

Infrastructure approval

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

As delegate of the Minister for Planning and Public Spaces under the Instrument of Delegation dated 26 April 2021, I grant approval to the carrying out of the State significant infrastructure (SSI) referred to in Schedule 1, subject to the conditions in Schedule 2.

Erica van den Honert
Executive Director
Infrastructure Assessments

Sydney

2021

The Department has prepared a consolidated version of the approval which is intended to include all modifications to the original determination instrument.

The consolidated version of the approval has been prepared by the Department with all due care. This consolidated version is intended to aid the approval holder by combining all approvals relating to the original determination instrument but it does not relieve an approval holder of its obligation to be aware of and fully comply with all approval obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

SCHEDULE 1

Application no.:

SSI-10053

Proponent:

**Sydney Intermodal Terminal Alliance
(SIMTA) National Intermodal Corporation
Limited**

[Amended by SSI-10053-MOD-1]

Approval Authority:

Minister for Planning and Public Spaces

Land:

Land in the suburb of Moorebank

Description of State Significant Infrastructure:

Development for the purposes of the Moorebank Avenue Realignment project on land identified as being within the Moorebank Avenue Realignment project on the State Significant Infrastructure Sites Map, including—

- (a) the construction of a multi lane road, **and**
- (b) ancillary development including, but not limited to, access roads, construction compounds, flood mitigation works, pedestrian and cycling facilities, road modification works, signage, stormwater management, signalised intersections and utilities infrastructure (including adjustments to, or relocation of, existing utilities infrastructure). **and**
- (c) **subdivision of land.**

[Amended by SSI-10053-MOD-1]

Declaration as State Significant Infrastructure

The proposal is State Significant Infrastructure by virtue of Schedule 4, clause 7 of State Environmental Planning Policy (State and Regional Development) 2011.

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSI-10053-MOD-1	2 May 2025	Acting Director	Subdivision of land

FOR INFORMATION

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FOR INFORMATION

DEFINITIONS AND GLOSSARY

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

Table 1: Definitions and glossary^[SA1]

Term	Definition
Aboriginal object	The same meaning as in the <i>National Parks and Wildlife Act 1974 (NSW)</i>
Ancillary facility	A temporary facility for construction of the SSI including an office and amenities compound, construction compound, material crushing and screening plant, materials storage compound, maintenance workshop, testing laboratory, material stockpile area and car parking facilities <i>Note: where an approved CEMP contains a stockpile management protocol, a material stockpile area located within the construction boundary is not considered to be an ancillary facility</i>
At-property acoustic 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>
CALD	Culturally and Linguistically Diverse
CEMP	Construction Environmental Management Plan
Completion of construction	The date upon which construction is completed and all requirements of the Planning Secretary (if any) have been met. If construction is staged, completion of construction is the date upon which construction is completed and all requirements of the Planning Secretary (if any) have been met, in respect of all stages of construction
Construction	Includes all work required to construct the SSI as described in the documents listed in Condition A1 including commissioning trials of equipment and temporary use of any part of the SSI, but excluding Low Impact Work which is carried out or completed before approval of the CEMP.
Construction Boundary	The area physically affected by work as described in the documents listed in Condition A1
DAWE	Commonwealth Department of Agriculture, Water and Environment
Department	NSW Department of Planning, Industry and Environment
DECC	Former NSW Department of Environment and Climate Change
DPI Fisheries	NSW Department of Primary Industries, Fisheries
DPIE Water	Water Group of the Department of Planning, Industry and Environment
EES Group	Environment, Energy and Science Group of the Department of Planning, Industry and Environment
EIS	The Environmental Impact Statement referred to in Condition A1 , submitted to the Planning Secretary seeking approval to carry out the development described in it, and including any additional information

Term	Definition
	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 (NSW)</i>
EPA	NSW Environment Protection Authority
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)</i>
EPL	Environment Protection Licence under the POEO Act
ER	The Environmental Representative(s) for the SSI approved by the Planning Secretary
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
Environmental Representative Protocol	<i>Environmental Representative Protocol</i> (Department of Planning and Environment, October 2018)
Heavy Vehicle	Has the same meaning as in the <i>Heavy Vehicle National Law (NSW)</i>
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 (NSW)</i> , a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977 (NSW)</i> , 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 (Cth)</i> , and an “Aboriginal object” or “Aboriginal place” as defined in section 5 of the <i>National Parks and Wildlife Act 1974 (NSW)</i>
Heritage NSW	Heritage NSW, Department of Premier and Cabinet
Highly noise affected	As defined in the <i>Interim Construction Noise Guideline</i> (DECC, 2009)
Highly noise intensive work	Work which is defined as annoying under the <i>Interim Construction Noise Guideline</i> (DECC, 2009) including: <ul style="list-style-type: none"> (a) use of power saws, such as used for cutting timber, rail lines, masonry, road pavement or steel work; (b) grinding metal, concrete or masonry; (c) rock drilling; (d) line drilling; (e) vibratory rolling; (f) bitumen milling or profiling; (g) jackhammering, rock hammering or rock breaking; and (h) impact piling.
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. <p>Note: “material harm” is defined in this approval</p>
Key Fish Habitat	As defined in Policy and Guidelines for Fish Habitat Conservation and Management (DPI, 2013 update)
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act

Term	Definition
Landowner	Has the same meaning as “owner” in the <i>Local Government Act 1993</i> and in relation to a building means the owner of the building.
Local road	Any road that is not defined as a classified road under the <i>Roads Act 1993</i>
LOTE	Language Other than English
Low Impact Work	<p>Includes:</p> <ul style="list-style-type: none"> (a) survey work including carrying out general alignment survey, installing survey controls (including installation of global positioning systems (GPS)), installing repeater stations, carrying out surveys of existing and future utilities and building and road dilapidation surveys; (b) investigations including investigative drilling, contamination investigations and excavation; (c) use of ancillary facilities if the ER has determined the operational activities will have minimal impact on the environment and community; (d) minor clearing and relocation of native vegetation, as identified in the documents listed in Condition A1; (e) installation of mitigation measures including erosion and sediment controls, temporary exclusion fencing for sensitive areas and at-property treatments; (f) property acquisition adjustment work including installation of property fencing, (g) relocation and connection of utilities where the relocation or connection has been determined by the ER to have a minor impact to the environment; (h) archaeological testing under the <i>Code of practice for archaeological investigation of Aboriginal objects in NSW (DECCW, 2010)</i> or archaeological monitoring undertaken in association with (a) - (g) above to ensure that there is no impact on heritage items; (i) maintenance of existing buildings and structures required to facilitate the carrying out of the SSI; and (j) other activities determined by the ER to have minimal environmental impact which may include but not be limited to construction of minor access roads, temporary relocation of pedestrian and cycle paths and the provision of property access. <p>Despite the above, the following is not Low Impact Work:</p> <ul style="list-style-type: none"> (a) where heritage items (excluding those impacted by activities (h), (i) and (j) above), or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i> or <i>Fisheries Management Act 1994</i>) or Key Fish Habitat are affected or potentially affected by any low impact work, that work is construction, unless, following consultation and agreement with Heritage NSW, EESG or DPI Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation), agreed by the Planning Secretary; and (b) any night time (hours as defined by the ICNG) work that exceeds noise management levels as identified in Condition E20(b)(i) <p>The low impact work described in this definition becomes construction when the Construction Environmental Management Plan is approved. This also applies to low impact work that has already commenced.</p>

Term	Definition
Material harm	<p>is harm that:</p> <ul style="list-style-type: none"> (a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or (b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces
MLP	<p>Moorebank Logistics Park including the following:</p> <ul style="list-style-type: none"> (a) MPE <ul style="list-style-type: none"> • Moorebank Intermodal Precinct East - Stage 1 (SSD 6766) • Moorebank Intermodal Precinct East - Stage 2 (SSD 7628) • any subsequent modifications associated with the above developments (b) MPW <ul style="list-style-type: none"> • Moorebank Intermodal Precinct West - Concept Proposal & Stage 1 Early Works (SSD 5066) • Moorebank Intermodal Precinct West – Stage 2 (SSD 7709) • Moorebank Intermodal Precinct West – Stage 3 (SSD 10431) • any subsequent modifications associated with the above developments
MPE or MPW	Moorebank Precinct East or West, as relevant
NML	Noise Management Level as defined in the <i>Interim Construction Noise Guideline</i> (DECC, 2009)
Non-compliance	An occurrence, set of circumstances or development that is a breach of this approval
NSW Heritage Council	Heritage Council of NSW
OEMP	Operational Environmental Management Plan
Operation	<p>The carrying out of the SSI (whether in full or in part) upon the completion of construction.</p> <p>Note: There may be overlap between the carrying out of construction and operation if the stages of the development are staged. Commissioning trials of equipment and temporary use of any part of the SSI are within the definition of construction.</p>
POEO Act	Protection of the Environment Operations Act 1997 (NSW)
Planning Secretary	Planning Secretary of the Department (or nominee, whether nominated before or after the date on which this approval was granted)
Proponent	The person identified as such in Schedule 1 of this approval and any other person carrying out any part of the SSI from time to time
Relic	Has the same meaning as the definition of the term in section 4 of the <i>Heritage Act 1977</i> (NSW)
RAPs	Registered Aboriginal Parties
Relevant council(s)	Liverpool City Council

Term	Definition
Relevant roads authority	The same meaning as the roads authority defined in the <i>Roads Act 1993 (NSW)</i>
Response to Submissions	The Proponent's response to issues raised in submissions received in relation to the application for approval for the SSI under the EP&A Act
SSI	The State Significant Infrastructure, as generally described in Schedule 1 of this approval, the carrying out of which is approved under the terms of this approval
Sensitive land use(s)	<p>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</p> <p>Note For the purpose of determining appropriate mitigation, a multistorey residential flat building must not be counted as one sensitive receiver</p>
SES	NSW State Emergency Services
SMART	Specific, Measurable, Achievable, Realistic, and Timely
TfNSW	Transport for New South Wales
Tree	Long lived woody perennial plant greater than (or usually greater than) 3 metres in height with one or relatively few main stems or trunks (AS4373-2007 Pruning of amenity trees)
Unexpected heritage find	An object or place, including an Aboriginal object or place, that is discovered during the carrying out of the SSI and which may be a heritage item but was not identified in the documents listed in Condition A1 or suspected to be present. An unexpected heritage find does not include human remains
Voluntary Planning Agreement (VPA)	The voluntary planning agreement between Roads and Maritime Services and Qube RE Services Pty Ltd executed on 21 March 2019 (SVPA-2018-9696)
Work	Any physical activity for the purpose of the SSI including Construction and Low Impact 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 the table below. Note that under **Condition A11** 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 A11**).

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

Condition	Report / Notification	Timing ¹	Purpose
Part A – Administrative			
A12	Staging Report	One month before the commencement of construction of the first of the proposed stages	Information
A19	Risk Assessment	If staging is not proposed, one month before the commencement of construction	Information
A22	Ancillary Site Establishment Management Plan	One month before the establishment of any construction ancillary facilities	Approval
A28	Environmental Representative	Must be approved before the commencement of work	Approval
A31(j)	Environmental Representative Monthly Reports	Within seven (7) days following the end of each month for the duration of the ER's engagement	Information
A33	Notification of Commencement	One month before the commencement of construction. If staging is proposed, one month before the commencement of construction before each stage.	Information
A34	Independent Auditors	Must be approved before the commencement of an Independent Audit	Approval
A38	Independent Audit Reports and proponent's response	Within two (2) months of undertaking the independent audit site inspection	Information
A40	Incident notifications	Immediately upon becoming aware of the incident via the Major Projects website	Information
A42	Notification of non-compliance	Non-compliance notification required in writing via the Major Projects website within seven (7) days after the Proponent becomes aware of the non-compliance	Information
A45	Subdivision Plan(s)	Prior to obtaining a Subdivision Certificate(s)	Information [Inserted by SSI-10053-MOD-1]
Part B - Communication Information and Reporting			
B6	Community Communication Strategy	Before the commencement of construction	Approval
B11	Complaints Register	Upon request of the Planning Secretary	Information
Part C - Construction Environmental Management			
C2 C5	CEMPs (except for any CEMPs expressly nominated by the	One month before the commencement of construction or where construction is staged	Approval

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

Condition	Report / Notification	Timing ¹	Purpose
	Planning Secretary to be endorsed by the ER only)	no later than one (1) month before the commencement of that stage	
C8 C10	CEMP Sub-plans (except for any subplans 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
C14	Construction Noise and Vibration Monitoring Program	Before the commencement of construction. Must be submitted with the Noise and Vibration Management Sub-plan required under C9 and C10	Approval
Part D - Operation Environmental Management			
D4	OEMP or EMS or equivalent	One month before the commencement of operation	Information
Part E – Key Issues			
Biodiversity			
E8	Evidence of Credit Retirement or payment to the Biodiversity Conservation Fund	Before any impact on the species or community types to be offset	Information
Heritage			
E14	Unexpected Heritage Finds and Human Remains Procedure	One month before the commencement of construction	Information
E16	Revised Archaeological Research Design and Excavation Methodology	Before the commencement of construction	Information
Noise and Vibration			
E20	Variation to Work Hours	On becoming aware of the need for emergency work	Information
E21	Out-of-Hours Work Protocol	Before the commencement of Out-of-Hours Work	Approval
E26	CNVIS	Upon request of the Planning Secretary	Information
E29	ONCR	Within 60 days of completing the ONCR	Information
Soil and Contamination			
E33	Interim Audit Advice	Before the implementation of the Sampling Analysis and Quality Plan	Information
E36	Remedial Action Plan	Before remediation commences	Information
E38	Interim Audit Advice, Remedial Action Plan(s), Section B Site Audit Statement(s)	Before implementation of reports	Information
E39	Validation Report(s)	One month after the completion of remediation works	Information
E40	Section A1 or Section A2 Site Audit Statement	Before opening the road to traffic	Information

Condition	Report / Notification	Timing ¹	Purpose
	(accompanied by an EMP)		
E43	Unexpected Finds Procedure for Contamination	Before the commencement of work	Information
Traffic and Transport			
E49	Heavy Vehicle Monitoring	Upon request of the Planning Secretary	Information
E59	Operational Road Network Performance Review	To be prepared within 12 months and again within five years of commencement of operation. To be provided to the Planning Secretary within 60 days of the completion of each review.	Information
Place, Design and Visual Amenity			
E63	UDLP	Before the commencement of permanent surface works or landscaping in the area to which the UDLP applies	Approval
E65	Tree Survey	To be submitted with the UDLP	Information
E68	Transfer of asset(s)	The Planning Secretary must be advised of the date of transfer of the asset(s) to the relevant authority.	Information

Note: This Table is not a condition of this approval. If there is an inconsistency between a requirement in this Table 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 SSI in accordance with the terms of this approval and generally in accordance with the:
- (a) the *Moorebank Avenue Realignment Environmental Impact Statement Volume 1* and *Volume 2* prepared by EMM for Sydney Intermodal Terminal Alliance dated March 2021; **and**
 - (b) *Moorebank Avenue Realignment Response to Submissions* prepared for Sydney Intermodal Terminal Alliance dated May 2021; **and**
 - (c) *Moorebank Avenue Realignment Project Planning Approval (SSI-10053) – Modification Request dated 2 October 2024*

[Amended by SSI-10053-MOD-1]

- A2 The SSI must only be carried out in accordance with all procedures, commitments, preventative actions, performance criteria and mitigation measures set out in the documents listed in **Condition A1** unless otherwise specified in, or required under, this approval.
- A3 In the event of an inconsistency between:
- (a) the terms of this approval and any document listed in **Condition A1**, the terms 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 will be an inconsistency between a term of this approval and any document if it is not possible to comply with both the term and the document.*

- A4 The Proponent must comply with all written requirements or directions of the Planning Secretary, including in relation to:
- (a) the environmental performance of the SSI;
 - (b) any document or correspondence in relation to the SSI;
 - (c) any notification given to the Planning Secretary under the terms of this approval;
 - (d) any audit of the construction or operation of the SSI;
 - (e) the terms of this approval and compliance with the terms of this approval (including anything required to be done under this approval);
 - (f) the carrying out of any additional monitoring or mitigation measures; and
 - (g) in respect of ongoing monitoring and management obligations, compliance with an updated or revised version of a guideline, protocol, Australian Standard or policy required to be complied with under this approval.

- A5 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;
 - (c) documentation of the follow-up with the identified party where engagement has not occurred to confirm that they do not wish to engage or have not attempted to engage after repeated invitations;
 - (d) outline of the issues raised by the identified party and how they have been addressed; and

- (e) a description of the outstanding issues raised by the identified party and the reasons why they have not been addressed.
- A6 A strategy, plan or program (or the like) required by the terms of this approval may be combined with any other strategy(ies), plan(s) or program(s) with the agreement of the Planning Secretary.
- A7 This approval lapses five years after the date on which it is granted, unless work has physically commenced on or before that date.
- A8 Despite Condition A7, work under this approval can only commence while SVPA-2018-9696 is in force.
- A9 Signalisation of intersections as described in Section 5.3.5 of the EIS referenced in **Condition A1** is not approved unless agreed to by TfNSW following the outcomes of the process outlined in **Condition E57**.
- A10 References in the terms of this approval to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Australian Standards or policies in the form they are in as at the date of this approval.
- A11 Any document that must be submitted or action taken within a timeframe specified in or under the terms of this approval may be submitted or undertaken within a later timeframe agreed with the Planning Secretary. This condition does not apply to the written notification required in respect of an incident under **Condition A40**.

STAGING

Staging the delivery of the SSI

- A12 The SSI may be constructed and/or operated in stages. Where staging is proposed, a **Staging Report** (for either or both construction and operation as the case may be) must be prepared. The **Staging Report** must be endorsed by the **ER** and then submitted to the Planning Secretary for information no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation) or no later than one month before the lodgement of any CEMP or CEMP subplan for the first of the proposed stages of construction or the first of the proposed stages of operation.
- A13 Despite **Condition A12**, the existing Moorebank Avenue must remain open to through traffic until construction of the realigned Moorebank Avenue is completed in its entirety and open to all traffic. Work to enable the restricted access to MLP may commence if it does not result in impacts to through traffic.
- A14 The **Staging Report** must:
- (a) if staged construction is proposed, set out how the construction of the whole of the SSI 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 SSI will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
 - (c) specify how compliance with conditions will be achieved across and between each of the stages of the SSI;
 - (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging; and
 - (e) for the purposes of informing **Conditions C3, C9 and 0**, 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 SSI.

With respect to (e) above, the risk assessment must use an appropriate process consistent with AS/NZS ISO 31000: 2018 Risk Management – Guidelines.

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.*

- A15 The SSI must be staged in accordance with the **Staging Report** where one is prepared.
- A16 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.
- A17 Where changes are proposed to the staging of construction or operation, a revised Staging Report must be prepared, endorsed by the **ER** and submitted to the Planning Secretary for information no later than one month before the proposed change in the staging.
- A18 Where changes are proposed to the risk assessment related to the staging of construction or operation, a revised **Staging Report** or updated risk assessment where **Condition A19** applies, must be submitted to the Planning Secretary one (1) month before the lodgement of any CEMP or CEMP sub-plan associated with that stage.
- A19 If staging is not proposed, a risk assessment, consistent with the requirements of **Condition A14(e)** must be prepared for the purposes of informing **Conditions C3, C9 and 0**. The **risk assessment** must be endorsed by the **ER** and then submitted to the Planning Secretary no later than one month before the commencement of construction or no later than one month before the lodgement of any CEMP or CEMP subplan.

Staging, Combining and Updating Strategies, Plans or Programs

- A20 The Proponent may submit any strategies, plans or programs required by this approval on a progressive basis.

Notes:

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

- A21 Ancillary facilities that are not identified by description and location in the documents listed in **Condition A1** can only be established and used in each case if:
- (a) they are located within or immediately adjacent to the construction boundary; and
 - (b) they are not located next to sensitive land use(s) (including where an access road is between the facility and the 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 impact on heritage items or heritage objects (including areas of archaeological sensitivity), threatened species, populations or ecological communities beyond the impacts approved under the terms of this approval; and
 - (d) the establishment and use of the facility can be carried out and managed within the outcomes set out in the terms of this approval, including in relation to environmental, social and economic impacts.

SITE ESTABLISHMENT

Ancillary Facility Site Establishment Management Plan

A22 Before establishment of a construction ancillary facility (excluding minor construction ancillary facilities established under **Condition A24**), the Proponent must prepare an **Ancillary Site Establishment Management Plan** which outlines the environmental management practices and procedures to be implemented for the establishment of the construction ancillary facilities. The **Ancillary Site Establishment Management Plan** must be prepared in consultation with the relevant council and government agencies. The Plan must be submitted to the Planning Secretary for approval one month before the establishment of any construction ancillary facilities. The **Ancillary Site Establishment Management Plan** must detail the management of the construction ancillary facilities and include:

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

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

Note: -This condition only applies to the **establishment** of ancillary facilities identified and assessed in the documents listed in Condition A1 and is only needed before a CEMP(s) which includes measures to manage use of the relevant construction ancillary facility is approved.

Use of Construction Ancillary Facilities

A23 A construction ancillary facility established under **Condition A22** must not be used until the CEMP required by **Condition C1**, relevant CEMP Sub-plans required by **Condition C6** and relevant **Construction Monitoring Programs** required by **Condition C12** have been approved by the Planning Secretary.

Minor Construction Ancillary Facilities

A24 Lunch sheds, office sheds, portable toilet facilities, car parking, material storage, 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 *Interim Construction Noise Guideline* (DECC, 2009), 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 or Aboriginal objects beyond those already approved under other terms of this approval.

INDEPENDENT APPOINTMENTS

- A25 **Independent Appointments** required by the terms of this approval must have regard to *Seeking approval from the Department for the appointment of independent experts* (DPIE, 2020) 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:
- facilitate and assist the Planning Secretary in any such audit; and
 - 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 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.*

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 Planning Secretary's approval of an **ER** must be sought no later than one month before the commencement of work.
- A30 The Proponent may engage more than one **ER** for the SSI, 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 For the duration of work or as agreed with the Planning Secretary, the approved **ER** must:
- receive and respond to communication from the Planning Secretary in relation to the environmental performance of the SSI;
 - consider and inform the Planning Secretary on matters specified in the terms of this approval;
 - 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;
 - review documents identified in **Conditions A12, A22, C1, C6 and C12** and any other documents that are identified by the Planning Secretary, for consistency with requirements in or under this approval and if so:
 - make a written statement to this effect before submission of such documents to the Planning Secretary (if those documents are required to be approved by the Planning Secretary); or
 - make a written statement to this effect before the implementation of such documents (if those documents are required to be submitted to the Planning Secretary / Department for information or are not required to be submitted to the Planning Secretary/Department);
 - provide a written statement/submission via the Major Projects portal to the Planning Secretary advising the documents have been reviewed for consistency by the **ER**;
 - regularly monitor the implementation of the requirements of documents listed in **Conditions A12, A22, C1, C6 and C12** and the terms of this approval;
 - 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 A35** of this approval;
 - as may be requested by the Planning Secretary, assist in the resolution of community complaints;

- (h) consider or assess the impacts of minor construction ancillary facilities comprising lunch sheds, office sheds, portable toilet facilities and materials storage, as required by **Condition A24** of this approval;
- (i) consider minor amendments to be made to the **Ancillary Site Establishment Management Plan**, CEMP, CEMP Sub-plans and monitoring programs without increasing impacts to nearby receivers or that comprise updating or are of an administrative nature, and are consistent with the terms of this approval and the CEMP, CEMP Sub-plans and monitoring programs approved by the Planning Secretary and, if satisfied such amendment is necessary, approve the amendment. This does not include modification to the terms of this approval;
- (j) 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 days following the end of each month for the duration of the ER's engagement for the SSI, or as otherwise agreed by the Planning Secretary; and
- (k) make recommendations to the Planning Secretary that the activities reliant on the definition of Low Impact Works are consistent with the definition.

A32 The Proponent must provide the **ER** with documentation requested by the ER in order for the **ER** to perform their functions specified in **Condition A31** (including preparation of the **ER** monthly report), as well as:

- (a) the complaints register (to be provided on a weekly basis or as requested); 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

A33 The Department must be notified in writing of the dates of commencement of construction and operation at least one month before those dates.

AUDITING

- A34 Proposed independent auditors must be agreed to in writing by the Planning Secretary before the commencement of an **Independent Audit**. This condition does not apply to the engagement of auditors required under **Condition E58**.
- A35 **Independent Audits** of the SSI must be conducted and carried out in accordance with the *Independent Audit Post Approval Requirements* (DPIE, 2020).
- A36 The Planning Secretary may require the initial and subsequent **Independent Audits** to be undertaken at different times to those specified above, upon giving at least four weeks' notice (or timing as stipulated by the Planning Secretary) to the Proponent of the date upon which the audit must be commenced.
- A37 In accordance with the specific requirements in the *Independent Audit Post Approval Requirements* (DPIE, 2020), the Proponent must:
- (a) review and respond to each **Independent Audit Report** prepared under **Condition A35 or Condition A36**;
 - (b) submit the response to the Planning Secretary; and
 - (c) make each **Independent Audit Report** and response to it publicly available 60 days after submission to the Planning Secretary, or as otherwise agreed by the Planning Secretary.

A38 **Independent Audit Reports** and the Proponent's response to audit findings must be submitted to the Planning Secretary within two months of undertaking the independent audit site inspection as outlined in the *Independent Audit Post Approval Requirements* (DPIE, 2020).

A39 Notwithstanding the requirements of the *Independent Audit Post Approval Requirements* (DPIE, 2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

INCIDENT AND NON-COMPLIANCE NOTIFICATION AND REPORTING

Incident Notification, Reporting and Response

A40 The Planning Secretary must be notified via the Major Projects website immediately after the Proponent becomes aware of an incident. The notification must identify the SSI (including the application number and the name of the SSI if it has one) and set out the location and nature of the incident.

A41 Subsequent notification of an incident must be given and reports submitted in accordance with the requirements set out in **APPENDIX B**.

Non-Compliance Notification

A42 The Planning Secretary must be notified via the Major Projects website within seven days after the Proponent becomes aware of any non-compliance. The notification must identify the SSI (including the application number and the name of the SSI if it has one), set out the condition/s that is non-compliant, the nature of the breach; the reason for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

A43 A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

IDENTIFICATION OF WORKFORCE AND COMPOUNDS

A44 The SSI name; application number; telephone number, postal address and email address required under **Condition B9** of this approval must be made available on site boundary fencing / hoarding at each ancillary facility before the commencement of construction. This information must also be provided on the website required under **Condition B13** of this approval.

SUBDIVISION

A45 **The Proponent may subdivide land for the purposes of, and otherwise in connection with, the Moorebank Avenue Realignment project. Prior to obtaining a Subdivision Certificate, the Proponent is required to submit a final subdivision plan(s) to the Planning Secretary for information. The subdivision for the dedication of the Moorebank Avenue Realignment project as a public road in accordance with the Roads Act 1993 is to be generally consistent with any Land Dedication Plan(s) approved under the TfNSW Work Authorisation Deed (WAD).**

Note: Any future subdivisions proposed under this condition does not alter the design, construction or operation of the Moorebank Avenue Realignment project, as approved.

[Inserted by SSI-10053-MOD-1]

PART B

COMMUNITY INFORMATION AND REPORTING

COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

Community Consultative Committee

- B1 Before the commencement of construction, a **Community Consultative Committee** (CCC) must be established for the development in accordance with the Department's *Community Consultative Committee Guidelines: State Significant Projects* (2019). The CCC must begin to exercise functions in accordance with such guidelines before the commencement of construction and continue to do so for the duration of construction.
- B2 The Planning Secretary may consider a request to expand an existing CCC for the MLP to cover the development and to satisfy **Condition B1**.

Community Communication Strategy

- B3 A **Community Communication Strategy** must be prepared to provide mechanisms to facilitate communication about construction and operation of the SSI with:
- (a) the community (including adjoining affected landowners and businesses, and others directly impacted by the SSI); and
 - (b) the relevant councils, EPA, EES Group, Heritage NSW, DPIE Water and Sydney Water, as applicable.

The Strategy must address who (the Proponent, and/or construction contractor) will engage with the community, relevant councils and agencies, how they will engage and the timing of engagements.

- B4 The **Community Communication Strategy** must:

- (a) identify people, organisations, councils and agencies to be consulted during the design and work phases;
- (b) identify details of the community demographics;
- (c) set out procedures and mechanisms for the regular distribution of accessible information including to LOTE and CALD and vulnerable communities about or relevant to the SSI;
- (d) identify opportunities for education within the community about construction sites;
- (e) detail the measures for advising the community in advance of upcoming construction including upcoming out-of-hours work and blasting activities
- (f) provide for the formation of issue or location-based community forums that focus on key environmental management issues of concern to the relevant community(ies) for the SSI;
- (g) set out procedures and mechanisms:
 - (i) through which the community can discuss or provide feedback to the Proponent 24 hours a day, seven days per week;
 - (ii) through which the Proponent will respond to enquiries or feedback from the community; and
 - (iii) to resolve any issues and mediate any disputes that may arise in relation to the environmental management and delivery of the SSI, including disputes regarding rectification or compensation.

- B5 The Planning Secretary may consider a request to expand an approved **Community Communication Strategy** for the MLP to cover the Moorebank Avenue Realignment project and to satisfy **Conditions B3 and B4**.

- B6 The **Community Communication Strategy** must be submitted to and approved by the Planning Secretary before the commencement of construction, unless otherwise agreed by the Planning Secretary.

- B7 The **Community Communication Strategy**, as approved by the Planning Secretary, must be implemented for the duration of the work and for 12 months following the completion of construction.

COMPLAINTS MANAGEMENT SYSTEM

- B8 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 SSI.
- B9 The following information must be available to facilitate community enquiries and manage complaints one month before the commencement of work and for 12 months following the completion of construction:
- (a) a 24- hour telephone number for the registration of complaints and enquiries about the SSI;
 - (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 regardless of age, ethnicity, disability or literacy level.

- B10 A **Complaints Register** must be maintained recording information on all complaints received about the SSI during the carrying out of any work and for a minimum of 12 months following the completion of construction. The **Complaints Register** must record the:
- (a) number of complaints received;
 - (b) the date and time of the complaint;
 - (c) the method by which the complaint was made;
 - (d) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
 - (e) nature of the complaint;
 - (f) means by which the complaint was addressed and whether resolution was reached, with or without mediation; and
 - (g) if no action was taken, the reason(s) why no action was taken.

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

- B11 The **Complaints Register** must be provided to the Planning Secretary upon request, within the timeframe stated in the request.
- B12 The Planning Secretary may consider a request to expand an existing Complaints Management System for the MLP to cover the Moorebank Avenue Realignment project and to satisfy **Conditions B8 and B10**.

PROVISION OF ELECTRONIC INFORMATION

- B13 A website or webpage providing information in relation to the SSI must be established before commencement of work and be maintained for the duration of construction, and for a minimum of 24 months following the completion of construction. The following up-to-date information (excluding confidential, private, commercial information or any other information that the Planning Secretary has approved to be excluded) must be published before the relevant work commences and maintained on the website or dedicated pages including:
- (a) information on the current implementation status of the SSI;
 - (b) a copy of the documents listed in **Condition A1**, and any documentation relating to any modifications made to the SSI or the terms of this approval;

- (c) a copy of this approval in its original form, a current consolidated copy of this approval (that is, including any approved modifications to its terms), and copies of any approval granted by the Minister to a modification of the terms of this approval;
- (d) a copy of each statutory approval, licence or permit required and obtained in relation to the SSI;
- (e) a copy of the most recently approved version of each document required under the terms of this approval; and
- (f) a copy of the reports of audits required under the terms of this approval.

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

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

FOR INFORMATION

PART C

CONSTRUCTION ENVIRONMENTAL MANAGEMENT

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

C1 (A) **Construction Environmental Management Plan(s) (CEMPs)** must be prepared having regard to the *Environmental Management Plan Guideline for Infrastructure Projects* (Department of Planning, Industry and Environment, 2020). The CEMP must 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 the CEMP(s) 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 A14(e)** or **A19** when deciding whether any **CEMPs** may be endorsed by the **ER**.*

C3 A **CEMP** must provide:

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

C4 Any **CEMP** 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**.

C5 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.

C6 **CEMP Sub-plans** as identified in documents listed in **Condition A1** must be prepared in consultation with relevant government agencies and stakeholders. Relevant government agencies and stakeholders must be nominated in the risk assessment matrix submitted to the Planning Secretary in accordance with **Condition A14** or **A19**. Details of all information requested by an agency during consultation must be provided to the Planning Secretary as part of any submission of the relevant **CEMP Sub-plan**, including copies of all correspondence from those agencies as required by **Condition A5**.

C7 The **CEMP Sub-plans** must state how:

- (a) the environmental performance outcomes identified in the documents listed in **Condition A1** will be achieved;
- (b) the mitigation measures identified in the documents listed in **Condition A1** will be implemented;
- (c) the relevant terms of this approval will be complied with; and
- (d) issues requiring management during construction (including cumulative impacts), as identified through ongoing environmental risk analysis, will be managed through SMART principles.

C8 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.

Note: *The Planning Secretary will consider the assessment of the predicted level of environmental risk and potential level of community concern required under **Condition A14(e)** when deciding whether any **CEMP Sub-plans** may be endorsed by the **ER**.*

C9 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.

C10 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.

C11 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.

CONSTRUCTION NOISE AND VIBRATION MONITORING PROGRAM

C12 A **Construction Noise and Vibration Monitoring Program** must accompany the **Noise and Vibration Management Sub-plan** when it is lodged for endorsement or approval in accordance with **Conditions C9** and **C10**. The **Construction Noise and Vibration Monitoring Program** must be prepared in consultation with the relevant council(s) to compare actual performance of construction of the SSI against the performance predicted in the documents listed in **Condition A1** or in the relevant **CEMP**.

C13 The **Construction Noise and Vibration Monitoring Program** must provide:

- (a) details of baseline data available;
- (b) details of baseline data to be obtained and when;
- (c) details of all monitoring of the project to be undertaken;
- (d) the parameters of the project to be monitored;
- (e) the frequency of monitoring to be undertaken;
- (f) the location of monitoring;
- (g) the reporting of monitoring results and analysis results against relevant criteria;
- (h) details of the methods that will be used to analyse the monitoring data;
- (i) procedures to identify and implement additional mitigation measures where the results of the monitoring indicate unacceptable project impacts;
- (j) a consideration of SMART principles;
- (k) any consultation to be undertaken in relation to the monitoring programs;
- (l) any specific requirements outlined in the terms of this approval; and
- (m) Details of all information requested by an agency during consultation, including copies of all correspondence from those agencies as required by **Condition A5**.

C14 Unless expressly nominated by the Planning Secretary to be endorsed by the **ER**, the **Construction Noise and Vibration Monitoring Program** must be submitted to the Planning Secretary for approval.

C15 Unless otherwise agreed with the Planning Secretary, construction must not commence until the **Construction Noise and Vibration Monitoring Program** has been approved by the Planning Secretary, and all relevant baseline data for the specific construction activity has been collected.

C16 The **Construction Noise and Vibration Monitoring Program**, including any minor amendments approved by the **ER** must be implemented for the duration of construction and for any longer period set out in the monitoring program or specified by the Planning Secretary, whichever is the greater.

C17 The results of construction noise and vibration monitoring must be included in a **Construction Noise Monitoring Report**. The report must also include a summary of the monitoring results against the relevant noise criteria identified in the **Construction Noise and Vibration Monitoring Program** and be published on the Proponent's website in accordance with the reporting frequency specified in the monitoring program.

PART D

OPERATIONAL ENVIRONMENTAL MANAGEMENT

OPERATIONAL ENVIRONMENTAL MANAGEMENT

- D1 An **Operational Environmental Management Plan (OEMP)** must be prepared having regard to the *Environmental Management Plan Guideline for Infrastructure Projects* (Department of Planning, Industry and Environment, 2020). The OEMP must detail how the performance outcomes, commitments and mitigation measures made and identified in the documents listed in **Condition A1** will be implemented and achieved during operation. **Condition D1** does not apply if **Condition D2** of this approval applies.
- D2 An **OEMP** is not required for the SSI 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 or an EMS adopted, measures to maintain infrastructure and to manage operational impacts to biodiversity and stormwater must be included.
- D4 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 month before the commencement of operation.

The **OEMP** or **EMS** or equivalent as agreed with the Planning Secretary, as submitted to the Planning Secretary and amended from time to time, must be implemented for the duration of operation and the **OEMP** or **EMS** or equivalent must be made publicly available before the commencement of operation.

PART E

KEY ISSUE CONDITIONS

CONSTRUCTION AIR QUALITY

- E1 Measures must be implemented to minimise and manage the emission of dust, odour and other air pollutants during construction.

BIODIVERSITY

Biodiversity Credits

- E2 The SSI must not directly intrude on to the lands established as a Biobanking site under BioBanking agreement No. 341.
- E3 The clearing of native vegetation must not exceed the clearing footprint identified in the documents listed in **Condition A1**. All practicable measures to reduce the clearing of native vegetation within the clearing footprint must be undertaken, with the objective of reducing impacts to threatened ecological communities and threatened species habitat.
- E4 Before the commencement of works, a **Biodiversity Offset Strategy** must be prepared in consultation with EES Group and DAWE.
- E5 Before any impact on the species or community types to be offset, the number and classes of biodiversity credits (like-for-like) set out in Tables 7.8, 7.9, 7.10 and 7.11 of the revised Biodiversity Development Assessment Report (version 5), prepared by EMM and dated 24 May 2021, must be retired.
- E6 The requirement to retire like-for-like ecosystem credits and species credits in **Condition E5** 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.
- E7 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](#) (OEH, 2017) 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 a BAM Credit Summary Report (Variation).
- E8 Evidence of the retirement of credits in satisfaction of **Condition E5** or payment to the Biodiversity Conservation Fund in satisfaction of **Condition E6** must be provided to the Planning Secretary and **DAWE** before any impact on the species or community types to be offset.

Re-use of Timber

- E9 Before vegetation clearing, the Proponent must consult with Liverpool City Council, Landcare groups and relevant government agencies to determine if:
- hollows, tree trunks, mulch, bush rock and root balls salvaged from native vegetation impacted by the SSI; and
 - collected plant material, seeds and / or propagated plants from native vegetation impacted by the SSI,

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

FLOODING

- E10 Measures identified in the documents listed in **Condition A1** to maintain or improve flood characteristics must be incorporated into the detailed design of the SSI. The incorporation of these measures into the detailed design must be reviewed and endorsed by a suitably qualified and experienced person in consultation with directly affected landowners, DPI Water, DPI Fisheries, OEH, NSW State Emergency Service (SES) and relevant Councils. For the purposes of this condition, “maintain” means:
- (a) a maximum increase in inundation levels upstream of the SSI of 50 mm in a 1% AEP rainfall event within the broader floodplain. Localised changes associated with engineered drainage structures and drainage paths as set out in the EIS (per the documents in Condition A1) would also be considered as maintaining flood characteristics in relation to this condition; and
 - (b) a maximum increase in inundation time of one hour in a 1% AEP rainfall event.
- E11 Flood information including flood reports, models and geographic information system outputs, and work as executed information from a registered surveyor certifying finished ground levels and the dimensions and finished levels of all structures within the flood prone land, must be provided to the relevant Council, OEH and the SES in order to assist in preparing relevant documents and to reflect changes in flood behaviour as a result of the SSI. The Council, OEH and the SES must be notified in writing that the information is available no later than one month following the completion of construction. Information requested by the relevant Council, OEH or the SES must be provided no later than six months following the completion of construction or within another timeframe agreed with the relevant Council, OEH and the SES.

HERITAGE

- E12 The Proponent must take all reasonable steps so as not to harm, modify or otherwise impact heritage items or Aboriginal objects except as authorised by this approval.
- E13 An **Unexpected Heritage Finds and Human Remains Procedure** must be prepared to manage unexpected heritage finds in accordance with any guidelines and standards prepared by the Heritage Council of NSW or Heritage NSW.
- E14 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 and Heritage NSW and submitted to the Planning Secretary for information no later than one month before the commencement of construction.
- E15 The **Unexpected Heritage Finds and Human Remains Procedure**, as submitted to the Planning Secretary, must be implemented for the duration of construction.

Note: Human remains that are found unexpectedly during the carrying out of work may be under the jurisdiction of the NSW State Coroner and must be reported to the NSW Police immediately. Management of human remains in NSW is subject to requirements set out in the Public Health Act 2010 and Public Health Regulation 2012.

Excavation and Archaeology

- E16 Before commencement of construction that has the potential to impact upon areas of archaeological significance as defined in the documents listed in **Condition A1**, a revised **Archaeological Research Design and Excavation Methodology** must be prepared in accordance with the Heritage Council of NSW guidelines. The revised methodology must be prepared in consultation with Heritage NSW and submitted to the Planning Secretary for information.

E17 Before commencement of archaeological excavation, the Proponent must nominate a suitably qualified Excavation Director who complies with *Heritage NSW's Criteria for Assessment of Excavation Directors* (September 2019) to oversee and advise on matters associated with historical archaeology. The Excavation Director must be present to oversee excavation, advise on archaeological issues, advise on the duration and extent of oversight required during archaeological excavations consistent with the approved **Archaeological Research Design and Excavation Methodology** required by **Condition E16**.

NOISE AND VIBRATION

Construction Hours

E18 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

E19 Except as permitted by an EPL, highly noise intensive works that result in an exceedance of the applicable NML at the same receiver must only be undertaken:

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

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

Variation to Work Hours

E20 Notwithstanding **Conditions E18** and **E19** work may be undertaken outside the hours specified in any of the following circumstances:

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

On becoming aware of the need for emergency work in accordance with **Condition E20(a)(ii)**, the Proponent must notify the **ER**, the Planning Secretary and the EPA of the reasons for such work. The Proponent must use best endeavours to notify all noise and/or vibration affected sensitive land user(s) of the likely impact and duration of those work or

- (b) **Low impact**, including:
 - (i) construction that causes $L_{Aeq(15\ minute)}$ 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), and
 - 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 SSI; or
 - (ii) work which is not subject to an EPL that are approved under an **Out-of-Hours Work Protocol** as required by **Condition E21**; or
 - (iii) negotiated agreements with directly affected residents and sensitive land user(s).

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

E21 An **Out-of-Hours Work Protocol** must be prepared to identify a process for the consideration, management and approval of work which is outside the hours defined in **Conditions E18**, and that are not subject to an EPL. The Protocol must be approved by the Planning Secretary before commencement of Out-of-Hours Work. The Protocol must be prepared in consultation with the **ER**. The Protocol must provide:

- (a) identification of low and high-risk activities and an approval process that considers the risk of activities, proposed mitigation, management, and coordination, including where:
 - (i) the **ER** reviews all proposed out-of-hours activities and confirm their risk levels;
 - (ii) low risk activities can be approved by the **ER**, and
 - (iii) high risk activities are approved by the Planning Secretary;
- (b) a process for the consideration of and justification for out-of-hours work against the relevant NML and vibration criteria;
- (c) a process for selecting and implementing mitigation measures for residual impacts in consultation with the **Community Consultative Committee**, established by **Condition B1**, at each affected location, including respite periods. The measures must take into account the predicted noise levels and the likely frequency and duration of the out-of-hours work that sensitive land user(s) would be exposed to, including the number of noise awakening events;
- (d) procedures to facilitate the coordination of out-of-hours work including those approved by an EPL or undertaken by a third party, to ensure appropriate respite is provided; and
- (e) notification arrangements for affected receivers for all approved out-of-hours work and notification to the Planning Secretary of approved low risk out-of-hours work.

Construction Noise Management Levels and Vibration Criteria

E22 Mitigation measures must be implemented with the aim of achieving the following construction noise management levels and vibration objectives:

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

Work that exceeds the noise management levels and/or vibration criteria must be managed in accordance with the commitments made in the documents listed in **Condition A1**.

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

E23 Work resulting in noise levels above the relevant NMLs at community, religious, educational institutions, noise and vibration-sensitive businesses and critical working areas (such as theatres, laboratories and operating theatres) must not be timetabled during sensitive periods, unless other reasonable arrangements with the affected institutions, businesses or facilities are made at no cost to the affected institution.

E24 At no time can noise generated by construction exceed the National Standard for exposure to noise in the occupational environment of an eight-hour (8 hr) equivalent continuous A-weighted sound pressure level of $L_{Aeq,8h}$ of 85 dB(A) for any employee working at a location near the SSI.

Construction Noise and Vibration Mitigation and Management

E25 Industry best practice construction methods must be implemented where reasonably practicable to minimise noise levels. Practices must include, but are not limited to:

- (a) use of regularly serviced low sound power equipment;
- (b) scheduling of noisiest works during standard construction hours;
- (c) temporary noise barriers (including the arrangement of plant and equipment) around noisy equipment and activities such as rockhammering and concrete cutting; and
- (d) use of alternative construction and demolition techniques.

E26 **Construction Noise and Vibration Impact Statements (CNVIS)** must be prepared for any work that may exceed the noise management levels or vibration criteria specified in **Condition E22** at any residence outside construction hours identified in **Condition E18**, or where receivers will be highly noise affected. The **CNVIS** 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 work. A copy of the **CNVIS** must be provided to the **ER** before the commencement of the associated work. The Planning Secretary may request a copy/ies of **CNVIS**.

Utility Coordination and Respite

E27 Work undertaken for the delivery of the SSI, including those undertaken by third parties (such as utility relocations), must be coordinated to provide respite. The Proponent must:

- (a) reschedule work to provide respite to impacted noise sensitive land user(s); or
- (b) consider the provision of alternative respite or mitigation to impacted noise sensitive land user(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 other CSSI, SSI and SSD projects which may cause cumulative and/or consecutive impacts at receivers affected by the delivery of the SSI.

Operational Noise Validation

E28 Within 12 months of the commencement of operation of the SSI, the Proponent must measure, for an appropriate period, operational noise to compare actual noise performance of the SSI against the noise performance predicted in the documents listed in **Condition A1**.

Operational Noise Compliance Report

E29 The findings of the operational noise monitoring carried out under **Condition E28** must be documented in an **Operational Noise Compliance Report (ONCR)**. The **ONCR** must be prepared in accordance with the *Model Validation Guideline* (RMS, 16 May 2018 Version 1.1) and must address the following:

- (a) compliance with the operational noise levels predicted in the documents listed in **Condition A1**;
- (b) compliance with the operational noise levels in terms of criteria and noise goals established in the *NSW Road Noise Policy* (DECCW, 2011) and *NSW Noise Policy for Industry* (EPA, 2017);
- (c) methodology, location and frequency of noise monitoring undertaken, including monitoring sites at which SSI noise levels are ascertained, with specific reference to locations indicative of impacts on receivers;
- (d) details of any complaints and enquiries received in relation to operational noise generated by the SSI between the date of commencement of operation and the date the report was prepared;
- (e) any required recalibrations of the noise model taking into consideration factors such as noise monitoring and actual traffic numbers and proportions;

- (f) an assessment of the performance and effectiveness of applied noise mitigation measures, where implemented, together with a review and if necessary, reassessment of mitigation measures; and
- (g) identification of additional measures to those identified in the documents listed in **Condition A1**, that would be implemented with the objective of meeting the criteria outlined in the *NSW Road Noise Policy* (DECCW, 2011) and *NSW Noise Policy for Industry* (EPA, 2017), when these measures are to be implemented and how their effectiveness is to be measured and reported to the Planning Secretary.

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

SOCIO-ECONOMIC, LAND USE AND PROPERTY

- E30 The Proponent must identify the utilities and services (hereafter “services”) potentially affected by construction to determine requirements for diversion, protection and/or support. Alterations to services must be determined by negotiation between the Proponent and the service providers. The Proponent, in consultation with service providers, must avoid, where practical, disruption to services resulting from the Activity and identified disruptions are advised to customers.

SOILS

- E31 Before the commencement of any work, erosion and sediment controls must be installed and maintained in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom 2004) commonly referred to as the ‘Blue Book’.

Contaminated sites

- E32 A NSW EPA-accredited Site Auditor must be engaged throughout the duration of work to oversee work relating to soil or groundwater contamination, management and remediation. If work relating to soil or groundwater contamination is to be completed in stages, the site auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advice/s.
- E33 An **Interim Audit Advice**, prepared by a NSW EPA-accredited Site Auditor, must be submitted to the Planning Secretary which verifies that the **Sampling Analysis and Quality Plan**, included in the documents listed in Condition A1, is appropriate for the scope of targeted investigations in areas before the implementation of the **Sampling Analysis and Quality Plan**.
- E34 The targeted investigations must be undertaken before commencement of construction in accordance with the **Sampling Analysis and Quality Plan**. Reporting of findings must be prepared in accordance with the relevant guidelines made or approved by the EPA under Section 105 of the *Contaminated Land Management Act 1997* by a person(s) accredited under 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.
- E35 If the targeted site investigations required by **Condition E34** indicate that remediation is required to make land suitable for the final intended land use, a **Remedial Action Plan** must be prepared or reviewed and approved, by a person(s) 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.
- E36 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*. The **Remedial Action Plan** must be submitted to the Planning Secretary for information before remediation commences.

Nothing in this condition prevents the Proponent from engaging the Site Auditor to prepare Site Audit Statements for different portions of the site.

- E37 The **Remedial Action Plan** must include measures to remediate contamination at the site to make the site suitable for the proposed use and detail how the environmental and human health risks will be managed during the disturbance, remediation and/or removal of contaminated soil/sediment or groundwater.

Nothing in this condition prevents the preparation of individual **Remedial Action Plans** for separate sites.

- E38 Before implementing a required **Remedial Action Plan**, an **Interim Audit Advice** or **Section B Site Audit Statement(s)** prepared by a NSW EPA-Accredited Site Auditor must be submitted to the Planning Secretary, for information, that certifies that implementation of the **Remedial Action Plan** would make the site suitable for the proposed use

Nothing in this condition prevents the Proponent from engaging the Site Auditor to prepare Site Audit Statements for separate sites.

- E39 If remediation is required, a **Validation Report** must be prepared and submitted to the Planning Secretary for information for the development before commencement of use. The **Validation Report** must be prepared, or reviewed and approved, by a person(s) certified under 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 **Validation Report** must:

- (a) be prepared in accordance with the relevant guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997*.
- (b) include, but not be limited to:
 - i. comment on the extent and nature of the remediation undertaken;
 - ii. describe the location, nature and extent of any remaining contamination as well as any ongoing management requirements;
 - iii. classification and appropriate removal/disposal of the stockpiled materials;
 - iv. clearance survey of unexploded ordnance (UXO), Explosive Ordnance, and removal of Explosive Ordnance Waste (EOW);
 - v. sampling and analysis and sampling methodology undertaken as part of the remediation;
 - vi. if treated material is to remain on the subject site, results of sampling of treated material, compared with treatment criteria specified in the **Remedial Action Plan** required by **Condition E35**;
 - vii. results of any validation sampling, compared to relevant guidelines/criteria; and
 - viii. comment on the suitability of the area for the intended land use;
- (c) be submitted to the Planning Secretary and DAWE for information one month after the completion of remediation works.

- E40 Before opening of the road to traffic, land subject to the **Remedial Action Plan** must not be used for the purpose approved under the terms of this approval until a **Section A1 or A2 Site Audit Statement** (accompanied by an Environmental Management Plan) is submitted to the Planning Secretary for information which states that the land is suitable for that purpose and any conditions on the **Section A Site Audit Statement** have been complied with.

- E41 Before construction, the proponent must provide the EPA and DAWE with a copy of all reports to date relating to the assessment of per- and poly-fluoroalkyl substances (PFAS) undertaken for the development and in relation to contamination from the development.

- E42 The EPA must be contacted within 1 month of PFAS identification if a potential risk to off-site receptors is identified to discuss requirements for community consultation. DAWE must also be notified that PFAS has been identified and is a potential risk to off-site receptors.

- E43 **An Unexpected Finds Procedure for Contamination** must be prepared before the commencement of work, implemented throughout construction and must be followed should unexpected contamination or asbestos (or suspected contamination) be excavated or otherwise discovered. The procedure must include details of who will be responsible for implementing the unexpected finds procedure and the roles and responsibilities of all parties involved. The procedure must be submitted to the Planning Secretary for information before work commences.

TRAFFIC AND TRANSPORT

Public Road Dedication

- E44 Subject to **Condition E45**, before opening of any part of the road to traffic, all land required for the SSI, including that required for pedestrian/shared paths, intersection design and treatments and maintenance access must be dedicated or the dedication procured (as applicable) as a public road, at no cost to government or council.
- E45 **Condition E44** does not prevent use of that part of the SSI to maintain operational access between the internal Moorebank Precinct East road and MPE warehouses (WH3–WH8 only) pending the dedication of the operational access as part of the land required for the SSI in accordance with **Condition E44**. During the interim operational access period, all operational traffic must enter and exit the MPE via the existing approved access point on Moorebank Avenue.

***Note:** The use of the SSI for operational traffic access to MPE warehouses WH3 – WH8 via the Moorebank Precinct East internal road network is intended to be a temporary measure, pending dedication of the SSI as public road.*

Construction traffic management

- E46 Public access to Moorebank Avenue on its current alignment between Anzac Road and the bridge over the East Hills railway must be maintained until the project is opened to traffic.

Property Access

- E47 Access to utilities and properties must be maintained during work. If an access is affected by work, this must be agreed to by the relevant utility owner, landowner or occupier before the amended or a temporary alternative access is provided.
- E48 Property access physically affected by the SSI must be reinstated or an alternative provided to at least an equivalent standard, before opening of the relevant part of the project to traffic. Any change to pre-existing property access must be agreed to by the landowner or occupier before the change is made.

***Note:** appropriate planning approval for permanent replacement of property access must be obtained before the replacement provided.*

- E49 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 year following the completion of construction.

Road Dilapidation

- E50 Moorebank Avenue south of the Moorebank Avenue rail overbridge and local roads must not be used by heavy vehicles to access the site, with the exception of access to/from Glenfield Waste Services Facility. Records of those vehicles accessing Glenfield Waste Services Facility via this route must be maintained for the duration of work.
- E51 Before activities requiring use of heavy vehicles for the purposes of the SSI commence, a **Road Dilapidation Report** must be prepared. A copy of the **Road Dilapidation Report** must be provided to the relevant council within three weeks of completion of the survey and no later than one month before the road being used by heavy vehicles associated with the SSI.

- E52 If damage to roads occurs as a result of the SSI, 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-works as identified in the **Road Dilapidation Report(s)**; or
 - (c) make satisfactory arrangements with the relevant road authority(ies) regarding the reinstatement of roads used by heavy vehicles for construction where those roads continue to be used by heavy vehicles for construction of the MLP.
- E53 Despite **Condition 0**, public roads used by heavy vehicles to access the construction site must be maintained in a safe condition for public use at all times.

Construction Parking Management

- E54 Vehicles (including light and heavy vehicles) associated with the SSI must be managed to:
- (a) minimise parking on public roads;
 - (b) minimise idling and queueing on state and regional roads;
 - (c) not carry out marshalling of construction vehicles near sensitive land user(s);
 - (d) not block or disrupt access across pedestrian or shared user paths at any time; and
 - (e) ensure spoil haulage vehicles are made aware of the nominated haulage routes.

- E55 During construction, all reasonably practicable measures must be implemented to maintain pedestrian and vehicular access to, and parking in the vicinity of, businesses and affected properties. Disruptions must be avoided, and where avoidance is not possible, minimised. Where disruption cannot be avoided, alternative pedestrian and vehicular access, and parking arrangements must be developed in consultation with affected businesses and implemented before the disruption. Adequate signage and directions to businesses must be provided before, and for the duration of, any disruption.

Road Safety

- E56 The SSI must be designed and constructed to meet relevant design, engineering and safety guidelines, including the *Austroads Guide to Traffic Management* for new or modified roads, intersections, parking, pedestrian and cycle infrastructure and in accordance with the requirements of Schedule 3 Clause 3 of the Voluntary Planning Agreement (SVPA-2018-9696) executed on 21 March 2019 to the satisfaction of Transport for NSW.

Note: Schedule 3 Clause 3 of SVPA-2018-9696 requires that the developer enter into a WAD with TfNSW in relation to the Moorebank Avenue Realignment

- E57 Before commencement of construction in relation to intersections, an assessment of appropriate intersection treatments must be undertaken of the intersections identified in section 5.3.5 of the EIS identified in **Condition A1**, to inform the final design of the SSI in consultation with and to the satisfaction of TfNSW. Justification of the preferred option must be supported by the findings of the assessment.
- E58 An independent **Road Safety Audit** must be undertaken to assess the safety performance of new or modified road, parking, pedestrian and cycle infrastructure provided as part of the SSI (including ancillary facilities) to ensure that they meet the requirements of relevant design, engineering and safety guidelines, including *Austroads Guide to Traffic Management*.

The audit must be undertaken by an appropriately qualified and experienced person during detailed design development (audit of plans) and before opening (pre-opening audit).

The audit findings and recommendations of the detailed design plans (audit of the plans) must be actioned before construction of the relevant infrastructure. The pre-opening audit findings and recommendations must be actioned before the relevant infrastructure is dedicated, or the dedication procured, as a public road consistent with **Condition E44**. Implementation of all actions emanating from the audits must be to the satisfaction of TfNSW.

Road Network Performance

- E59 The Proponent must prepare an **Operational Road Network Performance Review**, within 12 months and again within five years after the commencement of operation of the SSI. The Review must address road network performance and review the effects of the SSI on the adjoining road network.

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

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

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

PLACE DESIGN AND VISUAL AMENITY

- E60 The SSI must be constructed in a manner that minimises visual impacts of construction sites, including providing temporary landscaping and vegetative screening of the construction sites, 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.

General Design Outcomes

- E61 An **Urban Design and Landscape Plan** must be prepared to inform the final design of the SSI and to give effect to the commitments made in the documents listed in **Condition A1**. The Plan does not apply to work, which for technical, engineering, or ecological requirements or other requirements as agreed by the Planning Secretary, that does not allow for alternate design outcomes.

- E62 The **UDLP** must be prepared by a suitably qualified and experienced person in consultation with relevant government agencies, relevant councils, the **Community Consultative Committee**, established by **Condition B1**, and affected landowners and businesses. The **UDLP** must include:

- (a) an analysis of the built, natural and community context and the urban design objectives, principles and standards for the SSI;
- (b) the design of the SSI elements including their form, materials and detail, including provisions for active transport where these form part of the project;
- (c) the design of the project landform and earthworks;
- (d) the location of existing vegetation, areas of vegetation to be retained and proposed planting and seeding details, including the use of local indigenous species for revegetation activities;
- (e) the location of existing heritage items and recorded Aboriginal objects;
- (f) details of how Aboriginal and non-Aboriginal heritage interpretation and public art are incorporated within the design of built features, having regard to the results of any archaeological investigations;
- (g) visual screening requirements;
- (h) developed visuals, cross sections and plans showing the proposed design outcome;
- (i) details of strategies to rehabilitate, regenerate or revegetate disturbed areas; and
- (j) management and routine maintenance standards and regimes for design elements and landscaping work (including weed management).

- E63 Unless otherwise agreed with the Planning Secretary, construction of permanent built surface works or landscaping that are the subject of the **UDLP** must not commence (in the area to which the **UDLP** applies) until the **UDLP** has been approved by the Planning Secretary.

- E64 The **UDLP**, as approved by the Planning Secretary, must be implemented.

Tree Removal, Replacement Plantings and Rehabilitation

- E65 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 trees to be removed, except for trees that are offset under **Condition E5**. The Tree Survey must be submitted to the Planning Secretary for information with the Urban Design and Landscape Plan required under **Condition E61**.

Where trees will be removed, a net increase in the number of replacement trees must be provided at a ratio of 2:1, except trees that are offset under **Condition E5**. Replacement trees must have a minimum pot size consistent with the relevant government authority(ies) or relevant council'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.

- E66 Replacement and enhancement of vegetative screening along the project corridor must be undertaken in a progressive manner during construction to allow for its early establishment.
- E67 The **UDLP** required by **Condition E61** must include a **Landscape Strategy** which details the type, size, number and location of replacement trees. The report must demonstrate how replacement plantings are consistent with the requirements of **Condition E65** and **Condition E66**.

Operational Maintenance

- E68 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 **UDLP**, required by **Condition E62**.

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

- E69 Should replacement trees and plantings loss occur during the maintenance period, the plants must be replaced with the same plant species unless it is determined by a suitably qualified person that a different species is more suitable for that location.
- E70 Management and routine maintenance for design elements and landscaping work (including weed management) to ensure the success of the design and landscape outcomes must be undertaken for the life of the SSI.

WASTE

- E71 Waste management during construction and operation must be considered against a hierarchy of the following order:
- (a) Avoidance of waste generation;
 - (b) Re-use, recycle or recovery;
 - (c) Treatment or disposal.
- E72 Waste importation and the storage, treatment, processing, reprocessing or disposal of waste must comply with the conditions of an EPL for the SSI where one applies, or be undertaken in accordance with an applicable Resource Recovery Exemption or Order, issued under the *Protection of the Environment Operations (Waste) Regulation 2014*, as the case may be.
- E73 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 the waste.

E74 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

E75 The SSI must be designed, constructed and operated so as to maintain the *NSW Water Quality Objectives* where they are being achieved as at the date of this approval, and contribute towards achievement of the *NSW Water Quality Objectives* over time where they are not being achieved as at the date of this approval, unless an EPL in force in respect of the SSI contains different requirements in relation to the *NSW Water Quality Objectives*, in which case those requirements must be complied with.

E76 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.

E77 Work on waterfront land must be carried out in accordance with controlled activity guidelines.

Construction Requirements

E78 Unless an EPL is in force in respect to the SSI and that licence specifies alternative criteria, discharges from construction water treatment plants to surface waters must not exceed:

- (a) the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2018* (ANZG 2018) default guideline values for toxicants at the 90 per cent species protection level;
- (b) for physical and chemical stressors, the guideline values set out in Tables 3.3.2 and 3.3.3 of the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000*; and
- (c) for bioaccumulative and persistent toxicants, the ANZG 2018 values at a minimum of 95 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.

E79 If stormwater discharges are proposed during construction, a **Water Pollution Impact Assessment** commensurate with the potential risk and consistent with the National Water Quality Guidelines will be required. The assessment at a minimum must:

- a. Provide details of the discharge locations and receiving waterways;
- b. Characterise the expected discharge quality under typical and worst-case conditions for all pollutants present at levels that pose a risk of non-trivial harm to human health or the environment;
- c. Assess the potential impact of discharges on the environmental values of the receiving waterway, including typical through to worst-case scenarios with reference to the relevant *Australian and New Zealand Guidelines for Fresh and Marine Water Quality* (ANZG 2018) for slightly to moderately disturbed ecosystems for standard receiving environments; and
- d. Demonstrate that all practical and reasonable measures to avoid discharges (e.g. stormwater reuse or tankering for offsite disposal) and minimise water pollution and protect human health and the environment from harm are investigated and implemented.

Operational Requirements

E80 Unless an EPL is in force in respect to the SSI and that licence specifies alternative criteria, discharges from operation 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.

Stormwater Drainage

E81 The ability of the receiving drainage systems to effectively convey pavement drainage from the SSI must be determined where it is proposed to discharge these flows to the receiving drainage systems. This must be done in consultation with the relevant council(s) and Sydney Water and the outcomes documented in the **Stormwater Drainage Report** required under **Condition E82**.

E82 A **Stormwater Drainage Report** must be prepared at least one month before the commencement of any new permanent drainage works, modifications or connections to existing drainage works, construction of hard surfaces that are associated with the operation of the project and would result in runoff to existing stormwater drainage systems. The **Stormwater Drainage Report** must:

- (a) assess the potential impacts of pavement drainage discharges from the SSI drainage systems on the receiving environment and capacity of council or Sydney Water drainage infrastructure;
- (b) identify all mitigation measures to be implemented where pavement drainage from the SSI drainage systems are predicted to adversely impact on the receiving environment or capacity of council or Sydney Water drainage infrastructure; and
- (c) set out a clear time frame for the implementation of mitigation measures.

Nothing in this condition prevents the Proponent from preparing separate **Stormwater Drainage Reports** for pavement discharges to the drainage system provided that each report is prepared at least one month before the subject works/discharges commencing.

E83 New or modified drainage systems associated with the SSI must be designed to:

- (a) where relevant, meet the capacity constraints of the council's drainage system to receive and convey the proposed flows from the SSI, or otherwise upgrade council's drainage system at the Proponent's expense, in consultation with the relevant council(s);
- (b) minimise impacts on the receiving environment at the final outflow point resulting from any additional flow volume (including, but not limited to scour, flooding, water quality impacts, and impacts on riparian vegetation, aquatic ecology and property); and
- (c) where relevant, ensure mitigation measures are implemented where increased flows through cross drainage systems adversely impact on council or Sydney Water drainage infrastructure and the receiving environment.

APPENDIX A

Aboriginal Heritage Management Plan Requirements

An Aboriginal Heritage Management Plan must:

- a) be prepared by a suitably qualified and experienced person
- b) be prepared in consultation with Heritage NSW and the RAPs. The RAPs must be provided with a reasonable opportunity, being at least 28 days, to provide comment on a draft Aboriginal Heritage Management Plan
- c) include a protocol for ongoing consultation with the RAPs for the duration of construction
- d) include up to date recording and mapping of known Aboriginal objects in and adjacent to the construction footprint
- e) include evidence of adequate archaeological survey coverage
- f) explain any additional archaeological investigations required or justify why these may not be required.
- g) require an Aboriginal Site Impact Recording Form to be completed and submitted to the AHIMS Registrar for each AHIMS site identified within the construction boundary within 4 months of the completion of the actions authorised by the terms of this approval

Note:

- i) *The Aboriginal Site Impact Recording Form can be found at <https://www.heritage.nsw.gov.au/protecting-our-heritage/record-aboriginal-sites/>*
- ii) *Contact details for the AHIMS Registrar can be found at <https://www.heritage.nsw.gov.au/search-for-heritage/aboriginal-heritage-information-management-system/>*
- h) include measures to prevent harm to Aboriginal objects outside the construction boundary
- i) include measures to monitor and report on the effectiveness of measures to prevent harm to Aboriginal objects.
- j) ensure any workers on site receive suitable Aboriginal cultural heritage induction(s) prior to carrying out any activities which may disturb Aboriginal sites, and that suitable records are kept of these inductions
- k) include an Unexpected Heritage Finds and Human Remains Procedure
- l) provide a methodology for surface collection of Aboriginal objects within the construction boundary that includes:
 - i. providing opportunity for a representative or representatives of the Registered Aboriginal Parties to collect Aboriginal objects on the ground surface and within the construction boundary before the start of any ground disturbance works
 - ii) a description of any temporary storage location for any collected Aboriginal objects
 - iii) procedures for the long-term protection, storage and management of collected Aboriginal objects, to be implemented within **12 months** of the collection occurring

APPENDIX B

WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the Department via the Major Projects website within seven 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 SSI 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 terms of the approval;
 - (f) describe what immediate steps were taken in relation to the incident;
 - (g) identify further action that will be taken in relation to the incident; and
 - (h) identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Proponent must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - (a) a summary of the incident;
 - (b) outcomes of an incident investigation, including identification of the cause of the incident;
 - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - (d) details of any communication with other stakeholders regarding the incident.