Infrastructure approval

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

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

The Hon Paul Scully
Minister for Planning and Public Spaces

Sydney 4 December 2025

SCHEDULE 1

Application no.:	SSI-10054
Proponent:	Australian Rail Track Corporation
Approval Authority:	Minister for Planning and Public Spaces
Land:	Land between Moree and Camurra North
Description of Critical State Significant Infrastructure:	Development for the purposes of the Inland Rail Narrabri to North Star Phase 2 proposal, being the upgrade and replacement of the existing rail line between Moree and Camurra North comprising: • Track upgrade and minor realignment of approximately 13.7 kilometres of existing track between Moree and south of the Gwydir River bridge • Approximately 2.4 kilometres of new rail track at Camurra North • Maintaining connection to the Weemelah rail line to the west and a new greenfield track to connect to the east of Camurra hairpin • Turnout north of the new Gwydir River bridge • Reconstruction of two existing bridges over the Mehi and Gwydir Rivers and the upgrade of six existing bridges • Approximately 1,800 culverts to balance upstream and downstream impacts, with some culverts having weirs • Upgrades to four public level crossings with two being relocated nearby • Upgrades to one private level crossing, one new private level crossing, and three private level crossings decommissioned. • Upgrade to one TSR only level crossing with a minor realignment • Modifications to three local and arterial roads including Gwydirfield Road, The Rocks Road, and Back Pally Road. • Temporary intersection upgrades at a number of locations for safe construction access

NSW GOVERNMENT

	• Construction compounds and laydown sites located at major activity sides along alignment • Ancillary works including track drainage, rail maintenance access roads, signalling and communications, fauna connectivity, signage and fencing.
Declaration as State Significant Infrastructure	The proposal is State Significant Infrastructure by virtue of Schedule 3, clause 3 of *State Environmental Planning Policy (Planning Systems) 2021.*
Declaration as Critical State Significant Infrastructure	The proposal is Critical State Significant Infrastructure by virtue of Schedule 5, clause 7 of *State Environmental Planning Policy (Planning Systems) 2021.*

Table of Contents

DEFINITIONS

The definitions in **Table 1** apply to terms used in this approval, unless otherwise stated or the context indicates otherwise.

Table 1: Definitions

Term	Definition
1% AEP	1% Annual Exceedance Probability – This is an event defined as having a one percent chance of occurring or being exceeded in any one year
Aboriginal Cultural Heritage	The same meaning as "Aboriginal object" or "Aboriginal place" as defined in section 5 of the *National Parks and Wildlife Act 1974* (NSW).
Acquisition of land / acquire land	The same meaning as defined in the *Land Acquisition (Just Terms) Compensation Act 1991*
AHIMS	Aboriginal Heritage Information Management System
AEP	Annual Exceedance Probability
Ancillary facility	A temporary facility for construction of the CSSI including an office and amenities compound, construction compound, material crushing and screening plant, batching plant, materials storage compound, maintenance workshop, testing laboratory, a fixed material stockpile area and car parking facilities and a site used for assembly of infrastructure.
At-property acoustic treatment	Includes building treatments and courtyard walls. Building treatments may include but are not limited to ventilation, acoustic blinds / noise curtains, glazing, window and door seals, sealing of vents or underfloor areas, shutters and secondary glazing.
Best Achievable Noise Performance Objectives	The construction noise level predicted at a receiver location after all practicable noise mitigation measures have been incorporated into the prediction model and considered in deriving the predicted noise level.
CALD	Culturally and Linguistically Diverse
Certified contaminated land consultant	A contaminated land consultant certified under one of the following certifications: • Environment Institute of Australia and New Zealand – Certified Environmental Practitioner (Site Contamination) (CEnvP (SC)); or • Soil Science Australia – Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM)
CEMF	Construction Environmental Management Framework
CEMP	Construction Environmental Management Plan
CLM Act	Contaminated Land Management Act 1997
CNVIMS	Construction Noise and Vibration Impact Mitigation Statements

Term	Definition
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 construction related requirements of the Planning Secretary (if any) have been met, in respect of all stages of construction.
Competent Person	For the purpose of noise monitoring or peer reviewing of noise and vibration related documents, the person must satisfy one or more of the following: (a) have qualifications and/or experience sufficient to fulfil the requirements of 'member' grade of the Australian Acoustical Society (b) undertake duties of an acoustic consultant on behalf of a firm that is a member of the Association of Australasian Acoustical Consultants (c) have a recognised tertiary qualification in a discipline pertinent to acoustics (d) be able to demonstrate competence through professional experience and/or technical expertise to the satisfaction of the Planning Secretary.
Construction	Includes Work required to construct the CSSI as defined in the documents listed in **Condition A1** including commissioning trials of equipment and temporary use of any part of the CSSI, but excludes **Low Impact Work** which is carried out or completed prior to approval of the **CEMP** and work approved under a **Site Establishment Management Plan**.
Construction Boundary	The area physically affected by work as defined in the Project Description in the documents listed in **Condition A1.**
Consultation	To provide information and actively engage with and obtain and consider feedback from stakeholders following project approval. How the feedback has been considered and whether any changes have been made in response to this feedback is then documented and communicated back to stakeholders. Consultation should not be limited to one-way notification about the project. This definition must be used to inform the Communication Strategy required under **Condition B1**.
Contamination	As defined in the CLM Act
Council	Moree Plains Shire Council
CPHR	Conservation Programs, Heritage and Regulation division of the Department of Climate Change, Energy, the Environment and Water (NSW) (DCCEEW(NSW)) formerly known as the Biodiversity, Conservation and Science Directorate of the Department of Climate Change, Energy, the Environment and Water (NSW) (DCCEEW(NSW))
CSSI	The Critical State Significant Infrastructure, as described in **SCHEDULE 1**, the carrying out of which is approved under the terms of this approval.
DCCEEW (Cth)	Australian Government Department of Climate Change, Energy, the Environment and Water

Term	Definition
DCCEEW (NSW)	NSW Department of Climate Change, Energy, the Environment and Water
Department	NSW Department of Planning, Housing and Infrastructure
DSI	Detailed Site Investigations
DPIRD Fisheries	NSW Department of Primary Industries and Regional Development, Fisheries Division.
EIS	The Environmental Impact Statement referred to in **Condition A1**, submitted to the Planning Secretary seeking approval to carry out the development described in it, and including any additional information provided by the Proponent in support of the application for approval of the project.
EMS	Environmental Management System
EP&A Act	*Environmental Planning and Assessment Act 1979* (NSW)
EPA	NSW Environment Protection Authority
EPBC Act	*Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth)
EPL	Environment Protection Licence under the POEO Act
ER	The Environmental Representative(s) for the CSSI approved by the Planning Secretary.
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings.
Environmental Heritage	Has the same meaning as the definition of the term in section 4 of the *Heritage Act 1977* (NSW)
Environmental Representative Protocol	*Environmental Representative Protocol* (Department of Planning and Environment, October 2018)
Heavy Vehicle	Has the same meaning as in the *Heavy Vehicle National Law* (NSW).
Heritage Council	Heritage Council of NSW or its delegate
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 *Heritage Act 1977* (NSW), a state agency heritage and conservation register under section 170 of the *Heritage Act 1977* (NSW), a Local Environmental Plan under the EP&A Act, the World, National or Commonwealth Heritage lists under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).
Heritage NSW	Heritage NSW, Department of Climate Change, Energy, the Environment and Water.
Highly noise affected	As defined in the *Interim Construction Noise Guideline* (DECC, 2009)

Term	Definition
Highly noise intensive work	Work which is defined as annoying in the ICNG including: (a) use of power saws, such as used for cutting timber, rail lines, masonry, road pavement or steel work; (b) grinding metal, concrete or masonry; (c) rock drilling; (d) line drilling; (e) vibratory rolling; (f) bitumen milling or profiling; (g) jackhammering, rock hammering or rock breaking; (h) impact piling; and (i) tamping.
ICNG	*Interim Construction Noise Guideline* (DECC, 2009)
IFIAP	Independent Flood Impact Advisory Panel
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm to the environment, and as a consequence of that environmental harm, may cause harm to the health and safety of human beings, and which may or may not be or cause a non-compliance.
LALC(s)	Local Aboriginal Land Council(s)
Latest Flood Modelling	The latest relevant modelling from the EIS/RTS/PIR and the RFI, as listed under **Condition A1.**
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act.
Landowner	Has the same meaning as "owner" in the *Local Government Act 1993* and in relation to a building means the owner of the building.
LEMC	Local Emergency Management Committee
LLS	Local Land Services
Local road	Any road that is not defined as a classified road under the *Roads Act 1993.*

Low Impact Work	Includes: (a) survey work including ecological surveying, carrying out general alignment survey, installing survey controls (including installation of global positioning systems (GPS)), installing repeater stations, carrying out surveys of existing and future utilities and building and road dilapidation surveys; (b) investigations including investigative drilling, contamination investigations and excavation; (c) site establishment work approved under a **Site Establishment Management Plan;** (d) use of minor ancillary facilities if the **ER** has determined the operational activities will have a minor impact on the environment and the community; (e) minor clearing and relocation of native vegetation, as identified in the documents listed in **Condition A1**; (f) installation of mitigation measures including erosion and sediment controls, temporary exclusion fencing for sensitive areas and at-property treatments; (g) property acquisition adjustment work including installation of property fencing; (h) relocation and connection of utilities where the relocation or connection has been determined by the **ER** to have a minor impact to the environment and the community; (i) archaeological testing under the *Code of practice for archaeological investigation of Aboriginal objects in NSW (DECCW, 2010)* or archaeological monitoring undertaken in association with **(a) - (h)** above to ensure that there is no impact on heritage items; (j) archaeological and cultural salvage undertaken in accordance with a strategy or salvage operation required by the conditions of this approval; (k) maintenance of existing buildings and structures required to facilitate the carrying out of the CSSI; and (l) other activities determined by the **ER** to have minor impact on the environment and the community, which may include but not be limited to construction of minor access roads, temporary relocation of pedestrian and cycle paths and the provision of property access, including out-of-hours work determined under **(n)** below. Notwithstanding the following works are <u>**not**</u> Low Impact Work: (m) where heritage items (excluding those impacted by activities (h). (i) and (j) above), or threatened species or their habitat or threatened ecological communities (within the meaning of the *Biodiversity Conservation Act 2016 or Environment Protection and Biodiversity Conservation Act 1999*) are affected or potentially affected by any low impact work, that work is construction, unless otherwise determined by the Planning Secretary, following consultation by the Proponent with Heritage NSW, CPHR or DPIRD Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation); and (n) any Work outside the hours identified in **Condition E87** that exceeds noise management and vibration levels as identified in **Condition E91(b)**, unless determined by the ER the activity can occur. The work described in this definition becomes construction when the Construction Environmental Management Plan is approved. Where

Term	Definition
	low impact work has already commenced, this is considered to remain as low impact work and is managed in accordance with the framework under which it commenced. ***Notes:*** *1. Early stages of Work are not necessarily low impact work.* *2. Low Impact work is not construction as defined by this approval.* *3. "Affected" in relation to Heritage items means impacts greater than "little to no impact" as defined in the Heritage NSW Material Threshold Policy.* *4. Where **ER** approval is sought, the Proponent must justify the need to undertake the activity and advise how any low impact activity will be managed including duration of the activity.*
Material harm	Is harm that: (a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or (b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding $10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment). ***Notes:*** *1. This definition excludes "harm" that is either authorised under this consent or any other statutory approval.* 2. *For the purposes of this definition, material harm excludes incidents captured by Work Health and Safety reporting requirements.*
Minister	NSW Minister for Planning and Public Spaces
Minor Ancillary Facility	Worker amenities and materials laydown and the like that are not part of an ancillary facility site.
NML(s)	Noise Management Level as defined in the *Interim Construction Noise Guideline* (DECC, 2009).
Non-compliance	An occurrence, set of circumstances or development that is a breach of this approval.
OEMP	Operational Environmental Management Plan
Operation	The carrying out of the CSSI (whether in full or in part) upon the completion of construction, unless otherwise agreed by the Planning Secretary. ***Note**: There may be overlap between the carrying out of construction and operation if the phases of the development are staged. Commissioning trials of equipment and temporary use of any part of the CSSI are within the definition of construction.*
OOHW	Out-of-hours-work
PIR	Preferred Infrastructure Report
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 CSSI from time to time
QDL	Quantitative Design Limits

Term	Definition
Relic	Has the same meaning as the definition of the term in section 4 of the *Heritage Act 1977* (NSW).
RAPs	Registered Aboriginal Parties
Relevant roads authority	The same meaning as the roads authority defined in the *Roads Act 1993* (NSW).
Remediation	As defined in the CLM Act
Response to Submissions	The Proponent's response to issues raised in submissions received in relation to the application for approval for the CSSI under the EP&A Act.
Sensitive land use(s)	Includes residences, educational institutions (including preschools, schools, universities, TAFE colleges), health care facilities (including nursing homes, hospitals), religious facilities (including churches), child care centres and passive recreation areas (including outdoor grounds used for teaching). Receivers that may be considered to be sensitive include commercial premises (including film and television studios, research facilities, entertainment spaces, temporary accommodation such as caravan parks and camping grounds, restaurants, office premises, and retail spaces) and industrial premises as identified by the Planning Secretary. ***Note:*** *For the purpose of determining appropriate mitigation, a multistorey residential flat building must not be counted as one sensitive receiver.*
SES	NSW State Emergency Services
SIMP	Social Impact Management Plan
Site Auditor / NSW EPA accredited Site Auditor	A contaminated land auditor, accredited by the NSW EPA under the *Contaminated Land Management Act 1997*.
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.
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 that is discovered during the carrying out of the CSSI and which may be a heritage item but was not identified in the documents listed in **Condition A1** or suspected to be present. An unexpected heritage find does not include human remains.
Useable Open Space	Open Space that is accessible by active transport and greater than 30 metres in width and length at any location.
Vulnerable or marginalised groups	Vulnerable or marginalised groups include those people: on very low incomes, living with disabilities or poor health, from culturally and linguistically diverse (CALD) communities, experiencing homelessness or insecure housing, and those who for whatever reason are unable or unwilling to express or represent themselves and their needs.
DCCEEW Water	Water Group of DCCEEW(NSW)

Term	Definition
Work	Any physical work for the purpose of the CSSI including construction and low impact work but not including operational maintenance work.

SUMMARY OF REPORTING, NOTIFICATION AND APPROVAL REQUIREMENTS

Reports and notifications that must be provided to the Planning Secretary under the terms of this approval are listed in **Table 2**. Note that under **Condition A7** of this approval the Proponent may seek the Planning Secretary's agreement to a later timeframe for submission (other than in relation to the notification of an incident and non-compliance notification required under **Conditions A36 and A37**).

Where there is an inconsistency with the requirements of **Table 2** and any condition of approval, the condition of approval prevails.

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

Condition	Report / Notification	Timing[1]	Purpose
Part A – Administrative			
A8	Evidence of consultation	Submitted to the planning Secretary with corresponding documentation	Approval/ information
A9	Staging Report	One month before commencement of construction (or operation if only staged operation is proposed) or the first of the proposed stages	Information
A13	Revised Staging Report	No later than one month before the proposed change in the staging	Information
A16	Staging Report	Staging Report must be submitted prior to or with the **CEMF**, i.e. no later than one month before the lodgement of any **CEMP**, **CEMP sub plan or CMP** to the Planning Secretary for approval.	Information
A22	Environmental Representative	One month before the commencement of work	Approval
A24(k)	Environmental Representative monthly reports	Within seven days following the end of each month for the duration of the ER's engagement	Information
A26	Notification of commencement	One month before the commencement of Work (in relation to low impact works), construction and operation	Notification
A27	Notification of commencement of each stage	At least one month before the commencement of each stage	Notification
A29	Proposed dates for compliance with Conditions E111, E155 and E168	Prior to the commencement of operation Revised dates for Condition A28 no later than 6 months prior to the earliest date nominated	Approval
A30A30	Approval of Independent Auditors	Before the commencement of an **Independent Audit**	Approval
A34	Independent Audit Reports	Within two months of undertaking the independent audit site inspection	Information
A36	Written notification of incident	Within 24 hours of the Proponent becoming aware of an incident	Notification
A37	Non-Compliance Notification	Within seven days after the Proponent becomes aware of any non-compliance	Notification

[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
Part B - Communication Information and Reporting			
B3	Communication Strategy	One month before the commencement of Work	Approval
B10	Complaints Register	Provided to the Planning Secretary upon request, within the timeframe stated in the request	Upon request
B11	Community Complaints Mediator	One month before the commencement of work	Approval
B13	Recommendations from the Community Complaints Mediator	Within one month of the recommendations being made	Information
Part C - Construction Environmental Management			
C1	Construction Environmental Management Framework	One month before the lodgement of any **CEMP**, **CEMP sub plan or CMP**	Approval
C3	Revised Construction Environmental Management Framework	No later than one month prior to the proposed change in the staging	Approval
C4	Ancillary Facility - Site Establishment Management Plan	One month before the establishment of any ancillary facilities	Approval
C13 and C14	CEMP	One month before the commencement of construction, or where construction is staged, no later than one month before the commencement of each stage	Approval
C13 and C14	CEMP Sub-plans	One month before the commencement of construction, or where construction is staged, no later than one month before the commencement of each stage	Approval
C32	Construction Monitoring Programs	One month before the commencement of construction or where construction is staged, no later than one month before the commencement of each stage	Approval
C36	Construction Monitoring Report	As specified in Construction Monitoring Programs / Provided to the Planning Secretary upon request, within the timeframe stated in the request	Upon request
Part D - Operation Environmental Management			
D2	OEMP or EMS	One month before the commencement of operation	Information
D9	The Operational Monitoring Program(s)	Three months prior to the commencement of operation	Approval
D8	Operational Fauna Connectivity Monitoring and Adaptive Mitigation Program Annual Report	submitted to the Planning Secretary upon request.	upon request
Part E – Key Issues			
Biodiversity			

Condition	Report / Notification	Timing[1]	Purpose
E5	Report with updated credit report	Where Proponent has reviewed and reduced the ecosystem or species credit requirements	Approval
E7	Evidence of the retirement of credits	Prior to impacts to biodiversity values	Information
E8	Unexpected Finds Protocol	One month before the commencement of Work	Approval
E9	Notification of threatened species or threatened ecological communities	On the discovery of potential or actual impacts	Information
E10	Five-clawed Worm Skink Management Plan	Prior to Work	Approval
E13	Fauna Connectivity Strategy	Implemented prior to Work	Approval
Contamination – high risk			
E20	Unexpected Finds Procedure for Contamination	Provided upon request to the Planning Secretary and prepared before the commencement of Work	Upon request
Flooding			
E25	Independent hydrologist	Prior to peer review	Approval
E38	Independent Flood Impact Assessment Panel	Prior to establishment of the Independent Flood Impact Assessment Panel	Approval
E40	Independent Flood Impact Assessment Panel members, mediator and terms of reference	Prior to commencement of works	approval
E41	Any changes requested by the Independent Flood Impact Assessment Panel	When requested	Approval
E42	Independent Flood Impact Assessment Panel Report	Upon finalisation	Information
E45	Independent Flood Impact Assessment Panel recommendation and evidence of implementation	Upon submission of the FDVR	Information
E49	Methodology/ies used to determine Erosion Threshold Velocities	Prior to submitting the Erosion Threshold Velocities Report	Approval
E50	Erosion Threshold Velocities Report	Prior to finalisation of any Interim Flood Design Verification Report or Flood Design Verification Report	Approval
E55	Flood Design Verification Report	At least one month prior to the commencement of construction of permanent works that may impact on flooding	Approval

Condition	Report / Notification	Timing[1]	Purpose
E56	Program for Interim Flood Design Verification Reports	One month before the date an Interim FDVR would be submitted	Information
E59	Operational Erosion Mitigation and Monitoring Program monitoring results	Within 3 months of completing the monitoring	Information
E60	Flood Review Report	Within 3 months of finalising the report	Information
E61	Flood Review Mitigation Report	Within 3 months of submitting the Flood Review Reports	Information
E62	Monitoring methodologies	Within 6 months prior to the commencement of operation	Approval
E70	Register for farm dams	At the same time as submission of the Flood Design Verification Report	Information
Heritage			
E74	Annotated Index and Reference	Provided upon request to the Planning Secretary	Upon request
E75	Heritage Interpretation Plan	one (1) month before the commencement of construction of permanent built Works	Information
E76	Unexpected Heritage Finds and Humans Remains Procedure	Provided upon request to the Planning Secretary and prepared before the commencement of Work	Upon request
E84	Aboriginal Archaeological Test Excavation Methodology and Aboriginal Archaeological Salvage Excavation Methodology	Prior to any test or salvage excavation	Approval
E86	Aboriginal Cultural Heritage Excavation Report(s)	Provided to the Planning Secretary within 12 months of the completion of the required Aboriginal archaeological excavations	Information
Noise and Vibration			
E89	Evidence of consultation and outcomes	On request	Information
E91(a)	Safety and Emergencies	On becoming aware of the need for emergency work	Information
E92	Out-of-Hours Work Protocol	Before the commencement of out-of-hours work	Approval
E97	Construction Noise and Vibration Impact Mitigation Statements	Upon request by the Planning Secretary	Upon request
E105	Consultation Strategy	One month prior to consultation commencing	Approval
E107	Operational Noise and Vibration Review	Within 12 months of the commencement of construction	Approval

Condition	Report / Notification	Timing[1]	Purpose
E109	Report on non-implementation of operational noise mitigation measures	Within six months of submitting the ONVR	Information
E112	Operational Noise and Vibration Monitoring Plan	At least one month prior to the commencement of monitoring	Approval
E113	Operational Noise and Vibration Compliance Report	Upon request by the Planning Secretary	Upon Request
Place, Design and Visual Amenity			
E120	Place, Design and Landscape Plan	One month before the commencement of permanent built work	Approval
E123	Ongoing maintenance requirements	The date of transfer of the asset(s) to the relevant authority	Notification
Train Communications System			
E130	Details of the train communication system	At least one month before the commencement of operation	Information
Social			
E134	Social Impact Management Plan	one month before the receipt of **CEMPs, CEMP sub-plans** and **CMPs** unless otherwise agreed by the Planning Secretary	Approval
Workforce Accommodation			
E137	Accommodation Availability and Demand Report	Prior to the preparation of the **Workforce Housing and Accommodation Plan**	Information
E138	Workforce Housing and Accommodation Plan	Prior to construction	Approval
E139	Employee Code of Conduct	Prior to Work commencing	Information
E141	Employee code of conduct updates	Within one month of the approval of the update to the Employee code of conduct	Information
Sustainability			
E143(a)	Design rating	within 12 months of commencing Construction for the 'Design' rating'	Information
E143(b)	As built rating	within 12 months of commencing of Operation for the 'As built' rating'	Information
E145	Justification	Where no reuse options prevail	Information
Traffic and Transport			
E154	Emergency Access Report	Prior to construction	Approval
E156	Outcomes of consultation and design	Prior to construction	Approval

Condition	Report / Notification	Timing[1]	Purpose
	of the Travelling Stock Reserve level crossing		
E158	Evidence of consultation and endorsement	Upon request	Information
E160	Road Safety Audit findings and recommendations	Upon request	Information
E161	Design of the level crossing(s)	At least one month prior to the commencement of construction	Approval
E168	Public Level Crossing Treatment Reports and Private Level Crossing Treatment Reports	At least one month prior to the closure or upgrade of a public or private level crossing, as relevant	Approval
E170	Level Crossing Performance Report	Within 60 days of its completion	Information

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

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

GENERAL

A1 The Proponent must carry out the CSSI in accordance with the terms of this approval and generally in accordance with the:

(a) Inland Rail Narrabri to North Star – Phase 2 Environmental Impact Statement (ARTC, 2022)

(b) Inland Rail Narrabri to North Star – Phase 2 Response to Submissions (Inland Rail, 2024)

(c) Inland Rail Narrabri to North Star – Phase 2 Preferred Infrastructure Report (Inland Rail, 2024)

(d) Biodiversity Development Assessment Report v8.4 (NGH, 9 July 2025)

(e) Addendum Hydrology RFI Response (IRDJV, 19 March 2025)

(f) Response to Request for Information: LX563 (WSP Mott MacDonald, June 2025)

A2 The CSSI must be carried out in accordance with all procedures, commitments, preventative actions, performance criteria / outcomes and mitigation measures set out in the documents listed in **Condition A1** unless otherwise specified in, or required under, this approval.

A3 In the event of an inconsistency between:

(a) the terms of this approval and any document listed in **Condition A1** inclusive, the terms of this approval will prevail to the extent of the inconsistency; and

(b) any document listed in **Condition A1** inclusive, the most recent document will prevail to the extent of the inconsistency.

***Note**: For the purpose of this condition, there will be an inconsistency between a term of this approval and any document if it is not possible to comply with both the term and the document.*

A4 The Proponent must comply with all written requirements or directions of the Planning Secretary, including in relation to:

(a) the environmental performance of the CSSI;

(b) any document or correspondence in relation to the CSSI;

(c) any notification given to the Planning Secretary under the terms of this approval;

(d) any audit of the construction or operation;

(e) the terms of this approval and compliance with the terms of this approval (including anything required to be done under this approval);

(f) the carrying out of any additional monitoring or mitigation measures; and

(g) in respect of ongoing monitoring and management obligations, compliance with an updated or revised version of a guideline, protocol, Australian Standard or policy required to be complied with under this approval.

A5 This approval lapses five years after the date on which it is granted, unless Work has physically commenced on or before that date.

A6 References in the terms of this approval to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Australian Standards or policies in the form they are in as at the date of this approval, unless otherwise required by this approval or approved by the Planning Secretary.

TIMING AND APPROVALS

A7 Any action required to be undertaken within a timeframe specified in or under the terms of this approval may be undertaken within a different timeframe agreed in writing with the Planning

Secretary. This condition does not apply to the written notification required in respect of an incident or a non-compliance.

EVIDENCE OF CONSULTATION

A8 Where the terms of this approval require consultation to be undertaken, evidence of the consultation undertaken must be submitted to the Planning Secretary and **ER** (as relevant) with the corresponding documentation. The evidence must include:

(a) documentation of the consultation 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.

STAGING

Staging the delivery of the CSSI

A9 The CSSI may be constructed and operated in stages (including but not limited to temporal, location or activity-based staging). Where staged construction and/or operation is proposed, a **Staging Report** (for either or both construction and operation as the case may be) must be prepared. The **Staging Report** must be endorsed by the **ER** (unless otherwise agreed by the Planning Secretary) 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 as required by **Condition C1.**

Note:

1. *Unless otherwise specified in this approval, early works are a stage of construction unless considered to be Low Impact Work.*
2. *In instances where the ER is not available to endorse a Staging Report, the Proponent can seek the agreement of the Planning Secretary to submit a revised Staging Report without it being endorsed by the ER first.*

A10 The **Staging Report** must:

(a) if staged construction is proposed, set out how the construction of the whole of the CSSI will be staged, including details of work and activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;

(b) if staged operation is proposed, set out how the operation of the whole of the CSSI will be staged, including details of activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);

(c) specify how compliance with conditions will be achieved across and between each of the stages of the CSSI; and

(d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.

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

A11 Where staging is proposed, the CSSI must be staged in accordance with the **Staging Report**.

A12 Where staging is proposed, the terms of this approval that apply or are relevant to the Work or activities to be carried out in a specific stage must be complied with at the relevant time for that stage.

Note: *Where an inconsistency arises between the staging report and the terms of this approval, the terms of this approval prevail.*

A13 Where changes are proposed to the staging of construction or operation, a revised **Staging Report** must be prepared, endorsed by the **ER** and submitted to the Planning Secretary for information no later than one month before the proposed change in the staging.

Staging, Combining and Updating Strategies, Plans or Programs

A14 Strategies, plans or programs required by this approval can be submitted on a progressive basis, with the agreement of the Planning Secretary.

A15 With the agreement of the Planning Secretary, the Proponent may prepare the updated strategy, plan or program without undertaking all the consultation required under the applicable condition in this approval.

Notes:

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

A16 Should a **Construction Environmental Management Framework (CEMF)** be submitted for approval under **Condition C1**, the Staging Report must be submitted prior to or with the **CEMF**, i.e. no later than one month before the lodgement of any **CEMP**, **CEMP sub plan or CMP** to the Planning Secretary for approval.

INDEPENDENT APPOINTMENTS

A17 All **Independent Appointments** required by the terms of this approval must have regard to *Seeking approval from the Department for the appointment of independent experts* (Department of Planning, Industry and Environment, 2020). All **Independent Appointments** must hold current membership of a relevant professional body, unless otherwise agreed by the Planning Secretary.

A18 The Planning Secretary may at any time commission an audit of how an **Independent Appointment** has exercised their functions. The Proponent must:

(a) facilitate and assist the Planning Secretary in any such audit; and

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

A19 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 A18 *and* ***A19*** *apply to all* ***Independent Appointments*** *including the* ***ER****, and* ***Community Complaints Mediator****.*

A20 More than one **Independent Appointment(s)** may be engaged for the CSSI, in which case the functions to be exercised by the **Independent Appointments** under the terms of this approval may be carried out by any **Independent Appointments** that are approved by the Planning Secretary for the purposes of the CSSI.

Note: *The intent is to allow for multiple* ***ER*** *appointments to undertake the functions of the role as required by the terms of the approval.*

ENVIRONMENTAL REPRESENTATIVE

A21 Work must not commence until an **Environmental Representative (ER)** has been nominated by the Proponent and approved by the Planning Secretary.

A22 The Planning Secretary's approval of an **ER** must be sought no later than one month before the commencement of Work.

A23 The proposed **ER** must meet the requirements of the *Environmental Representative Protocol* (Department of Planning and Environment, October 2018) and must be a suitably qualified and experienced person(s) who was not involved in the preparation of the documents listed in **Condition A1** and is independent from the design and construction personnel for the CSSI and those involved in the delivery of it.

A24 For the duration of the Work until the commencement of operation and for no less than twelve (12) months after the completion of construction, the approved **ER** must:

(a) receive and respond to communication from the Planning Secretary in relation to the environmental performance of the CSSI;

(b) consider and inform the Planning Secretary on matters specified in the terms of this approval;

(c) consider and recommend to the Proponent any improvements that may be made to work practices to avoid or minimise adverse impact to the environment and to the community;

(d) review documents identified in Conditions A9, C1, C4, C11, C16 and C28 and any other documents that are identified by this approval or the Planning Secretary, to ensure they are consistent with requirements of this approval and if so:

(i) make a written statement to this effect before submission of such documents to the Planning Secretary (if those documents are required to be approved by the Planning Secretary); or

(ii) make a written statement to this effect before the implementation of such documents (if those documents are required to be submitted to the Planning Secretary / Department for information or are not required to be submitted to the Planning Secretary/Department);

(e) regularly monitor the implementation of the documents listed in Conditions A9, C1, C4, C11, C16 and C28 to ensure implementation is being carried out in accordance with the document and the terms of this approval;

(f) as may be requested by the Planning Secretary, help plan or attend audits of the development commissioned by the Department including scoping audits, programming audits, briefings and site visits, but not independent environmental audits required under **Condition A31** of this approval;

(g) as may be requested by the Planning Secretary, assist in the resolution of community complaints;

(h) review the application of the Low Impact Work definition on any activities reliant on that definition;

(i) consider or assess the impacts of minor construction ancillary facilities as required by **Condition C9** of this approval;

(j) consider any minor amendments to be made to the Ancillary Facility Site Establishment Management Plan, CEMP, CEMP Sub-plans and Construction monitoring programs that are consistent with the terms of this approval and the Ancillary Facility Site Establishment Management Plan, CEMP, CEMP Sub-plans and Construction monitoring programs approved by the Planning Secretary and, if satisfied such amendment is necessary, approve the amendment. This does not include any modifications to the terms of this approval; and

(k) prepare and submit to the Planning Secretary and other relevant regulatory agencies (where requested by those 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 CSSI, or as otherwise agreed by the Planning Secretary.

***Note**: The written statement / submission by point (d) must be made via the Major Projects Portal to the Planning Secretary advising the documents have been endorsed.*

A25 The Proponent must provide the **ER** with documentation requested in order for the **ER** to perform their functions specified in **Condition A24** (including preparation of the **ER** monthly report), as well as:

(a) the complaints register (to be provided on a weekly basis where complaints have been received 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).

Note: *Personal details of the complainant are not to be provided to the* ***ER*** *unless otherwise agreed to or requested by the complainant.*

NOTIFICATION OF COMMENCEMENT

A26 The Planning Secretary must be notified in writing of the dates of commencement of Work, construction and operation at least one month before those dates.

A27 If the construction or operation is to be staged, the Planning Secretary must be notified in writing at least one month before the commencement of each stage, of the date of the commencement of the relevant Work, Construction and Operation at least one month before those dates.

Dates for Commencement of Operations for Operational Noise and Vibration, Level Crossing Performance reviews and provision of alternative emergency vehicle access

A28 At least one month before the commencement of operation, as required in accordance with **Condition A26**, the Proponent must nominate dates for the following scenarios where:

(a) noise and vibration impacts are expected to result in exceedances of the *Rail Infrastructure Noise Guidelines* (EPA, 2013) trigger levels for sensitive land use(s) identified in the PIR;

(b) train numbers using the CSSI are equivalent to that assumed for the opening year assessed in the EIS;

(c) the first double stacked freight train;

(d) any other proposed measure as agreed with the Planning Secretary.

Note: *Nothing in this condition prevents the staging of operation in accordance with* ***Condition A9.***

A29 The Proponent must justify the proposed dates to be used to complete operational noise and vibration validation in accordance with **Condition E111**, the Operational Level Crossing Performance Report in accordance with **Condition E169** and provide alternative emergency access in accordance with **Condition E155** with consideration of the dates nominated in **Condition A28.** The justification and proposed dates must be submitted to and approved by the Planning Secretary prior to the commencement of operation.

The Proponent may nominate revised dates for **Condition A28(a)** to **(d)** with agreement of the Planning Secretary. Any nomination to revise the dates must be submitted to the Planning Secretary no later than 6 months prior to the earliest date nominated for **Condition A28(a)** to **(d)**.

Note: *The intent of this condition is to ensure compliance with conditions that are related to operational rail traffic are complied with at the relevant time. Nothing in this condition requires the same timing trigger to be used for the requirements of* ***Condition E111, Condition E169*** *and/or* ***Condition E155***

AUDITING

A30 Proposed independent auditors must approved by the Planning Secretary before the commencement of an **Independent Audit**. This condition does not apply to the engagement of auditors required under **Condition E159.**

A31 **Independent Audits** of the CSSI must be conducted and carried out in accordance with the *Independent Audit Post Approval Requirements* (DPIE, 2020) or as updated from time to time and published on the Department's website.

A32 The Planning Secretary may require the initial and subsequent **Independent Audits** to be undertaken at different times to those specified in *Independent Audit Post Approval Requirements* (Department of Planning, Industry and Environment, 2020), 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.

A33 In accordance with the specific requirements in the *Independent Audit Post Approval Requirements (*Planning, Industry and Environment*, 2020)*, the Proponent must:

(a) review and respond to each Independent Audit Report prepared under Condition A31 or Condition A32;

(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.

A34 **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* (Planning, Industry and Environment, 2020).

A35 Notwithstanding the requirements of the *Independent Audit Post Approval Requirements* (Planning, Industry and Environment, 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

A36 The Proponent must notify the Department within 24 hours of becoming aware of an incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the incident including:

(a) date, time and location;

(b) a brief description of what occurred and why it has been classified as an incident;

(c) a description of what immediate steps were taken in relation to the incident; and

(d) identifying a contact person for further communication regarding the incident.

The Proponent must provide the Department with a subsequent incident report in accordance with **APPENDIX A** (Incident Notification and Reporting Requirements).

The requirement to notify the Department under this condition excludes incidents which are solely required to be notified to the Office of the National Rail Safety Regulator and/or Safe Work NSW.

Non-Compliance Notification

A37 Within seven days of becoming aware of a non-compliance, the Proponent must notify the Department of the non-compliance. The notification must be in writing and must be submitted via the NSW planning portal (Major Projects). The notification must identify the CSSI (including the application number and the name of the CSSI if it has one), set out the condition of this approval that the CSSI is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.

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

IDENTIFICATION OF WORKS

A38 The CSSI name, application number, telephone number, postal address and email address required under **Condition B7** of this approval must be made available on site at each ancillary facility, on either its hoarding or boundary fencing, before the commencement of Works at the ancillary facility. This information must also be provided on the website required under **Condition B16** of this approval.

PART B COMMUNITY INFORMATION AND REPORTING

COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

Community Communication Strategy

B1 A **Community Communication Strategy** must be prepared to provide mechanisms to facilitate communication about construction and operation with relevant stakeholders including:

(a) the community (including adjoining affected landowners and businesses, and others directly impacted by the CSSI);

(b) Aboriginal people, Registered Aboriginal Parties (RAPs) and LALCs; and

(c) Council.

B2 The **Community Communication Strategy** must:

(a) identify people, organisations, councils to be consulted during the design and work phases of the CSSI;

(b) identify details of the community and its demographics;

(c) identify timing of consultation;

(d) set out procedures and mechanisms for the regular distribution of accessible information including to CALD and vulnerable communities about or relevant to the CSSI;

(e) identify opportunities for education within the community about construction sites;

(f) detail the measures for advising the community and Council in advance of upcoming construction including upcoming out-of-hours work as required by **Condition E92** including:

(i) justification and description of the potential work, location and duration of the out-of-hours work;

(ii) the noise characteristics and likely noise levels of the work;

(iii) likely mitigation and management measures which will be implemented to address **Condition E93** (including the circumstances of when respite or relocation offers will be available and details about how the affected community can access these offers);

(iv) respite periods;

(g) identify the mechanisms for engaging / involving the community to determine periods of respite, as required by **Condition E92**;

(h) provide for the formation of issue or location-based community forums that focus on key environmental management issues of concern to the relevant community(ies) for the CSSI;

(i) detail the role and responsibilities of the Public Liaison Officer(s) and Aboriginal engagement facilitator(s) engaged under Condition B5;

(j) set out procedures and mechanisms:

(i) through which the community can discuss or provide feedback to the Proponent;

(ii) through which the Proponent will respond to enquiries or feedback from stakeholders;

(iii) to resolve any issues and mediate any disputes that may arise in relation to the environmental management and delivery of the CSSI, including disputes regarding rectification or compensation;

(k) detail who will engage with the relevant stakeholders.

B3 Work for the purposes of the CSSI must not commence until the **Community Communication Strategy** has been approved by the Planning Secretary. The Planning Secretary's approval of the **Community Communication Strategy** must be sought no later than one month before the commencement of Work.

B4 The **Community Communication Strategy**, as approved by the Planning Secretary, must be implemented for the duration of Work and for 12 months following the completion of construction.

Public Liaison Officer and Aboriginal Engagement Facilitator

B5 A **Public Liaison Officer(s)** and a suitability qualified **Aboriginal Engagement Facilitator(s)** must be appointed to assist the public with questions and complaints they may have during Work. The **Public Liaison Officer(s)** and **Aboriginal Engagement Facilitator(s)** must be available when Work is ongoing.

COMPLAINTS MANAGEMENT SYSTEM

B6 A **Complaints Management System** must be prepared and implemented before the commencement of any Work and maintained for the duration of Work and for a minimum for 12 months following completion of construction of the CSSI.

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

B7 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 CSSI;

(b) a postal address to which written complaints and enquires may be sent;

(c) an email address to which electronic complaints and enquiries may be transmitted; and

(d) a mediation system for complaints unable to be resolved.

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

Note: *This information may be located on site hoardings and on the SSIs website page.*

B8 A **Complaints Register** must be maintained recording information on all complaints received about the CSSI during the carrying out of any Work and for a minimum of 12 months following the completion of construction. The **Complaints Register** must record the:

(a) number of complaints received;

(b) the date and time of the complaint;

(c) the method by which the complaint was made;

(d) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;

(e) the nature of the complaint, including the issues raised;

(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.

Note: *Personal details of the complainant are not to be provided to the* ***ER*** *unless otherwise agreed to or requested by the complainant.*

B9 Complainants must be advised of the following information before, or as soon as practicable after, providing personal information:

(a) the Complaints Register may be forwarded to government agencies, including the Department and its representatives (including independent appointments such as the **ER**), to allow them to undertake their regulatory duties;

(b) by providing personal information, the complainant authorises the Proponent to provide that information to government agencies;

(c) the supply of personal information by the complainant is voluntary; and

(d) the complainant has the right to contact government agencies to access personal information held about them and to correct or amend that information (Collection Statement).

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

Notes:

1. *For any complaints made in person, the complainant must be made aware of the Collection Statement.*
2. *Should a complainant disagree with the collection statement, a note to that effect must be recorded in the Complaints Register.*

B10 The **Complaints Register** must be provided to the Planning Secretary upon request, within the timeframe stated in the request.

Community Complaints Mediator

B11 A **Community Complaints Mediator** that is:

(a) independent of the design and construction personnel; and

(b) accredited under the National Mediator Accreditation System, administered by the Mediator Standards Board,

must be nominated by the Proponent and approved by the Planning Secretary one month before the commencement of Work. Once approved, the Proponent must engage the **Community Complaints Mediator** for the duration of Work and fora minimum of 12 months follow the completion of construction.

B12 The role of the **Community Complaints Mediator** is to address any complaint where a member of the public has lodged a complaint and is not satisfied by the Proponent's response. Any member of the public that has lodged a complaint which is registered in the **Complaints Management System** identified in **Condition B6**, and that complaint is unresolved, may ask the **Community Complaints Mediator** to review the Proponent's response. The application must be submitted in writing and the **Community Complaints Mediator** must respond within 28 days of the request being made or other specified timeframe agreed between **the Community Complaints Mediator** and the member of the public.

B13 The **Community Complaints Mediator** will:

(a) review unresolved disputes if the procedures and mechanisms under **Condition B2(j)(iii)** do not satisfactorily address complaints;

(b) make recommendations to the Proponent to satisfactorily address complaints, resolve disputes or mitigate against the occurrence of future complaints or disputes; and

(c) provide a copy of the recommendations, and the Proponent's response to the recommendations, to the Planning Secretary within one month of the recommendations being made.

B14 The Proponent must implement the recommendations made by **the Community Complaints Mediator** in accordance with **Condition B13** within a timeframe agreed with the **Community Complaints Mediator**, unless otherwise agreed with the Planning Secretary.

B15 The **Community Complaints Mediator** will not act before the **Complaints Management System** required by **Condition B6** has been executed for a complaint and will not consider issues such as property acquisition, where other dispute processes are provided for in this approval or clear government policy and resolution processes are available or matters which are not within the scope of this CSSI.

PROVISION OF ELECTRONIC INFORMATION

B16 A website or webpage providing information in relation to the CSSI must be established before commencement of Work and be maintained for the duration of construction, and for a minimum of 24 months following the completion of construction or unless an alternative timeframe is agreed by the Planning Secretary. The following up-to-date information (excluding confidential, personal, commercial information or any other information that the Planning Secretary has approved to be excluded) must be published before the relevant work commences and maintained on the website or dedicated pages including:

(a) information on the current implementation status of the CSSI;

(b) a copy of the documents listed in **Condition A1**, and any documentation relating to any modifications made to the CSSI or the terms of this approval;

(c) a copy of this approval in its original form, a current consolidated copy of this approval (that is, including any approved modifications to its terms), and copies of any approval granted by the Minister to a modification of the terms of this approval;

(d) a copy of each statutory approval, licence or permit required and obtained in relation to the CSSI;

(e) a copy of the current version of each document required under the terms of this approval; and

(f) a copy of the audit reports required under this approval.

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

All information required in this condition must be provided on the Proponent’s website, ordered in a logical sequence, easy to navigate, searchable and with documents titles clearly presented.

Notes:

1. *The intention of this condition is to increase transparency and for information/documents required as part of the approval to be provided proactively and publicly in an easily accessible manner. Where information is excepted by this condition, it is intended that these documents are provided in their redacted form.*
2. *The Planning Secretary may instruct the Proponent to finalise and upload any report or documents to the Project's website in accordance with **Condition A4**.*
3. *The publishing of documents should occur a minimum of a week before the relevant Work / activity is going to commence.*
4. *In determining what information should be published under this condition, the proponent should have regard to the principles in Division 2 of Part 2 of the Government Information (Public Access) Act, 2009.*
5. *Documents should be named to be consistent with the conditions of approval where possible. The name should also give an overall impression of what the document is about. The names should be simple and concise (no more than 50 characters) without any unnecessary punctuation or under scoring in the title.*

B17 Where the agreement of the Planning Secretary is sought to cease providing information via a website or webpage in accordance with **Condition B16**, the Proponent must demonstrate:

(a) operational compliance through independent audits completed in accordance with **Condition A33(c)**;

(b) how any ongoing monitoring programs required by **Condition D5** will be made publicly available; and

(c) how the public can request access to information that will no longer be available through a website or webpage.

PART C CONSTRUCTION ENVIRONMENTAL MANAGEMENT

CONSTRUCTION ENVIRONMENTAL MANAGEMENT FRAMEWORK

C1 A **Construction Environmental Management Framework (CEMF)** may be prepared to facilitate the preparation and approval of construction environmental management and monitoring plans required under **Part C** of this approval. The **CEMF** must:

(a) identify the Construction Environmental Management Plans (CEMPs), CEMP Sub-plans and Construction Monitoring Programs (CMP) required for each stage of construction consistent with the Staging Report prepared under **Condition A9**;

(b) document the proposed structure of the CEMPs, CEMP Sub-plans and CMPs for the relevant stage of construction;

(c) provide, by way of a Risk Matrix, an assessment of the predicted level of environmental and social risk, including the potential level of community concerns posed by each construction stage. This must use a process consistent with *AS/NZS ISO 31000: 2018; Risk Management – Guidelines;* and

(d) nominate the consultation and endorsement level for the CEMPs, CEMP Sub-plans and CMPs required for each construction stage other than the first chronological stage of the project. The endorsement level being one of the following:

(i) Low Risk Stage – to be self endorsed and consultation with stakeholders is not mandatory,

(ii) Medium Risk Stage – to be endorsed by the **ER** and consultation with stakeholders and relevant agencies and Councils required, and

(iii) High Risk Stage– to be approved by the Planning Secretary and consultation with stakeholders required.

For a Low Risk Stage(s), a **CEMP**, **CEMP sub-pan** and **CMP**, may be substituted with an alternate process such as a Construction Method Statement or the like.

The **CEMPs**, **CEMP Sub-plans** and **CMPs** for the first chronological stage of the project must be approved by the Planning Secretary.

The **CEMF** must be prepared in consultation with the **ER** and then submitted no later than one month before the lodgement of any **CEMP**, **CEMP sub plan or CMP** to the Planning Secretary for approval.

Notes:

1. *The Planning Secretary may vary the **CEMF** in relation to the endorsement authority for the **CEMPs**, **CEMP Sub-plans and CMPs**.*
2. *The intent is for staging and not activities within a stage.*

C2 The approved **CEMF** must be implemented for the duration of construction.

C3 Where changes are proposed to the staging of construction, a revised **CEMF** must be prepared, endorsed by the **ER** and submitted to the Planning Secretary for approval no later than one month prior to the proposed change in the staging.

SITE ESTABLISHMENT WORK

Ancillary Facility - Site Establishment Management Plan

C4 Before establishing an ancillary facility that is required prior to the approval of a **CEMP** (excluding minor ancillary facilities established under **Condition C9**), the Proponent must prepare an **Ancillary Facility Site Establishment Management Plan** which outlines the environmental management practices and procedures to be implemented for the establishment of the ancillary facility(ies). The **Ancillary Facility Site Establishment Management Plan** must be prepared in consultation with the Council and government agencies. The Plan must be endorsed by the **ER** and then submitted to the Planning Secretary for approval one month before the establishment of any ancillary facility(ies). The **Ancillary Facility Site Establishment Management Plan** must detail the management of the ancillary facility(ies) and include:

(a) a description of activities to be undertaken during establishment of the ancillary facility (including scheduling and duration of Work to be undertaken at the site);

(b) figures illustrating the proposed operational site layout and the location of the closest sensitive land use(s);

(c) an analysis of the key environmental risks arising from the site establishment activities described in subsection (a) of this condition, including an initial risk assessment;

(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 noise monitoring during site establishment works**.**

Nothing in this condition prevents the Proponent from preparing individual **Ancillary Facility Site Establishment Management Plans** for each ancillary facility, or one **Ancillary Facility Site Establishment Management Plan** for all ancillary facilities. The approved **Ancillary Facility Site Establishment Management Plan(s)** must be implemented. The ancillary facility(ies) listed in the **Ancillary Facility Site Establishment Management Plan** cannot be established until the Plan is approved by the Planning Secretary.

Upon commencement of construction, the **Ancillary Facility Site Establishment Management Plan(s)** will cease to have effect and the **CEMP** required by **Condition C11** will apply to the operation of ancillary facilities

Use of and Decommissioning of an Ancillary Facility

C5 An ancillary facility established under **Condition C4** must not be used for construction until the CEMP required by **Condition C11**, relevant CEMP Sub-plans required by **Condition C16** and relevant CMPs required by **Condition C28** have been approved by the Planning Secretary or endorsed consistent with the provisions of the **Construction Environmental Management Framework** (**Condition C1**).

C6 Once an ancillary facility is no longer required for the CSSI, the land must be returned to its pre-existing or better condition within six months of the site being decommissioned or within two years of operation (whichever is the earliest), unless the land is subject to another requirement of this approval or as otherwise agreed with the Planning Secretary.

Access to Ancillary Facilities

C7 Where possible, ancillary facilities must be accessed via existing public roads and/or the existing rail corridor. Where access via existing roads or the rail corridor is not possible, the Proponent may use existing private access tracks on private property but only with the written permission of the landowner. The Proponent must consult with each landowner whose property is required for access and agree on the terms and conditions relating to access arrangements. Nothing in this condition prevents the landowner from refusing the Proponent access to and via their land. New construction access tracks on private property must comply with the requirements of **Condition C4**.

C8 The Proponent must ensure that all roads / tracks that will be used to access ancillary facilities are to the standard necessary to provide access as agreed with landowners, asset owner(s), the roads authority, and both TfNSW and the roads authority for Classified Roads, including a trafficable surface suitable to accommodate the type of vehicle movements that are anticipated to be associated with the construction of the CSSI.

Minor Ancillary Facilities

C9 Minor Ancillary Facilities can be established and used where they have been assessed in the documents listed in **Condition A1** or satisfy the following criteria:

(a) are located within or immediately adjacent to the construction boundary; and

(b) have been assessed by the **ER** to have -

(i) minimal amenity impacts to surrounding residences and businesses, after consideration of matters such as compliance with the *Interim Construction Noise Guideline* (DECC, 2009) (ICNG), traffic and access impacts, dust and odour impacts, and visual (including light spill) impacts, and

(ii) minimal environmental impact with respect to waste management and flooding, and

(iii) no impacts on biodiversity, soil and water, Aboriginal Cultural Heritage and heritage items beyond those already approved under other terms of this approval.

Boundary screening

C10 Boundary screening must be erected between ancillary facilities (excluding minor ancillary facilities) and adjacent to sensitive land use(s) (including occupied residences on agricultural properties) for the duration of the time that the ancillary facility is in use, unless otherwise agreed with the owner and occupier of the adjacent sensitive land use(s).

Boundary screening should aim to minimise visual impacts on adjacent sensitive land use(s).

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

Construction Environmental Management Plan

C11 Except as provided by **Condition C1**, a **Construction Environmental Management Plan** (**CEMP**) must be prepared having regard to the *Environmental Management Plan Guideline for Infrastructure Projects* (Department of Planning, Industry and Environment, 2020).

C12 The **CEMP** must provide:

(a) a description of activities to be undertaken during construction (including the scheduling of construction and operation of ancillary facilities);

(b) details of environmental and social policies, guidelines and principles to be followed in the construction of the CSSI;

(c) a program for ongoing analysis of the key environmental and social impact risks arising from the activities described in subsection (a) of this condition, including an initial risk assessment undertaken before the commencement of construction of the CSSI. The initial risk assessment may be undertaken as part of the **CEMF** pursuant to **Condition C1**;

(d) details of how the activities described in subsection (a) of this condition will be carried out to:

(i) meet the performance outcomes stated in the documents listed in **Condition A1** and as required by this approval; and

(ii) manage the risks identified in the risk analysis undertaken in subsection (c) of this condition;

(e) an inspection program detailing the activities to be inspected and frequency of inspections;

(f) a protocol for managing and reporting, including to the relevant roads authority where relevant to traffic, transport and access management, any:

(i) incidents; and

(ii) non-compliances with this approval or statutory requirements;

(g) procedures for rectifying any non-compliance with this approval identified during compliance auditing, incident management or at any time during construction;

(h) a list of all the **CEMP Sub-plans** required in respect of construction, as set out in **Condition C16**. Where staged construction of the CSSI is proposed, the **CEMP** must also identify which **CEMP Sub-plan** applies to each of the proposed stages of construction;

(i) an organisational chart including description of the roles and environmental responsibilities for relevant employees and any independent appointments;

(j) for training and induction for employees, including contractors and sub-contractors, in relation to environmental, social and compliance obligations under the terms of this approval; and

(k) for periodic review and update of the **CEMP** and all associated plans and programs

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

C13 **CEMP(s)** (and relevant **CEMP sub-plans**) must be submitted to the Planning Secretary for approval except those permitted to be endorsed by others pursuant to a **CEMF** approved by the Planning Secretary under **Condition C1**.

C14 Where a **CEMP** (and relevant **CEMP sub-plans**) requires Planning Secretary's approval, the **CEMP** (and relevant **CEMP sub-plans**) must be endorsed by the **ER** and then submitted to the Planning Secretary for approval no later than one month before the commencement of construction, or where construction is staged, no later than one month before the commencement of each stage.

C15 **CEMP(s)** (and relevant **CEMP sub-plans**) not requiring the Planning Secretary's approval, but requiring ER endorsement, must be submitted to the **ER** no later than one (1) month before the commencement of construction or where construction is staged no later than one (1) month before the commencement of that stage. The **CEMPs** (and relevant **CEMP sub-plans**) must be endorsed by the **ER** as being consistent with the conditions of this approval and all undertakings made in the documents listed in **Condition A1**.

C16 Except as provided by **Condition C1,** the following **CEMP Sub-plans** must be prepared in consultation with the relevant government agencies and councils identified for each **CEMP Sub-plan.** Details of all information requested by an agency during consultation must be provided to the Planning Secretary as part of any submission of the relevant **CEMP Sub-plan**, including copies of all correspondence from those agencies as required by **Condition A8**.

	Required CEMP Sub-plan	**Relevant government agencies and council to be consulted for each CEMP Sub-plan**
(a)	Traffic, Transport and Access Management Plan	TfNSW, LLS, LEMC, and Council
(b)	Maritime Traffic and Access Management Plan	TfNSW. Crown Lands, Council and water user groups
(c)	Flora and Fauna Management Plan	CPHR
(d)	Biosecurity Management Plan	CPHR, DPI Agriculture, LLS
(e)	Flood Emergency Management Plan	CPHR, SES, LEMC, and Council
(f)	Soil and Water Management Plan	Council, EPA, DCCEEW Water
(g)	Heritage Management Plan	Heritage NSW, RAPs and Council
(h)	Noise and Vibration Management Plan	Council, EPA
(i)	Air Quality and Dust Management Plan	EPA

***Notes**:*
1. ***CEMP Sub-plan(s)** may reflect the staged construction of the project through geographical activities, temporal activities or activity based contracting and staging.*
2. *Nothing in this condition prevents the Proponent from combining any of the above CEMP Sub-plans.*

3. *The **Flora and Fauna CEMP Sub-Plan** must be consistent with goals and objectives, mitigation measures and monitoring requirements of the Commonwealth approved conservation advice and any Recovery Plans for all Matters of National Environmental Significance.*

C17 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 any trigger levels and cumulative impacts), as identified through ongoing environmental risk analysis, will be managed through SMART principles.

C18 Construction must not commence until the relevant **CEMP(s)** and **CEMP Sub-plans** have been approved by the Planning Secretary or endorsed by the **ER,** (as applicable and as identified in the **CEMF** approved under **Condition C1**).

C19 The **CEMP(s)** and **CEMP Sub-plans** as approved or endorsed (as relevant), including any minor amendments approved by the **ER,** must be implemented for the duration of construction.

C20 The **Traffic, Transport and Access Management Plan** must be consistent with any agreements with the relevant roads authority, and both TfNSW and the roads authority for classified roads, about the use and management of public and private roads and include measures to:

(a) minimise impacts on seasonal traffic and harvest-related vehicles, school related traffic, pedestrians, active transport users, public transport (including school buses, bus stops, community and on demand services), stock movements and freight operators and general road traffic;

(b) minimise noise and amenity impacts of heavy vehicles entering and exiting construction compounds, and ancillary sites, and from driving through populated areas, including school zones at speed limited times;

(c) minimise impacts to vulnerable road users and sensitive land use(s);

(d) schedule heavy vehicle movements to avoid movements on public roads outside the construction hours detailed in **Condition E87**;

(e) provide any necessary road intersection treatments to accommodate construction traffic;

(f) ensure road repair is undertaken periodically before and during construction, and as identified in Conditions E148 and E149;

(g) inform road users and freight operators of changes to traffic conditions;

(h) maintain pedestrian and vehicular access to affected properties, including measures to consult with affected landowners and implement measures prior to any access disruption;

(i) consult utility providers and managers to ensure appropriate access to utilities and assets is maintained;

(j) identified construction vehicle routes not identified in documents listed in **Condition A1.**

(k) prepare a Country Rail Network / Inland Rail Interface Management Plan to address potential impacts to Country Rail Network / Inland Rail interfaces.

C21 The **Maritime Traffic and Access Management Plan** must include details of:

(a) all commercial and other users of waterways that will be impacted by construction;

(b) measures to:

(i) minimise impacts to waterway users and maximise access to the Gwydir River and the Mehi River;

(ii) consult and inform waterway users of changes to access and use of the waterways;

(iii) reinstate access as soon as possible after the completion of construction impacting the waterway.

C22 The **Flora and Fauna Management Plan** must include details of:

(a) measures to avoid and minimise disturbance to native vegetation and other habitat of threatened flora and fauna species,

(b) measures to avoid and minimise impacts to Koalas and other threatened fauna including consideration of entrapment;

(c) measures that are consistent with the goals and objectives, mitigation measures and monitoring requirements of relevant Commonwealth approved conservation advices and any Recovery Plans and Threat Abatement Plans for Matters of National Environmental Significance;

(d) measures to ensure fauna movement is maintained, monitored and adaptively managed;

(e) procedures for undertaking pre-clearing surveys for native fauna, including surveys by a suitably qualified and experienced ecologist to determine the presence of native fauna in the area impacted by the CSSI, and procedures and measures to manage their relocation;

(f) procedures for the dewatering of farm dams and coffer dams, including the relocation of aquatic fauna;

(g) procedures for working within and adjacent to waterways including buffer zones consistent with the *Policy and Guidelines for Fish Habitat Conservation and Management* (update 2013), and relocation of fauna and measures to maintain fish passage;

(h) protocols for unexpected and incidental finds of threatened species and threatened ecological communities within the construction boundary in accordance with **Condition E8**.

C23 The **Biosecurity Management Plan** must include details of:

(a) measures to minimise biosecurity risks to agricultural land;

(b) protocols for animal diseases including emergency situations;

(c) measures to manage pest, pathogen and weed impacts consistent with the *Biosecurity Act 2015*

(d) measures for the management and mitigation of biosecurity impacts affected by temporary or permanent works.

C24 The **Flood Emergency Management Plan** must include details of:

(a) measures for managing flood risks during construction including procedures for site shutdown and management of exposed stockpiled materials and temporary structures in the event of a flood and address flood recovery;

(b) consideration of flood risks associated with construction works;

(c) details of the management and maintenance of flood mitigation measures; and

(d) measures for the management and mitigation of flood impacts affected by temporary or permanent fencing and culverts, including installation of flood mitigation measures as soon as practical after construction of the relevant drainage structure.

C25 The **Soil and Water Management Plan** must include details of:

(a) measures to avoid erosion and sedimentation impacts to agricultural land, including in areas of high salinity and high erosion potential;

(b) a water balance for the project;

(c) measures to minimise impacts to groundwater;

(d) information demonstrating that the required construction water resources are legally and physically available;

(e) mitigation measures to address construction water resource shortages that may arise; and

(f) a spill response procedure.

C26 The **Noise and Vibration Management Plan** must include details of:

(a) an approach to assess and manage construction fatigue from noise impacts on an

(b) ongoing basis;

(c) mitigation for construction traffic noise impacts from additional construction traffic and road diversions;

(d) vibration levels at a range of distances from vibration intensive equipment such as excavators and vibratory rollers before undertaking works with the specific type and size of equipment.

C27 The **Heritage Management Plan** must include details of:

(a) identification of the Aboriginal objects and Aboriginal places that must be avoided and the protective measures to be put in place;

(b) procedures for additional surveys as required by Condition E82;

(c) procedures for salvaging and safe keeping of the Aboriginal objects identified in the documents listed in Condition A1, and their long-term management;

(d) procedures for identifying and salvaging significant heritage fabric, to be re-used prior to the demolition of the Mehi and Gwydir Bridges including an assessment of the condition, significance, storage requirements and the potential re-use options for any identified elements of the structures;

(e) measures to avoid or minimise disturbance to Aboriginal heritage where, (as considered by legislation, guidelines and community) areas, objects or places are found to be present. Where impacts cannot be avoided, records of stakeholder involvement and engagement; and details on the methodology for archaeological excavation and/or salvage work;

(f) a process for inspecting trees for evidence of cultural scarring in areas that were not subject to the archaeological survey, and measures to avoid impact. If impact is unavoidable, and upon consultation with the RAPs, work shall be undertaken under the guidance of an appropriately qualified heritage specialist; and

(g) an Unexpected Heritage Finds and Human Remains Procedure in accordance with **Condition E76**, with the requirement that Heritage NSW are contacted and consulted upon the discovery of human remains, prepared by a suitably qualified and experienced heritage specialist.

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

CONSTRUCTION MONITORING PROGRAMS

C28 Except as provided by **Condition C1** the following **Construction Monitoring Programs (CMPs)** must be prepared in consultation with the relevant government agencies and council(s) identified for each to compare actual performance of construction of the CSSI against the performance predicted in the documents listed in **Condition A1** or in the **CEMP**:

	Required Construction Monitoring Programs	Relevant government agencies and council(s) to be consulted for each Construction Monitoring Program
(a)	Noise and Vibration	EPA and Council
(b)	Surface Water	DCCEEW Water, Crown Lands and Council
(c)	Fauna and Fauna	CPHR
(d)	Air Quality	EPA

Notes:
1. *All noise monitoring for the purposes of determining compliance with the conditions of this approval must be undertaken by a **Competent Person**.*
2. *The **Flora and Fauna Monitoring Program** must be consistent with goals and objectives, mitigation measures and monitoring requirements of the Commonwealth approved conservation advice and any Recovery Plans for all Matters of Environmental Significance.*

C29 Each **CMP** must be consistent with SMART principles and provide:

(a) details of baseline data available;

(b) details of baseline data to be obtained and when;

(c) details of all monitoring of the CSSI to be undertaken;
(d) the parameters of the CSSI to be monitored;
(e) the frequency of monitoring to be undertaken;
(f) the location of monitoring;
(g) how the reporting of monitoring results and analysis of results against relevant criteria will be undertaken (including trends in the data, including maximum, minimum and average data results for all monitored parameters);
(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 impacts; and
(j) any consultation to be undertaken in relation to the monitoring programs.

C30 The **Noise Monitoring Program** must be prepared and implemented in accordance with the requirements of *Approved Methods for the Measurement and Analysis of Environmental Noise* (EPA, 2022).

C31 **CMPs** must be submitted to the Planning Secretary for approval except those permitted to be endorsed by others pursuant to a **CEMF** approved by the Planning Secretary under **Condition C1.**

C32 Where a **CMP** requires Planning Secretary's approval, the **CMP** must be endorsed by the **ER** and then submitted to the Planning Secretary for approval no later than one month before the commencement of construction, or where construction is staged, no later than one month before the commencement of each stage.

C33 **CMP(s)** not requiring the Planning Secretary's approval, but requiring ER endorsement, must be submitted to the **ER** no later than one (1) month before the commencement of construction or where construction is staged no later than one (1) month before the commencement of that stage. The **CMP(s)** must be endorsed by the **ER** as being consistent with the conditions of this approval and all undertakings made in the documents listed in **Condition A1**.

C34 Construction must not commence until the relevant **CMP(s)** have been approved by the Planning Secretary or endorsed by the **ER,** (as applicable and as identified in the **CEMF** approved under **Condition C1**), and all relevant baseline data for the specific construction activity has been collected.

C35 The **CMP(s)**, as approved or endorsed (as relevant), including any minor amendments approved by the **ER,** must be implemented for the duration of construction and for any longer period set out in the monitoring program or specified by the Planning Secretary, whichever is the greater.

C36 The results of the construction monitoring must be uploaded to the project website (required by **Condition B16**) in the form of a **Construction Monitoring Report (CMR)** at the frequency identified in the relevant **CMP** and submitted to the Planning Secretary and relevant regulatory agencies upon request.

The **CMR** must provide an analysis of the monitoring data and detail any proposed and implemented management measures in accordance with the procedures identified in the relevant **CMP**.

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

PART D OPERATIONAL ENVIRONMENTAL MANAGEMENT

OPERATIONAL ENVIRONMENTAL MANAGEMENT

D1 An **Operational Environmental Management Plan (OEMP)** must be prepared having regard to the *Environmental Management Plan Guideline for Infrastructure Projects* (Department of Planning, Industry and Environment, 2020). The **OEMP** must detail how the performance outcomes, commitments and mitigation measures made and identified in the documents listed in **Condition A1** will be implemented and achieved during operation. **Condition D1** does not apply if **Condition D2** of this approval applies.

D2 An **OEMP** is not required for the CSSI if the Proponent has a **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.

(d) procedures and mechanisms are in place:

(i) for the community to discuss or provide feedback to the Proponent;

(ii) for the Proponent to 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 operation, including disputes regarding rectification or compensation.

D3 The EMS or equivalent must include:

(a) failure compensation mechanisms and repair procedures,

(b) maintenance of fences, and mitigation measures to minimise hydrological impacts including culverts and the Camurra Hairpin, and as agreed in accordance with **Condition E34**.

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, or where operation is staged, no later than one month before the commencement of operation of that stage. The OEMP or EMS or equivalent, as submitted to the Planning Secretary and amended from time to time, must be implemented for the duration of operation and must be made publicly available before the commencement of operation in accordance with **Condition B16**.

OPERATIONAL MONITORING PROGRAM

D5 The following **Operational Monitoring Programs (OMP)** must be prepared in consultation with the relevant government agencies and councils identified for each **OMP** to compare actual operational performance against predicted performance. Details of all information requested by an agency during consultation must be provided to the Planning Secretary as part of any submission of the relevant **OMP**, including copies of all correspondence from those agencies as required by **Condition A8**.

	Required Operational Monitoring Programs	Relevant government agencies and council(s) to be consulted for each Operational Monitoring Program
(a)	Fauna Connectivity Monitoring and Adaptive Management Program	CPHR and Council

Note: *The **Fauna Connectivity Monitoring and Adaptive Management Program** must be consistent with goals and objectives, mitigation measures and monitoring requirements of the Commonwealth approved conservation advice and any Recovery Plans for all Matters of Environmental Significance.*

D6 Each **OMP** must be consistent with SMART Principles and include:

(a) details of baseline data;

(b) details of all monitoring of the CSSI to be undertaken;

(c) the parameters of the CSSI to be monitored;

(d) the frequency and lifespan of monitoring to be undertaken;

(e) the location of monitoring;

(f) how the reporting of monitoring results and analysis of results against relevant criteria will be undertaken;

(g) details of the methods that will be employed to analyse the monitoring data;

(h) procedures and/or trigger points to identify and implement additional mitigation measures where results of monitoring are unsatisfactory; and

(i) any consultation to be undertaken in relation to the monitoring programs.

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

D7 An **Operational Fauna Connectivity Monitoring and Adaptive Management Program** must be implemented for a period of ten (10) years, or as otherwise agreed with the Planning Secretary, to evaluate the effectiveness of fauna connectivity measures and any adaptive management measures. The Program must be prepared by a suitably qualified and experienced ecologist(s) with experience in fauna connectivity and crossings and experimental design and include:

(a) timing of regular seasonal ongoing monitoring of the target species and their use of the connectivity structures, including:

(i) Koala,

(ii) Kultarr,

(iii) Spotted-tailed Quoll,

(iv) Striped-faced Dunnart,

(v) Five-clawed Worm-skink,

(vi) Grey Snake, and

(vii) Woma python.

(b) baseline fauna connectivity data obtained in accordance with **Condition E11**;

(c) performance indicators, type, duration and frequency of monitoring, inspections and condition assessments;

(d) the effectiveness of new and existing fauna connectivity measures, including fauna exclusion fencing, fauna furniture and predation prevention measures;

(e) frequency of visual inspections of fauna connectivity structures including fauna exclusion fencing, following a severe weather event and/or record of fauna mortality;

(f) condition assessments of fauna connectivity measures including habitat refuges and predation prevention measures;

(g) an adaptive monitoring program to assess the effectiveness of the mitigation measures identified in **Condition E12** and whether changes are required to the monitoring program;

(h) a process to ensure adaptive management measures, including changes to fauna furniture, predator prevention or mitigation in response to the results of monitoring completed in accordance with Condition D7(a) to (g) above, and a timeframe for their implementation; and

(i) timeframes for the rectification of defects identified during inspections.

D8 The results of the **Operational Fauna Connectivity Monitoring and Adaptive Mitigation Program** must be provided in an annual report and submitted to the Planning Secretary (upon request), CPHR, and Council. The annual report must be made publicly available in accordance with **Condition B16**. The **annual report** must summarise the trends in results, assess the results against relevant criteria, provide an interpretation of the results and detail any proposed or implemented management measures

D9 The **Operational Fauna Connectivity Monitoring and Adaptive Mitigation Program** must be submitted to the Planning Secretary for approval at least three months before the commencement of operation.

D10 Operation must not commence until the **Operational Fauna Connectivity Monitoring and Adaptive Mitigation Program** has been approved.

D11 The **Operational Fauna Connectivity Monitoring and Adaptive Mitigation Program**, as approved by the Planning Secretary, must be implemented for the duration identified in the terms of this approval.

PART E KEY ISSUE CONDITIONS

AIR QUALITY AND ODOUR

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

BIODIVERSITY

Biodiversity Credits

E2 The clearing of native vegetation must be minimised to the greatest extent practicable with the objective of reducing impacts to threatened ecological communities, threatened species and their habitat.

E3 Impacts to plant community types and species must not exceed those identified in **Table 3** and **Table 4** and the corresponding number and class of ecosystem and species credits as set out in the BAM Biodiversity Credit Report which forms part of **Condition A1(d).**

Table 3: Plant community type impacts and ecosystem credit requirements

Vegetation type	IBRA Subregion	BC Act	EPBC Act	Area (hectares)	Hollow Bearing Tree credits	Total Credits required
27-Weeping Myall open woodland of the Darling Riverine Plains Bioregion and Brigalow Belt South Bioregion	Northern Outwash	TEC	TEC (partially)	8.3	0	194
36-River Red Gum tall to very tall open forest / woodland wetland on rivers on floodplains mainly in the Darling Riverine Plains Bioregion	Northern Outwash	Not listed	Not listed	26	421	421
52-Queensland Bluegrass +/- Mitchell Grass grassland on cracking clay floodplains and alluvial plains mainly the northern-eastern Darling Riverine Plains Bioregion	Castlereagh Barwon	Not listed	TEC	1.9	0	115
52-Queensland Bluegrass +/- Mitchell Grass grassland on cracking clay floodplains and alluvial plains mainly the northern-eastern Darling Riverine Plains Bioregion	Castlereagh Barwon	Not listed	Not listed	0.4	0	9
56-Poplar Box - Belah woodland on clay-loam soils on alluvial plains of north-central NSW	Northern Outwash	TEC	Not listed	0.7	17	17

56-Poplar Box - Belah woodland on clay-loam soils on alluvial plains of north-central NSW	Northern Outwash	Not listed	Not listed	1.8	0	17
56-Poplar Box - Belah woodland on clay-loam soils on alluvial plains of north-central NSW	Castlereagh Barwon	Not listed	Not listed	1.7	0	31
71 Carbeen - White Cypress Pine - River Red Gum - bloodwood tall woodland on sandy loam alluvial and eolian soils in the northern Brigalow Belt South Bioregion and Darling Riverine Plains Bioregion	Northern Outwash	Not listed	Not listed	1.9	24	38
78-River Red Gum riparian tall woodland / open forest wetland in the Nandewar Bioregion and Brigalow Belt South Bioregion	Castlereagh Barwon	Not listed	Not listed	14.5	121	121
39-Coolabah - River Coobah - Lignum woodland wetland of frequently flooded floodplains mainly in the Darling Riverine Plains Bioregion	Northern Outwash	TEC	Not listed	2.9	65	65
39-Coolabah - River Coobah - Lignum woodland wetland of frequently flooded floodplains mainly in the Darling Riverine Plains Bioregion	Castlereagh Barwon	TEC	Not listed	38.1	14	715
Total						1743

Note: *credit requirements sourced from BDAR v8.4. The area of impact is rounded to one decimal point consistent with the BAM Biodiversity credit reports.*

Table 4. species credit requirements

Species	IBRA subregion	Area	credits
***Desmodium campylocaulon* / Creeping Tick-trefoil**	Northern Outwash	37.2	807
	Castlereagh Barwon	54.9	955
***Digitaria porrecta* / Finger Panic Grass**	Northern Outwash	39.7	841
	Castlereagh Barwon	56.5	986
***Ninox connivens* / Barking Owl**	Northern Outwash	7.3	214
	Castlereagh Barwon	1	21

***Phascolarctos cinereus* / Koala**	Northern Outwash	23	640
	Castlereagh Barwon	5.7	66
***Setirostris eleryi* / Bristle-faced Free-tailed Bat**	Northern Outwash	33.4	685
	Castlereagh Barwon	39.8	746
Swainsona murrayana / Slender Darling Pea	Northern Outwash	10.8	228
	Castlereagh Barwon	3.9	132
Total credits			6321

Note: *credit requirements sourced from BDAR v8.4. The area of impact is rounded to one decimal point consistent with the BAM Biodiversity credit reports*

E4 Prior to any impacts on biodiversity values occurring, the number and classes of ecosystem credits and species credits as set out in **Table 3** and **Table 4**, must be retired unless a reduction in the number or classes of credit requirements has been approved in accordance with **Condition E5**.

E5 Prior to any impacts on biodiversity values occurring, the Proponent may seek the Planning Secretary's approval in writing, to reduce the number or classes of biodiversity credits required to be retired by **Condition E4**, only if:

(a) a. The reduction in credits is due to:

(i) a reduction in impacts to biodiversity values from a revised construction footprint; and/or

(ii) the results of further targeted surveys to confirm the presence of *Swainsona murrayana*; and

(b) The proposed reduction in credits is undertaken in consultation with Conservation Planning, Heritage and Regulation in the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW (NSW)) and the Commonwealth Department of Climate Change, Energy, the Environment and Water; and

(c) The proposed reduction in credits is documented in a report that is accompanied by an updated Credit Report that was generated using the Biodiversity Assessment Method-Calculator; and

(d) The report was prepared in accordance with the Biodiversity Assessment Method, by a person accredited to apply the method.

Any reduced credit obligation may only be approved by the Planning Secretary after consulting with the DCCEEW (NSW) Secretary (or delegate) and must be acquitted prior to any impacts on biodiversity values occurring.

E6 The retirement of the credits must be carried out in accordance with the *Biodiversity Conservation Act 2016* (NSW) (**BC Act**).

E7 Evidence of the retirement of credits in satisfaction of **Condition E6** must be provided to the Planning Secretary prior to impacts to the biodiversity values occurring. Evidence must include:

(a) copies of credit retirement reports and/or a statement confirming payment into the Biodiversity Conservation Fund for an offset obligation.

(b) a report linking the evidence of the retirement of credits in (a) with each species credit in **Table 4** and for each plant community type listed in **Table 3** including how the IBRA subregion and hollow bearing tree credit requirements have been met.

Unexpected Finds

E8 An **Unexpected Finds Protocol** must be developed for threatened species and threatened ecological communities before the commencement of Work. The **Unexpected Finds Protocol** must be submitted to the Planning Secretary for approval at least one month before the commencement of Work. Work cannot commence until the **Unexpected Finds Protocol** is approved by the Planning Secretary. The **Unexpected Finds Protocol** must be implemented throughout the duration of Work.

E9 During Work, on the discovery of potential or actual impacts to any threatened species or threatened ecological communities:

(a) not listed in Condition E3; or

(b) greater than the impacts listed in **Table 3** and/or **Table 4** or;

(c) listed in **Table 3** and/or **Table 4** but located in an alternative location to that identified in the Biodiversity Development Assessment Report in **Condition A1(d)**, or an approved report prepared under **Condition E5**,

all work in the associated location must stop to prevent further impact and the Planning Secretary and CPHR (and DCCEEW (Cth) where relevant) notified. Work in the associated location is not to recommence until approval to recommence work in the associated location has been provided.

Notes:

1. *The intent of this condition is to ensure that where new or additional impacts to threatened species or ecological communities are found, all work in the immediate area must stop. This includes where there are greater impacts than approved, if the listed species or communities are found in new locations, or if new species or communities are found which were not included in the initial surveys (EIS, RtS, PIR).*
2. *The approval does not permit new or additional impacts to threatened species or ecological communities and impacts that would generate additional credits under the BC Act.*

Five-clawed Worm Skink Management Plan

E10 The Proponent must prepare a **Five-clawed Worm Skink Management Plan** (the **FCWS Management Plan**) to detail how impacts on the Five-clawed Worm Skink and its habitat will be managed and minimised during the construction and operation. **The FCWS Management Plan** may be adapted from an existing **FCWS Management Plan** prepared by the Proponent. The **FCWS Management Plan** must be prepared in consultation with CPHR and DCCEEW (Cth). The **FCWS Management Plan** must be submitted to and approved by the Planning Secretary prior to Work. The approved FCWS Management Plan must be implemented.

The **FCWS Management Plan** must include:

(a) identification of potential habitat prior to Work commencing;

(b) details of potential impacts on the species and its habitat from the construction and operation;

(c) details of proposed management and mitigation measures that would be implemented during the construction and operation to minimise impacts to the species;

(d) procedure for the relocation of individuals recovered before and during construction and details of the relocation sites;

(e) goals and performance indicators to measure the success of the mitigation measures;

(f) a procedure for recording discoveries of individuals and regular reporting to CPHR and DCCEEW (Cth); and

(g) where individuals are recorded on site, ongoing monitoring of the species and its habitat during construction must occur, and for a minimum of five monitoring events post-construction in suitable conditions, with timing agreed by CPHR and DCCEEW (Cth).

***Note**: Nothing in this condition prevents the Proponent from preparing separate **Five-clawed Worm Skink Management Plans** for the construction and operation phases .*

Fauna Crossings - Baseline Fauna Connectivity

E11 Prior to construction, existing fauna movement corridors, pathways and connectivity for the Koala, Kultarr, Spotted-tailed Quoll, Stripe-faced Dunnart, Five-clawed Worm-skink, Grey Snake and Woma python must be determined by a suitably qualified and experienced expert(s) with consideration of relevant State and Commonwealth threatened species guidelines in consultation with CPHR. Baseline Fauna Connectivity must include evidence of:

(a) existing fauna movement corridors, pathways and connectivity,

(b) analysis of existing studies,

(c) broader landscape connectivity, and/or

(d) baseline monitoring.

Fauna Connectivity

E12 The Proponent must prepare and implement a **Fauna Connectivity Strategy** for the Koala, Kultarr, Spotted-tailed Quoll, Stripe-faced Dunnart, Five-clawed Worm-skink, Grey Sanke and Woma python prior to the commencement of Work that has the potential to impact the target species. The **Fauna Connectivity Strategy** must be prepared by a suitably qualified and experienced expert(s) who have experience in fauna connectivity and the targeted species. The Strategy must:

(a) be prepared with regard to:

(i) relevant State and Commonwealth threatened species guidelines, species biology and the results of on-ground surveys;

(ii) Fauna Sensitive Road Design Manual Volume 2 (Queensland Government, 2010);

(iii) Fauna Sensitive Road Design Guidelines (VicRoads, 2012); and

(iv) industry best practice measures.

(b) consider existing fauna movement corridors, pathways and connectivity determined in accordance with **Condition E11**;

(c) document proposed fauna habitat/ furniture/ structures and refuges within and near the CSSI to facilitate fauna movement of native species (threatened and non-threatened) that will potentially use the connectivity structures;

(d) justify the proposed design, location and spacing of all fauna connectivity measures to be implemented including maps showing the location and design of fauna connectivity measures and fauna exclusion fencing or other barriers to movement;

(e) provide for maintenance activities for all connectivity structures and measures for the life of the impact of the CSSI, including timing and frequency of maintenance actions including after flood and bushfire events and;

(f) provide a process for adaptive management consistent with the requirements of the Operational Fauna Connectivity Monitoring and Adaptive Mitigation Program required by Condition D7.

E13 The **Fauna Connectivity Strategy** must be prepared in consultation with CPHR and approved by the Planning Secretary. The **Fauna Connectivity Strategy** must be implemented prior to the commencement of Work that has the potential to impact fauna connectivity of the target species listed in **Condition E12**.

Riparian Vegetation

E14 Riparian land and watercourses disturbed during construction must be rehabilitated and revegetated with native species of local provenance from the relevant native vegetation community on completion of Work impacting the riparian land in accordance with the *Controlled activities – Guidelines for riparian corridors on waterfront land* (DPE 2022) and *A Rehabilitation Manual of Australian Streams* (Rutherfurd et al. 2000).

Seed Collection, Revegetation and Rehabilitation

E15 Seed from native plants to be removed must be collected before clearing and used in revegetation and rehabilitation across the project area. Plant propagation must ensure that native species of local provenance from the relevant native vegetation community are available for successful revegetation and landscaping.

Re-use of Timber and Other Landscape Features

E16 During construction, cleared native vegetation and other landscape features must be reused as part of the CSSI. If reuse is not practicable, consultation with Council, LLS, local Landcare groups, DPIRD Fisheries and any additional relevant government agencies must be undertaken prior to the removal of vegetation and other landscape features to determine if:

(a) hollows, tree trunks, mulch, bush rock and root balls; and
(b) collected plant material, seeds and/or propagated plants

could be used by others in the local area in habitat enhancement, beneficial reuse and rehabilitation work before pursuing other disposal options. If the timber can be re-used by others, the Proponent must facilitate access for salvage.

CONTAMINATION

E17 A **Site Contamination Report**, documenting the outcomes of Preliminary Site Investigation (Phase 1) and Detailed Site Investigations (Phase 2) of land upon which the SSI is to be carried out, or land associated with the SSI, that is suspected, or known to be, contaminated must be prepared by a certified contaminated land consultant.

E18 If a **Site Contamination Report** prepared under **Condition E17** finds that land is of moderate to high risk of contamination, a site audit is required to determine the suitability of a site for a specified use. If a site audit is required, a **Site Audit Statement** and **Site Audit Report** must be prepared by a NSW EPA Accredited Site Auditor. Contaminated land must not be used for the purpose approved under the terms of this approval until a **Site Audit Statement** determines the land is suitable for that purpose and any conditions on the **Site Audit Statement** have been complied with.

E19 A copy of the Site Contamination Report and associated Site Audit Statement and Site Audit Report must be made public in accordance with **Condition B16**.

E20 An **Unexpected Finds Procedure for Contamination** must:

(a) be prepared by a certified contaminated land consultant;
(b) be prepared before the commencement of Work and must outline the actions to be taken should unexpected contamination be discovered;
  (i) include details of who will be responsible for implementing the unexpected finds procedure and the roles and responsibilities of all parties involved; and
  (ii) be provided to the Planning Secretary upon request.

E21 The **Unexpected Finds Procedure for Contamination** must be implemented throughout Work.

FLOODING

E22 All practicable measures must be implemented to ensure the design, construction and operation will not adversely affect flood behaviour, or adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses.

Flood Modelling

E23 The hydraulic and hydrological flood modelling undertaken during the design of the CSSI and the assessment of its flood impacts must be undertaken consistent with the Flood Modelling Specifications listed in **Appendix B SCHEDULE 2**FLOOD MODELLING SPECIFICATIONS. In addition, the modelling must be to a standard equal to or better than the latest flood modelling referenced in **Condition A1**. In the event of any inconsistency between the latest flood modelling referenced in **Condition A1** and the Flooding Modelling Specifications listed in **Appendix B SCHEDULE 2** FLOOD MODELLING SPECIFICATIONS, the Flood Modelling Specifications prevail.

Independent Peer Review of Hydraulic and Hydrological Modelling

E24 Hydraulic and hydrological flood modelling completed in accordance with **Condition E23** and **Appendix B SCHEDULE 2** FLOOD MODELLING SPECIFICATIONSSCHEDULE 2 FLOOD MODELLING SPECIFICATIONSmust be independently peer reviewed.

E25 The peer review required by **Condition E24** must be undertaken by a suitably qualified and experienced hydrologist who has extensive experience in flood modelling including with the hydrological and hydraulic software used for the model. This hydrologist must be independent of the Proponent and the organisation(s) that prepared the flood model for the documents listed in **Condition A1**, and be approved by the Planning Secretary, having regard to the Department's *Post Approval Guidance for Infrastructure Projects: Seeking Approval from the Department for the Appointment of Independent Experts* (DPIE, 2020).

E26 The peer reviewer must verify whether the flood model and the modelled final CSSI design complies with **Condition E23** and **Appendix B SCHEDULE 2** FLOOD MODELLING SPECIFICATIONSThe peer review must include undertaking the following tasks:

(a) comprehensively review the flood model files;

(b) assess the establishment, calibration, validation and operation of the flood model including the identification of any modelling results classified as model noise;

(c) identify and document existing and future purposes for which the model can and cannot be used, including adaptation of this model by others, and any limitations on this;

(d) document the review findings and provide written confirmation that the review report is consistent with the requirements of this condition and accurately determines the flood related aspects of the design and achieves compliance with **Conditions E29** to **E32;**

(e) review the monitoring methodologies required by **Condition E61**.

Note: *The review of the monitoring methodologies required by (e) above can be completed separately.*

E27 The peer reviewer must prepare a report that details the activities undertaken during the peer review and its findings. Where the review identifies deficiencies or non-compliances within the flood model or the CSSI design, these are to be rectified prior to finalisation of the model, the CSSI design and/or the **Flood Design Verification Report.**

E28 The peer reviewer's report must be appended to the **Flood Design Verification Report** prior to seeking agency comment and the Planning Secretary's approval required in **Condition E55.**

Notes:
1. *The independent peer reviewer must have extensive experience with the software packages applied in the modelling for the RTS/PIR and the Flood Design Verification Report, although this may not necessarily include the specific software version(s) used in the RTS/PIR and **Flood Design Verification Report**, provided the software version updates are not relevant to the peer review.*
2. *An interim version/s of the peer review may be conducted consistent with the processes in **Condition E56.***

Impact on Flood Behaviour

E29 The CSSI must be designed with the objective to meet or improve upon the flood performance identified in the documents referenced in **Condition A1.** Variation consistent with the requirements of this approval at the rail corridor is permitted to effect minor changes to the RTS design with the intent of improving the flood performance of the CSSI.

E30 The CSSI must be designed and constructed so changes in the existing flood behaviour will not, except as provided in **Condition E34**, exceed the Quantitative Design Limits (QDLs) listed in **Appendix B SCHEDULE 1** QUANTATIVE DESIGN LIMITSSCHEDULE 1 , as assessed in accordance with the flood modelling specifications in **Appendix B SCHEDULE 2** FLOOD MODELLING SPECIFICATIONS.

E31 The requirements of **Conditions E29** and **E30** apply in any and all of the following circumstance:

(a) on land located:

(i) beyond the rail corridor; and

(ii) on any public road within the rail corridor

(b) during any flood event up to and including the 1% AEP event as described in the RTS/PIR; and

(c) in any storm duration.

E32 For the purposes of **Condition E31,** the following scenarios must be considered:

(a) the cumulative impact of the Newell Highway upgrade and the CSSI; or

(b) the impact of the CSSI without the Newell Highway upgrade. This scenario does not require consideration if the Newell Highway upgrade has been constructed prior to the CSSI detailed design being finalised.

The scenario with the greatest impact must be used to determine compliance with the QDLs unless otherwise agreed to by the Planning Secretary.

***Note**: The intent of this condition is to ensure that if the rail project is built ahead of the Newell Highway, that scenario is captured.*

E33 If the CSSI does not meet the requirements of **Conditions E29** to **E32** as a result of velocity exceeding the erosion threshold velocity (ETV), the Proponent must prepare and implement the **Operational Erosion Mitigation and Monitoring Program** required by **Condition E57.**

E34 If it is not practical to modify the design of the CSSI to meet the requirements of **Conditions E29** to **E32**, the Proponent must, in all instances of non-compliance with **Conditions E29** to **E32:**

(a) document the extent of the non-compliance and the impact to all landowners (public and private), roads and environment including biodiversity and soil stability; and

(b) justify why it is not practical to achieve compliance through CSSI design changes including provision of details of design options investigated to achieve compliance; and

(c) consult with and obtain the written agreement of the roads authority (where relevant) and for classified roads TfNSW; and

(d) consult with and provide full disclosure of likely impacts resulting from non-compliance with the QDL and obtain the written agreement of the affected landowner to the non-compliance. Such an agreement may involve works, measures, maintenance activities, acquisitions, increases to levee heights, access roads, compensation or other commitments by the Proponent to the landowner.

All written agreements must be legally binding and meet any requirements of relevant legislation.

Notes:

1. *Nothing in this condition prevents the use of mediation in accordance with the **Communication Strategy** required by **Condition B2.***
2. *Nothing in this approval prevents tasks or actions completed in compliance with the conditions of approval occurring concurrently, where this does not result in a non-compliance with the approval.*

E35 The Proponent must provide the flood model used in the latest flood modelling to TfNSW within 3 months of this approval and consult with TfNSW to minimise cumulative flood impacts within the area identified in **Condition E31(a).**

E36 The Proponent must prepare a **Flood Design Consultation Protocol**, to outline the steps that the Proponent will take where there are non-compliances with the QDLs, in accordance with **Condition E34**, to consult with landowners, road authorities, and TfNSW for classified roads. The **Flood Design Consultation Protocol** must include:

(a) when non-compliances will be notified to the landowner or roads authority and/ or TfNSW;

(b) time provided to the landowner, roads authority and TfNSW to consider the non-compliance;

(c) process for seeking agreement to the non-compliance and any associated works, measures, maintenance activities, acquisitions, or other commitments by the Proponent to the landowner, roads authority or TfNSW; and

(d) the process for mediation and resolution of disputes outlined in the Communications Strategy required by **Condition B2.**

The **Flood Design Consultation Protocol** must be prepared prior to construction and made publicly available in accordance with **Condition B16.**

Independent Flood Impact Assessment Panel

E37 Should an agreement not be reached in accordance with **Condition E34(d),** either the affected landowner or the Proponent may, at any time, refer unresolved matters arising from potential and/or actual property impacts resulting from flooding exceeding the QDLs in **Appendix B SCHEDULE 1** QUANTATIVE DESIGN LIMITSSCHEDULE 1 to an **Independent Flood Impact Assessment Panel (IFIAP)** for expert advice and recommendations to address the impacts of the non-compliance with the QDL.

E38 The Proponent must establish an **IFIAP** before commencing Work that has the potential to result in non-compliance with **Conditions E29** to **E32**. The **IFIAP** must comprise independent hydrological, engineering and agricultural experts (excluding the peer reviewer required by **Condition E25**) and be chaired by an independent mediator with experience and qualifications in mediation and dispute resolution, having regard to the *Post Approval Guidance for Infrastructure Projects: Seeking Approval from the Department for the Appointment of Independent Experts (DPIE, 2020)* and approved by the Planning Secretary in accordance with **Condition E40**. All costs incurred in establishing and implementing the **IFIAP** must be borne by the Proponent regardless of which party makes a referral to the **IFIAP.**

E39 The Proponent must draft Terms of Reference for the **IFIAP** that:

(a) are consistent with the *NSW Government Boards and Committees Guidelines* (2015). as applicable;

(b) outline the frequency of meetings and timely provision of expert advice and recommendations; and

(c) identify cessation arrangements.

E40 The Planning Secretary must approve the members, mediator and terms of reference of the **IFIAP** prior to the commencement of any works that have the potential to result in non-compliance with **Conditions E29** to **E32**. The approved terms of reference for the **IFIAP** must be endorsed by the **IFIAP** following the first meeting. The terms of reference must be made publicly available, as required by **Condition B16**, within one month of the establishment of the **IFIAP.**

E41 Any changes requested by the **IFIAP** to the Terms of Reference must be submitted to the Planning Secretary for approval.

E42 The **IFIAP** will be responsible for independently:

(a) reviewing documents prepared under Condition E34;

(b) investigating landowner concerns including the procurement of supporting documentation to be prepared on behalf of landowners;

(c) making recommendations about the material impact of the non-compliance/s with the QDL on the use of affected land to both the landowner and Proponent; and

(d) preparing a report which contains reasonable recommendations about practicable design changes and/or mitigation and management measures to resolve material impacts of the non-compliance/s to both the landowner and Proponent.

A copy of the report prepared under d) must be provided to the Planning Secretary for information upon finalisation of the report.

E43 The Proponent must implement any recommendations of the **IFIAP** under **Condition E42(d)** unless otherwise agreed by the landowner, or in a situation described in **(a)** or **(b)** below. The proponent must make an offer to acquire land that would be required to mitigate or manage the impact of the non-compliance with the QDL where:

(a) the landowner has refused or rejected the recommendations; or

(b) the Proponent cannot implement these recommendations other than for reasons where the landowner has refused or rejected the recommendations.

E44 Any offer of acquisition in accordance with **Condition E43** must be made within six months of the **IFIAP's** recommendation, and the acquisition must be completed within 12 months of the acceptance of the offer, or as otherwise agreed between the parties. All reasonable costs associated with the acquisition must be borne by the Proponent.

***Note**: The process for land acquisition must be consistent with any land acquisition policy or protocol held by the Proponent that is current at the time of acquisition.*

E45 A copy of any recommendation provided by the **IFIAP** under **Condition E42** and evidence of the Proponent's implementation of this recommendation in accordance with **Condition E43** must be provided to the Planning Secretary for information and, or if finalised, attached to the **FDVR** required by **Condition E54.**

E46 Construction of permanent works that are the subject of or directly related to matters under consideration by the **IFIAP** must not occur until the recommendation of the **IFIAP** has been implemented, or property acquisition processes are resolved, unless otherwise agreed by the Planning Secretary after consulting with the **IFIAP.**

Determination of Erosion Threshold Velocities (ETVs)

E47 Should the Proponent seek to replace the default Erosion Threshold Velocity (ETV) of 0.3m/s (refer Velocity QDL in **Appendix B SCHEDULE 1** QUANTATIVE DESIGN LIMITS**)** with a site-specific ETV then an **Erosion Threshold Velocities Report** must be prepared by a suitably qualified geomorphologist or scour/erosion specialist with experience in calculating the erosion threshold velocities of erosive floodplain soils in Eastern Australia.

E48 The **Erosion Threshold Velocities Report** must:

(a) Determine ETVs for every location for which site-specific ETVs are sought;

(b) be based on literature and guidelines relevant to the project's location;

(c) utilise determination methods that measure the ETVs directly within an hydraulic flume **(Direct Method)** to determine ETVs for a range of sites within the Project that are representative of all sites within the Project;

(d) if necessary, utilise soil classifications to infer ETVs **(Indirect Method)** from the ETVs determined using the **Direct Method**;

(e) assume worst case ground vegetation conditions, which for the majority of locations will be bare soil conditions;

(f) state an ETV for all sites and the origin of each ETV (i,e being either the default ETV or the ETV obtained by a **Direct** or **Indirect** Method.

(g) document the procedures used to determine the ETVs for all sites; and

(h) justify procedures used to determine the sites chosen for ETV determination using the **Direct Method** and the **Indirect Method**

E49 The methodology/ies used to determine the ETVs must be submitted to and approved by the Planning Secretary in advance of submitting the **Erosion Threshold Velocities Report** required by **Condition E47** for the Planning Secretary's approval.

E50 The **Erosion Threshold Velocities Report** must be developed in consultation with the Department. The Report must be submitted to and approved by the Planning Secretary prior to finalisation of any **Interim Flood Design Verification Report**, or the **Flood Design Verification Report** prepared in accordance with **Conditions E53** to **E56** (FDVR and Interim FDVR), whichever occurs earlier.

Flood Impact Resilience Report

E51 A **Flood Impact Resilience Report** (FIRR) must be prepared by a suitably qualified and experienced hydrologist to consider the resilience and sensitivity of mitigation and infrastructure in climate scenarios consistent with the *Australian Rainfall and Runoff v4.2* or latest version, as identified in **Condition E52**.

E52 The **FIRR** must:

(a) identify and justify climate scenarios for the consideration of resilience of mitigation measures and infrastructure over the life of the project.

(b) document how the climate scenarios will influence hydrological impacts of the project on Moree township and sensitive land use(s) and compliance with the QDLs identified in **Appendix B SCHEDULE 1** QUANTATIVE DESIGN LIMITS, including determining management and mitigation measures to mitigate impacts identified in the scenarios.

(c) justify the proposed mitigation measures to be implemented in the final design to ensure resilience over the life of the project.

The **FIRR** must form part of the **FDVR** required by **Condition E53.**

Flood Design Verification Report

E53 A **Flood Design Verification Report** (FDVR) must be prepared to detail flood behaviour under existing conditions and how this would change with the final detailed design of the approved CSSI. The **FDVR** must demonstrate compliance (or otherwise) with **Conditions E29** to **E34.**

E54 The **FDVR** must include:

(a) the CSSI design used in the preparation of the **FDVR**;

(b) details of the hydraulic and hydrological flood modelling including:

(i) the establishment, calibration, validation and operation of any computer models (including hydraulic and hydrology models);

(ii) a description of all flood behaviour used in the design of the CSSI;

(iii) details of the flood modelling assumptions and inputs including blockage calculations and assumptions for each cross-drainage structure;

(iv) demonstration that the modelling conforms with all the requirements of **Appendix B**;

(v) a copy of the flood modelling outputs required to demonstrate compliance with Conditions E29 to E34.

(c) floor level surveys of potentially affected buildings to accurately confirm compliance with the QDL afflux limits. Where a floor level has not been surveyed, the **FDVR** shall adopt the existing ground level as the floor level, with appropriate annotation;

(d) an assessment of compliance of the final design of the CSSI with the requirements of **Conditions E29** to **E34**, including a table of all non-compliances, and documentation of the process and outcomes required by **Conditions E33** and **E34**. Written agreements, in accordance with **Conditions E34(c)** and **E34(d)**may be provided to the Planning Secretary separate to the **FDVR;**

(e) an assessment of the impacts of the final design on adjacent land in the 1% plus climate change AEP event and details of the final design's capacity to mitigate these impacts;

(f) all design and/or mitigation measures to address adverse impacts to existing erosion for all instances in which the CSSI:

(i) exceeds the velocity QDL specified in **Appendix B SCHEDULE 1** QUANTATIVE DESIGN LIMITS and causes the resultant velocity to exceed the erosive threshold velocity; or

(ii) is within an area that is actively eroding.

(g) an assessment of:

(i) risk to life caused by formation failure in flood events based on an evaluation of the probabilities and consequences of formation failure;

(ii) aquaplaning risks where the CSSI produces additional inundation of highways or sealed roads with a speed limit of 80km/h or greater;

(iii) the impacts of the CSSI on erosion, scouring, bank stability, stream stability and geomorphology including with regard to *Guidelines for Controlled Activities on Waterfront Land* (DPE 2022);

(iv) any redistribution of peak flood flows by more than 5% at the locations shown in the Peak Flood Distribution Maps in the *Floodplain Management Plan for the Gwydir Valley Floodplain 2016* and the impact of that redistribution on management zone classifications within that Floodplain Management Plan; and

(h) a detailed response outlining how recommendations of the independent peer review required by **Condition E23** have been incorporated into the flood modelling or justification for why recommendations have not been incorporated;

(i) the Erosion Threshold Velocities Report required by Conditions E47 to E49; and

(j) the Operational Erosion Mitigation and Monitoring Program required by Conditions E57 to E59;

(k) the Flood Impact Resilience Report required by Condition E51.

E55 The **FDVR** must be submitted to the Planning Secretary for approval at least one month prior to the commencement of construction of permanent works that may impact on flooding. Works that may impact on flooding cannot commence until the **FDVR** is approved by the Planning Secretary.

The **FDVR** including the flood model and the model results must be submitted for review to CPHR, DCCEEW Water, TfNSW and Councils and any comments received addressed prior to submitting the **FDVR** to the Planning Secretary.

Notes:
1. *Where the information included in the **FDVR** relates to that reviewed by an independent peer reviewer in accordance with **Condition E23**, the Planning Secretary will consider how any findings or recommendations made by the Independent Peer Reviewer were addressed and resolved.*
2. *For the purposes of **Condition E55**, "permanent works that may impact on flooding" includes but is not limited to: any flood storage, earthen embankment, viaduct, bridge, rail formation, culverts, weirs, and drainage including longitudinal drainage.*

Interim Flood Design Verification Report

E56 The Proponent may provide a program for review of an **Interim FDVR** at defined point/s of project design development by the Planning Secretary, in consultation with CPHR, DCCEEW Water, TfNSW and Councils. The program must be submitted to the Planning Secretary at least one month before the date an **Interim FDVR** would be submitted. The program must:

(a) define the points at which complete interim versions of the **FDVR** will be provided for review;

(b) provide for review of a detailed methodology of the formation failure assessment required by **Condition E54(g)**;

(c) allow each agency and the Planning Secretary at least one month for each review of the **Interim FDVR;**

(d) provide for every version of the **Interim FDVR**:

(i) an interim Independent Peer Review of Hydraulic and Hydrological Modelling to meet the requirements of **Condition E23**; and

(ii) each of the requirements of the FDVR detailed in Condition E54; and

(e) detail the process for revising the **FDVR** in response to comments provided on the **Interim FDVR**. The **Final FDVR** required by **Condition E54** must include a summary of comments received on the **Interim FDVR** and how these were addressed.

Operational Erosion Mitigation and Monitoring Program

E57 An **Operational Erosion Mitigation and Monitoring Program** (**OEMMP**) must be developed to respond to changes in erosion as a result of the CSSI and implement appropriate measures to mitigate erosion. The **OEMMP** must be implemented for all circumstances in which the CSSI:

(a) exceeds the velocity QDL specified in **Appendix B SCHEDULE 1** QUANTATIVE DESIGN LIMITS and causes the resultant velocity to exceed the erosive threshold; or

(b) is within an area that is actively eroding.

E58 The **OEMMP** must be prepared in consultation with CPHR, DCCEEW Water, EPA, TfNSW, Council and landowner(s).

E59 The **OEMMP** must include:

(a) all design (including placement and alignment of drainage structures to mimic existing flow directions) and mitigation measures implemented within the project corridor as identified in **Condition E54** and any agreements for mitigation measures outside the rail corridor required by **Condition E34(d)** to the extent that those measures or agreements relate to erosion;

(b) monitoring and adaptive management measures, including:

(i) identification of monitoring areas including the upstream and downstream ends of all drainage structures, that meet the criteria identified in **Condition E57** and **E34**, 50 metres upstream and 150 metres downstream from each structure or to the end of any continuous active erosion (whichever is the longer);

(ii) a baseline pre-construction survey of conditions within the monitoring areas;

(iii) monitoring annually and after rain events greater than a 20% AEP for a period of 15 years of operation or as otherwise approved by the Planning Secretary;

(iv) a process for adaptive management and mitigation measures if monitoring determines the project is adversely affecting erosion; and

(v) a process for addressing complaints received that relate to erosion.

The **OEMMP** must form part of the FDVR required by **Condition E53**.

A copy of the monitoring results with appropriate commentary must be submitted to the Planning Secretary for information, within 3 months of completing the monitoring. Any rectification measures identified within the monitoring results must be developed in consultation with the affected parties and implemented as agreed with the affected parties, within twelve months of the monitoring results unless timing extension is agreed in writing with the affected parties.

Note: *The requirements of **Conditions E57** to **E59** apply in addition to the requirements of **Conditions E33**.*

Flood Review after Construction

E60 Following substantial completion of a section or stage of the CSSI and for the first 15 years of operation, the Proponent must prepare **Flood Review Report(s)** within three months after the first defined flood event for each of the following flood magnitude ranges that occur within or adjacent to the rail corridor – greater than 1% AEP, 1-5% AEP, 5-10% AEP and 10-20% AEP events (using AEP event trigger levels as agreed by the Planning Secretary). The **Flood Review Report(s)** must be prepared by a suitably qualified and experienced hydrologist(s) and include:

(a) a comparison of the observed extent, level, and duration of the flooding event against those predicted in (or inferred from) the **FDVR** required by **Condition E53**;

(b) identification of the properties and infrastructure including the Camurra Hairpin affected by flooding during the reportable event; and

(c) where the observed extent and level of flooding or other flooding or erosion impacts exceed those predicted due to the CSSI with the consequent effect of adversely impacting on property(ies), structures, infrastructure or the environment, and/or exceed the requirements specified in **Conditions E29** to **E32,** determine if the exceedance is attributable to the CSSI.

A copy of the **Flood Review Report(s)** must be submitted to the Planning Secretary, CPHR, the relevant roads authority, TfNSW and Council for information, within 3 months of finalising the report.

E61 Where the cause is attributable to the CSSI in accordance with **Condition E60(c)** or is part of the cumulative impact of the CSSI in conjuncture with other projects, identify measures (including but not limited to physical alterations to the CSSI's design and/or revised operational maintenance measures or a combination of both) that would be implemented to reduce future adverse impacts of flooding from similar events related to the CSSI, including the timing and responsibilities for implementation. This should be provided in a **Flood Review Mitigation Report** and is to be submitted to the Planning Secretary, CPHR, the relevant roads authority, TFNSW and Council for information within three (3) months of submitting the **Flood Review Report(s).** Any rectification measures identified within the **Flood Review Mitigation Report** must be developed in consultation with the affected parties and implemented within the timeframes specified in the **Flood Review Mitigation Report(s)** or as agreed with the affected parties.

E62 To analyse the lengths of rail corridor impacted by rainfall and consequential flood events for the purposes of **Condition E60,** the Proponent must develop spatially defined monitoring zones and associated monitoring methodologies for the flood catchments modelled in **Condition A1**. The monitoring methodologies must provide an approach to measure and/or infer rainfall intensities. The methodology must be developed in consultation with CPHR and DCCEEW Water and submitted to and approved by the Planning Secretary within six (6) months prior to the commencement of operation.

Flood Emergency Response Plan (FERP) for Flood Risks within the Rail Corridor

E63 The Proponent must prepare and implement a **Flood Emergency Response Plan (FERP)** which documents how the risks to life and property within the rail corridor are to be safely managed during a flood. The **FERP** must detail activities before, during and after a flood, including for staff training and maintenance, and updating of the **FERP**. The **FERP** must:

(a) be prepared by an experienced flood emergency response specialist who has extensive experience in preparation of these plans;

(b) must confirm that residual flood risks are acceptable and the procedures within the **FERP** are consistent with best practice and the requirements of the *Flood Risk Management Manual* (2023) and its 'Toolkit';

(c) be appended to the **FDVR**, and

once operational, equipment or plans developed for the **FERP** must be offered to the relevant agency for their use.

Note*: Nothing in this condition prevents the adaptation of an existing flood management or emergency plan to satisfy this condition.*

Information to Facilitate Management of Flood Emergency Risks beyond the Rail Corridor

E64 Where the CSSI has the potential to adversely impact flood risks to life or property beyond the rail corridor, the Proponent must document the flood risk information in sufficient detail so that relevant emergency services personnel, infrastructure asset owners and managers, and other affected parties can prepare, respond and recover from future flood emergencies. This must include but not be limited to:

(a) documentation of the changes to flood behaviour including levels, depths, velocities, time of first inundation, duration of inundation etc, that may result in adverse impacts to life and property beyond the rail corridor, in any future flood events including events up to the PMF

(b) consideration of changes to flood behaviour that may result from CSSI infrastructure failures or embankment collapses where these may occur during floods

(c) provision of sufficient detail and scope to enable the relevant personnel or agency (including the NSW SES, LEMC, Council, affected property or infrastructure owners) to prepare for management of flood emergencies;

(d) respond to requests for information about the CSSI from those personnel or agencies in (c) to assist them in preparing their own flood emergency response plans.

This documentation shall be appended to the **FDVR** and be endorsed as consistent with the requirements of this condition by the same specialist preparing and certifying the **FERP** (required by **Condition E63).**

Note*: Affected parties include but are not limited to:*

a. land and property owners;
b. Infrastructure owners;
c. SES;
d. Council and LEMC; and
e. relevant state and local government agencies.

Information Sharing

E65 Flood information resulting from the requirements of this approval, including flood reports, models and geographic information system outputs, and work as executed information and the dimensions and finished levels of all structures within flood prone land, must be made available to Council, LEMC, TfNSW, CPHR and the SES upon request at any time following project approval. Information requested by Council, LEMC, TfNSW, CPHR and the SES must be provided within three (3) months of the request. Council, LEMC, TfNSW, CPHR and the SES must be notified in writing by the proponent that the information is available no later than one (1) month following the completion of construction.

WATER

E66 Prior to construction impacting a landowner, roads authority or TfNSW anywhere on the alignment, the Proponent must consult with the landowner and/or relevant roads authority or TfNSW that is located immediately adjacent to new or upgraded culverts to determine the potential for impacts on infrastructure, dwellings, property access, agricultural productivity, farm operations and farm dams (including changes in water supply yield, reliability of supply, flood flows and embankment stability) due to the introduction or alteration of flows. Where potential adverse impacts are identified, the Proponent must consult with the affected landowner or relevant roads authority or TfNSW on the management measures that will be implemented to mitigate the impacts. The outcomes of the consultation with affected landowners or relevant roads authority or TfNSW must be documented.

E67 CSSI must be designed, constructed and operated so as to maintain the *NSW Water Quality Objectives* where they are being achieved as at the date of this approval, and contribute towards achievement of the *NSW Water Quality Objectives* over time where they are not being achieved as at the date of this approval, unless an EPL in force in respect of the CSSI contains different requirements in relation to the *NSW Water Quality Objectives*, in which case those requirements must be complied with.

Note: *If it is proposed to discharge construction stormwater to waterways, a Water Pollution Impact Assessment will be required to inform licensing, consistent with section 45 of the POEO Act. Any such assessment must be prepared in consultation with the EPA and be consistent with the National Water Quality Guidelines, with the level of detail commensurate with the potential water pollution risk.*

E68 Works on waterfront land and within watercourses must be carried out with regard to *Guidelines for Controlled Activities on Waterfront Land* (DPE, 2022).

Note: *This includes outlets and watercourse crossings.*

E69 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.

E70 Prior to construction, the Proponent must prepare a register (the Register) of all farm dams within 100m upstream and 500m downstream of the rail alignment. The Register must include:

(a) property, location within property and owner;

(b) approximate surface area, depth and volume;

(c) alignment of dam inflow and outflow for 500m upstream and downstream of the dam;

(d) identification of all contour banks, drains or other water diverting structures that influence the water supply yield of existing farm dams;

(e) catchment area feeding the dam;

(f) identification of all surface water and groundwater sources supplying the dam; and

(g) a map showing the items in (a) to (f) above.

The components of the Register must be compiled in consultation with the landowner. Copies of parts of the register and supporting documentation that relate to a landowners' property must be provided to the landowner prior to construction. A copy of the Register must be provided to the Planning Secretary at the same time as submission of the **Flood Design Verification Report** required under **Condition E55**.

E71 The design of the Project including the longitudinal drainage and the cross drainage, is to be prepared to ensure there are no significant impacts to the farm dams in the Register and the other items listed in **Condition A1**. The hydrological modelling, calculations or other assessments demonstrating no significant impacts are to be documented.

E72 Where culverts, bridge abutments and other cross drainage structures are designed to pass flood and surface water flows through the rail formation, the orientation of these structures is to be aligned with the existing flow direction to minimise disturbance of existing flow patterns around the entries and exits to these structures, or as otherwise agreed by the Secretary.

HERITAGE

E73 Following completion of all Work described in the documents listed in **Condition A1** that is related to heritage, an **Annotated Index and Reference** of archival recording, historical research, archaeological excavations (with artefact analysis and identification of a final repository for finds), and other heritage documents of the CSSI must be prepared.

E74 The **Annotated Index and Reference** must be completed no later than 12 months after the completion of the Work referred to in **Condition E73** and provided to the Planning Secretary, the Heritage Council of NSW, Heritage NSW, LALCs, RAPs and the Council on request.

Note: *The intent of an Annotated Index and Reference is to collate all heritage related assessments, investigations, recordings, research and excavation reports, and all other heritage related documents prepared for this approval in a single location.*

Heritage Interpretation

E75 A **Heritage Interpretation Plan(s)** must be prepared which identifies and interprets the key Aboriginal and environmental heritage values and stories of heritage items, items of heritage significance, and heritage conservation areas impacted by the CSSI.

The **Heritage Interpretation Plan (s)** must be prepared to inform how Aboriginal Cultural Values will be integrated into the broader design of the CSSI including design elements (form and fabric), landscaping (the collection, propagation and replanting of traditional plant resources), language; and cultural design principles, particularly for noise barriers, bridges and the emergency access route. The Plan must identify how interpretive themes and cultural values will be implemented and provide a timeframe for their provision during construction.

The **Heritage Interpretation Plan(s)** must be prepared in accordance with the documents listed in **Condition A1**, the *NSW Heritage Manual*, the *NSW Heritage Office's Interpreting Heritage Places and Items: Guidelines* (August 2005), and the NSW Heritage Council's *Heritage Interpretation Policy* and include, but not be limited to:

(a) a discussion of key interpretive themes, stories and messages proposed to interpret Aboriginal and other cultural values, history and significance of the affected Heritage items and locations, items of heritage significance and heritage conservation areas; and

(b) inclusion of the spiritual, intangible, linguistic and cultural values of the sites to Aboriginal people and address the full story of the place (s) (i.e. landscape through the eyes of Aboriginal people); Aboriginal design and story elements, patterns and motifs or other appropriate visual interpretations, within permanent public interpretative displays.

The **Heritage Interpretation Plan(s)** must be prepared in consultation with, but not limited to, the Heritage Council of NSW (or its delegate), Council, LALCs and RAPs, and must be submitted to the Planning Secretary at least one (1) month before the commencement of construction of permanent built Works.

Unexpected Finds

E76 An **Unexpected Heritage Finds and Human Remains Procedure** must be prepared:

(a) by a suitably qualified and experienced heritage specialist in consultation with RAPs, Heritage NSW and the Heritage Council of NSW;

(b) in accordance with guidelines and standards prepared by the Heritage Council of NSW or Heritage NSW; and

(c) no later than one (1) month before the commencement of Work and submitted to the Planning Secretary and Heritage NSW upon request

The Unexpected Heritage Finds and Human Remains Procedure must be implemented for the duration of Work and must be included in the Heritage CEMP Sub-Plan required by Condition **C16**.

> ***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. All work must cease immediately, and Heritage NSW must be informed.*

Environmental Heritage

E77 The Proponent must not destroy, modify or otherwise affect any Heritage item not identified in the documents referred to in **Condition A1**. Unexpected heritage finds identified by the CSSI must be managed in accordance with the **Unexpected Heritage Finds Procedure and Human Remains Procedure** required by **Condition E76.** Consideration of avoidance and redesign to protect State significant unexpected finds must be addressed where this condition applies.

E78 An **Archival Recording Report** must be prepared for the Mehi and Gwydir River bridges. The archival recording must be prepared in accordance with *Guidelines for preparing archival recordings of heritage items as a condition of consent* (DCCEEW, 2025). The recordings must capture the potentially affected heritage listed items impacted by Works, and the immediate surrounds, before, during and after the works.

E79 The **Archival Recording Report** must be prepared no later than 12 months after the completion of Construction and a copy must be provided to Heritage NSW and the Council and must also be included within the annotated index required by **Condition E73**.

Aboriginal Cultural Heritage

E80 All practicable steps must be taken so as not to harm, modify or otherwise impact Aboriginal objects except as authorised by this approval.

E81 The RAPs must be kept informed about the CSSI. The RAPs must be provided with the opportunity to be regularly consulted about the Aboriginal cultural heritage management requirements of the CSSI.

> ***Note**: The intent of this condition is to keep RAPs regularly informed about project matters relating to Aboriginal Cultural Heritage.*

E82 Ground disturbance works and construction work may not commence in those areas where archaeological excavation and surface collection of Aboriginal objects is required (including areas identified as requiring further assessment) until the archaeological works described in the Aboriginal Cultural Heritage Assessment reports listed in **Condition A1** have been completed.

E83 Prior to the commencement of any work within areas identified as requiring archaeological investigation or salvage identified in **Condition E82** and documents listed in **Condition A1**, the Proponent must prepare an **Aboriginal Archaeological Test Excavation Methodology**. Following analysis of the test excavation results, the Proponent must prepare an **Aboriginal Archaeological Salvage Excavation Methodology.**

E84 The **Aboriginal Archaeological Test Excavation Methodology** and **Aboriginal Archaeological Salvage Excavation Methodology** must be prepared by a suitably qualified expert in consultation with Heritage NSW, LALC, and RAPs, and provided to the Planning Secretary for approval prior to any test or salvage excavation

E85 Where previously unidentified Aboriginal objects are discovered, all Work must immediately stop in the vicinity of the affected area and a suitably qualified and experienced Aboriginal heritage expert must be contacted to provide specialist heritage advice before Work recommences. The measures to consider and manage this process must be specified in the **Heritage CEMP Sub-plan** required by **Condition C16** and, where relevant, include registration in the **Aboriginal Heritage Information Management System (AHIMS)**.

E86 At the completion of Aboriginal cultural heritage excavations, an **Aboriginal Cultural Heritage Excavation Report(s)** must be prepared by a suitably qualified person. The **Aboriginal Cultural Heritage Excavation Report(s)**, must:

(a) be prepared in accordance with the Guide to Investigation, assessing and reporting on Aboriginal cultural heritage in NSW, OEH 2011 and the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales, DECCW 2010; and

(b) document the results of the archaeological excavations (with artefact analysis and identification of a final repository for finds).

The RAPs must be given a minimum of 28 days to consider the report and provide comments before the report is finalised. The final report must be provided to the Planning Secretary, Heritage NSW, Council and LALCs, the RAPs and Council's local studies unit and/or local libraries for information within 12 months of the completion of the Aboriginal archaeological excavations.

Note: *A local library is a library run by a local government.*

NOISE AND VIBRATION

Work Hours – South of Gwydirfield Road level crossing (LX562)

E87 Except as permitted by **Conditions E88** and **E91**, Work may be undertaken during the following hours:

(a) 7:00am to 6:00pm Mondays to Fridays, inclusive;

(b) 7:00am to 6:00pm Saturdays; and

(c) at no time on Sundays or public holidays.

Work Hours – North of Gwydirfield Road level crossing

E88 Despite **Condition E87**, work north of the Gwydirfield Road level crossing (LX562) may be undertaken during the hours of 6:00 am to 6:00 pm each day provided:

(a) no work affects any given receiver between the hours of 6:00 pm on a Saturday and 7:00 am on a Monday every second week;

(b) only low impact noise activities are permitted between 6.00 am and 7.00 am; and

(c) consultation with affected receivers occurs at least every three months, or more frequently following complaints recorded in the Complaints Register required by **Condition B8** and as determined by the ER to decide whether respite or additional mitigation measures are required.

E89 In consulting with the affected receivers in accordance with **Condition E88**, the following must be provided:

(a) a progressive schedule of anticipated hours of works beyond those permitted by **Condition E87** for periods of no less than three months;

(b) a description of the anticipated construction activities, location and duration of the work;

(c) the noise characteristics and likely noise levels of the work;

(d) the practical measures implemented to minimise noisy work and heavy vehicle movements before 7:00am and any time on a Sunday; and

(e) likely mitigation and management measures which aim to achieve the relevant noise management levels identified in the documents listed under **Condition A1** (including the circumstances in which respite or other offers will be available and details about how the affected receivers can access these).

Evidence of consultation and the outcomes, including any changes to construction practices or staging, must be reviewed by the ER and provided to the Planning Secretary on request

Notes:

1. *This condition does not affect any other offers of respite or noise mitigation required under this approval.*
2. *This condition does not prevent a working schedule of ten consecutive days of work followed by four consecutive days of no work provided one day of no work is a Sunday and that consultation with affected receivers about respite and mitigation occurs every three months.*

Highly Noise Intensive Work

E90 Except as permitted by an EPL, highly noise intensive works that result in an exceedance of the noise affected NML at the same sensitive land use(s) must only be undertaken:

(a) between the hours of 8:00 am to 6:00 pm Monday to Friday (excluding public holidays);

(b) between the hours of 8:00 am to 1:00 pm Saturday; and

(c) if continuously (any period during which there is less than one hour between ceasing and recommencing any highly noise intensive work), then not exceeding three (3) hours), with a minimum cessation of highly noise intensive work of not less than one hour.

Notes:

1. *As a guide, Work should be carried out in continuous blocks that do not exceed three hours each with a minimum respite period of one hour between each block.*
2. *Noise affected NML is defined as RBL + 10 dB as defined in the ICNG.*

Variation to Work Hours

E91 Notwithstanding **Conditions E87, E88** and **E90**, Work may be undertaken outside the hours specified in any of the following circumstances (a, b or c below):

(a) Safety and Emergencies

(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 E91(a)(ii)**, the **ER**, the Planning Secretary and the EPA must be notified of the reasons for such work. Best endeavours must be used to notify all noise and/or vibration affected residents and owners/occupiers of properties identified sensitive land use(s) of the likely impact and duration of those Work.

Note: *If an activity is scheduled to take a long period to be completed, this activity should be commenced as early as possible and aim to be started and completed within the Work hours identified in **Condition E87.** Programming should not form part of the rational to undertake safety and emergencies under **Condition E91(a)(ii).** It is essential to prioritise timely completion of activities to ensure the safety and well-being of workers and anyone else who may be affected by the construction activities.*

(b) Work that meets all of the following criteria

(i) Work 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 use(s); and

(ii) Work that causes L_{AFmax} noise levels no greater than 15 dB(A) above the night period rating background level at any residence during the night period as defined in the ICNG; and

(iii) Work 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).

(c) By Approval

(i) where different Work hours are permitted or required under an EPL in force in respect of the CSSI; or

(ii) Work which is <u>not</u> subject to an EPL that are approved under an **Out-of-Hours Work Protocol** as required by **Condition E92**; or

(iii) negotiated agreement with the substantial majority of affected residents and sensitive land use(s) for Work which are not subject to an EPL.

Note: Refer to **APPENDIX C** for guidance regarding negotiated agreements.

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

E92 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 E87** and **E88.** The Protocol must be prepared in consultation with the **ER**. The Protocol must include:

(a) justification for why these Works need to be undertaken;

(b) identification of low and high-risk activities and an approval process that considers the risk of activities, proposed mitigation, management, and coordination, including where:

(i) the **ER** review 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 that are approved by the Planning Secretary.

(c) a process for the consideration of out-of-hours work against the relevant NML and vibration criteria;

(d) a process for selecting and implementing mitigation measures for residual impacts in consultation with impacted residents and sensitive land use(s) at each affected location. The measures must take into account the predicted noise levels (based off worst case work scenarios and where mitigation measures will be implemented) and the likely frequency and duration of the out-of-hours works that residents and sensitive land use(s) would be exposed to, including the number of noise awakening events;

(e) a process for the identification and implementation of mitigation measures for residual impacts, including respite periods consistent with the requirements developed in consultation with impacted residents and sensitive land use(s);

(f) 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

(g) notification arrangements in accordance with **Condition B2(f)** and notification to the Planning Secretary of approved low risk out-of-hours works.

The Protocol must be submitted to and approved by the Planning Secretary before the commencement of out-of-hours work. The approved Protocol must be implemented for the duration of Work. The Planning Secretary may revoke the Out-of-Hours Work approval subject to ongoing community complaints.

The Protocol does not apply if the requirements of **Condition E91(a)** or **E91(b)** or **E91(c)** are met, or if the Work is subject to an EPL or if a negotiated agreement is made with the impacted residents and sensitive land use(s).

Notes:

1. *If Work is regulated by the EPA via an EPL, the management of the activity or Work must not be co-regulated under the Protocol. The Protocol process must only be used if the Work is not covered by an EPL, including in circumstances where the activity or Work did not commence under an EPL.*
2. *If the Work is subject to an EPL and the EPA does not endorse extended hours as part of the EPL, the extended hours cannot be considered under this Protocol.*
3. *Any Planning Secretary approval for Out-of-Hours Work may be subject to trial requirements.*
4. *The **CNVIMS** can be used as part of the out-of-hours works approval request.*
5. *The intent of the protocol is to provide an assessment framework for short term intermittent activities undertaken out of hours. These activities should be consistent with those identified in the documents listed in **Condition A1**. Any long term OOHW not assessed in the documents listed in **Condition A1** may need a Modification request. The use of the terms short / long term should be considered on a case by case basis and be relative to the duration of construction of the CSSI.*

Construction Noise Management Levels and Vibration Criteria

E93 Mitigation measures must be implemented with the aim of achieving the following NMLs and vibration criteria:

(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 NMLs and/or vibration criteria must be managed in accordance with the **Noise and Vibration CEMP Sub-plan**.

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

E94 Mitigation measures must be applied when the following residential ground-borne noise levels are exceeded:

(a) evening (6:00 pm to 10:00 pm) — internal $L_{Aeq(15\ minute)}$: 40 dB(A); and

(b) night (10:00 pm to 7:00 am) — internal $L_{Aeq(15\ minute)}$: 35 dB(A).

The mitigation measures must be outlined in the **Noise and Vibration CEMP Sub-plan,** including in any **Out-of-Hours Work Protocol**, required by **Condition E92**.

E95 Work that results in noise levels above the 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 are made at no cost to the affected institution.

E96 At no time can noise generated by construction exceed the National Standard for exposure to noise in the occupational environment of an eight-hour (8hr) equivalent continuous A-weighted sound pressure level of $L_{Aeq,8h}$ of 85 dB(A) for any employee working at a location near the CSSI.

***Note**: The reference to employee does not refer to employees involved in the delivery of the CSSI. It refers to other people who work near the construction activity that will be subject to the ongoing noise impact.*

Construction Noise and Vibration Impact Mitigation Statements

E97 **Construction Noise and Vibration Impact Mitigation Statements (CNVIMS)** must be prepared to supplement the **CEMP and CEMP Noise and Vibration Sub-plan** to identify specific mitigation measures that will be implemented for Work that may exceed the NMLs, vibration criteria and/or ground-borne noise levels specified in **Condition E93** and **Condition E94** at any sensitive land use(s) outside construction hours identified in **Condition E87** and **E88**, or where sensitive land use(s) will be highly noise affected.

The **CNVIMS** must:

(a) describe the proposed Work;

(b) identify the Best Achievable Noise Performance Objectives (i.e. noise levels anticipated to be achievable after noise mitigation measures are applied);

(c) include details of specific mitigation measures and monitoring to be implemented; and

(d) be updated regularly to reflect current Work being undertaken and to promote lessons learnt and adaptive management.

The mitigation measures identified in **(c)** must be implemented for the duration of the Work. The **CNVIMS** must be prepared in consultation with affected residences and sensitive land uses, the **ER** prior to the commencement of works. Copy/ies of **CNVIMS** and associated consultation outcomes must be provided to the Planning Secretary and EPA upon request.

Notes:

1. *The Planning Secretary under **Condition A4** may direct the Proponent to submit the **CNVIMS** to the ER or Planning Secretary for Approval.*
2. *The **CNVIMS** can supplement the assessment of OOHW required under the OOHW Protocol and Work being undertaken OOHW.*

3. *Any Work that requires an **CNVIMS** must ensure:*
   (a) *Monitoring is undertaken in accordance with the noise and vibration construction monitoring program requirements required by **Condition C28**; and*
   (b) *community complaints are managed through the complaints management system required by **Condition B6**.*

E98 The **CNVIMS** must be supplemented by a summary document that identifies the specific mitigation measures that will be implemented on site for the Work being undertaken. This summary document must be updated regularly to reflect current Work being undertaken and to promote lessons learnt and adaptive management.

Notes:
1. *The summary document should aim to be one to two pages in length and is intended for use on site.*
2. *Any Work that requires an **CNVIMS** must ensure:*
   (a) *Monitoring is undertaken in accordance with the noise and vibration construction monitoring program requirements required by **Condition C28**; and*
   (b) *community complaints are managed through the complaints management system required by **Condition B6**.*

Construction Vibration - Notification

E99 Owners and occupiers of properties at risk of exceeding the screening criteria for cosmetic damage must be notified before work that generates vibration commences in the vicinity of those properties. If the potential exceedance is to occur more than once or extend over a period of 24 hours, owners and occupiers are to be provided a schedule of potential exceedances on a monthly basis for the duration of the potential exceedances, unless otherwise agreed by the owner and occupier. These properties must be identified and considered in the **Ancillary Site Establishment Management Plan** required by **Condition C4** and/or the **Noise and Vibration CEMP Sub-plan** required by **Condition (Part C)** and the process for notifying these owners and occupiers in accordance with the **Community Communication Strategy** required by **Condition (Part B)**.

Construction Noise and Vibration Mitigation and Management

E100 Industry best practice construction methods must be implemented where reasonably practicable to ensure that noise levels are minimised. Practices must include, but are not limited to:

(a) use of regularly serviced low sound power equipment;
(b) early occupation and later release of construction sites;
(c) shielding stationary noise sources
(d) temporary noise barriers (including the arrangement of plant and equipment) around noisy equipment and activities such as rock hammering and concrete cutting; and
(e) use of alternative construction and demolition techniques.

Construction Vibration Mitigation - Heritage

E101 Vibration testing must be undertaken before and during vibration generating activities that have the potential to impact on Aboriginal Cultural Heritage and heritage items to identify minimum working distances to prevent cosmetic damage. In the event that the vibration testing and attended monitoring shows that the preferred values for vibration are likely to be exceeded, the Proponent must review the construction methodology and, if necessary, implement additional mitigation measures.

Note: *The consideration of additional measures may include, but not be limited to, review or modification of excavation techniques.*

E102 Advice from a heritage specialist must be sought on methods and locations for installing equipment used for vibration, movement and noise monitoring at heritage-listed structures.

Note: *The installation of noise and vibration equipment must not impact on the heritage value of the heritage items.*

E103 Before conducting at-property acoustic treatment at any heritage item identified in the documents listed in **Condition A1**, the advice of a suitably qualified and experienced built heritage expert must be obtained and implemented to ensure any such work does not have an adverse impact on the heritage significance of the item.

Utility Coordination and Respite

E104 All work undertaken for the delivery of the CSSI, including those undertaken by third parties (such as utility relocations), must be coordinated to ensure respite periods are provided**.** The Proponent must:

(a) reschedule any Work to provide respite to impacted noise sensitive land use(s) so that the respite is achieved; or

(b) consider the provision of alternative respite or mitigation to impacted noise sensitive land use(s); and

(c) the provision of documentary evidence to the **ER** in support of any decision made by the Proponent in relation to respite or mitigation.

The consideration of respite must also include all other CSSI, SSI and SSD projects which may cause cumulative and/or consecutive impacts at sensitive land use(s)affected by the delivery of the CSSI. Coordination and mitigation measures must be detailed in the **Noise and Vibration Management Sub-plan** required by **Condition C16**.

Consultation on Noise Barriers and Noise Mitigation

E105 The Proponent must prepare an updated consultation strategy consistent with the consultation methods employed in the PIR to seek feedback from affected landowners, Council and TfNSW (where it impacts a classified road) to confirm the noise and vibration impacts and proposed mitigation measures outlined in the PIR. The consultation strategy must detail the roles of the **Public Liaison Officer(s)** and **Aboriginal Engagement Facilitator(s)** required by **Condition B5** and be submitted to the Planning Secretary for approval one month prior to consultation commencing.

The approved strategy must be implemented.

Operational Noise and Vibration Mitigation Measures

E106 An **Operational Noise and Vibration Review** (**ONVR**) must be prepared to confirm noise and vibration control measures that would be implemented for the operation. The **ONVR** must be prepared in consultation with Council and the EPA and must:

(a) confirm the appropriate operational noise and vibration objectives and levels for surrounding development, including existing sensitive land use(s);

(b) confirm the operational noise and vibration predictions based on the final design. Confirmation must be based on an appropriately validated and calibrated model(s) (which has incorporated noise monitoring, and concurrent train traffic counting, where necessary for calibration purposes). The assessment must specifically include verification of noise levels at fixed facilities, based on noise monitoring undertaken at appropriately identified noise catchment areas surrounding the facilities;

(c) confirm the operational noise and vibration impacts at adjoining development based on the final design of the CSSI. Confirmation must be based on an appropriately validated and calibrated noise model(s) and include noise contour map(s) and tables of results;

(d) identify sensitive land use(s) that are predicted to exceed the requirements of:

  (i) Rail Infrastructure Noise Guideline (EPA, 2013),

  (ii) Assessing vibration: a technical guideline (DEC 2006);

(e) confirm all noise and vibration mitigation measures (location and type) to address noise and vibration exceedances as identified in part (d) above, with a focus on:

  (i) the results of consultation completed in accordance with Condition E105;

  (ii) source control and design;

  (iii) path control (barriers / noise walls);

  (iv) at the receiver (if relevant); and

(v) 'best practice' achievable noise and vibration outcome;

(vi) ongoing maintenance;

(f) document outcomes of consultation including feedback from directly affected landowners on the noise and vibration mitigation measures identified in part (e) above;

(g) identify and justify the final suite of operation mitigation measures to be implemented following consultation with sensitive land uses; and

(h) procedures for the management of operational noise and vibration complaints, including investigation and monitoring (subject to complainant agreement).

Note: An existing operation noise and vibration complaint management system can be referenced where it meets the requirements of **Condition E106(h).**

E107 The **ONVR** must be independently verified and submitted to the Planning Secretary for approval within 12 months of the commencement of construction unless otherwise agreed by the Planning Secretary.

E108 The identified noise and vibration control measures must be implemented and the **ONVR** must be made publicly available.

Note: *The design of noise barriers and the like must be undertaken in consultation with the community as part of the **Place Design and Landscape Plan** required under **Condition E120, E121** and **E122**.*

E109 Operational noise mitigation measures identified in **Condition E106** that will not be physically affected by work, must be implemented within 12 months of the Planning Secretary's approval of the **ONVR,** subject to landowner agreement. Where implementation of operational noise mitigation measures are not proposed to be implemented in accordance with this requirement, a report must be submitted to the Planning Secretary providing justification as to why, along with details of temporary measures that would be implemented to reduce construction noise impacts, until such time that the operational noise mitigation measures are implemented. The report must be and submitted to the Planning Secretary within six (6) months of submitting the **ONVR**.

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

E110 Operational noise mitigation measures that have been identified in the documents listed in **Condition A1** to provide construction noise mitigation must be implemented prior to construction, where possible, subject to landowner agreement, where noise impacts exceed NMLs.

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

Operational Noise and Vibration Validation

E111 Within 12 months and 10 years of the dates agreed with the Planning Secretary in accordance with **Condition A28**, monitoring of operational noise and vibration must be undertaken to compare actual noise performance of the CSSI against the noise and vibration performance predicted in the review of noise and vibration mitigation measures required by **Condition E106.**

Operational Noise and Vibration Monitoring and Compliance

E112 An **Operational Noise and Vibration Monitoring Plan (ONVMP)** must be prepared which sets out how monitoring is to be undertaken for the comparison of noise performance required by **Condition E111**. The report must include:

(a) proposed monitoring methodology;

(b) selection criteria and justification for monitoring locations including demonstration that the following matters have been considered:

(i) track features including bridges, curves, trackform, level crossings, turnouts, culverts, joints, crossing loops,

(ii) train operating characteristics including gradients, changes of speed, notch settings and dynamic braking,

(iii) predicted exceedances of airborne and groundborne performance criteria;

(iv) areas of receiver noise and/or vibration complaint;

(v) groups of sensitive land use(s) (e.g. towns, villages or clusters of receivers);

(vi) effectiveness of mitigation measures – such as at source or path control;

(c) contingencies in case of unsuitable weather conditions or unforeseen matters (e.g. extraneous noise, access to property); and

(d) community engagement protocols for access to property to undertake monitoring.

The **ONVMP** must be verified by a competent person and then submitted to the Planning Secretary for approval at least one month prior to the commencement of monitoring.

Note: *The intent of this condition is to ensure sufficient / adequate monitoring locations are selected and justified to undertake monitoring based on multiple elements of the CSSI that may cause a variety of noise impacts e.g. engine braking or wheel squeal.*

E113 An **Operational Noise and Vibration Compliance Report (ONVCR)** must be prepared to document the findings of the operational noise and vibration monitoring carried out under **Condition E111**. The **ONVCR** must address the following:

(a) noise and vibration monitoring to assess compliance with the operational noise and vibration levels predicted in the review of operational noise and vibration mitigation measures required under **Condition E106**;

(b) compliance with the requirements established in the:

(i) Rail Infrastructure Noise Guideline (EPA, 2013),

(ii) Assessing vibration: a technical guideline (DEC 2006);

(c) details of any complaints (and the resolution of these complaints) and enquiries received in relation to operational noise and vibration generated by the CSSI between the date of commencement of operation and the date the report was prepared;

(d) any required recalibrations of the noise and vibration model taking into consideration factors such as noise and vibration monitoring and actual traffic numbers and proportions;

(e) an assessment of the performance and effectiveness of applied noise and vibration mitigation measures together with a review and if necessary, reassessment of mitigation measures;

(f) identification and justification of additional measures to those identified in the review of noise and vibration mitigation measures required by **Condition E106**, that are to be implemented with the objective of meeting the requirements established in the:

(i) Rail Infrastructure Noise Guideline (EPA, 2013),

(ii) Assessing vibration: a technical guideline (DEC 2006); and

(g) identification of when these additional measures are to be implemented and how their effectiveness is to be measured and reported to the Planning Secretary and the EPA.

The **ONVCR** must be verified by a competent person and made publicly available within 90 days of completing the operational noise and vibration monitoring required by **Condition E111** and **E112**, and provided to the Planning Secretary and EPA upon request.

E114 Additional mitigation measures identified in the updated **ONVCR** must be implemented within 12 months of completion of the operational noise validation required under **Condition E111**, unless an alternative timeframe for implementation is agreed with the impacted receivers or the Planning Secretary.

PLACE, DESIGN AND VISUAL AMENITY

Construction

E115 The CSSI must be constructed in a manner that minimises visual impacts of Ancillary facilities, including providing temporary decorative hoarding, landscaping and vegetative screening, and incorporating architectural treatment and finishes within key elements of temporary structures that reflect the surrounding sensitive land uses and the context within which the construction sites are located, including recognition of Country.

Design Outcomes

E116 The place making, design and landscape outcomes of the CSSI must be:

(a) informed by and be consistent with any document listed in **Condition A1**, including but not limited to the objectives and design principles, requirements, and opportunities; and

(b) prepared in consultation with the community (including the affected landowners and businesses or a representative of the businesses), LALCs, RAPs, TfNSW and Council.

Noise Barriers Design and Landscaping

E117 Operational noise barriers must be designed to minimise visual and amenity impacts. The design of noise barriers must be guided by design outcomes and objectives developed with the involvement of the community, Council and TfNSW. The design and landscaping of the noise barriers must:

(a) be developed with the involvement and guidance of the community;

(b) must demonstrate how the results of the consultation completed in accordance with **Condition E105** have been incorporated into the proposed design and landscaping;

(c) include opportunities to incorporate aesthetics, wayfinding, public art and landscaping into the design of the noise barriers;

(d) consider the recommendation of the **Heritage Interpretation Plan** required by **Condition E75,** Connecting with Country (GANSW) and Better Placed (GANSW), Greener Places (GANSW);

(e) be prepared by experienced and suitably qualified expert(s) in place, urban and landscape design, public art and Aboriginal cultural design;

(f) include management and routine maintenance standards and regimes for design elements and landscaping work (including adequate watering of plants during the relevant establishment period/s depending on forecast weather conditions and weed management) to ensure the success of the design and landscape outcomes.

The design of operational noise barriers must be submitted to the Planning Secretary prior to construction associated with the noise barrier as part of the PDLP required by **Condition E120**. The design approved through the PDLP must be implemented.

Lighting and Security

E118 The CSSI must be constructed and operated with the objective of minimising light spillage to surrounding properties. All lighting associated with the construction and operation must be consistent with the requirements of *AS/NZS 4282:2019 Control of the obtrusive effects of outdoor lighting* and relevant Australian Standards in the series *AS/NZ 1158 – Lighting for Roads and Public Spaces.* Additionally, mitigation measures must be provided to manage any residual night lighting impacts to protect properties adjoining or adjacent to the CSSI, in consultation with affected landowners.

Active Transport Facilities

E119 Temporary and permanent active transport facilities must be designed, constructed and/or rectified in accordance with:

(a) the process set out in the Movement and Place Framework (NSW Government) including:

  (i) the Walking Space Guide: Toward Pedestrian Comfort and Safety (TfNSW, 2020); and

  (ii) the Cycleway Design Toolbox: Designing for Cycling and Micromobility (TfNSW, 2020).

(b) the Guide to Road Design Part 6A: Paths for Walking and Cycling (Austroads 2017) where not otherwise covered by (a);

(c) relevant Australian Standards (AS) such as *AS 1428.1-2009 Design for access and mobility*; and

(d) relevant Crime Prevention Through Environmental Design (CPTED) principles.

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

Place, Design and Landscape Plan

E120 A **PDLP** must be prepared to document and illustrate the permanent built works and landscape design of the CSSI and how these works are to be maintained. The **PDLP** must be:

(a) prepared by a suitably qualified and experienced person(s) in place, urban and landscape design and bush regeneration;

(b) prepared in consultation with Council and TfNSW

(c) submitted to the Planning Secretary for approval no later than one (1) month before the construction of permanent built surface works and/or landscaping in the area to which the **PDLP** applies, excluding those elements which for ecological requirements, or technical requirements, or requirements as agreed by the Planning Secretary do not allow for alternate design outcomes; and

(d) implemented during construction and operation.

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

E121 The **PDLP** must document how the following matters have been considered in the design and landscaping of the project:

(a) community consultation about the noise barrier required by **Condition E117**;

(b) the Heritage Interpretation Plan required by Condition E75;

(c) the requirements of Conditions E118 to E119.

Notes:

1. *The intent of the **PDLP** is to document how all matters identified in the above documents are incorporated and will be delivered as part of an integrated place and design solution.*
2. *This condition can be staged in accordance with **Condition A9** or provided progressively in accordance with **Condition C1**.*

E122 The **PDLP** must include descriptions and visualisations (as appropriate) of:

(a) the design of the permanent built elements of the CSSI including their form, materials and detail;

(b) the design of the project landform and landscaping elements;

(c) the type and design of public and open space;

(d) details of strategies to rehabilitate, regenerate or revegetate disturbed areas with local native species; and

(e) management and routine maintenance standards and regimes for design elements and landscaping work (including adequate watering of plants during the relevant establishment period/s depending on forecast weather conditions and weed management) to ensure the success of the design and landscape outcomes.

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

Operational Maintenance

E123 The ongoing maintenance and operation costs of urban design, open space, landscaping and recreational items and work implemented as part of this approval remain the Proponent's responsibility until satisfactory arrangements have been put in place for the transfer of the asset to the relevant authority. Before the transfer of assets, the Proponent must maintain items and work to at least the design standards established in the **PDLP**, required by **Condition E122**.

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

E124 Should any plant loss occur during the maintenance period, the plants should be replaced by the same plant species and growth form (i.e. a tree with a tree) unless it is determined by a suitably qualified person that a different species is more suitable for that location. Any replacement plantings must use local native provenance species from the relevant native vegetation community.

PROPERTY AND LANDUSE

E125 Utilities and services (hereafter "services") potentially affected by Works must be identified to determine requirements for diversion, protection and/or support. Alterations to services must be determined by negotiation with the service providers. Disruption to services resulting from Works are to be avoided where practical and advised to customers.

E126 Access to all utilities and properties must be maintained during Works, where practicable, unless otherwise agreed with the relevant utility owner, landowner or occupier.

E127 Any property access physically affected by the CSSI must be reinstated to at least an equivalent standard, unless otherwise agreed by the landowner or occupier.

E128 During Work, measures must be implemented to maintain pedestrian and vehicular access to, and parking in the vicinity of businesses and affected properties. Disruptions are to be avoided, and where avoidance is not possible, minimised. Where disruption cannot be minimised, alternative pedestrian and vehicular access, and parking arrangements must be developed in consultation with affected businesses and implemented prior to the disruption. Adequate signage and directions to businesses must be provided prior to, and for the duration of, any disruption.

Train Communications System

E129 The Proponent must implement and maintain a system for the communication of train movements through level crossings to facilitate safe movement of livestock and agricultural machinery across the rail corridor. The system must be developed in consultation with landowners, stock operators and Local Land Services, and be accessible to them prior to the commencement of operation.

E130 Details of the communication system for the communication of train movements and how to access it must be provided to landowners, the public and the Planning Secretary at least one (1) month before the commencement of operation.

Condition Survey

E131 Pre-condition surveys must be offered to:

(a) the owners of surface and sub-surface structures identified as at risk from vibration; and

(b) other relevant assets identified at risk from vibration, including listed heritage items, and buildings/structures of heritage significance as identified in the documents listed in **Condition A1**.

Where the offer is accepted, the survey must be undertaken by a suitably qualified and experienced engineer and/or building surveyor prior to the commencement of works that could impact on the structure/asset through vibration. The results of each survey must be documented in a pre-construction Condition Survey Report and a copy of the report must be provided to the owner of the item(s) surveyed no later than one month before the commencement of the impacting work.

E132 Where pre-condition surveys have been undertaken in accordance with **Condition E131**, subsequent post-construction surveys of the structure / asset must be undertaken by a suitably qualified and experienced engineer and/or building surveyor to assess any damage that may have resulted from the vibration-generating works The post-construction surveys must be undertaken within three months of the completion of the vibration-generating works.

The results of the post-construction surveys must be documented in a **Post-construction Condition Survey Report** for each item surveyed. A copy of the **Post-construction Condition Survey Report** must be provided to the owner of the structure / asset surveyed no later than three months following the completion of the post construction survey.

E133 Where damage has been determined to occur as a result of the CSSI, the Proponent must carry out rectification at its expense and to the reasonable requirements of the owner of the structure/asset. The rectification works must be undertaken within 12 months of the completion of construction activities that have the potential to create damage unless another timeframe is agreed with the owner. Alternatively, the Proponent may pay compensation for the damage as agreed with the owner.

SOCIAL

Social Impact Management Plan

E134 A **Social Impact Management Plan (SIMP)** must be prepared for the CSSI to guide the management of the social impacts of the CSSI including informing detailed design, during construction and operation. The **SIMP** must:

(a) be prepared in accordance with the *Social Impact Assessment Guideline* (DPE 2023) by suitably qualified and experienced person(s) in the social sciences in accordance with Appendix B of the *Social Impact Assessment Guideline* (DPE 2023);

(b) be developed with involvement from:

(i) directly affected communities and businesses, LALC(s), community organisations and representative groups, and councils;

(ii) people or organisations involved or responsible for the management of impacts or delivery of benefits;

(c) guide the preparation of CEMP Sub-plans and CMPs required by Conditions C16 and C19;

(d) define the period over which it will be implemented based on the duration of anticipated impacts it predicts;

(e) include measures to support the Public Liaison Officer and Community Complaints Mediator required by Condition B5 and B11; and

(f) be approved by the Planning Secretary, at least one month before the receipt of CEMPs, CEMP sub-plans and CMPs required by Conditions C16 and C19 unless otherwise agreed by the Planning Secretary.

E135 The **SIMP** must include specific details of the commitments, targets, programs and timing to secure and enhance positive social outcomes and manage negative impacts associated with the CSSI, including:

(a) updated social baseline and revisions to or refinement of the assessment of social impacts and risks;

(b) any necessary additional mitigation measures to address social impacts based on those committed to in the documents listed in **Condition A1** and **(a)** above and developed in accordance with **Conditions E136** to **E138**;

(c) details on social-oriented commitments to be delivered such as those related to employment diversity and procurement; and

(d) details of how measures will be targeted and adapted to meet the needs of affected communities, including legacy benefits to directly affected communities; and

(e) a monitoring program, prepared in accordance with Section 5.2 of the *Social Impact Assessment Guideline (DPIE 2023)*, to:

(i) monitor, review, and report on the effectiveness of the identified measures;

(ii) report on community engagement and complaints in relation to social issues; and

(iii) report on adaptative management measures implemented or proposed.

Reporting on the social impact performance of the CSSI, including monitoring results, must be reported quarterly with the results made publicly accessible in accordance with **Condition B16**.

Workforce Accommodation

E136 An **Accommodation Availability and Demand Report** must be prepared in consultation with council, LALC, businesses, representative groups, community organisations and proponents of nearby major projects to minimise adverse impacts to accommodation availability in Moree. The **Accommodation Availability and Demand Report** must:

(a) identify demands for accommodation throughout the construction period;

(b) identify workforce accommodation needs of the project throughout the construction period;

(c) identify non-project related accommodation needs including that of vulnerable and marginalised people throughout the construction period;

(d) determine accommodation availability within Moree and surrounding areas including the availability of the Moree accommodation facility used during the construction of the Narrabri to North Star Phase 1 project SSI – 7474;

(e) determine the need for additional accommodation facilities and further assessment and approval under the *Environmental Planning and Assessment Act 1979*;

(f) ongoing monitoring of demand and availability of accommodation throughout the construction period.

E137 The results of the **Accommodation Availability and Demand Report** must be submitted to the Planning Secretary for information and inform the preparation of a **Workforce Housing and Accommodation Plan**.

E138 A **Workforce Housing and Accommodation Plan** must be prepared in consultation with council, LALC, businesses, representative groups, community organisations and emergency services. The Workforce Housing and Accommodation Plan must include:

(a) proposed workforce accommodation options to be used;

(b) monitoring and adaptive management measures to avoid adverse impacts to short and longer term accommodation options;

The **Workforce Housing and Accommodation Plan** must be submitted to and approved by the Planning Secretary prior to construction.

Note: *Any new temporary accommodation facility may require further assessment and approval in accordance with the Environmental, Planning and Assessment Act 1979.*

Employee Code of Conduct

E139 The Proponent must prepare and implement an **Employee Code of Conduct** for employees and contractors involved in the construction of the CSSI. The **Employee Code of Conduct** must be prepared by a suitably qualified and experienced person(s) in the human resources sector for submission to the Planning Secretary for information prior to work commencing. The **Employee Code of Conduct** sets out the ethical standards that employees are expected to adhere to in the construction site and interaction with the local community.

E140 The **Employee Code of Conduct** applies to all employees on the CSSI site and those living in the community in the surrounding towns. The **Employee Code of Conduct** must:

(a) set out the ethical standards for the behaviour and conduct of employees on and off the site, including for driving on public roads;

(b) include disciplinary actions where employee behaviour and conduct do not meet the ethical behaviour standards; and

(c) processes for responding to and addressing community complaints about the behaviour and conduct of employees.

E141 The **Employee Code of Conduct** must be reviewed 12 months after approval and annually thereafter for the duration of construction. Updates to the Employee Code of Conduct must be approved by the ER. The updated Employee Code of Conduct must be provided to the Planning Secretary for information within one month of approval.

SOILS

Erosion and sediment controls

E142 Erosion and sediment controls must be installed and maintained, as a minimum, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom 2004) commonly referred to as the 'Blue Book'.

SUSTAINABILITY

E143 The CSSI must achieve a minimum 'Design' and 'As built' rating under the Infrastructure Sustainability Council infrastructure rating tool 1.2

Evidence that the 'Excellent' 1.2 tool ratings (or equivalent level of performance under a future ISC rating tool) has been achieved must be provided to the Planning Secretary for information:

(a) within 12 months of commencing construction for the 'Design' rating; and

(b) within 12 months of commencing of operation for the 'As built' rating.

E144 The CSSI must aim to reduce the need for water during construction including exploring, options to use additives, alternative construction techniques and reduce dust suppression regime where there is minimal potential for impacts.

E145 A **Water Reuse Strategy** must be prepared, which sets out options for the reuse of collected stormwater and groundwater during construction. The **Water Reuse Strategy** must include, but not be limited to:

(a) evaluation of reuse options;

(b) details of the preferred reuse option(s), including volumes of water to be reused, proposed reuse locations and/or activities, proposed treatment (if required), and any additional licences or approvals that may be required;

(c) measures to avoid misuse of recycled water as potable water;

(d) consideration of the public health risks from water recycling; and

(e) a time frame for the implementation of the preferred reuse option(s).

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

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

The **Water Reuse Strategy** must be implemented and made publicly available.

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

TRAFFIC AND TRANSPORT

Construction traffic management

E146 Construction traffic must not use local roads or privately owned roads unless no alternative access is available. Use of private access roads must be in accordance with **Condition C7** and **C8.** Local or privately owned roads used for access to ancillary facilities, construction sites, and temporary accommodation must be identified in the **Construction Traffic, Transport and Access Management Sub-plan**. Prior to the use of local or privately owned roads the:

(a) proposed routes utilising local roads must include a traffic and pedestrian impact assessment, and a swept path analysis; and

(b) completion of road dilapidation surveys in accordance with **Condition E147**.

Road Dilapidation

E147 Before any local road or privately owned roads, including interfaces with classified roads, is used by a heavy vehicle for the purposes of the CSSI, a **Road Dilapidation Report** must be prepared for the road. A copy of the **Road Dilapidation Report** must be provided to the relevant road authority and in relation to interfaces with classified roads, TfNSW, within three weeks of completion of the survey and no later than one month prior to the road being used by heavy vehicles associated with the CSSI.

E148 The Road Dilapidation Report completed in accordance with **Condition E147** must include measures to ensure that:

(a) roads deemed unsafe for the use of heavy vehicles are upgraded or repaired prior to use;

(b) roads to be used can safely accommodate heavy vehicle haulage based on volume, types and duration of use; and

(c) road repair is undertaken periodically during construction as required to ensure safety of all road users.

Where the road is not up to standard due to condition, width, pavement type, and road geometry, the Proponent must upgrade the road to a service level equal to (or better than) the level it was being maintained immediately prior to construction before heavy haulage commences, at no cost to the owner or TfNSW for interfaces with classified roads.

E149 If damage to roads occurs as a result of the CSSI, the Proponent must either (at the relevant road authority's discretion):

(a) compensate the relevant road authority and/or TfNSW for the damage caused. The amount of compensation may be agreed with the relevant roads authority and/or TfNSW and landowners, but compensation must be paid even if no agreement is reached; or

(b) restore the road to at least the condition it was in pre-works as identified in the Road Dilapidation Report(s); or

(c) where other agreements are in place, leave, maintain or remunerate for damages to these roads in accordance with these agreements.

Rectification works must be undertaken within six months of the subject road no longer being used for the construction of the CSSI, unless an alternative timeframe is agreed to by the relevant road authority and/or TfNSW.

Damage to roads that affects road safety or trafficability as a result of the construction of the CSSI must be rectified by the Proponent as soon as practicable after the damage is identified, at no cost to the owner or TfNSW.

Pedestrian and Cyclist Access

E150 Safe pedestrian and cyclist access must be maintained around work sites and ancillary facilities during construction. In circumstances where pedestrian and cyclist access is restricted or removed due to construction activities, a proximate alternative route which complies with relevant standards, unless otherwise endorsed by an independent, appropriately qualified and experienced person, determined in consultation with Council must be provided (including wayfinding information and signposting) prior to the restriction or removal of the impacted access.

Construction Parking Management

E151 Vehicles (including light and heavy vehicles) associated with the CSSI must be managed to:

(a) minimise idling and queueing on state and regional roads and near sensitive land uses;

(b) not block or disrupt access across pedestrian or shared user paths, unless where an alternative route has been provided in accordance with **Condition E150**;

(c) ensure haulage vehicles adhere to the nominated haulage routes identified in the **Traffic, Transport and Access Management CEMP Sub-plan**.

(d) minimise parking on public roads; and

(e) minimise the removal of on and off-street parking.

Public Transport - Construction

E152 Bus stops must not be closed or relocated (either temporarily or permanently) until replacement bus stops, within a 400-metre walking distance of the existing bus stop, that comply with relevant standards, are functioning with similar capacity and amenity to that which it has replaced. Closure and relocation of bus stops must be undertaken in consultation with Council, bus service providers and TfNSW. Wayfinding signage must be provided to direct commuters to adjacent or relocated bus stops. Pedestrian access to relocated bus stops must meet accessibility and safety standards.

E153 Prior to the commencement of operation, all bus stops temporarily closed must be reinstated in a manner that complies with relevant standards, provides equal or improved capacity, amenity and accessibility (including footpaths and road crossings) in consultation with Council.

Emergency Vehicle – alternative access

E154 An assessment of emergency vehicle access in Moree must be developed with the involvement of emergency service providers, LEMC, Council and TfNSW. An **Emergency Access Report** must document emergency vehicle access and include consideration of:

(a) response times

(b) flooding impacts

(c) pedestrian impacts and

(d) other environmental and community impacts.

The **Emergency Access Report** must document the preferred alternative emergency vehicle access route that provides adequate and efficient access for emergency services.

The **Emergency Access Report** must be submitted to and approved by the Planning Secretary prior to construction.

E155 The provision of alternative emergency access, consistent with the Response to Submissions report referenced in **Condition A1(b)**, is to be provided prior to operation as agreed with the Planning Secretary in accordance with **Condition A28**, unless otherwise approved by the Planning Secretary in accordance with **Condition E154**. The option to be constructed must be clearly outlined in the **Emergency Access Report.**

***Note**: The **Emergency Access Report** can consider other railway crossings as emergency access options as well as those identified in the RTS. Depending on the preferred option further assessment and approval may be required under the Environmental Planning and Assessment Act 1979.*

Travelling Stock Reserves

E156 The design of level crossings used to access Travelling Stock Reserves must be developed in consultation with LLS and TfNSW to ensure safety of people and livestock moving across the level crossing, and to ensure the continued use and function of the Travelling Stock Reserves consistent with the existing classification of the Travelling Stock Reserves. The delivery of the associated livestock holding yards, and any other infrastructure related to the functionality of the Travelling Stock Reserve level crossings must be in agreement with LLS. The outcomes of consultation with LLS and TfNSW and the design of the Travelling Stock Reserve level crossings must be approved by the Planning Secretary prior to construction.

E157 Within 3 months of the decommissioning of the Camurra hairpin embankment the Proponent must seek to formalise the agreement to allow stock movement along the decommissioned Camurra hairpin embankment, unless otherwise agreed to by the Planning Secretary. Use of the Camurra hairpin for stock movement is to be allowed at the earliest possible time.

Road Safety Audits

E158 Any new or modified bridges, new or modified roads or intersections, and new or modified level crossings must be designed and constructed to meet relevant design, engineering and safety guidelines, TfNSW adopted design standards including Transport for NSW Austroads Supplement, Austroads *Guide to Traffic Management*, Austroads *Guide to Road* Design, Australian Standard /RISSB 7658-2020. Railway Infrastructure – Railway Level Crossing and AS1742.7 2016 Manual of uniform traffic control devices, Australian Standard 5100 Bridge Design Code and Transport for NSW Technical Directions. The roads authority, asset owner, and TfNSW must be consulted throughout the design process of all new or modified bridges, roads or intersections and/or levels crossings. Evidence of consultation with the asset owner and TfNSW, and endorsement of the design by TfNSW in the case of classified roads and the relevant Council in relation to local roads, must be made available to the Planning Secretary on request in accordance with **Condition A8**.

***Note**: This condition does not affect any obligations to obtain approvals under the Roads Act 1993.*

E159 For any new or modified bridges, new or modified roads or intersections, and new or modified level crossings provided as part of the CSSI, the Proponent must undertake a Safe System Assessment in accordance with the *Austroads Safe System Assessment Framework and Austroads Guide to Traffic Management Part 13: Safe Systems Approach to Transport Management* in consultation with the relevant roads authority and TfNSW.

E160 An independent **Road Safety Audit** is to be undertaken by an appropriately qualified and experienced person in accordance with the Austroads *Guide to Road Safety Part 6: Road Safety Audits 2023*, including but not limited to for all areas identified by the Safe Systems Assessment as requiring further assessment. Audit findings and recommendations must be actioned before construction of the relevant infrastructure and must be made available to the Planning Secretary on request.

***Note:** This condition is not intended to affect any roads authority's requirements, or for classified roads TfNSW, regarding road safety audits to support Roads Act 1993 requirements.*

LX563 (The Rocks Road) and Travelling Stock Reserve level crossing

E161 The Proponent must prepare a revised level crossing(s) design for LX563 (The Rocks Road) to ensure continued access to properties that use the current LX563 and for the continued use of the Travelling Stock Reserves. The design(s) must be developed in consultation with LLS and TFNSW to ensure the safety of road users, people and livestock moving across the level crossing and the Newell Highway

(a) The vehicle crossing must be designed and constructed to meet relevant design standards and guidelines, including the TfNSW adopted road design standards including Transport for NSW Austroads Supplement, Austroads *Guide to Traffic Management*, Austroads *Guide to Road Design* Australian Standard /RISSB 7658-2020. Railway Infrastructure – Railway Level Crossing and AS1742.7 2016 Manual of uniform traffic control devices and Transport for NSW Technical Directions including compliance with **Conditions E158 – E165** and **E168.**

(b) The livestock crossing must facilitate safe, efficient access and continued use of the travelling stock reserves including:

(i) space for associated infrastructure, including livestock holding yards, appropriate earth batters and associated drainage infrastructure to facilitate safe, efficient and effective travel across the rail;

(ii) protective rubber matting, or similar, between the tracks to ensure stock do not walk on ballast; and

(iii) measures to prevent livestock straying from the designated crossing.

The design of the level crossing(s) must be submitted to and approved by the Planning Secretary at least one month prior to the commencement of construction.

***Note:** Further assessment and approval of the upgraded level crossing(s) and intersection with the Newell Highway may be required under the Environmental Planning and Assessment Act 1979 and or the Roads Act 1993.*

Level Crossing Treatment Reports

E162 In order to maintain safe and efficient operation of the road network, the Proponent must prepare a **Public Level Crossing Treatment Report** in consultation with TfNSW and Council. The report must:

(a) illustrate the location of all public level crossings which traverse the CSSI;

(a) list, and identify on a figure, any public level crossings that will be closed or upgraded, including the type of treatment proposed where a level crossing is to be upgraded;

(b) where no works are proposed at a public crossing, provide reason for the decision;

(c) include measures to avoid potential short-stacking at level crossings; and

(d) provide justification for any proposed closures.

E163 The assessment of level crossings must be in accordance with **the Australian Level Crossing Assessment Model (ALCAM).** The process for determining the type of level crossing treatment must be consistent with the process outlined in the documents listed in **Condition A1.**

E164 The **Public Level Crossing Treatment Report** must also include an assessment of the road risks, consistent with the guideline *Railway Crossing Safety Series 2011, Plan: Establishing a Railway Crossing Safety Management Plan* (NSW Roads and Traffic Authority, 2011). The report is also to include an assessment of the crossing's compliance with *AS/RISSB 7658-2020. Railway Infrastructure – Railway Level Crossing and AS1742.7 2016 Manual of uniform traffic control devices* and Section 10 *Rail Crossings of Austroads Guide to Road Design Part 4*.

E165 The design of any level crossing on a public road and/or new or upgraded intersection must be endorsed by TfNSW in the case of classified roads and the relevant Council in relation to local roads prior to commencing construction of that crossing or intersection.

E166 In order to maintain convenient property access, the Proponent must prepare a **Private Level Crossing Treatment Report** in consultation with landowners whose access will be affected by the closure or upgrading of a private level crossing. The report must:

(a) illustrate the location of all private level crossings which traverse the CSSI;

(a) list, and identify on a figure, any private level crossings that will be closed or upgraded;

(b) describe the treatments that will be implemented at upgraded crossings;

(c) provide justification for any proposed closures and types of treatment, including decisions where no additional treatments are proposed; and

(d) provide details on the consultation undertaken with the landowners.

E167 Closures, relocations or modifications of formal private level crossings must be in accordance with *AS/RISSB 7658:2012 Railway Infrastructure – Railway Level Crossing* and relevant rail safety legislation. The Proponent must consult with relevant landowners on the design of the crossing and where consistent with relevant safety standards and legislation, incorporate reasonable landowner requirements into the design.

E168 The **Public Level Crossing Treatment Report** and **Private Level Crossing Treatment Report** must be submitted to the Planning Secretary for approval at least one (1) month prior to the closure or upgrade of a public or private level crossing, as relevant. Individual reports may be submitted for each crossing or address a group of crossings or the entire CSSI.

Operational Level Crossing Performance Report

E169 Within 12 months and 10 years of dates agreed with the Planning Secretary in accordance with **Condition A28**, or as otherwise agreed by the Planning Secretary, the Proponent must prepare an **Operational Level Crossing Performance Report** for information to confirm the operational traffic impacts of the level crossings on the road network. The review of the operation of the level crossings that interact with the road network must be carried out in consultation with TfNSW, LLS and Council and include:

(a) updated traffic analysis of movements on classified roads and nearby intersections including with the Newell Highway;

(b) assessment of the level of service at these classified level crossings (queue length, queuing time delay) and assessment of safety and/or operational impacts on all nearby intersections including the Newell Highway as a result of vehicle queuing;

(c) identification of additional new work outside of the rail corridor delivered by third parties that may result in changes to traffic movements as initially considered in the Level Crossing Treatment Report;

(d) assessment of the performance of the level crossing treatment outlined in the Public Level Crossing Treatment Report required by **Condition E162**;

(e) all reported near misses and collisions at all level crossings within the project area; and

(f) mitigation measures to manage any actual or predicted road network performance impacts.

E170 Mitigation measures to manage any actual or predicted road network performance impacts resulting from the construction and operation must be implemented within one year of the completion of each report, unless otherwise agreed by the Planning Secretary. The Report must include an implementation plan of the identified mitigation measures. The **Level Crossing Performance Report** must be submitted to the Planning Secretary, TfNSW and Council for information within 60 days of its completion.

Country Rail Network Interface

E171 The design of any new or modified connection to the Country Rail Network (CRN) must be developed in consultation with the CRN Rail Infrastructure Manager (RIM) and TfNSW. Designs, management plans and programs of work must be endorsed by the CRN RIM and TfNSW prior to construction of any new or modified connection.

WASTE

E172 Waste generated during construction and operation must be dealt with in accordance with the following priorities:

(a) waste generation must be avoided and where avoidance is not reasonably practicable, waste generation must be reduced;

(b) where avoiding or reducing waste is not possible, waste must be re-used, recycled, or recovered; and

(c) where re-using, recycling or recovering waste is not possible, waste must be treated or disposed of.

E173 The importation of waste and the storage, treatment, processing, reprocessing or disposal of such waste must comply with the conditions of the current EPL for the CSSI, or be done in accordance with a Resource Recovery Exemption or Order issued under the *Protection of the Environment Operations (Waste) Regulation 2014*, as the case may be.

E174 Waste must only be exported to a site licensed by the EPA for the storage, treatment, processing, reprocessing or disposal of the subject waste, or in accordance with a Resource Recovery Exemption or Order issued under the *Protection of the Environment Operations (Waste) Regulation 2014*, or to any other place that can lawfully accept such waste.

Note: *Prior to the commencement of construction, engagement with MPSC shall occur regarding proposed construction waste streams/quantities to determine if disposal of these waste within local council landfills/facilities can be reasonably facilitated or if alternative waste disposal management will be required.*

E175 All waste must be classified in accordance with the EPA's Waste Classification Guidelines, with appropriate records and disposal dockets retained for audit purposes.

APPENDIX A INCIDENT NOTIFICATION REQUIREMENTS

1. All incident notifications and reports must be submitted via the NSW planning portal (Major Projects).
2. The Proponent must provide notification as required under these requirements, even if the Proponent fails to give the notification required under **Condition A36** or, having given such notification, subsequently forms the view that an incident has not occurred.
3. Within **7 days** (or as otherwise agreed by the Planning Secretary) of the Proponent making the immediate incident notification (in accordance with **Condition A36**), the Proponent is required to submit a subsequent incident report that:
   (a) identifies how the incident was detected;
   (b) identifies when the Proponent became aware of the incident;
   (c) identifies any actual or potential non-compliance with conditions of consent;
   (d) identifies further action(s) that will be taken in relation to the incident;
   (e) a summary of the incident;
   (f) outcomes of an incident investigation, including identification of the cause of the incident;
   (g) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence, including the period for implementing any corrective and/or preventative actions; and
   (h) details of any communication with other stakeholders regarding the incident.
4. The Proponent must submit any further reports as directed by the Planning Secretary.

APPENDIX B FLOODING

SCHEDULE 1 QUANTATIVE DESIGN LIMITS

Table 1: Quantitative Design Limits (QDLs)

(These QDLs are only applicable beyond the CSSI corridor, unless otherwise noted, and do not apply to model noise[2])

Parameter	Location or Land Use	Limit
Afflux i.e. increase in flood level resulting from implementation of CSSI.	Habitable floors and sensitive infrastructure[3]	10mm increase[4]
	Non-habitable floors[3]	20mm increase
	Surrounds of residential buildings, other urban, open space recreational land and infrastructure (excluding sensitive infrastructure)	100mm increase
	Agricultural	200mm increase
	Forest and unimproved grazing land	300mm increase
	Classified roads managed by TfNSW.[5]	50mm on areas flooded under existing condition. Otherwise, no increase.[6]
	Other sealed roads >80km/hr.[5]	No afflux where aquaplaning risk exists and remains unmitigated. Otherwise 50mm increase.[6]
	Unsealed roads and sealed roads <80km/hr.[5]	100mm increase.[6]
Velocity Ie. Increase in flood velocity resulting from the implementation of the CSSI (Both Flow Distribution and the Scour/Erosion velocity QDLs apply)		

[2] Model noise is an artefact of the modelling process and does not provide any useful information and is not the same as model tolerance. Modelling noise is to be ignored when assessing compliance with the QDLs. All modelling noise exclusions are to be reviewed by the independent reviewer required under **Condition E25**.
[3] Habitable floors/rooms are defined consistent with the use of this term in the Flood Risk Management Guideline AG01 which is part of the Toolkit accompanying the 2023 Flood Risk Management Manual. In a residential situation this comprises a living or working area such as a lounge room, dining room, rumpus room, kitchen, bedroom or workroom. In an industrial, commercial or other building, this comprises an area used for an office or to store valuable possessions, goods or equipment susceptible to flood damage in the event of a flood.
[4] 10 mm has been set to provide a margin for modelling uncertainties/tolerances. The intent of this requirement is that existing flood levels above floor level do not increase and there is no new flooding of floors.
[5] Including where located within CSSI corridor.
[6] Any variation must be negotiated with the roads authority and/or TfNSW in accordance with **Condition E34.**

Parameter	Location or Land Use	Limit
Flow Distribution	All areas	20% increase in velocity[7]
Scour/Erosion Potential	Ground surfaces that have been sealed or otherwise protected against erosion. This includes roads and most urban, commercial, industrial, recreational and forested land	Velocities are not to exceed the limiting velocities which would erode the sealing or remove the protection that has been applied to the surface
	Other areas including watercourses, agricultural land, unimproved grazing land and other unsealed or unprotected areas	An erosion threshold velocity (ETV) is to be determined through a site specific assessment(s) conducted by an experienced geotechnical or scour/erosion specialist in accordance with **Conditions E47** to **E50**.[8] An ETV of 0.3m/s is to be adopted in the absence of a site specific assessment(s) Where existing velocity exceeds ETV, velocity is limited to a 0.025m/s increase.[9] Where existing velocity is less than ETV, velocity is limited to the lesser of: • ETV or • 20% increase
Flood Hazard i.e. increase in velocity~depth product (**vd**) resulting from implementation of CSSI. (Does not apply where vd<0.1m^2/s).	Urban, commercial, industrial, unclassified and sealed roadways[5]	10% increase in vd
	Classified roads managed by TfNSW[5]	10% increase in vd where this does not result in an increase in hazard category. Otherwise, no increase.[6]
	Elsewhere	20% increase in vd
Flood Duration i.e. increase in duration of inundation resulting from implementation of	Habitable floors[3]	Where existing above floor flooding is: • less than 1 hour in flood duration, the post-development flood duration shall not exceed 1 hour • greater than 1 hour in duration, up to 5% increased inundation duration Where existing below floor flooding is:

[7] Local variations in velocity can exceed a 20% change provided that when assessed over a 30m wide flow path, the velocity change within the flow path does not exceed 20%.
[8] An equivalent shear stress may be substituted for an ETV determined through this process.
[9] Where velocity exceeds this QDL, the **Operational Erosion Mitigation and Monitoring Program** required by **Condition E57** must be prepared and implemented.

Parameter	Location or Land Use	Limit
CSSI.		• less than 1 hour in flood duration, the post-development flood duration shall not exceed 1 hour • greater than 1 hour in duration, up to 10% increased inundation duration
	Classified roads managed by TfNSW	No increase in duration of flood inundation to sections of road not already inundated[6] Otherwise 10% increase in inundation duration
	Other sealed roads >80km/hr[5]	10% increase in inundation duration.
	Elsewhere	Where existing inundation is less than 1 hour in flood duration, the post-development flood duration shall not exceed 1 hour. Where existing inundation is greater than 1 hour in flood duration, up to 10% increase in duration of inundation No duration limits apply to newly flooded land no greater than $1000m^2$ in area

SCHEDULE 2 FLOOD MODELLING SPECIFICATIONS

The minimum requirements for the flood modelling are:

1. 2D flood modelling consistent with current best practice and:
    a. the version 4.2 (or latest version) of *Australian Rainfall and Runoff: A guide to flood estimation* (**ARR**);
    b. *Floodplain Risk Management Guide – Incorporating 2016 Australian Rainfall and Runoff in studies* (OEH 2018) or any subsequent update to this document, or additional guidance provided by CPHR on the application of **ARR** within NSW;
    c. NSW *Flood Risk Management Manual* (2023) (and its suite of supporting guidelines, collectively referred to as the 'Toolkit') which replaced the previous *Floodplain Development Manual* (2005).
2. Flood modelling in all subcatchments are to include simulation of:
    a. the 1% AEP flood event;
    b. at least two other events more frequent than 1% AEP;
    c. at least one other event less frequent than 1% AEP;
    d. additional events required at any specific location in order to allow a full understanding of the variation in flood behaviour between flood events of 1% AEP and 0.5EY;
    e. additional events required at any specific location in order to allow full consideration of flood behaviour in events rarer than 1% AEP and up to the probable maximum flood (PMF) having regard to the potential risks to life and the requirements of the *NSW Flood Risk Management Manual* (and its Toolkit)
3. Inclusion of at least five durations including the critical duration for each flood event. These durations are to be selected to be representative of the range of durations that could occur and include all durations that will be relevant to the design of the CSSI and the assessment of flood impacts for all simulated flood events.
4. Spatial coverage of the model to include all parts of the CSSI corridor where inundation could occur and extending a sufficient distance upstream and downstream of the corridor in order to simulate:
    a. alternative flow distributions arriving at the rail corridor as a result of differing spatial distributions of rainfall over the upstream catchment; and
    b. changes in flood behaviour upstream and downstream of the corridor where there is potential for any of the flood impacts identified in **Condition E29** to **E32** to occur.
5. Spatial resolution of the hydraulic model at a maximum of 2.5 metres to model velocity at the entry and exit of culverts and bridges up to a distance of 100 metres upstream and 300m downstream from these structures
6. Detailed representation of cross-structure drainage openings and culverts through existing linear infrastructure, including but not limited to, the Newell Highway and the Werris Creek – Mungindi railway line at Moree. The dimensions, inverts and soffits of each opening should be based on detailed survey or justified by other validation methods.
7. Simulation of not only watercourses but all overland flowpaths, including new overland flowpaths resulting from the construction of the CSSI.

8. Consideration of low tailwater levels on the downstream side of the rail corridor which may be produced by different spatial and temporal distributions of rainfall. Whilst these conditions may produce lower flood levels on the upstream side of the corridor, in some circumstances these conditions may result in larger flood impacts for some hydraulic metrics (e.g. velocity changes). Significant investigation and modelling is to be undertaken to ensure that the maximum flood impacts that could potentially occur have been simulated
9. The model structure and its calibration and validation, are to be fit-for-purpose and are to provide sufficient accuracy and spatial resolution for both the design of the CSSI and the accurate identification of all the flood impacts identified in **Conditions E29** to **E32.** This is to include prediction of flood height changes to a resolution no coarser than 10mm.
10. The design of all cross-drainage structures (including bridges, culverts and pipes) are to include for blockage calculated in accordance with the procedures in ARR. The sensitivity of the flood immunity of CSSI and its flood impacts to changes in ARR blockage used in the design is to be considered. This is to include at least zero blockage and double blockage scenarios.
11. The sensitivity of the flood immunity of CSSI and its flood impacts to climate change is to be considered having regard to guidance provided within the documents in **1.a)** and **1.b)** above, and the most recent advice from the NSW Government including its *Floodplain Risk Management Guideline* entitled *Practical Consideration of Climate Change.*
12. Where bridges are proposed for cross-drainage, appropriate freeboard is to be included having regard to the structural and hydraulic design of the bridge. The minimum freeboard to be used is 0.3m.

APPENDIX C COMMUNITY CONSULTATION AND AGREEMENT

The below is guidance material on how to engage and record community agreements and is based off EPA model licence conditions (E1.2 and E1.3) and EPA guidance material for EPL applications. The intent is to provide guidance on how the Proponent can engage and obtain community agreements to undertake out-of-hours-works. This guidance should be read in conjunction with **Condition E91, E91(c), E91(c)(iii) (Variation to Work Hours)** and **Condition E92(e) (Out-of-Hours Work Protocol)**.

Requirements for community consultation and agreement

1. Any negotiated agreements with affected residents and sensitive land use(s) for out-of-hours-work must:

   (a) include consultation of impacted residents and sensitive land use(s). This includes sensitive land use(s) that have declined to participate in previous agreements unless a community member has explicitly requested not to be involved in any future consultation about future out-of-hours-work;
   (b) include the following information:
      (i) description and justification of the Work(s) proposed;
      (ii) any expected impacts in clear plain English based on noise modelling;
      (iii) the expected duration of the Work(s);
      (iv) respite periods;
      (v) any expected benefits for receivers;
      (vi) any other known concurrent OOHW that will be occurring; and
      (vii) any other OOHW that will be occurring on the nights preceding and following the proposed works or, if the proposed work precedes or follows a weekend period, any other OOHW that will be occurring on the weekend;
   (c) request consent from the residents and sensitive land use(s) for their responses to be provided to the **Planning Secretary**, **ER**, and **EPA**;
   (d) ensure that a record is kept when contact cannot be made with residents and sensitive land use(s) after three attempts, including leaving *"sorry I missed you"* cards explaining the reason for the visit and requesting a return phone call; and
   (e) for longer term community agreements (those predicted to go on longer than 28 calendar days), re-engage the impacted community to ensure consent is maintained and continuing.

   Detailed records of all community consultations, including attempts to contact impacted residents and sensitive land use(s), must be maintained for the duration of the Work by the Proponent.

   Any residents and sensitive land use(s) who requests a copy of the record of conversations must be supplied with one.

2. The outcomes of the community consultation and agreement process must be documented and include:

   (a) the script used during the community consultation;
   (b) community response and consent rates (including where no contact could be made) based on:
      (i) impacted sensitive land use(s);
      (ii) location of the proposed work to the sensitive land use(s);
      (iii) duration and potential impacts to be experienced; and
      (iv) proposed mitigation and management measures to be implemented.

APPENDIX D OUT OF HOURS

1. Is the proposed Out-of-Hours Work/activity subject to an EPL (either wholly or partially)? [1 2]

Yes → Undertake OOH Works in accordance with EPL requirements or seek variation to EPL

No → Identify the appropriate OOHW mechanism (**Condition E91**) [2]

OOHW must be managed in accordance with the **CEMP** and **CNVIMS** frameworks and any other relevant conditions.[7]

2. Are the proposed OOHW required:
   (i) for the delivery of materials required by the NSW Police Force or other authority for safety reasons; or
   (ii) where it is required in an emergency to avoid injury or the loss of life, to avoid damage or loss of property or to prevent environmental harm; or
   (iii) for any other reason listed under **Condition E91(a)**.

Yes → **Safety and Emergencies** Refer to **Condition E91(a)**

No ↓

3. Does the proposed OOHW meet the criteria specified in **Condition E91(b)** (Low Impact Work)?

Yes → **Low Impact Work** Refer to **Condition E91(b)**

No ↓

4. Has the proposed activity been listed in **Condition E91(d)** of the project approval?

Yes → **Approved Activity** [3] Refer to **Condition E91(d)**

No ↓

5. Is there a community agreement in place as outlined in **Condition E91(c)(iii)**?

Yes → **Negotiated Agreement** [3] Refer to **Condition E91(c)(iii)**

No ↓

6. Is the activity managed under an Out-of-Hours Work Protocol? [4]

Yes → **Out-of-Hours Work Protocol** Refer to **Condition E91(c)(ii)** & **E92** [5 6]

No ↓

7. Proposed OOHW cannot proceed. Follow standard work hours **Condition E87** and **E90**.

Notes:

1. OOH Work regulated by the EPA via an EPL are to be managed in accordance with the relevant EPL(s).
2. If an EPL is issued after Works have commenced, the EPL will have immediate effect.
3. Other conditions may continue to apply if Works have been approved under **E91Error! Reference source not found.** or if a community agreement has been reached under **E91(c)(iii)**.
4. The intent of the protocol is to provide an assessment framework for short term intermittent activities undertaken out of hours. These activities should be consistent with those identified in the EIS/ RtS / Amendment Report. Any long term OOHW not assessed in the EIS may need a future Modification approval. The use of the terms short / long term should be considered on a case by case basis and be relative to the duration of construction of the CSSI.
5. The Protocol process should only be used if a certain Work is not covered by an EPL.
6. If the Work is subject to an EPL and the EPA does not endorse extended hours as part of the EPL, the extended hours cannot be considered under a Protocol.
7. The proponent has an obligation to implement all practicable mitigation measures in accordance with the ICNG and the approval.

Note: *If there is an inconsistency between this Appendix and a requirement in a condition, the requirement of the condition prevails.*