

# Sydney Metro Western Sydney Airport – 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

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### SCHEDULE 1

<b>Application no.:</b>	SSI 10051
<b>Proponent:</b>	Sydney Metro
<b>Approval Authority:</b>	Minister for Planning and Public Spaces
<b>Land:</b>	Land in the suburbs of Oxley Park, North St Marys, St Marys, Werrington, Werrington County, Kingswood, Claremont Meadows, Caddens, St Clair, Erskine Park, Orchard Hills, Luddenham, Greendale, Badgerys Creek, Kemps Creek and Bringelly, in the City of Penrith and City of Liverpool local government areas.
<b>Description of CSSI:</b>	<p>Development of the Sydney Metro Western Sydney Airport project comprising:</p> <ul style="list-style-type: none"><li>• construction and operation of approximately 23 kilometres of railway track between the T1 Western Line rail line and the proposed Western Sydney Aerotropolis in Bringelly,</li><li>• construction and operation of new stations and associated ancillary infrastructure at St Marys, Orchard Hills, Luddenham and the Aerotropolis Core precinct,</li><li>• interchange links with the existing T1 Western Line rail line,</li><li>• construction and operation of a train stabling and maintenance facility, including an operational control centre,</li><li>• construction and operation of associated rail infrastructure facilities,</li><li>• construction of tunnels, bridges, viaducts and associated works,</li><li>• site preparation and enabling earthworks, including land remediation,</li><li>• associated ancillary infrastructure and works.</li></ul>
<b>Declaration as CSSI:</b>	The proposal is CSSI by virtue of Schedule 5, clause 25 of <i>State Environmental Planning Policy (State and Regional Development) 2011</i> .

SSI 10051 MOD 1 (14 April 2022) 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
Aboriginal object	The same meaning as in the <i>National Parks and Wildlife Act 1974 (NSW)</i>
AEP	Annual Exceedance Probability
AHIMS	Aboriginal Heritage Information Management System
Ancillary facility	A temporary facility for construction of the CSSI including an office and amenities compound, construction compound, material crushing and screening plant, materials storage compound, maintenance workshop, testing laboratory 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, underfloor areas, noise curtains, shutters and secondary glazing.  <i>Note: the At Receiver Noise Treatment Guideline (Roads and Maritime Services, 2017) provides more examples of building treatments</i>
ANZG (2018)	<i>Australian and New Zealand Guidelines for Fresh and Marine Water Quality (2018)</i>
BC Act	<i>Biodiversity Conservation Act 2016 (NSW)</i>
CEMF	Construction Environmental Management Framework
CEMP	Construction Environmental Management Plan
Certified area	An area marked as a certified area on the Order to confer biodiversity certification in the <i>State Environmental Planning Policy (Sydney Regional Growth Centres) 2006</i> , made on 11 December 2007.
CDLP	Corridor Design and Landscape Plan
Completion of construction	The date upon which construction of the CSSI is completed and all construction related requirements of the Planning Secretary (if any) have been met. If construction is staged, completion of construction is the date upon which construction is completed and all construction related requirements of the Planning Secretary (if any) have been met, in respect of all stages of construction
Construction	Includes all work required to construct the CSSI as described in the documents listed in <b>Condition A1</b> , including commissioning trials of equipment and temporary use of any part of the CSSI, but excluding <b>Low Impact Work</b> .
Construction Boundary	The area physically affected by work as described in the documents listed in <b>Condition A1</b>
CSSI	The critical State Significant Infrastructure, as described in Schedule 1, the carrying out of which is approved under the terms of this approval
CTMF	Construction Traffic Management Framework
CTMP	Construction Traffic Management Plan

Term	Definition
DAWE	Commonwealth Department of Agriculture, Water and Environment (former Department of the Environment and Energy)
Department	NSW Department of Planning, Industry and Environment
DRP	Design Review Panel
DNVIS	Detailed Noise and Vibration Impact Statement(s)
DPIE EES	Environment, Energy and Science Group of the Department of Planning, Industry and Environment
DPIE PDPS	NSW Department of Planning, Industry and Environment – Place Design and Public Spaces division
DPIE Water	Water Group of the Department of Planning, Industry and Environment
DPI Fisheries	NSW Department of Primary Industries, Fisheries
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
EMS	Environmental Management System
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> (NSW)
EPA	NSW Environment Protection Authority
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Commonwealth)
EPL	Environment Protection Licence under the POEO Act
ER	The Environmental Representative(s) for the CSSI approved by the Planning Secretary
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
Environmental Representative Protocol	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

Term	Definition
Highly noise affected	As defined in the ICNG
Highly noise intensive works	Works which are defined as annoying under the ICNG, including: <ul style="list-style-type: none"> <li>(a) use of power saws, such as used for cutting timber, rail lines, masonry, road pavement or steel work;</li> <li>(b) grinding metal, concrete or masonry;</li> <li>(c) rock drilling;</li> <li>(d) line drilling;</li> <li>(e) vibratory rolling;</li> <li>(f) bitumen milling or profiling;</li> <li>(g) jackhammering, rock hammering or rock breaking;</li> <li>(h) rail tamping and regulating; and</li> <li>(i) impact piling.</li> </ul>
ICNG	<i>Interim Construction Noise Guideline</i> (DECC, 2009)
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 terms of this approval  <b>Note:</b> “material harm” is defined in this approval
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 <i>Local Government Act 1993</i> (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</i> (NSW)
Low Impact Work	Includes: <ul style="list-style-type: none"> <li>(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> <li>(b) investigations including investigative drilling, contamination investigations and excavation;</li> <li>(c) site establishment work approved under a <b>Site Establishment Management Plan</b>;</li> <li>(d) operation of ancillary facilities if the <b>ER</b> has determined the operational activities will have minimal impact on the environment and community;</li> <li>(e) clearing in certified areas, minor clearing and relocation of native vegetation, as identified in the documents listed in <b>Condition A1</b>;</li> <li>(f) installation of mitigation measures including erosion and sediment controls, temporary exclusion fencing for sensitive areas and acoustic treatments;</li> <li>(g) property acquisition adjustment work including adjustments to access roads, driveways and boundaries, installation of property fencing, and relocation and adjustments of utilities to property including drainage, water supply and electricity;</li> </ul>

Term	Definition
	<p>(h) relocation and connection of utilities where the relocation or connection has a minor impact to the environment as determined by the <b>ER</b>;</p> <p>(i) archaeological test excavation and salvage in accordance with the updated <b>Aboriginal Cultural Heritage Management Plan</b> required under <b>Condition E30</b>;</p> <p>(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;</p> <p>(k) maintenance of existing buildings and structures required to facilitate the carrying out of the CSSI; and</p> <p>(l) other activities determined by the <b>ER</b> to have minimal environmental impact which may include but not limited to demolition, construction of minor access roads, temporary relocation of pedestrian and cycle paths, the provision of property access.</p> <p>However, where Heritage items on the State heritage register, areas of known or expected non-Aboriginal archaeological potential, or threatened species or threatened ecological communities (within the meaning of the BC Act but excluding certified areas) are affected by any <b>Low Impact Work</b>, that work is construction, unless otherwise determined by the Planning Secretary in consultation with Heritage NSW, EES or DPI Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation).</p> <p>The low impact work described in this definition becomes Construction with the approval or endorsement of a <b>CEMP</b>. Where <b>Low Impact Work</b> has already commenced, this is considered to remain as <b>Low Impact Work</b> and is managed in accordance with the framework under which it commenced.</p>
KFH	Key Fish Habitat
Material harm	<p>Is harm that:</p> <p>(a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</p> <p>(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)</p>
Minister	NSW Minister for Planning and Public Spaces
Night-time	The hours of 10:00 pm to 7:00 am weekday nights, 10:00 pm to 8:00 am Saturday nights and 6:00 pm to 7:00 am Sunday nights and public holiday nights.
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>
OEMP	Operational Environmental Management Plan



Term	Definition
ONVCR	Operational Noise and Vibration Compliance Report
ONVR	Operational Noise and Vibration Review
Operation	The commencement of paid services.
Planning Secretary	Planning Secretary of the Department (or nominee, whether nominated before or after the date on which this approval was granted)
POEO Act	<i>Protection of the Environment Operations Act 1997</i> (NSW)
PUDCLP	Place, Urban Design and Corridor Landscape Plan
Proponent	The person identified as such in Schedule 1 of this approval and any other person carrying out any part of the CSSI from time to time
Relic	Has the same meaning as the definition of the term in section 4 of the <i>Heritage Act 1977</i> (NSW)
RAPs	Registered Aboriginal Parties
RBL	Rating background noise level
Relevant Council(s)	Liverpool City Council and/or Penrith Council
Relevant Roads Authority	The same meaning as the roads authority defined in the <i>Roads Act 1993</i> (NSW)
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  <b>Note:</b> For the purpose of determining appropriate mitigation, a multi-storey residential flat building must not be counted as a single sensitive receiver.
SES	NSW State Emergency Services
SHR	State Heritage Register
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
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

Term	Definition
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)
Ultimate service	Future service operations: <ul style="list-style-type: none"> <li>(a) peak periods (between 6:00am and 9:00am and between 3pm and 6pm) – metro train with four cars per train, every three minutes (up to 20 trains per hour) and</li> <li>(b) non-peak periods – metro train with four cars per train, every six minutes (up to 10 trains per hour)</li> </ul>
Unexpected heritage find	An object, relic 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 <b>Condition A1</b> 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 <b>Low Impact Work</b> , environmental management measures and utility work.

## SUMMARY OF REPORTING REQUIREMENTS

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

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

Condition	Report / Notification	Timing <sup>1</sup>	Purpose
<b>Part A – Administrative</b>			
A10	Staging Report	One month before the lodgement of any <b>CEMP</b> or <b>CEMP sub plan</b> for the first of the proposed stages of construction or one month before the commencement of operation	Information
A14	Revised Staging Report	Prior the commencement of changes to the stage of construction or operation	Information
A16	Staging strategies, plans or programs	One month before commencement of construction associated with the proposed stages	Information
A19	Site Establishment Management Plan (except for any SEMP's expressly nominated by the Planning Secretary to be endorsed by the <b>ER</b> only)	One month before the establishment of the relevant ancillary facility	Approval
A20 A32(e)	Site Establishment Management Plan	As soon as practicable after endorsement by the <b>ER</b>	Information
A28	Environmental Representative	Must be approved before the commencement of work	Approval
A32(e)	Documents requiring <b>ER</b> endorsement only	As soon as practicable after endorsement by the <b>ER</b>	Information
A32(k)	Environmental Representative Monthly Reports	Within seven (7) days following the end of each month for the duration of the <b>ER's</b> engagement	Information
A37	Proponents audit program	If prepared, must be approved before the commencement of an Independent Audit	Approval
A38	Independent Auditors	Must be approved before the commencement of an Independent Audit	Approval
A40	Independent Audit Reports and Proponent's response	Within two (2) months of undertaking the independent audit site inspection	Information
A41	Initial notification of incident	Immediately upon becoming aware of the incident via phone or writing.	Information

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

Condition	Report / Notification	Timing <sup>1</sup>	Purpose
		Subsequent written notification within 24 hours if originally notified via phone	
A44	Written notification of non-compliance	Non-compliance notification required in writing seven (7) days after the Proponent becomes aware of the non-compliance	Information
<b>Part B - Communication Information and Reporting</b>			
B1	Overarching Community Communication Strategy	If the Overarching Community Communication Strategy has been updated	Information
B6	Complaints Register	Upon request of the Planning Secretary	Information
<b>Part C - Construction Environmental Management</b>			
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 staged no later than one (1) month before the commencement of that stage	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 staged no later than one (1) month before the commencement of that stage	Approval
C17 C19	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 staged no later than one (1) month before the commencement of that stage	Approval
C22	Construction Monitoring Report	As specified in Construction Monitoring Programs	Information
<b>Part D – Operational Environmental Management</b>			
D7	OEMP or EMS	One month before the commencement of operation	Information
<b>Part E – Key Issues</b>			
<b>Biodiversity and Trees</b>			
E7	Evidence of Credit Retirement or payment	Prior to impacts on the biodiversity values	Information
E10	A receipt of payment	Within one (1) month of making the payment	Information
E13	Tree Survey	Submitted as part of the Place, Urban Design and Corridor Landscape Plan	Information
<b>Heritage</b>			

Condition	Report / Notification	Timing <sup>1</sup>	Purpose
E23	Excavation Director	Before the commencement of archaeological excavation	Approval
E25	Archival Recording Report	Within 12 months of completing all Work	Information
E27	non-Aboriginal Archaeological Excavation Report	within 12 months of completing all Work	Information
E30	Updated Aboriginal Cultural Heritage Management Plan	Prior to works in areas identified for further test excavations	Information
E32	Aboriginal Cultural Heritage Excavation Report(s)	Within 24 months of the completion of the Aboriginal archaeological excavations	Information
E35	Unexpected Heritage Finds and Human Remains Procedure	One month before commencement of construction	Information
<b>Noise and Vibration</b>			
E41(a)(ii)	Variation to Work Hours	On becoming aware of the need for emergency work	Information
E42	Out-of-Hours Work Protocol	Before the commencement of out-of-hours works	Approval
E47	Detailed Noise and Vibration Impact Statements	Upon request of the Planning Secretary	Information
E57	Out-of-Hours Works Community Consultation Outcomes on Respite	Prior to the out-of-hours work commencing	Information
E58	Operational Noise and Vibration Review	Before the implementation of mitigation measures	Approval
E59	Implementation of noise mitigation measures report	Within six months of submitting the Operational Noise and Vibration Review	Approval
E60	Operational Noise and Vibration Compliance Report	Within 60 days of completing the Operational noise and vibration monitoring	Information
<b>Place, Urban Design and Visual Amenity</b>			
E63	The outcome of the DRP review	Prior to the submission of the PUDCLP	Information
E71	Design Review Panel Terms of Reference	Once the ToR is endorsed by the NSW Government Architect	Information
E75	DRP advice and recommendations including the Proponent's response	When submitting the final PUDCLP	Information

Condition	Report / Notification	Timing <sup>1</sup>	Purpose
	to each recommendation		
E77(c)	Place, Urban Design and Corridor Landscape Plan	Prior to the construction of permanent built surface works and/or landscaping, excluding those elements which for ecological requirements, or technical requirements, or requirements as agreed by the Planning Secretary do not allow for alternate design outcomes	Information
E80	Operational Maintenance	Following the transfer of the asset(s) to the relevant authority	Information
<b>Socio-economic, Land Use and Property</b>			
E88	Independent Property Impact Assessment Panel	Planning Secretary to be informed of the members of the panel after its establishment	Information
E90	Settlement Monitoring	Upon request of the Planning Secretary	Information
E91	Small Business Owners Engagement Plan(s)	Before the commencement of construction at St Marys	Information
<b>Soils and Contamination</b>			
E96	Site Audit Statement and Site Audit Report	Before the commencement of operation	Information
E97	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
<b>Sustainability</b>			
E101	Sustainability Strategy	Within six (6) months of the date of this approval	Information
E102	Water Reuse Strategy	Before the commencement of construction / operation	Information
<b>Traffic and Transport</b>			
E103	Construction Traffic Management Plan	Before the commencement of any construction in the area identified and managed within the relevant CTMP	Information
E104	Heavy Vehicle Monitoring	Upon request of the Planning Secretary	Information
E106	Additional Local Roads to be Used by Heavy Vehicles	Before the use of the additional local road	Approval
E119	Road Safety Audits	Upon request of the Planning Secretary	Information

Condition	Report / Notification	Timing <sup>1</sup>	Purpose
<b>Water</b>			
E134	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

### PART A

#### ADMINISTRATIVE CONDITIONS

##### GENERAL

- A1 The Proponent must carry out the CSSI in accordance with the terms of this approval and generally in accordance with the:
- (a) *Sydney Metro – Western Sydney Airport Environmental Impact Statement* dated 21 October 2020; and
  - (b) *Sydney Metro – Western Sydney Airport Submissions Report* submitted April 2021.
- A2 The CSSI must only be carried out in accordance with all procedures, commitments, preventative actions, performance criteria and mitigation measures set out in the documents listed in **Condition A1** unless otherwise specified in, or required under, this approval.
- A3 In the event of an inconsistency between:
- (a) the conditions of this approval and any document listed in **Condition A1**, the conditions of this approval will prevail to the extent of the inconsistency; and
  - (b) any document listed in **Condition A1**, 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 the CSSI;
  - (b) any document or correspondence in relation to the CSSI;
  - (c) any notification given to the Planning Secretary under the terms of this approval;
  - (d) any audit of the construction or operation of the CSSI;
  - (e) the terms of this approval and compliance with the terms of this approval (including anything required to be done under this approval);
  - (f) the carrying out of any additional monitoring or mitigation measures; and
  - (g) in respect of ongoing monitoring and management obligations, compliance with an updated or revised version of a guideline, protocol, Australian Standard or policy required to be complied with under the terms of this approval.
- A6 Where the terms 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 terms 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 A41**.

## STAGING

- A10 The CSSI may be constructed and operated in stages. Where staged construction and/or operation is proposed, a **Staging Report** must be prepared. The **Staging Report** must be submitted to the Planning Secretary for information no later than one (1) month before the lodgement of any **CEMP** or **CEMP sub plan** for the first of the proposed stages of construction (or if only staged operation is proposed, one (1) month before the commencement of operation of the first of the proposed stages of operation), unless otherwise agreed with the Planning Secretary.
- A11 The **Staging Report** must:
- (a) set out how construction of the whole of the CSSI will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
  - (b) if staged operation is proposed, set out how the operation of the whole of the CSSI will be staged, including details of each stage and the general timing of when operation of each stage will commence;
  - (c) specify conditions that apply to each stage of construction and operation including how compliance with conditions will be achieved across and between each of the stages of the CSSI;
  - (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging; and
  - (e) for the purposes of informing **Conditions C2, C7 and C17**, 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 stage of the CSSI.

With respect to (e) above, the risk assessment must use an appropriate process consistent with AS/NZS ISO 31000: 2018; Risk Management - Guidelines and must be endorsed by the **ER**.

**Note:**

1. *A Staging Report may reflect the staged construction and operation of the project through geographical activities, temporal activities or activity-based staging.*
2. *The risk matrix must reflect the stages of construction identified in the Staging Report*

- A12 The CSSI must be staged in accordance with the **Staging Report**, as submitted to the Planning Secretary for information.

- A13 Where staging is proposed, the terms of this approval that apply or are relevant to the work or activities to be carried out in a specific stage must be complied with at the relevant time for that stage.
- A14 Where changes are proposed to the staging of construction or operation, a revised **Staging Report** must be prepared and submitted to the Planning Secretary for information before the commencement of changes to the stage of construction or the stage of operation.
- A15 Where changes are proposed to the risk assessment related to the staging of construction or operation, a revised **Staging Report** must be submitted to the Planning Secretary for information one (1) month before the lodgement of any **CEMP** or **CEMP sub plan** associated with the stage where change in risk assessment is proposed.
- A16 The Proponent may submit any strategies, plans or programs required by this approval on a progressive basis, within each stage 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 stage, and the trigger for updating the strategy, plan or program.*
3. *The staged submission of strategies, plans or programs may reflect the construction and operation of the project through geographical activities, temporal activities or activity-based staging.*

## ANCILLARY FACILITIES

### Ancillary facilities

- A17 Ancillary facilities that are not identified by description and location in the documents listed in **Condition A1** can only be established and used in each case if:
- (a) they are located within or immediately adjacent to the Construction Boundary of the CSSI; and
  - (b) they are not located next to sensitive land use(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 terms of this approval; and
  - (d) the establishment and use of the facility can be carried out and managed within the outcomes set out in the terms of this approval, including in relation to environmental, social and economic impacts.

**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 A22**.*

## SITE ESTABLISHMENT WORK

### Site Establishment Management Plan

- A18 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 A22** 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 use(s);
- (c) a program for ongoing analysis of the key environmental risks arising from the site establishment activities described in subsection (a) of this condition, including an initial risk assessment undertaken 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**; 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.

A19 With the exception of a **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.

A20 A **Site Establishment Management Plan** expressly nominated by the Planning Secretary to be endorsed by the **ER** 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**

A21 The use of ancillary facility for construction must not commence until the **CEMP** required by **Condition C1** relevant **CEMP Sub-plans** required by **Condition C5** and relevant **Construction Monitoring Programs** required by **Condition C13** have been approved by the Planning Secretary or endorsed by the **ER** (whichever is applicable).

*Note: This condition does not apply to **Condition A22** or where the use of an ancillary facility is Low Impact Work or for Low Impact Work.*

#### **Minor Ancillary Facilities**

A22 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** 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 terms of this approval.

#### **Boundary screening**

A23 Boundary screening must be erected around ancillary facilities that are adjacent to sensitive land use(s) for the duration that the ancillary facility is in use unless otherwise agreed with relevant affected residents, business operators or landowners.

- A24 Boundary screening required under **Condition A23** must minimise visual impacts on adjacent sensitive land use(s).

## INDEPENDENT APPOINTMENTS

- A25 All **Independent Appointments** required by the terms of this approval must have regard to the Department's guideline *Seeking approval from the Department for the appointment of independent experts* (DPIE, 2020) and hold current membership of a relevant professional body, unless otherwise agreed by the Planning Secretary.
- A26 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.
- A27 Upon completion of an audit under **Conditions A26** 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 A26 and A27 apply to all Independent Appointments including the ER and Independent Auditor.*

## ENVIRONMENT REPRESENTATIVE

- A28 Work must not commence until an **Environmental Representative (ER)** has been nominated by the Proponent and approved by the Planning Secretary.
- A29 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** and is independent from the design and construction personnel for the CSSI and those involved in the delivery of it.
- A30 The Proponent may engage more than one **ER** for the CSSI, in which case the functions to be exercised by an **ER** under the terms of this approval may be carried out by any **ER** that is approved by the Planning Secretary for the purposes of the SSI.
- A31 The **ER** must meet the requirements of the Department's *Environmental Representative Protocol* (DPE, 2018).
- A32 For the duration of the work until the commencement of operation, or as agreed with the Planning Secretary, the approved **ER** must:
- (a) receive and respond to communication from the Planning Secretary in relation to the environmental performance of the CSSI;
  - (b) consider and inform the Planning Secretary on matters specified in the terms of this approval;
  - (c) consider and recommend to the Proponent any improvements that may be made to work practices to avoid or minimise adverse impact to the environment and to the community;
  - (d) review documents identified in **Conditions A10, A18, A20, C1, C5 and C13** 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);

- (iii) provide a written statement to the Planning Secretary advising the documents have been endorsed.
- (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, A18, A20, C1, C5 and C13** to ensure implementation is being carried out in accordance with the document and the terms 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 A36**;
- (h) as may be requested by the Planning Secretary, assist the Department in the resolution of community complaints received directly by the Department;
- (i) consider or assess the impacts of minor ancillary facilities as required by **Condition A22**; 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 land use(s), and are consistent with the terms 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 terms 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 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.

- A33 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 A32** (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).

## NOTIFICATION OF COMMENCEMENT

- A34 The Department, and relevant Councils must be notified in writing of the date of commencement of construction at least seven (7) days before the commencement of construction.
- A35 If construction of the CSSI is to be staged, the Department, Liverpool City Council and Penrith City Council must be notified in writing at least seven (7) days before the commencement of each stage, of the date of the commencement of that stage.

## INDEPENDENT ENVIRONMENTAL AUDIT

- A36 **Independent Audits** of the CSSI must be conducted and carried out in accordance with the *Independent Audit Post Approval Requirements* (DPIE, 2020).
- A37 Notwithstanding **Condition A36**, 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 prior to commencement of the first audit and implemented throughout construction.
- A38 Proposed independent auditors must be approved by the Planning Secretary before the commencement of an **Independent Audit**.
- A39 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.
- A40 **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

### Incident Notification, Reporting and Response

- A41 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.

- A42 Any incident within or potentially affecting the Controlled Areas of the WaterNSW Pipelines corridor must also be reported to WaterNSW on the WaterNSW 24-hour Incident Notification Number 1800 061 069.
- A43 Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix A**.

### Non-Compliance Notification

- A44 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 terms of this approval.
- A45 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

- A46 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.
- A47 The CSSI name, application number, telephone number, postal address and email address required under **Condition B3** 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**.

## 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**, or updated Strategy must be implemented for the duration of the work.

Should the **Overarching Community Communication Strategy** be updated, a copy must be provided to the Planning Secretary for information.

#### 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 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 The **Community Complaints Mediator** 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; and
- (c) provide a copy of the recommendations, and the Proponent's response to the recommendations, to the Planning Secretary within one month of the recommendations being made.

- B10 **Community Complaints Mediation** will not be enacted before the **Complaints Management System** required by **Condition B2** 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, statute 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 stages of construction 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 the CSSI;
- (b) a copy of the documents listed in **Condition A1**, and any documentation relating to any modifications made to the CSSI or the terms of this approval;
- (c) a copy of this approval in its original form, a current consolidated copy of this approval (that is, including any approved modifications to its terms), and copies of any approval granted by the Minister to a modification of the terms of this approval, or links to the referenced documents where available;

- (d) a copy of each statutory approval, licence or permit required and obtained in relation to 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 terms 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** to detail how the performance outcomes, commitments and mitigation measures specified in the documents listed in **Condition A1** 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.

*Note: The Planning Secretary will consider the assessment of the predicted level of environmental risk and potential level of community concern required under **Condition A11(e)** when deciding whether any CEMP's may be endorsed by the **ER**.*

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 staged no later than one (1) month before the commencement of that stage. 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**.

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 staged no later than one (1) month before the commencement of that stage.

C5 Of the **CEMP Sub-plans** required under **Condition C1**, 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 (as required by **Condition A6**) must be provided with the relevant **CEMP Sub-plan** when submitted to the Planning Secretary / **ER** (whichever is applicable). 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	Relevant Councils and WaterNSW (in relation to its assets)
(b)	Flora and fauna	DPIE EES, DPI Fisheries, and Relevant Councils
(c)	Soil and Water	DPI Fisheries, and Relevant Councils
(d)	Non-Aboriginal heritage	Relevant Councils, WaterNSW and Heritage NSW

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

C6 The **CEMP Sub-plans** must state how:

- the environmental performance outcomes identified in the documents listed in **Condition A1** will be achieved;
- the mitigation measures identified in the documents listed in **Condition A1** will be implemented;

- (c) the relevant terms of this approval will be complied with; and
  - (d) issues requiring management during construction (including cumulative impacts), as identified through ongoing environmental risk analysis, will be managed through SMART principles.
- 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**. 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 staged no later than one (1) month before the commencement of that stage.
- 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 staged no later than one (1) month before the commencement of that stage.
- 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.
- 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) details of how the requirements of **Conditions E11** will be met;
  - (b) details of a dewatering plan of farm dams including:
    - (i) supervision of dewatering by a suitably qualified ecologist;
    - (ii) a methodology for the transfer of native fauna species known to inhabit and/or use the dam;
    - (iii) the location and suitability of the proposed relocation sites; and
    - (iv) any potential impacts of relocating the fauna to the relocation sites;
  - (c) protocols for incidental finds of threatened species and ecological communities within the construction boundary.
- 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 how the requirements of **Conditions E127, E128 and E129** will be met; and
  - (b) the unexpected contaminated finds protocol required by **Condition E98**.

## CONSTRUCTION MONITORING PROGRAMS

- C13 The following **Construction Monitoring Programs** must be prepared in consultation with the relevant government agencies (as required by **Condition A6**) identified for each to compare actual performance of construction of the CSSI against the performance predicted in the documents listed in **Condition A1** or in the **CEMP**. 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 Construction Monitoring Programs	Relevant government agencies to be consulted for each Construction Monitoring Program
(a)	Noise and vibration	Relevant Councils and WaterNSW (in relation to its assets)
(b)	Surface water quality	DPIE Water, DPI Fisheries, and Relevant Councils
(c)	Groundwater	DPIE Water
(d)	Air Quality	Relevant Councils

C14 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;
- (k) any consultation to be undertaken in relation to the monitoring programs; and
- (l) any specific requirements as required by **Conditions C15 to C16**.

C15 The **Noise and Vibration Construction Monitoring Program** must include:

- (a) noise and vibration monitoring at representative residential and other locations (including at the worst- affected residences), subject to property owner approval, to confirm construction noise and vibration levels;
- (b) monitoring undertaken during the day, evening and night-time periods throughout the construction period and cover the range of activities being undertaken;
- (c) method and frequency for reporting monitoring results; and
- (d) 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 and **ER**. The Planning Secretary and EPA must be provided with access to the results on request.

C16 **Groundwater Construction Monitoring Program** must include:

- (a) groundwater monitoring networks at each construction excavation site predicted to intercept groundwater in the documents listed in **Condition A1**;
- (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 and that of each construction excavation site predicted to intercept groundwater in the documents listed in **Condition A1**;
- (d) results from existing monitoring bores;
- (e) monitoring and gauging of groundwater inflow to the excavations predicted to intercept groundwater in the documents listed in **Condition A1**, 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, including measures to address impacts on groundwater dependent ecosystems;
  - (j) groundwater inflow to the excavations to enable a full accounting of the groundwater take from the Sydney Basin Central Groundwater Source;
  - (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.
- C17 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.
- C18 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**. 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 staged no later than one (1) month before the commencement of that stage.
- C19 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 staged no later than one (1) month before the commencement of that stage.
- C20 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.
- C21 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.
- C22 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

### OPERATIONAL ENVIRONMENTAL MANAGEMENT

#### OPERATIONAL ENVIRONMENTAL MANAGEMENT

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

	Required OEMP Sub-plan	Relevant government agencies to be consulted for each OEMP Sub-plan
(a)	Groundwater Management	DPIE Water
(b)	Bushfire Management Plan	NSW Rural Fire Service
(c)	Flood Emergency Management Plan	EES Group, DPIE Water, SES and Relevant Council(s)

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



## PART E

### KEY ISSUE CONDITIONS

#### AIR QUALITY

- E1 All reasonably practicable measures must be implemented to minimise the emission of dust and other air pollutants during construction.

#### BIODIVERSITY AND TREES

##### Biodiversity Credits

- E2 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.
- E3 Impacts to plant community types must not exceed those identified in the documents listed in **Condition A1**, 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 E4** below, if required, must be provided.
- E4 Prior to impacts on the biodiversity values set out in **Table 3** and **Table 4**, the number and classes of ecosystem credits and species credits (like-for-like) must be retired.

**Table 3: Ecosystem credits**

Plant Community Type (PCT) ID and name	Number of Credits
724: Broad-leaved Ironbark – Grey Box – Melaleuca decora grassy open forest on clay/gravel soils of the Cumberland Plain, Sydney Basin Bioregion	246
835: Forest Red Gum – Rough-barked Apple grassy woodland on alluvial flats of the Cumberland Plain, Sydney Basin Bioregion	217
849: Grey Box – Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin Bioregion	202 204
1800: Swamp Oak open forest on riverflats of Cumberland Plain and Hunter Valley	181
<b>TOTAL</b>	<b>846-848</b>

**Table 4: Species credits required**

Species	Number of Credits
<i>Acacia bynoeana</i> (Bynoe's Wattle)	34
<i>Acacia pubescens</i> (Downy Wattle)	54
<i>Allocasuarina glareicola</i>	47
<i>Gynanchum olegans</i> (White-flowered Wax Plant)	18
<i>Dillwynia tenuifolia</i>	21 72



<del><i>Grevillea juniperina</i> subsp. <i>juniperina</i> (Juniper-leaved Grevillea)</del>	57 453
<del><i>Grevillea parviflora</i> subsp. <i>parviflora</i> (Small-flower Grevillea)</del>	32
<del><i>Marsdenia viridiflora</i> subsp. <i>viridiflora</i> (Endangered population <i>Marsdenia viridiflora</i> R. Br. subsp. <i>viridiflora</i>)</del>	437
<del><i>Micromyrtus minutiflora</i></del>	47
<del><i>Pimlea curviflora</i> var. <i>curviflora</i></del>	48
<del><i>Pimlea spicata</i> (Spiked Rice flower)</del>	22
<i>Pultenaea parviflora</i>	10 34
<i>Meridolum corneovirens</i>	159
Cumberland Plain Land Snail	
<i>Myotis Macropus</i> (Southern Myotis)	292
<b>TOTAL SPECIES CREDITS</b>	<b>539 4,443</b>

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

- E5 The requirement to retire like-for-like ecosystem credits and species credits in **Condition E4** may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the number and classes of ecosystem credits and species credits.
- E6 Where evidence of compliance with the *Ancillary rules: Reasonable steps to seek like-for-like biodiversity credits for the purpose of applying the variation rules* has been provided to the Planning Secretary, variation rules may be applied to retire the relevant ecosystem credits and species credits as set out in the BAM Biodiversity Credit Report (Variation)
- E7 Evidence of the retirement of credits in satisfaction of **Condition E4** or payment to the Biodiversity Conservation Fund in satisfaction of **Condition E5** must be provided to the Planning Secretary prior to impacts on the biodiversity values.

#### Key Fish Habitat

- E8 The Proponent must minimise impacts to Key Fish Habitat (**KFH**) as defined in *Policy and Guidelines for Fish Habitat Conservation and Management* (DPI, 2013 update). Residual impacts to **KFH**, following the implementation of habitat rehabilitation or other environmental compensation measures, must be offset at a ratio of 2:1 habitat offset requirement in accordance with the *Policy and Guidelines for Fish Habitat Conservation and Management* (DPI, 2013 update) and in consultation with DPI Fisheries.
- E9 Where offsets are required in accordance with **Condition E8**, payment of the habitat offset requirement must be made to the DPI Fish Conservation Trust Fund prior to the commencement of Work that impacts **KFH**.
- E10 Where offsets are required in accordance with **Condition E8**, the Proponent must submit to the Planning Secretary a receipt confirming payment to the DPI Fish Conservation Trust Fund within one (1) month of making the payment.

#### Nest Boxes

- E11 Nest Boxes must be installed one (1) month prior to any removal of existing tree hollows and/or the release of any captured hollow dependent fauna.

#### Re-use of Timber

E12 Prior to vegetation clearing, the Proponent must identify where it is practicable for the CSSI to reuse native trees and vegetation that are to be removed. If it is not possible for the CSSI to reuse removed native trees and vegetation, the Proponent must consult with the relevant council(s), NSW National Parks & Wildlife Service, Western Sydney Parklands Trust, Greater Sydney Local Land Services, Landcare groups, DPI Fisheries and any additional relevant government agencies to determine if:

- (a) hollows, tree trunks (greater than 25-30 centimetres in diameter and 2-3 metres in length), mulch, bush rock and root balls salvaged from native vegetation impacted by the CSSI; and
- (b) collected plant material, seeds and/or propagated plants from native vegetation impacted by the CSSI,

could be used by others in habitat enhancement and rehabilitation work, before pursuing other disposal options.

E13 Revegetation and the provision of replacement trees must be informed by a Tree Survey undertaken during detailed design. The Tree Survey must identify the number, type and location of any trees to be removed, except for trees that are offset under **Condition E4**. The Tree Survey must be submitted to the Planning Secretary for information with the **Place, Urban Design and Corridor Landscape Plan** required under **Condition E79**.

Where trees are to be removed, the Proponent must provide a net increase in the number of replacement trees at a ratio of 2:1, except trees that are offset under **Condition E4**. Replacement trees must have a minimum pot size consistent with the relevant authority's plans / programs / strategies for vegetation management, street planting, or open space landscaping, or as agreed by the relevant authority(ies).

*Note: For the purposes of this condition, the relevant authority is that State or local government authority that owns or manages the land on which the replacement trees will be planted.*

### **Watercourse Crossings**

E14 The Proponent must design the watercourse crossings and the east-west regional corridor (Patons Lane) crossing to achieve the following objectives:

- (a) design of viaducts to retain and minimise clearing/disturbance of native vegetation and maximise native plant growth under the structures,
  - (i) maintain and/or improve riparian/terrestrial connectivity under the viaduct and bridge structures to maximise the corridor function;
  - (ii) maximise the viaduct and bridge structures span over the riparian corridor and/or remnant native vegetation whichever is the widest;
  - (iii) minimise the clearing/disturbance of native vegetation and native riparian vegetation; and
  - (iv) maximise light and moisture penetration under the viaduct and bridge structures to support native plant growth;
- (b) design of culverts and other crossings incorporate the following into the design to provide for movement of aquatic and terrestrial fauna,
  - (i) elevated "dry" cells to encourage terrestrial movement, and recessed "wet" cells to facilitate the movement of aquatic fauna;
  - (ii) maximise light penetration into the culvert structures;
  - (iii) a naturalised base along the bed of the culvert; and 'fauna furniture' (such as rocks, logs, ropes and ledges) to facilitate fauna movement to maintain connectivity and provide fauna passage;
- (c) design of scour protection using natural solutions such as the revegetation of banks with local native species; and
- (d) details of remnant native vegetation including riparian vegetation.

The Proponent must consult with DPIE EES, DPI Fisheries and engage suitably qualified experts in fauna crossing design to achieve the outcomes of this condition.

**Note:** These design objectives must form part of the **Place, Urban Design and Corridor Landscape Plan required** under **Condition E79**.

## FLOODING

- E15 The CSSI must be designed and constructed with the objective of not exceeding the flood impacts presented in the documents listed in **Condition A1** or the flood impact criteria in **Table 5**, whichever is greater, within and in the vicinity of the CSSI for all flood events up to and including the one (1) per cent Annual Exceedance Probability (AEP) flood event.

**Table 5: Flood Impact Criteria**

Parameter	Location	Criteria
Afflux	Land zoned as residential, industrial or commercial, and critical infrastructure	Maximum 10 mm to buildings that are flood prone in existing conditions
		No new above floor flooding
		Maximum 50 mm where flooding is below floor level
	Roads	Maximum 50 mm
	Land zoned as rural, primary production, environment or public recreation	Maximum 100 mm
Velocity	All areas	Velocities are to remain below 1 metre per second. Where existing velocities exceed 1 metre per second, increase by less than 10 per cent
Flood hazard	Residential and commercial land	No increase in the flood hazard or risk to life
	Roads	No increase in the flood hazard or risk to life
Flood duration	Residential and commercial buildings	No increase to duration of above floor flooding
	Roads	No more than one hour increase
	Crown land, open space, farming, grazing and cropping land	No more than one hour increase

Measures identified in the documents listed in **Condition A1** to limit flooding impacts or measures that achieve the same outcome must be incorporated into the detailed design of the CSSI.

- E16 Updated modelling that incorporates these measures and is calibrated and validated with consideration of the results of the Wianamatta-South Creek Catchment Flood Assessment prepared by Infrastructure NSW as part of Stage 2 of the South Creek Sector Review must be prepared by a suitably qualified flood consultant. The modelling must identify changes in post-development flood behaviour including cumulative flood impacts associated with Western Sydney International Airport and the M12, where this information is available, prior to detailed design being finalised.
- E17 Where flooding characteristics exceed the levels identified in **Condition E15** above the Proponent must undertake the following:
- consult with affected landowners for properties adversely flood affected as a result of the CSSI regarding appropriate mitigations; and
  - consult with the NSW State Emergency Service (SES) and Relevant Council(s) regarding the management of any continuous and residual flood risk from rarer flood events larger than the 1 per cent AEP and up to the probable maximum flood.

In the event that the Proponent and the affected landowner cannot agree on the measures to mitigate the impact as described in **Condition E15**, the Proponent must engage a suitably

qualified and experienced independent person to advise and assist in determining the impact and relevant mitigation measures.

- E18 Flood information including flood reports, models and geographic information system outputs must be provided to the DPIE PDPS, Relevant Council(s), DPIE EES and the SES in order to assist in preparing relevant documents and to reflect changes in flood behaviour as a result of the CSSI. The DPIE PDPS, Relevant Council(s), 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 DPIE PDPS, Relevant Council(s), 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 DPIE PDPS, Relevant Council(s), 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 DPIE PDPS, Relevant Council(s), DPIE EES and SES no later than one (1) month following the completion of construction.

## HERITAGE

### Non-Aboriginal Heritage

- E19 The Proponent must not destroy, modify or otherwise physically affect any Heritage item not identified in documents referred to in **Condition A1**. Unexpected heritage finds identified by the CSSI must be managed in accordance with the **Unexpected Heritage Finds and Human Remains Procedure** outlined in **Conditions E34 to E36**. Consideration of avoidance and redesign to protect unexpected finds of state heritage significance must be addressed where this condition applies.
- E20 The dismantling and reassembly of the jib crane at St Marys Station, if required, must only be undertaken under the supervision of a consultant experienced in the conservation of heritage machinery.
- E21 The St Marys Goods Shed must not be destroyed, modified or otherwise adversely affected, except as identified in the documents listed in **Condition A1**.
- E22 **The Archaeological Research Design** included in the documents listed in **Condition A1** must be implemented during construction.
- E23 Before commencement of archaeological excavation, the Proponent must, in consultation with Heritage NSW, 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. 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 **Archaeological Research Design and Excavation Methodology(s)** identified in the documents listed in **Condition A1**. More than one **Excavation Director** may be engaged for CSSI to exercise the functions required under the conditions of this approval.
- E24 Archival photographic digital recording must be undertaken for all listed heritage items which will be affected by the CSSI. The recordings must be undertaken prior to the commencement of Work which may impact the items and documented in an **Archival Recording Report**. The recordings must include buildings, structures and landscape features and detailed maps showing the location of features. The archival recording must be prepared in accordance with *How to Prepare Archival Records of Heritage Items* (NSW Heritage Office, 1998) and *Photographic Recording of Heritage Items Using Film or Digital Capture* (NSW Heritage Office, 2006).

- E25 The **Archival Recording Report** must be submitted to the Planning Secretary, relevant councils and Heritage NSW for information within 12 months of completing all work described in the documents listed in **Condition A1** in relation to heritage items. Copies of the **Archival Recording Report** must also be provided to relevant local historical societies.
- E26 Following completion of all work described in the documents listed in **Condition A1** in relation to heritage items, a **non-Aboriginal Archaeological Excavation Report** including the details of further historical research either undertaken or to be carried out and archaeological excavations (with artefact analysis and identification of a final repository for finds) and addressing the research design, must be prepared in accordance with any guidelines and standards required by the Heritage Council of NSW and Heritage NSW.
- E27 The **non-Aboriginal Archaeological Excavation Report** must be submitted to the Planning Secretary, relevant councils and Heritage NSW for information within 12 months of completing all Work described in the documents listed in **Condition A1** in relation to heritage items. Copies of the **Report** must also be provided to relevant local historical societies and local libraries.

### **Aboriginal Heritage**

- E28 All reasonable steps must be taken so as not to harm, modify or otherwise impact Aboriginal objects or places of cultural significance except as authorised by this approval.
- E29 The Registered Aboriginal Parties (**RAPs**) must be kept regularly informed about the CSSI. The **RAPs** must continue to be provided with the opportunity to be consulted about the Aboriginal cultural heritage management requirements of the CSSI throughout construction.
- E30 The **Aboriginal Cultural Heritage Management Plan** included in the documents listed in **Condition A1** must be updated to include:
- (a) a methodology for the completion of pedestrian surveys for all areas within the project footprint yet to be surveyed;
  - (b) procedures for undertaking further test excavation and, if necessary, salvage excavations prior to the commencement of works in areas subject to further test excavation;
  - (c) mapping that clearly outlines all areas yet to be subject to survey, test excavations, and salvage excavations;
  - (d) a procedure to update mapping following the completion of survey, test excavations, and salvage excavations that detail the archaeological works conducted across the project footprint;
  - (e) a procedure for updating the predictive model following the identification of new Aboriginal heritage items; and
  - (f) a procedure to report and update the effectiveness of the **Aboriginal Cultural Heritage Management Plan** following the completion of survey, test excavation activities or significant artefact finds.

The updated Plan must be submitted to the Planning Secretary for information prior to works in areas identified for further test excavations.

*Note: Salvage excavations in the areas identified for salvage in documents in Condition A1, may occur prior to additional test excavations occurring.*

- E31 The updated **Aboriginal Cultural Heritage Management Plan** must be implemented for the duration of salvage activities and construction.
- E32 At the completion of Aboriginal cultural heritage test and salvage excavations, an **Aboriginal Cultural Heritage Excavation Report(s)** must be prepared by a suitably qualified person. The **Aboriginal Cultural Heritage Excavation Report(s)** must:

- (a) 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; and
- (b) document the results of the archaeological test excavations and any subsequent salvage excavations (with artefact analysis and identification of a final repository for finds).

The **RAPs** must be given a minimum of 28 days to consider the report(s) and provide comments before the report(s) is finalised. The final report(s) must be provided to the Planning Secretary, Heritage NSW, the relevant Councils, Gandangara LALC and Deerubbin LALC, the RAPs and local libraries within 24 months of the completion of the Aboriginal archaeological excavations (both test and salvage).

- E33 Where previously unidentified Aboriginal objects or places of cultural significance are discovered, all work must immediately stop in the vicinity of the affected area. Works potentially affecting the previously unidentified objects or places must not recommence until Heritage NSW has been informed. The measures to consider and manage this process must be specified in the **Unexpected Heritage Finds and Human Remains Procedure** required by **Condition E34** and include registration in the Aboriginal Heritage Information Management System (AHIMS), where required.

#### **Unexpected Finds and Human Remains**

- E34 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.
- E35 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.
- E36 The **Unexpected Heritage Finds and Human Remains Procedure**, as submitted to the Planning Secretary, must be implemented for the duration of construction.

Where archaeological investigations have been undertaken as a result of Unexpected Finds notifications then a Final Archaeological Report must be provided in accordance with Heritage Council guidance and standard requirements for final reporting under Excavation Permits.

**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**

- E37 A detailed land use survey must be undertaken to confirm sensitive land use(s) (including critical working areas such as operating theatres and precision laboratories) potentially exposed to construction noise and vibration 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 **Detailed Noise and Vibration Impact Statements** required under **Condition E47**.

### **Construction Hours**

- E38 Work must only be undertaken during the following hours:



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

### Highly Noise Intensive Work

E39 Except as permitted by an EPL or approved in accordance with the Out-of-Hours Works Protocol required by **Condition E42**, highly noise intensive work that result in an exceedance of the applicable NML at the same receiver must only be undertaken:

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

E40 This approval does not permit blasting.

### Variation to Work Hours

E41 Notwithstanding **Conditions E38** and **E39** 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; or
- (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:
    - 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); or
- (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 E42**; or
  - (iii) negotiated agreements with directly affected residents and sensitive land user(s); or
- (d) **By Prescribed Activity**, including:
  - (i) tunnelling and ancillary support activities (excluding cut and cover tunnelling and surface works not directly supporting tunneling) are permitted 24 hours a day, seven days a week; or
  - (ii) grout batching at the Orchard Hills construction site is permitted 24 hours per day, seven days per week; or

- (iii) delivery of material that is required to be delivered outside of standard construction hours in **Condition E38** to directly support tunnelling activities, except between the hours 10:00 pm and 7:00 am to / from the Orchard Hills ancillary facility; or
- (iv) haulage of spoil generated through tunnelling is permitted 24 hours per day, seven days per week except between the hours of 10:00 pm and 7:00 am to / from the Orchard Hills construction site; or
- (v) works within an acoustic enclosure are permitted 24 hours a day, seven days a week where there is no exceedance of noise levels or intermittent vibration levels under **Low impact** circumstances identified in **Condition E41(b)**, unless otherwise agreed with the Planning Secretary; or
- (vi) tunnel and underground station box fit out works are permitted 24 hours per day, seven days per week.

On becoming aware of the need for emergency work in accordance with **(a)(ii)** above, 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.

**Notes:**

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

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

**E42** An **Out-of-Hours Work Protocol** must be prepared to identify a process for the consideration, management and approval of work (not subject to an EPL) that is outside the hours defined in **Conditions E38** and **E39**. 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**. The Protocol must provide:

- (a) justification for why out-of-hours work need to occur;
- (b) 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** reviews all proposed out-of-hours activities and confirms their risk levels;
  - (ii) low risk activities that can be approved by the **ER**; and
  - (iii) high risk activities that are approved by the Planning Secretary;
- (c) a process for the consideration of out-of-hours work against the relevant NML and vibration criteria;
- (d) 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 E56**. 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;
- (e) 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
- (f) 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 E41** are met.

**Note:** *Out-of-hours work is any work that occurs outside the construction hours identified in **Condition E38** and **E39**.*

**Construction Noise Management Levels and Vibration Criteria**

**E43** 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) preferred 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).

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.*

E44 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 E42**.

E45 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**

E46 Industry best practice construction methods must be implemented where reasonably practicable to ensure that noise and vibration levels are minimised around sensitive land use(s). Practices may include, but are not limited to:

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

E47 **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 E43** and **E44** at any residence outside construction hours identified in **Condition E38**, or where receivers will be highly noise affected or subject to vibration levels above those otherwise determined as appropriate by a suitably qualified structural engineer under **Condition E87**. 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 **ER** before the commencement of the associated works. The Planning Secretary and the **EPA** may request a copy (ies) of the **DNVIS**.

E48 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 must 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**.

- E49 Where sensitive land use(s) are identified in **Appendix B** as exceeding the highly noise affected criteria during typical case construction, mitigation measures must be implemented with the objective of reducing typical case construction noise below the highly noise affected criteria at each relevant sensitive land use(s). Activities that would exceed highly noise affected criteria during typical case construction must not commence until the measures identified in this condition have been implemented, unless otherwise agreed with the Planning Secretary.

*Note: Mitigation measures may include path barrier controls such as acoustic sheds and/or noise walls, at-property treatment, or a combination of path and at-property treatment.*

- E50 For all construction sites where acoustic sheds are installed, the sheds must be designed, constructed and operated to minimise noise emissions. This would include the following considerations:
- (a) all significant noise producing equipment that would be used during the night-time would be inside the sheds, where feasible and reasonable;
  - (b) noise generating ventilation systems such as compressors, scrubbers, etc, would be located inside the sheds and external air intake/discharge ports would be appropriately acoustically treated; and
  - (c) the doors of acoustic sheds would be kept closed during the night-time period. Where night-time vehicle access is required at sites with nearby residences, the shed entrances would be designed and constructed to minimise noise breakout.

- E51 Where **Condition E49** determines that at-property treatment (temporary or permanent) is the appropriate measure to reduce noise impacts, this at-property treatment must be offered to landowners of residential properties for habitable living spaces, unless other mitigation or management measures are agreed to by the landowner.

Landowners must be advised of the range of 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 guidelines and procedures that will be used to determine at-property treatment at their residence must be provided to the landowner.

- E52 Any offer for at-property treatment or the application of other noise mitigation measures in accordance with **Condition E51**, does not expire until the noise impacts specified in **Condition E49**, affecting that property are completed, even if the landowner initially refuses the offer.

*Note: If an offer has been made but is not accepted, this does not preclude the commencement of construction under **Condition E49**.*

- E53 The implementation of at-property treatment does not preclude the application of other noise and vibration mitigation and management measures including temporary and long term accommodation.

#### **Construction Vibration Mitigation – Heritage Items**

- E54 Vibration testing must be conducted during vibration generating activities that have the potential to impact on Heritage items to verify 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.

- E55 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.

### Utility Coordination and Respite

E56 All work undertaken for the delivery of the CSSI, including those undertaken by third parties (such as utility relocations), must be coordinated to ensure respite periods are provided. The Proponent must:

- (a) reschedule any work to provide respite to impacted noise sensitive land use(s) so that the respite is achieved in accordance with **Condition E57**; or
- (b) consider the provision of alternative respite or mitigation to impacted noise sensitive land use(s); and
- (c) provide documentary evidence to the **ER** 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 the CSSI.

### Out-of-Hours Works – Community Consultation on Respite

E57 In order to undertake out-of-hours work outside the work hours specified under **Condition E38**, 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 E43** (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 **ER**, EPA and the Planning Secretary prior to the out-of-hours work commencing.

*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.*

### Noise Mitigation - Operational Noise and Vibration Mitigation Measures

E58 The Proponent must prepare an Operational Noise and Vibration Review (**ONVR**) to confirm noise and vibration mitigation measures that would be implemented for the Operation of the CSSI for the ultimate service. The **ONVR** must be prepared as part of the iterative design development and in consultation with the EPA, relevant council(s), other relevant stakeholders and must:

- (a) identify appropriate Operational noise and vibration objectives and levels for surrounding development, including existing and potential future (as known at the time of ONVR preparation) sensitive land use(s);
- (b) confirm the operational noise and vibration predictions based on the expected final design. Confirmation must be based on an appropriately calibrated noise model;
- (c) identify sensitive landuses that are predicted to exceed:
  - (i) noise criteria set out in the *Rail Infrastructure Noise Guideline* (EPA, 2013), *Noise Policy for Industry* (EPA, 2017); and
  - (ii) vibration goals for human exposure for existing sensitive land use(s), as presented in *Assessing Vibration: a Technical Guideline* (DECC, 2006);
- (d) identify all noise and vibration mitigation measures including location, type and timing of mitigation measures, with a focus on:
  - (i) source control and design;
  - (ii) at the receiver (if relevant); and
  - (iii) 'best practice' achievable noise and vibration outcome for each activity;

- (e) describe how the final suite of mitigation measures will achieve:
  - (i) the noise criteria outlined in the *Rail Infrastructure Noise Guideline* (EPA, 2013) and *Noise Policy for Industry* (EPA, 2017); and
  - (ii) vibration goals for human exposure for existing sensitive land use(s), as presented in *Assessing Vibration: a Technical Guideline* (DECC, 2006);
- (f) include a consultation strategy to seek feedback from directly affected landowners on the noise and vibration mitigation measures being offered;
- (g) include procedures for operational noise and vibration complaints management, including investigation and monitoring (subject to complainant agreement).

The **ONVR** must be verified by an independent acoustic expert and submitted to the Planning Secretary for approval before the implementation of any operational noise mitigation measures.

The Proponent must implement the identified noise and vibration control measures and make the **ONVR** publicly available.

**Note:** *The design of noise barriers and the like must be undertaken in consultation with the relevant stakeholders, including affected landowners and businesses (or a representative of a business), Western Parklands City Authority and relevant council(s) as part of the **Place, Urban Design and Corridor Landscape Plan** required under **Condition E79**.*

- E59 Operational noise mitigation measures as identified in **Condition E58** that will not be physically affected by work, must be implemented within six months of submitting the **ONVR**, unless otherwise agreed by the Planning Secretary. Where implementation of operational noise mitigation measures are not proposed to be implemented in accordance with this requirement, the Proponent must submit to the Planning Secretary a report providing justification as to why, along with details of temporary measures that would be implemented to reduce construction noise impacts, until such time that the operational noise mitigation measures are implemented.

The report must be submitted to the Planning Secretary within six months of submitting the **ONVR**.

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

- E60 Within 12 months of the commencement of operation of the CSSI, the Proponent must undertake monitoring of operational noise to compare actual noise performance of the CSSI against the noise performance predicted in the review of noise mitigation measures required by **Condition E58**. An **Operational Noise and Vibration Compliance Report (ONVCR)** must be prepared to document this monitoring and include, but not necessarily be limited to:

- (a) noise and vibration monitoring to assess compliance with the operational noise levels predicted in the review of operational noise mitigation measures required under **Condition E58**;
- (b) methodology, location and frequency of noise and vibration monitoring undertaken, including monitoring sites at which CSSI noise and vibration levels are ascertained, with specific reference to locations indicative of impacts on receivers;
- (c) a review of the performance of the CSSI against the:
  - (i) operational noise levels in terms of criteria and noise goals established in the *NSW Rail Infrastructure Noise Guideline* (EPA 2013) and *Noise Policy for Industry* (EPA, 2017);
  - (ii) vibration goals for human exposure for existing sensitive land use(s), as presented in *Assessing Vibration: a Technical Guideline* (DECC, 2006);
- (d) details of any complaints and enquiries received in relation to Operational noise and vibration generated by the CSSI (between the date of commencement of Operation and the date the report was prepared);
- (e) an assessment of the performance and effectiveness of applied noise and vibration mitigation measures together with a review and if necessary, reassessment of mitigation measures;

- (f) identification of:
  - (i) additional measures to meet the criteria outlined in *the NSW Rail Infrastructure Noise Guideline* (EPA 2013) and *Noise Policy for Industry* (EPA, 2017),
  - (ii) additional measures to meet the vibration goals for human exposure for existing sensitive land, as presented in *Assessing Vibration: a Technical Guideline* (DECC, 2006);
  - (iii) when these measures are to be implemented; and
  - (iv) how their effectiveness is to be measured and reported to the Planning Secretary and the EPA.

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

**Note:** Refer to **Condition B5** about how personal information will be handled.

## PLACE, URBAN DESIGN AND VISUAL AMENITY

### Construction Sites

- E61 Wayfinding information must be incorporated on temporary hoardings to guide pedestrians around the St Marys construction site and enhance their understanding and experience of the locality and space.
- E62 The CSSI must be constructed in a manner that minimises visual impacts of construction sites including temporary landscaping and vegetative screening, minimising light spill, and incorporating architectural treatment and finishes within key elements of temporary structures that reflect the context within which the construction sites are located, wherever practicable.

### Design Requirements and Strategic Context

- E63 The CSSI must be designed with consideration of:
- (a) the design objectives, principles and guidelines identified in documents listed in **Condition A1**;
  - (b) the principles and objectives of the draft *Connecting with Country Framework*;
  - (c) relevant land use changes, masterplans and initiatives, where this information is known and/or available;
  - (d) existing and proposed future local context and character; and
  - (e) transport and land use integration and system functionality in the context of precincts, to the extent it is known and/or defined.

Responses to items (a) – (e) must be reviewed by the **Design Review Panel (DRP)** to inform the design of permanent built works and landscape design of the CSSI. The outcome of the **DRP** review must be provided to the Planning Secretary prior to the submission of the **Place, Urban Design and Corridor Landscape Plan (PUDCLP)**.

**Note:** In accordance with **Condition A10** and **Condition A16**, the requirements of this condition can be staged.

### Design Guidance and Standards - Lighting and Security

- E64 The CSSI must be constructed and operated with the objective of minimising light spill to surrounding properties. All lighting associated with the CSSI must be consistent with the requirements of:
- (a) *ASINZS 4282:2019 Control of the obtrusive effects of outdoor lighting, relevant Australian Standards in the series ASINZS 1158 - Lighting for Roads and Public Spaces*;
  - (b) *NASF Guideline E: Managing the Risk of Distractions to Pilots from Lighting in the Vicinity of Airports*; and
  - (c) *NASF Guideline C: Managing the risk of wildlife strikes in the vicinity of airports*.



Mitigation measures must be provided to manage residual night lighting impacts to protect properties adjoining or adjacent to the CSSI, in consultation with affected landowners.

### **Design Guidance and Standards - Active Transport**

- E65 Designs must have regard to the Movement and Place Framework relevant guidance including the *Walking Space Guide: Towards Pedestrian Comfort and Safety* (TfNSW, 2020) and the *Cycleway Design Toolbox: Designing for Cycling and Micromobility* (TfNSW, 2020).
- E66 Active transport facilities must be designed, constructed and/or rectified in accordance with the Guide to Road Design Part 6A: Paths for Walking and Cycling (Austroads, 2017) and relevant Australian Standards (AS) such as AS 1428.1-2009 Design for access and mobility. The active transport links must also incorporate relevant Crime Prevention Through Environmental Design principles.

### **Design Review Panel and Design Review**

#### **Panel Membership**

- E67 The Proponent must establish an independent **DRP** to provide advice and recommendations to the Proponent during the CSSI's design development and construction to facilitate quality design and place outcomes. The **DRP** must be formed and hold its first meeting within six months of the date of this approval, or as otherwise agreed with the Planning Secretary.

*Note: Nothing in this approval prevents the use of an existing design panel as the Design Review Panel convened for this project where the function and composition of that panel complies with the terms of this approval.*

- E68 The responsibilities of the Design Review Panel include:
- (a) providing advice and recommendations to the Proponent for consideration in the design development of the CSSI
  - (b) provide advice on the application of *Sydney Metro – Western Sydney Airport Submissions Report – Appendix D Design Guidelines* to key design elements in relation to place making, architecture, heritage, urban and landscape design and artistic aspects of the CSSI; and
  - (c) reviewing and endorsing any updates to the *Sydney Metro – Western Sydney Airport Submissions Report – Appendix D Design Guidelines*.

The Panel's advice must be consistent with the CSSI as approved.

- E69 The **DRP** must be chaired by the NSW Government Architect (or their nominee), and must be comprised of, where relevant, by suitably qualified, experienced and independent professional(s) in each of the fields of:
- (a) urban design and place making;
  - (b) landscape architecture; and
  - (c) architecture.

The Panel may seek advice from suitably qualified, experienced independent professionals in other fields as required, including but not limited to sustainability, active transport and non-Aboriginal heritage. The Panel must also seek appropriate expertise to ensure Aboriginal cultural heritage and cultural values inform its advice.

- E70 Panel members must be sourced from the NSW State Design Review Panel Pool or otherwise be approved by the NSW Government Architect.

### **Operation of the Design Review Process**

- E71 Prior to forming the **DRP**, a **Design Review Panel Terms of Reference** is to be developed and endorsed by the NSW Government Architect. The **Terms of Reference** must be submitted to the Planning Secretary once it is endorsed by the NSW Government Architect and:
- (a) must be generally consistent with the NSW State Design Review Panel Terms of Reference (version 5);
  - (b) outline the frequency of **DRP** meetings, coordinated with the Proponent's program requirements, as outlined in **Condition E76**, to ensure timely advice and design adjustment; and
  - (c) identify cessation arrangements.
- E72 The **DRP** must be operated and managed in accordance with the **Design Review Panel Terms of Reference**.
- E73 The NSW Government Architect must, after consultation with the Proponent, appoint an appropriately qualified and experienced design advisor to the **DRP** and may appoint an alternate design advisor. The advisor must attend meetings of the Panel. The advisor may also be invited by the Panel to assist with decisions regarding the Panel's recommendations and record the Panel's advice and recommendations.
- E74 The relevant council may be invited to the meetings of the Panel as observers or to provide feedback on key design elements of the CSSI.
- E75 **DRP** advice and recommendations, as issued by the Panel, and the Proponent's response to each recommendation must be included when submitting the final **PUDCLP** to the Planning Secretary for information.
- E76 The Proponent must provide the design development schedule to the **DRP** prior to its first meeting, including details of when relevant elements of the detailed design will be available for review by the Panel. The schedule must be updated every three months until the detailed design process is complete.

#### **Place, Urban Design and Corridor Landscape Plan**

- E77 A **PUDCLP** must be prepared to document and illustrate the permanent built works and landscape design of the CSSI and how these works are to be maintained. The **PUDCLP** must be:
- (a) prepared by a suitably qualified and experienced person(s) in consultation with the community (including the affected landowners and businesses or a representative of the businesses), Western Parklands City Authority, Western Sydney Planning Partnership and relevant council(s);
  - (b) reviewed by an independent and suitably qualified and experienced person nominated by the **DRP**;
  - (c) submitted to the Planning Secretary prior to the construction of permanent built surface works and/or landscaping, excluding those elements which for ecological requirements, or technical requirements, or requirements as agreed by the Planning Secretary do not allow for alternate design outcomes; and
  - (d) implemented during construction and operation of the CSSI.

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

#### **Place, Urban Design and Corridor Landscape Plan - Documentation**

- E78 The **PUDCLP** must document how the following matters have been considered in the design and landscaping of the project:
- (a) the requirements of **Conditions E63 to E65**, and

- (b) advice and recommendations from the **DRP**.

E79 The **PUDCLP** must include descriptions and visualisations (as appropriate) of:

- (a) design of the permanent built elements of the CSSI, including stabling and maintenance and ancillary facilities, service facilities and tunnel portals;
- (b) plans for station precincts including but not limited to
  - (i) justification of the spatial scope of each station precinct plan;
  - (ii) provision for public art and heritage interpretation installations;
  - (iii) placemaking opportunities, having regard to placemaking initiatives in Western Sydney Aerotropolis planning documents;
  - (iv) interchange access plans developed in consultation with the **Traffic and Transport Liaison Group**;
  - (v) active transport connections and end of trip facilities, design of pedestrian and cycle access, facilities and fixtures;
  - (vi) design of commuter car parking elements, where relevant;
- (c) landscaping and building design opportunities to mitigate visual impacts and minimise light spill on the nearby residences;
- (d) the design of watercourse crossings and east-west corridor movements to give to effect of **Condition E14**;
- (e) landscaping:
  - (i) landscape plan, hard and soft elements, for the corridor and the station precincts;
  - (ii) use of native species from the relevant native vegetation community (or communities), where identified as appropriate;
  - (iii) water sensitive urban design initiatives
  - (vii) management and routine maintenance standards and regimes for design elements and landscaping work (including weed management) to ensure the success of the design;
  - (viii) measures to prevent wildlife strike risk in proximity to Western Sydney International Airport;
- (f) details of strategies to rehabilitate, regenerate or revegetate disturbed areas, where relevant;
- (g) management and routine maintenance standards and regimes for design elements and landscaping work (including weed management) to ensure the success of the design;
- (h) operational maintenance standards; and
- (i) the timing and responsibilities for implementation of elements included within the **PUDCLP**.

### **Operational Maintenance**

E80 The ongoing maintenance and operation costs of urban design, open space, landscaping and recreational items and work implemented as part of this approval remain the Proponent's responsibility until satisfactory arrangements have been put in place for the transfer of the asset to the relevant authority. Before the transfer of assets, the Proponent must maintain items and work to at least the design standards established in the **PUDCLP**, required by **Condition E79**.

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

E81 Should any plant loss occur during the maintenance period the plants must be replaced by the same plant species unless it is determined by a suitably qualified person that a different species is more suitable for that location.

### **SOCIO-ECONOMIC, LAND USE AND PROPERTY**

E82 The CSSI must be designed and constructed with the objective of minimising impacts to, and interference with third party property, and that such infrastructure and property is protected during construction.

E83 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**

- E84 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** and the further assessment carried out under mitigation measure GW1 of the Submissions Report 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.
- E85 Condition surveys of all items for which condition surveys were undertaken in accordance with **Condition E84** must be undertaken by a suitably qualified and experienced person after completion of the work identified in **Condition E84**. 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.
- E86 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 E84** unless another timeframe is agreed with the owner of the affected surface or sub-surface structure or recommended by the **Independent Property Impact Assessment Panel (IPIAP)**.
- E87 Appropriate equipment to monitor areas in proximity of ancillary facilities and the tunnel route must be installed during construction with particular reference to at risk buildings, structures and utilities identified in the condition surveys required by **Condition E84** and / or geotechnical analysis as required. If monitoring during construction indicates exceedance of the vibration criteria identified in the **DNVIS** prepared under **Condition E47**, or levels otherwise determined as appropriate by a suitably qualified structural engineer, 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.
- E88 An **IPIAP** must be established prior to tunnelling activities commencing. The Planning Secretary must be informed of the members of the **IPIAP** and 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 E84** and **E85**, the resolution of property damage disputes and the establishment of ongoing settlement monitoring requirements.
- E89 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.
- E90 Settlement must be monitored for any period beyond the minimum timeframe requirements of **Condition E87** 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 E87**. The results of the monitoring must be made available to the Planning Secretary upon request.

### **Small Business Owners Engagement Plan(s)**

- E91 **Small Business Owners Engagement Plan(s)** must be prepared for St Marys and implemented in accordance with the **Overarching Community Communication Strategy** to minimise impact on small businesses directly affected by construction activities at St Marys during construction. The plan must be prepared and submitted to the Planning Secretary for information before the commencement of construction at St Marys.

## **SOILS AND CONTAMINATION**

### **Contaminated sites**

- E92 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, 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).

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

- E93 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.

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

- E94 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.*

- E95 **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.*

- E96 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 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.*

- E97 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 and the Relevant Council(s) for information
- E98 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.
- E99 The **Unexpected Contaminated Land and Asbestos Finds Procedure** must be implemented throughout construction.

## SUSTAINABILITY

- E100 A **Sustainability Plan** must be prepared to achieve an 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).
- E101 The **Sustainability Plan** must be submitted to the Planning Secretary for information within six (6) months of the date of this approval and must be implemented throughout construction and operation.

*Note: Nothing in this condition prevents the Proponent from preparing separate **Sustainability Strategies** for the construction and operational stages of the CSSI.*

- E102 A **Water Reuse Strategy** must be prepared, which sets out options for the reuse of collected stormwater and groundwater during construction and operation. 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.

*Note: Nothing in this condition prevents the Proponent from preparing separate **Water Reuse Strategies** for the construction and operational stages of the CSSI.*

## TRAFFIC AND TRANSPORT

E103 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**.

### Management of Heavy Vehicle Movements

E104 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.

E105 Local roads proposed to be used by Heavy Vehicles to directly access ancillary facilities / construction sites that are not identified in the documents listed in **Condition A1** must be approved by the Planning Secretary and be included in the **CTMP**.

E106 All requests to the Planning Secretary for approval to use local roads under **Condition E105** 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

E107 Before any local road is used by a Heavy Vehicle for the purposes of construction of the CSSI, a **Road Dilapidation Report** must be prepared for the road. A copy of the **Road Dilapidation Report** must be provided to the Relevant 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 the CSSI.

E108 If damage to roads occurs as a result of the construction 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

E109 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 use(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 **CTMP**.

### Property Access

- E110 Access to all utilities and properties must be maintained during works, unless otherwise agreed with the relevant utility owner, landowner or occupier.
- E111 The Proponent must maintain access to properties during the entirety of works unless an alternative access is agreed in writing with the landowner(s) whose access is impacted by the CSSI works.
- E112 Where construction of the CSSI restricts a property's access to a public road, the Proponent must, until their primary access is reinstated, provide the property with temporary alternate access to an agreed road decided through consultation with the landowner, at no cost to the property landowner, unless otherwise agreed with the landowner.
- E113 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.
- E114 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 avoided, alternative pedestrian, cyclist and vehicular access, and parking arrangements must be developed in consultation with affected businesses and landowners and implemented before the disruption. Adequate signage and directions to businesses must be provided before, and for the duration of, any disruption.

#### **Pedestrian and Cyclist Access**

- E115 Safe pedestrian and cyclist access must be maintained around the St Marys construction site 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.

#### **Road Traffic and Safety**

- E116 A **Traffic and Transport Liaison Group(s)** must be established in accordance with the Construction Traffic Management Framework to inform the development of **CTMP**.
- E117 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 **CTMP**.

Permanent road works included in the CSSI 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 network. 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, where possible and appropriate, retain or reinstate parking in St Marys;
- (e) to ensure access is maintained to property and infrastructure
- (f) to address 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 the CSSI.

E118 As part of **Condition E117** the **Traffic and Transport Liaison Group(s)** is to identify opportunities to improve the intersection performance during operation at:

- (a) Queen Street/Great Western Highway/Mamre Road in St Marys;
- (b) Glossop Street/ Forrester Road in St Marys; and
- (c) Glossop Street / Great Western highway in St Marys.

Identified improvements must be implemented prior to the commencement of operation.

E119 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.

## UTILITIES MANAGEMENT

E120 The CSSI must be designed and constructed with the objective of minimising impacts to, and interference with utilities infrastructure, and that such infrastructure and property is protected during construction. 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.

### Warragamba to Prospect Water Supply Pipeline

E121 The proponent must consult with WaterNSW regarding design, construction and operational management where the proposal interacts with the Warragamba to Prospect Water Supply Pipeline, and ensure that proposed construction and operational agreements are consistent with the “Guidelines for Development Adjacent to the Upper Canal and Warragamba Pipelines” and implement all practical measures to protect the Warragamba to Prospect Water Supply Pipelines infrastructure, or as otherwise agreed to by WaterNSW.

## WASTE

E122 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.

E123 The importation of waste and the storage, treatment, processing, reprocessing or disposal of such waste must comply with the conditions of the current EPL for the CSSI, or be done in

accordance with a Resource Recovery Exemption or Order issued under the *Protection of the Environment Operations (Waste) Regulation 2014*, as the case may be.

- E124 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.
- E125 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

- E126 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.

### Construction Requirements

- E127 The Proponent must consider the *Guidelines for controlled activities on waterfront land riparian corridors* (Department of Industry 2018) when carrying out work within 40 metres of a watercourse, including its bed.
- E128 Before undertaking any work and during maintenance or construction activities, erosion and sediment controls must be implemented and maintained to prevent water pollution consistent with *Managing Urban Stormwater: Soils and Construction Vol 1 4th ed.* by Landcom, 2004 (The Blue Book).
- E129 Unless an EPL is in force in respect to the CSSI and that licence specifies alternative criteria, discharges from construction wastewater treatment plants to surface waters must not exceed:
- 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;
  - 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
  - for bioaccumulative and persistent toxicants, the ANZG (2018) guidelines 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.

- E130 If construction stage stormwater discharges are proposed, a **Water Pollution Impact Assessment** will be required. 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.

**Note:** If an EPL is required the **Water Pollution Impact Assessment** will be required to inform licensing consistent with section 45 of the POEO Act.

- E131 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.

### Operational Requirements

E132 Unless an EPL is in force in respect to the CSSI and that licence specifies alternative criteria, discharges from operational water treatment plants to surface waters must not exceed:

- (a) the 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* (ANZECC/ARMCANZ, 2000); 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.

### Groundwater

E133 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 either construction and/or ongoing operational dewatering caused by the CSSI.

E134 The Proponent must submit a revised **Groundwater Modelling Report** 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 of the CSSI or detail and demonstrate why the CSSI will not have lasting impacts to the groundwater system, ongoing groundwater incidental take and groundwater level drawdown effects;
- (d) actions required to minimise the risk of inflows (including in the event 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 saline groundwater in shale, into 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 A41** 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.

## Appendix B

### CONSTRUCTION NOISE MITIGATION – RECEIVERS IDENTIFIED AS EXCEEDING HIGHLY NOISE AFFECTED CRITERIA

