Activity**, including:
 - (i) tunnelling (excluding cut and cover tunnelling and surface works) are permitted 24 hours a day, seven days a week; or
 - (ii) concrete batching at the Clyde construction site is permitted 24 hours a day, seven days a week; or
 - (iii) delivery of material that is required to be delivered outside of standard construction hours in **Condition D35** of this schedule to directly support tunnelling activities, except between the hours 10:00 pm and 7:00 am to / from the Five Dock and Westmead construction sites and to / from Burwood North construction site using any roads / streets other than directly from Parramatta Road; or
 - (iv) haulage of spoil except between the hours of 10:00 pm and 7:00 am to / from the Five Dock and Westmead construction sites and to / from Burwood North construction site using any roads / streets other than directly from Parramatta Road; or
 - (v) work within an acoustic shed where there is no exceedance of noise levels under **Low impact** circumstances identified in (b) above, unless otherwise agreed by the Planning Secretary.

Note: Tunnelling does not include station box excavation.

Out-of-Hours Work Protocol – Work not subject to an EPL

D38 An **Out-of-Hours Work Protocol** must be prepared to identify a process for the consideration, management and approval of work which are outside the hours defined in **Conditions D35** and **D36** of this schedule. 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 provide:

- (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 D50** of this schedule. 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 user(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 all approved out-of-hours works and notification to the Planning Secretary of approved low risk out-of-hours works.

This condition does not apply if the requirements of **Condition D37(b)** of this schedule are met.

*Note: Out-of-hours work is any work that occurs outside the construction hours identified in **Condition D35** and **D36** of this schedule.*

Construction Noise Management Levels and Vibration Criteria

D39 All reasonable and feasible mitigation measures must be implemented with the aim of achieving the following construction noise management levels and vibration criteria:

- (a) construction 'Noise affected' noise management levels 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*" (for human exposure);
- (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 for structurally unsound heritage items).

Any work identified as exceeding 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 Noise Management Level.

D40 All reasonable and feasible 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 D38** of this schedule.

D41 Noise generating work in the vicinity of potentially-affected community, religious, educational institutions and 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 within sensitive periods, unless other reasonable arrangements with the affected institutions are made at no cost to the affected institution.

Construction Noise and Vibration Mitigation and Management

D42 Industry best practice construction methods must be implemented where reasonably practicable to ensure that noise levels are minimised around sensitive land user(s). Practices must include, but are not limited to:

- (a) use of regularly serviced low sound power equipment;
- (b) temporary noise barriers (including the arrangement of plant and equipment) around noisy equipment and activities such as rock hammering and concrete cutting; and
- (c) use of alternative construction and demolition techniques.

D43 **Detailed Noise and Vibration Impact Statements (DNVIS)** must be prepared for any work that may exceed the NMLs, vibration criteria and / or ground-borne noise levels specified in **Conditions D39** and **D40** of this schedule at any residence outside construction hours identified in **Condition D35** of this schedule, or where receivers will be highly noise affected. The **DNVIS**

must include specific mitigation measures identified through consultation with affected sensitive land user(s) and the mitigation measures must be implemented for the duration of the works. A copy of the **DNVIS** must be provided to the **AA** and **ER** before the commencement of the associated works. The Planning Secretary and the EPA may request a copy (ies) of the **DNVIS**.

- D44 **DNVIS** must be prepared for each construction site before construction noise and vibration impacts commence and include specific mitigation measures identified through consultation with affected sensitive land users.
- D45 Owners and occupiers of properties at risk of exceeding the screening criteria for cosmetic damage must be notified before works that generate 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**.

Construction Vibration Mitigation – Heritage

- D46 Vibration testing must be conducted 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 Proponent must review the construction methodology and, if necessary, implement additional mitigation measures. Such measures must include, but not be limited to, review or modification of excavation techniques.
- D47 The Proponent must seek the advice of a heritage specialist on methods and locations for installing equipment used for vibration, movement and noise monitoring at Heritage items.
- D48 Before conducting at-property treatment at any Heritage item identified in the documents listed in **Condition A1** of this schedule, 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.
- D49 If a Heritage item is found to be structurally unsound (following inspection) a more conservative cosmetic damage criterion of 2.5 mm/s peak component particle velocity (from DIN 4150) must be applied.

Utility Coordination and Respite

- D50 All work undertaken for the delivery of Stage 1 of the CSSI, including those undertaken by third parties (such as utility relocations), must be coordinated to ensure respite periods are provided. The Proponent must:
- reschedule any work to provide respite to impacted noise sensitive receivers so that the respite is achieved in accordance with **Condition D51** of this schedule; or
 - consider the provision of alternative respite or mitigation to impacted noise sensitive receivers; and
 - provide documentary evidence to the **AA** in support of any decision made by the Proponent in relation to respite or mitigation.

The consideration of respite must also include all other approved Critical SSI, SSI and SSD projects which may cause cumulative and / or consecutive impacts at receivers affected by the delivery of Stage 1 of the CSSI.

Out-of-Hours Works – Community Consultation on Respite

- D51 In order to undertake out-of-hours work outside the work hours specified under **Condition D35** of this schedule, appropriate respite periods for the out-of-hours work must be identified 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 NMLs under **Condition D39** (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**, EPA and the Planning Secretary.

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 RBL at any residence.

Traffic Noise Mitigation at Westmead

D52 Sensitive land uses located along local roads used to divert traffic from the closure of Alexandra Avenue in Westmead that will be affected by additional road traffic noise from the diverted traffic in excess of the criteria identified in the *NSW Road Noise Policy* (the RNP criteria) during construction of Stage 1 of the CSSI (the Affected Properties) are eligible to receive at-property noise mitigation treatments.

Owners of Affected Properties must be advised of the range of noise mitigation options that can be installed at or in their property and given a choice as to which of these they agree to have installed. A copy of all noise mitigation guidelines and procedures that will be used to determine at-property treatment at each Affected Property must be provided to the property owner.

At property mitigation measures and packages must be determined based on the measured exceedance levels above the RNP criteria. Road traffic noise levels must be measured before and after the altered traffic flow detour.

Blasting

D53 Blasting associated with Stage 1 of 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; and
- (c) at no time on Sunday or public holidays; or
- (d) as authorised through an EPL.

This condition does not apply in the event of a direction from the NSW Police Force or other relevant authority for safety or emergency reasons to avoid loss of life, property loss and / or to prevent environmental harm.

Blasting Management Strategy

D54 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.

D55 The **Blast Management Strategy** must be endorsed by a suitably qualified and experienced person.

D56 The **Blast Management Strategy** must be prepared in accordance with relevant guidelines 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 user(s).

- D57 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 **Blast Management Strategy** as submitted to the Planning Secretary, must be implemented for all blasting activities.

SOCIO-ECONOMIC, LAND USE AND PROPERTY

- D58 Stage 1 of the CSSI must be designed and constructed with the objective of minimising impacts to, and interference with, third party property and infrastructure, and that such infrastructure and property is protected during construction.

- D59 The utilities and services (hereafter “services”) potentially affected by construction must be identified to determine requirements for diversion, protection and / or support. Alterations to services must be determined by negotiation between the Proponent and the service providers. Disruption to services resulting from construction must be avoided, wherever possible, and advised to customers where it is not possible.

Condition Survey

- D60 A suitably qualified and experienced person must undertake condition surveys of all buildings, structures, utilities and the like identified in the documents listed in **Condition A1** of this schedule as being at risk of damage before commencement of any work that could impact on the subject surface / subsurface structure. The results of the surveys must be documented in a **Pre-construction Condition Survey Report** for each item surveyed. Copies of **Pre-construction Condition Survey Reports** must be provided to the relevant owners of the items surveyed in the vicinity of the proposed work, and no later than one (1) month before the commencement of the work that could impact on the subject surface / subsurface structure.

- D61 Condition surveys of all items for which condition surveys were undertaken in accordance with **Condition D60** of this schedule must be undertaken by a suitably qualified and experienced person after completion of the work identified in **Condition D60** of this schedule. The results of the surveys must be documented in a **Post-construction Condition Survey Report** for each item surveyed. Copies of **Post-construction Condition Survey Reports** must be provided to the landowners of the items surveyed, and no later than three (3) months following the completion of the work that could impact on the subject surface / subsurface structure unless otherwise agreed by the Planning Secretary.

- D62 The Proponent, where liable, must rectify any property damage caused directly or indirectly (for example from vibration or from groundwater change) by the work at no cost to the owner. Alternatively, the Proponent may pay compensation for the property damage as agreed with the property owner. Rectification or compensation must be undertaken within 12 months of completion of the work identified in **Condition D60** of this schedule unless another timeframe is agreed with the owner of the affected surface or sub-surface structure or recommended by the **IPIAP**.

- D63 Appropriate equipment to monitor areas in proximity of construction sites and the tunnel route during construction must be installed with particular reference to at risk buildings, structures and utilities identified in the condition surveys required by **Condition D60** of this schedule and / or geotechnical analysis as required. If monitoring during construction indicate exceedance of the vibration criteria identified in the **DNVIS** prepared under **Condition D43** of this schedule, then all construction affecting settlement must cease immediately and must not resume until fully rectified or a revised method of construction is established that will ensure protection of affected buildings.

- D64 An **Independent Property Impact Assessment Panel (IPIAP)** must be established. The Planning Secretary must be informed of the members of the **IPIAP** and the **IPIAP** must comprise geotechnical and engineering experts independent of the design and construction team. The **IPIAP** will be responsible for independently verifying condition surveys undertaken under **Conditions D60** and **D61** of this schedule, the resolution of property damage disputes and the establishment of ongoing settlement monitoring requirements.

- D65 Either the affected property owner or the Proponent may refer unresolved disputes arising from potential and/or actual property impacts to the **IPIAP** for resolution. All costs incurred in the establishing and implementing of the panel must be borne by the Proponent regardless of which party makes a referral to the **IPIAP**. The findings and recommendations of the **IPIAP** are final and binding on the Proponent.
- D66 Settlement must be monitored for any period beyond the minimum timeframe requirements of **Condition D66** of this schedule if directed so by the **IPIAP** following its review of the monitoring data from the period not less than six (6) months after settlement has stabilised, consistent with **Condition D63** of this schedule. The results of the monitoring must be made available to the Planning Secretary upon request.

Community Benefit Plan(s)

- D67 A **Community Benefit Plan(s)** must be prepared, by a suitably qualified and experienced person, to guide the delivery of measures identified in the documents listed in **Condition A1** of this schedule relating to social impacts and the development of community benefit initiatives. The **Community Benefit Plan(s)** must aim to:
- (a) make a positive contribution to the potentially affected community;
 - (b) respond to community priorities and needs;
 - (c) create positive community or environmental outcomes; and
 - (d) prioritise consideration of achieving outcomes for enhancing community character, community culture and the local surroundings.

Nothing in this condition prevents the preparation of individual **Community Benefit Plans** for each station precinct.

- D68 The **Community Benefit Plan(s)** must be submitted to the Planning Secretary for information before construction. The **Community Benefit Plan(s)** must be implemented for the duration of construction.
- D69 Potential impacts on the operation of festivals or events at Parramatta, Sydney Olympic Park or Five Dock must be limited as reasonably practicable.

Small Business Owners Engagement Plan(s)

- D70 **Small Business Owners Engagement Plan(s)** must be implemented in accordance with the **Overarching Community Communication Strategy** to minimise impact on small businesses adjacent to major construction sites during construction of Stage 1 of the CSSI. These plans must be prepared and submitted to the Planning Secretary for information before construction at the relevant construction site.

SOILS AND CONTAMINATION

Contaminated sites

- D71 Before commencement of any construction that would result in the disturbance of moderate to high risk contaminated sites as identified in the documents identified in **Condition A1** of this schedule, **Detailed Site Investigations** (for contamination) must be conducted to determine the full nature and extent of the contamination. The **Detailed Site Investigation Report(s)** and the subsequent report(s), must be prepared, or reviewed and approved, by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme. The **Detailed Site Investigations** must be undertaken in accordance with guidelines made or approved under section 105 of *Contaminated Land Management Act 1997* (NSW). The **Detailed Site Investigation** for Sydney Olympic Park metro construction site must be prepared in consultation with SOPA.

*Note: Nothing in this condition prevents the Proponent from preparing individual **Detailed Site Investigation Reports** (for contamination) for separate sites.*

- D72 Should remediation be required to make land suitable for the final intended land use, a **Remedial Action Plan** must be prepared, or reviewed and approved, by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme. The **Remedial Action Plan** must be prepared in accordance with relevant guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997* (NSW) and must include measures to remediate the contamination at the site to ensure the site will be suitable for the proposed use when the **Remedial Action Plan** is implemented. The **Remedial Action Plan** for Sydney Olympic Park metro construction site must be prepared in consultation with SOPA.

*Note: Nothing in this condition prevents the Proponent from preparing individual **Remedial Action Plans** for separate sites.*

- D73 Before commencing remediation, a **Section B Site Audit Statement(s)** must be prepared by an NSW EPA-accredited Site Auditor that certifies that the **Remedial Action Plan(s)** is/are appropriate and that the site can be made suitable for the proposed use. The **Remedial Action Plan(s)** must be implemented and any changes to the **Remedial Action Plan(s)** must be approved in writing by the NSW EPA-accredited Site Auditor.

*Note: Nothing in this condition prevents the Proponent from engaging an NSW EPA-accredited Site Auditor to prepare individual **Site Audit Statements** for **Remedial Action Plans** for separate sites.*

- D74 **Validation Report(s)** must be prepared in accordance with *Consultants Reporting on Contaminated Land: Contaminated Land Guidelines* (EPA, 2020) and relevant guidelines made or approved under section 105 of the *Contaminated Land Management Act 1997* (NSW).

*Note: Nothing in this condition prevents the Proponent from preparing individual **Validation Reports** for separate sites.*

- D75 A **Section A1 or Section A2 Site Audit Statement** (accompanied by an **Environmental Management Plan**) and its accompanying **Site Audit Report**, which state that the contaminated land disturbed by the work has been made suitable for the intended land use, must be submitted to the Planning Secretary, SOPA (in respect of Sydney Olympic Park) and the Relevant Council(s) after remediation and before the commencement of operation of the CSSI.

*Note: Nothing in this condition prevents the Proponent from obtaining **Section A Site Audit Statements** for individual parcels of remediated land.*

- D76 A copy of **Detailed Site Investigation Report(s)**, **Remedial Action Plan(s)**, **Validation Report(s)**, **Site Audit Report(s)** and **Site Audit Statement(s)** must be submitted to the Planning Secretary, SOPA (in respect of Sydney Olympic Park) and the Relevant Council(s) for information.

- D77 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.

- D78 The **Unexpected Contaminated Land and Asbestos Finds Procedure** must be implemented throughout construction.

SUSTAINABILITY

D79 A **Water Reuse Strategy** must be prepared, which sets out options for the reuse of collected stormwater and groundwater during Stage 1 of the CSSI. The Water Reuse Strategy must include, but not be limited to:

- (a) evaluation of reuse options;
- (b) details of the preferred reuse option(s), including volumes of water to be reused, proposed reuse locations and/or activities, proposed treatment (if required), and any additional licences or approvals that may be required;
- (c) measures to avoid misuse of recycled water as potable water;
- (d) consideration of the public health risks from water recycling; and
- (e) time frame for the implementation of the preferred reuse option(s).

The **Water Reuse Strategy** must be prepared based on best practice and advice sought from relevant agencies, as required. The Strategy must be applied during construction.

Justification must be provided to the Planning Secretary if it is concluded that no reuse options prevail.

A copy of the **Water Reuse Strategy** must be made publicly available.

Nothing in this condition prevents the Proponent from preparing separate **Water Reuse Strategies** for the construction phases of Stage 1 of the CSSI.

TRAFFIC AND TRANSPORT

D80 Access to all utilities and properties must be maintained during works, unless otherwise agreed with the relevant utility owner, landowner or occupier.

D81 Any property access physically affected by the CSSI must be reinstated to at least an equivalent standard, unless otherwise agreed by the landowner or occupier. Property access must be reinstated within one (1) month of the work that physically affected the access is completed or in any other timeframe agreed with the landowner or occupier.

D82 Construction vehicles (including light vehicles) must not use Robert Street, Rozelle to access The Bays metro station construction site, unless required in the event of an emergency or in association with the delivery of the Rozelle power supply from the Rozelle sub-transmission substation to The Bays metro station construction site.

D83 The locations of all Heavy Vehicles used for spoil haulage must be monitored in real time and the records of monitoring be made available electronically to the Planning Secretary and the EPA upon request for a period of no less than one (1) year following the completion of construction.

D84 The primary egress routes for spoil haulage trucks at Sydney Olympic Park metro station construction site must be determined in consultation with SOPA.

D85 **Construction Traffic Management Plans (CTMPs)** must be prepared in accordance with the Construction Traffic Management Framework. A copy of the **CTMPs** must be submitted to the Planning Secretary for information before the commencement of any construction in the area identified and managed within the relevant **CTMP**.

D86 Local roads proposed to be used by Heavy Vehicles to directly access construction sites that are not identified in the documents listed in **Condition A1** of this schedule must be approved by the Planning Secretary and be included in the **CTMPs**.

D87 All requests to the Planning Secretary for approval to use local roads under **Condition D86** above must include the following:

- (a) a swept path analysis;
- (b) demonstration that the use of local roads by Heavy Vehicles for the CSSI will not compromise the safety of pedestrians and cyclists or the safety of two-way traffic flow on two-way roadways;
- (c) details as to the date of completion of the road dilapidation surveys for the subject local roads; and
- (d) measures that will be implemented to avoid where practicable the use of local roads past schools, aged care facilities and child care facilities during their peak operation times; and
- (e) written advice from an appropriately qualified professional on the suitability of the proposed Heavy Vehicle route which takes into consideration items (a) to (d) of this condition.

Road Dilapidation

D88 Before any local road is used by a Heavy Vehicle for the purposes of construction of Stage 1 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 Road Authority(s) within three (3) weeks of completion of the survey and at no later than one (1) month before the road being used by Heavy Vehicles associated with the construction of Stage 1 of the CSSI.

D89 If damage to roads occurs as a result of the construction of Stage 1 of the CSSI, the Proponent must either (at the Relevant Road Authority's discretion):

- (a) compensate the Relevant Road Authority for the damage so caused; or
- (b) rectify the damage to restore the road to at least the condition it was in pre-work as identified in the **Road Dilapidation Report**.

Construction Parking and Access Management

D90 Vehicles associated with the project workforce (including light vehicles and Heavy Vehicles) must be managed to:

- (a) minimise parking on public roads;
- (b) minimise idling and queueing on state and regional roads;
- (c) not carry out marshalling of construction vehicles near sensitive land user(s);
- (d) not block or disrupt access across pedestrian or shared user paths at any time unless alternate access is provided; and
- (e) ensure spoil haulage vehicles adhere to the nominated haulage routes identified in the **CTMPs**.

D91 A **Construction Parking and Access Strategy** must be prepared to identify and mitigate impacts resulting from on- and off-street parking changes during construction. The **Construction Parking and Access Strategy** must include, but not necessarily be limited to:

- (a) achieving the requirements of **Condition D90** above;
- (b) confirmation and timing of the removal of on- and off-street parking associated with construction of Stage 1 of the CSSI;
- (c) parking surveys of all parking spaces to be removed or occupied by the project workforce to determine current demand during peak, off-peak, school drop off and pickup, weekend periods and during special events;
- (d) consultation with affected stakeholders utilising existing on- and off-street parking stock which will be impacted as a result of construction;
- (e) assessment of the impacts to on- and off-street parking stock taking into consideration, occupation by the project workforce, outcomes of consultation with affected stakeholders and considering the impacts of special events;
- (f) identification of reasonable and practicable mitigation measures to manage impacts to stakeholders as a result of on- and off-street parking changes including, but not necessarily limited to, staged removal and replacement of parking, provision of alternative parking arrangements, managed staff parking arrangements and working with relevant council(s) to

- introduce parking restrictions adjacent to work sites and compounds or appropriate residential parking schemes;
- (g) where residential parking schemes already exist, off-road parking facilities must be provided for the project workforce;
- (h) mechanisms for monitoring, over appropriate intervals (not less than 6 months), to determine the effectiveness of implemented mitigation measures;
- (i) details of shuttle bus service(s) to transport the project workforce to construction sites from public transport hubs and off-site car parking facilities (where these are provided) and between construction sites;
- (j) provision of contingency measures should the results of mitigation or monitoring indicate implemented measures are ineffective; and
- (k) provision of reporting of monitoring results to the Planning Secretary and Relevant Council(s) at six (6) monthly intervals.

D92 The **Construction Parking and Access Strategy** must be submitted to the Planning Secretary for approval at least one (1) month before the commencement of any construction that reduces the availability of existing parking. The approved **Construction Parking and Access Strategy** must be implemented before impacting on on-street parking and incorporated into the **CTMPs**.

D93 During construction, all reasonably practicable measures must be implemented to maintain pedestrian, cyclist 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, cyclist 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

D94 A **Traffic and Transport Liaison Group(s)** must be established in accordance with the Construction Traffic Management Framework to inform the development of **CTMPs**.

D95 Supplementary analysis and modelling as required by TfNSW and / or the **Traffic and Transport Liaison Group(s)** must be undertaken to demonstrate that construction and operational traffic can be managed to minimise disruption to traffic network operations including changes to and the management of pedestrian, bicycle and public transport networks, public transport services, and pedestrian and cyclist movements. Revised traffic management measures must be incorporated into the **CTMPs**.

D96 The permanent road works at Clyde / Rosehill must be designed, constructed and operated with the objective of integrating with existing and proposed road and related transport networks and minimising adverse changes to the safety, efficiency and, accessibility of the networks, and avoid deterioration in peak period levels of service in relation to permanent and operational changes. Design and assessment of related traffic, parking, pedestrian and cycle accessibility impacts and changes shall be undertaken:

- (a) in consultation with, and to the reasonable requirements of the relevant **Traffic and Transport Liaison Group**;
- (b) in consideration of existing and future demand, connectivity (in relation to permanent changes), performance and safety requirements;
- (c) to minimise and manage local area traffic impacts;
- (d) to ensure access is maintained to property and infrastructure; and
- (e) to meet relevant design, engineering and safety guidelines, including Austroads, Australian Standards, and TfNSW requirements.

Copies of civil, structural and traffic signal design plans shall be submitted to the Relevant Road Authority for consultation during design development and before completion of construction of Stage 1 of the CSSI.

D97 Permanent road works, including vehicular access, signalised intersection works, and works relating to pedestrians, cyclists, and public transport users must be subject to safety audits demonstrating consistency with relevant design, engineering and safety standards and guidelines. Safety audits must be prepared in consultation with the relevant **Traffic and Transport Liaison Group** before the completion and use of the subject infrastructure and must be made available to the Planning Secretary upon request.

Pedestrian and Cyclist Access

D98 Safe pedestrian and cyclist access must be maintained around construction sites during construction. In circumstances where pedestrian and cyclist access is restricted or removed due to construction activities, a proximate alternate route which complies with the relevant standards, must be provided and signposted before the restriction or removal of the impacted access.

Spoil Movement

D99 Opportunities to maximise spoil material removal by non-road methods must be investigated and implemented where reasonably practicable to minimise movements by road.

Emergency Vehicle Access

D100 The Proponent must maintain emergency vehicle access, in consultation with TfNSW, emergency services and NSW Health, to Westmead Hospital at all times throughout Stage 1 of the CSSI. Measures must be outlined in the **Construction Parking and Access Strategy** required under **Condition D91** above.

UTILITIES MANAGEMENT

D101 Utilities, services and other infrastructure potentially affected by construction must be identified before works affecting the item, to determine requirements for access to, diversion protection, and / or support. The relevant owner(s) and / or provider(s) of services must be consulted to make suitable arrangements for access to diversion, protection, and / or support of the affected infrastructure as required. The Proponent must ensure that disruption to any service is minimised and be responsible for advising local residents and businesses affected before any planned disruption of service.

Utility Coordination Manager

D102 A **Utility Coordination Manager** must be appointed for the duration of work associated with Stage 1 of the CSSI. 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 Stage 1 of the CSSI, to ensure respite is provided to the community;
- (b) providing advice to the Sydney Metro Place Manager 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 Project communication team relating to utility work and providing a response as required.

URBAN DESIGN AND VISUAL AMENITY

Ancillary Facilities

D103 Wayfinding information must be incorporated on temporary hoardings to guide pedestrians around ancillary facilities and enhance their understanding and experience of the locality and space.

D104 Nothing in this approval permits advertising on any element of Stage 1 of the CSSI.

Temporary Activations

D105 The Proponent must undertake temporary placemaking initiatives for the benefit of the community, such as commercial “pop up” spaces, information booths, art installations, around the perimeter or in the vicinity of construction sites at Parramatta and Five Dock with the objective of temporarily enhancing visual amenity, providing gathering places in the local area and creating temporary active frontages to construction sites during Stage 1 of the CSSI.

Five Dock Metro Station Eastern Construction Site

D106 The acoustic shed at the Five Dock metro station eastern construction site must be designed and constructed in a manner that minimises visual amenity, solar access and overshadowing impacts to the residential apartments at 110 Great North Road, Five Dock facing the acoustic shed. The potential visual amenity, solar access and overshadowing impacts of the acoustic shed on the affected residential apartments must be assessed in a **Visual Amenity, Solar Access and Overshadowing Report** prepared by the Proponent.

D107 The **Visual Amenity, Solar Access and Overshadowing Report** must include:

- (a) visual amenity impact assessments from the relevant residential apartments to the acoustic shed at the Five Dock metro station eastern construction site;
- (b) solar access assessments of the relevant residential apartments, with consideration for the relevant development controls in the City of Canada Bay Development Control Plan (Version 4, 21 October 2020) and the Apartment Design Guide; and
- (c) a consultation plan to detail how potential impacts and mitigation measures will be discussed and negotiated with potentially affected property owners.

The **Visual Amenity, Solar Access and Overshadowing Report** must be provided to the Planning Secretary for approval within (1) month prior to the installation of the acoustic shed at the Five Dock metro station eastern construction site.

D108 Where the acoustic shed causes a moderate (or greater) adverse visual amenity impact and / or unreasonable overshadowing and solar access impacts to any of the subject residential apartments, the Proponent must consult with the relevant affected property owners and occupiers to identify appropriate mitigation measures and an agreed implementation program. A copy of agreed implementation programs must be provided to the Planning Secretary for information.

Lighting and Security

D109 Stage 1 of the CSSI must be constructed with the objective of minimising light spill to surrounding properties including from headlights of construction vehicles. All lighting associated with the construction of Stage 1 of the CSSI must be consistent with the requirements of *Australian Standard 4282-1997 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.

Visual Amenity

D110 Stage 1 of the CSSI must be constructed in a manner that minimises visual impacts of construction sites including, providing temporary landscaping and vegetative screening, minimising light spill, minimising impacts to identified significant view lines in respect of The Bays metro station construction site and incorporating architectural treatment and finishes within key elements of temporary structures that reflect the context within which the construction sites are located, wherever practicable.

WASTE

D111 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.

D112 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 Stage 1 of 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.

D113 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.

D114 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

D115 Work on waterfront land must be carried out in accordance with controlled activity guidelines.

Stormwater

D116 Before undertaking any works and during maintenance or construction activities, erosion and sediment controls must be implemented and maintained to prevent water pollution consistent with LandCom's *Managing Urban Stormwater* series (The Blue Book).

Water Quality

D117 Stage 1 of the CSSI must be designed and constructed so as to maintain the *NSW Water Quality Objectives* (NSW WQO) where they are being achieved as at the date of this approval, and contribute towards achievement of the NSW WQO 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 WQO, in which case those requirements must be complied with.

D118 Unless an EPL is in force in respect to Stage 1 of the CSSI and that licence specifies alternative criteria, discharges from wastewater treatment plants to surface waters must not exceed:

- (a) the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2018* (ANZG (2018)) default guideline values for toxicants at the 95 per cent species protection level;
- (b) for physical and chemical stressors, the guideline values set out in Tables 3.3.2 and 3.3.3 of the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000* (ANZECC/ARMCANZ); and
- (c) for bioaccumulative and persistent toxicants, the ANZG (2018) guideline values at a minimum of 99 per cent species protection level.

Where the ANZG (2018) does not provide a default guideline value for a particular pollutant, the approaches set out in the ANZG (2018) for deriving guideline values, using interim guideline values and/or using other lines of evidence such as international scientific literature or water quality guidelines from other countries, must be used.

D119 If construction stage stormwater discharges are proposed, a **Water Pollution Impact Assessment** will be required to inform licensing consistent with section 45 of the POEO Act. Any such assessment must be prepared in consultation with the EPA and be consistent with the

National Water Quality Guidelines, with a level of detail commensurate with the potential water pollution risk.

D120 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.

Groundwater

D121 Make good provisions for groundwater users must be provided in the event of a material decline in water supply levels, quality or quantity from registered existing bores associated with groundwater changes from construction.

D122 The Proponent must submit a revised **Groundwater Modelling Report** in association with Stage 1 of the CSSI to the Planning Secretary for information before bulk excavation at the relevant construction location. The **Groundwater Modelling Report** must include:

- (a) for each construction site where excavation will be undertaken, cumulative (additive) impacts from nearby developments, parallel transport projects and nearby excavation associated with the CSSI;
- (b) predicted incidental groundwater take (dewatering) including cumulative project effects;
- (c) potential impacts for all latter stages of the CSSI or detail and demonstrate why these later stages of the CSSI will not have lasting impacts to the groundwater system, ongoing groundwater incidental take and groundwater level drawdown effects;
- (d) actions required after Stage 1 to minimise the risk of inflows (including in the event latter stages of the CSSI are delayed or do not progress) and a strategy for accounting for any water taken beyond the life of the operation of the CSSI;
- (e) saltwater intrusion modelling analysis, from estuarine and saline groundwater in shale, into The Bays metro station site and other relevant metro station sites; and
- (f) a schematic of the conceptual hydrogeological model.

Appendix A

WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary 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 A43** 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(s) 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.