

Infrastructure approval

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

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

The Hon.
Minister for Planning and Public Spaces



Sydney

8 October

2024

SCHEDULE 1

Application no.:	SSI-10055
Proponent:	Australian Rail Track Corporation
Approval Authority:	Minister for Planning and Public Spaces
Land:	Land between Albury on Victoria–NSW Border and Northeast of Illabo in Southwestern Region NSW
Description of State Significant Infrastructure:	<p>Enhancement works to structures and sections of track along 185 kilometres of existing operational standard-gauge railway from the Victorian/New South Wales border to Illabo in regional NSW to accommodate double-stacked freight trains up to 1,800 metres long. The project forms part of the Inland Rail project. The proposal includes:</p> <ul style="list-style-type: none">• Adjustments to rail track across 24 enhancement sites to accommodate vertical and horizontal clearances;• Track lowering at three locations to accommodate vertical clearances;• Changes to bridges and culverts at enhancement sites to allow track realignment including:<ul style="list-style-type: none">○ replacement of two road bridges and adjustment to adjoining intersections;○ replacement of three pedestrian bridges and demolition of two redundant pedestrian bridges; and○ modifications to four rail bridges; and• Ancillary works including adjustments to nine level crossings, modifications to drainage and road infrastructure, signalling infrastructure, fencing, signage, and services and utilities.

Declaration as State Significant Infrastructure

The proposal is critical State Significant Infrastructure by virtue of Schedule 5, clause 7(3A) of *State Environmental Planning Policy (Planning Systems) 2021*.

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TERMS AND DEFINITIONS

The definitions and abbreviations 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.
AA	The Acoustics Advisor for the CSSI approved by the Planning Secretary.
Aboriginal object	The same meaning as in the <i>National Parks and Wildlife Act 1974</i> (NSW).
Ancillary facility	A temporary facility for construction of the CSSI including an office and amenities compound, construction compound, material crushing and screening plant, materials storage compound, maintenance workshop, testing laboratory, a fixed material stockpile area and car parking facilities. Minor ancillary facilities are considered to be lunch sheds, office sheds and portable toilet facilities or similar.
At-property treatment	Includes courtyard walls and building treatments. Building treatments may include but are not limited to ventilation, acoustic blinds / curtains, glazing, window and door seals, sealing of vents or underfloor areas, shutters and secondary glazing.
BCS	Biodiversity, Conservation and Science Group of the NSW Department of Climate Change, Energy, the Environment and Water.
CALD	Culturally and Linguistically Diverse.
CEMF	Construction Environmental Management Framework.
CEMP	Construction Environmental Management Plan.
CMP	Construction Monitoring Program
Completion of construction	The date upon which works are completed and all requirements of the Planning Secretary (if any) have been met. If construction is staged, completion of construction is the date upon which construction is completed and all requirements of the Planning Secretary (if any) have been met, in respect of all stages of construction.
Construction	Includes work required to construct the CSSI as defined in the Project Description described in the documents listed in Condition A1 including commissioning trials of equipment and temporary use of any part of the CSSI but excluding Low Impact Work which is carried out or completed prior to approval of the CEMP .
Construction boundary	The area physically affected by work as defined in the Project Description as described in the documents listed in Condition A1 .
Consultation	To provide information and actively engage with and obtain and consider feedback from stakeholders during development of post approval documents. How the feedback has been considered and whether any changes have been made in response to this feedback is then documented and communicated

Term	Definition
	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 .
CSSI	The Critical State Significant Infrastructure, as described in Schedule 1, the carrying out of which is approved under the terms of this approval.
CWMS	Construction Work Method Statement.
DCCEEW	NSW Department of Climate Change, Energy, the Environment and Water.
DCCEEW (Cth)	Commonwealth Department of Climate Change, Energy, the Environment and Water.
Department	NSW Department of Planning, Housing and Infrastructure.
DECC	Former NSW Department of Environment and Climate Change.
DPI Fisheries	Department of Primary Industries Fisheries.
DCCEEW Water Group	Water Group of the NSW Department of Climate Change, Energy, the Environment and Water.
Education Provider	An organisation that provides education, either as a main or ancillary objective. This can be a public or private educational institution such as a school, college, or TAFE.
EIS	The Environmental Impact Statement referred to in Condition A1 , submitted to the Planning Secretary seeking approval to carry out the development described in it, and including any additional information provided by the Proponent in support of the application for approval of the project.
EMS	Environmental Management System.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> (NSW).
EPA	NSW Environment Protection Authority.
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth).
EPL	Environment Protection Licence under the POEO Act.
ER	The Environmental Representative(s) for the CSSI approved by the Planning Secretary.
Emergency Services	Ambulance, Police, and Fire and Rescue services.
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings.
Environmental Representative Protocol	<i>Environmental Representative Protocol</i> (Department of Planning and Environment, October 2018).
FRNSW	Fire and Rescue NSW.

Term	Definition
Health Precinct	A health facility organisation that provides health care diagnosis and treatment. Specifically, NSW Health hospitals, private hospitals, or day procedure centre.
Heavy Vehicle	Has the same meaning as in the <i>Heavy Vehicle National Law 2013</i> (NSW).
Heritage item	A place, building, work, relic, archaeological site, tree, movable object or precinct of heritage significance, that is listed under one or more of the following registers: the State Heritage Register under the <i>Heritage Act 1977</i> (NSW), a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i> (NSW), a Local Environmental Plan under the EP&A Act, the World, National or Commonwealth Heritage lists under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), and an “Aboriginal object” or “Aboriginal place” as defined in section 5 of the <i>National Parks and Wildlife Act 1974</i> (NSW).
Heritage NSW	Heritage NSW, NSW DCCEEW.
Highly noise affected	As defined in the <i>Interim Construction Noise Guideline</i> (DECC, 2009).
Highly noise intensive work	Work which are defined as annoying under the <i>Interim Construction Noise Guideline</i> (DECC, 2009) including: <ul style="list-style-type: none"> • use of power saws, such as used for cutting timber, rail lines, masonry, road pavement or steel work; • grinding metal, concrete or masonry; • rock drilling; • line drilling; • vibratory rolling; • bitumen milling or profiling; • jackhammering, rock hammering or rock breaking; • impact piling; and • tamping (for rail projects).
ICNG	<i>Interim Construction Noise Guideline</i> (DECC, 2009).
Idling of locomotives	The operation of the locomotive(s) engines while the locomotive is not in motion in loops, sidings, passing lanes and yards. This excludes idling of locomotives that are: <ul style="list-style-type: none"> • associated with a passenger service at a station platform; and/or • affected by an unplanned event.
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance. Note: “material harm” is defined in this approval
LALC	Local Aboriginal Land Council.
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act.
Landowner	Has the same meaning as “owner” in the <i>Local Government Act 1993</i> and in relation to a building means the owner of the building.
Local road	Any road that is not defined as a classified road under the <i>Roads Act 1993</i> .

Term	Definition
LOTE	Language Other than English.
Low Impact Work	<p>Includes:</p> <ul style="list-style-type: none"> (a) survey work including carrying out general alignment survey, installing survey controls (including installation of global positioning systems (GPS)), installing repeater stations, carrying out surveys of existing and future utilities and building and road dilapidation surveys; (b) investigations including investigative drilling, contamination investigations and excavation; (c) site establishment work approved under a Site Establishment Management Plan; (d) use of minor ancillary facilities if the ER has determined the operational activities will have a minor impact on the environment and the community; (e) minor clearing and relocation of native vegetation, as identified in the documents listed in Condition A1; (f) installation of mitigation measures including erosion and sediment controls, temporary exclusion fencing for sensitive areas and at-property treatments; (g) property acquisition adjustment work including installation of property fencing; (h) relocation and connection of utilities where the relocation or connection has been determined by the ER to have a minor impact to the environment and the community; (i) archaeological testing under the <i>Code of practice for archaeological investigation of Aboriginal objects in NSW</i> (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 methodology 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. <p>Despite the above, the following works are not Low Impact Work:</p> <ul style="list-style-type: none"> (a) where heritage items, or threatened species or their habitat, or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i>) are adversely affected or potentially adversely affected by any low impact work as defined in (a) to (l) above, that work is construction, unless otherwise determined by the Planning Secretary in consultation with Heritage NSW, EHG or DPI Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation); and (b) any night-time work that exceeds noise management levels as defined in the ICNG. <p>The low impact work described in this definition becomes Construction with the approval of a CEMP. Where low impact work has already commenced, this is considered to remain as low impact work and is managed in accordance with the framework under which it commenced.</p> <p>Notes: <i>Early stages of work are not necessarily low impact work.</i> <i>Low Impact work is not construction as defined by this approval.</i></p>

Term	Definition
Material harm	This is harm that: (a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or (b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment).
Minister	NSW Minister for Planning and Public Spaces.
NML	Noise Management Level as defined in the <i>Interim Construction Noise Guideline</i> (DECC, 2009).
Non-compliance	An occurrence, set of circumstances, or development that is a breach of this approval.
NSW Heritage Council	Heritage Council of NSW.
OEMP	Operational Environmental Management Plan.
ONCR	Operational Noise Compliance Report.
ONVR	Operational Noise and Vibration Review.
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: <i>There may be overlap between the carrying out of construction and operation if the phases of the development are staged. Commissioning trials of equipment and temporary use of any part of the CSSI are within the definition of construction.</i>
POEO Act	<i>Protection of the Environment Operations Act 1997</i> (NSW).
Planning Secretary	Planning Secretary of the Department (or nominee, whether nominated before or after the date on which this approval was granted).
PCT	Plant Community Type as related to the BioNet Vegetation Classification system.
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.
Publicly available	To be made available on the website required under Condition B18 of this approval.
Rail Corridor	Land that is: (a) owned, leased, managed or controlled by a public authority for the purpose of a railway or rail infrastructure facilities, or zoned under an environmental planning instrument predominantly; or (b) solely for development for the purpose of a railway or rail infrastructure facilities.
Relic	Has the same meaning as the definition of the term in section 4 of the <i>Heritage Act 1977</i> (NSW).
RAPs	Registered Aboriginal Parties.

Term	Definition
Relevant council(s)	Albury City Council, Great Hume Shire Council, Lockhart Shire Council, Wagga Wagga City Council, and Junee Shire Council.
Relevant roads authority	The same meaning as the roads authority defined in the <i>Roads Act 1993</i> (NSW).
Response to Submissions	The Proponent's response to issues raised in submissions received in relation to the application for approval for the CSSI under the EP&A Act.
Road Safety Audit	As defined by the <i>Transport for NSW Roads & Traffic Authority Guidelines for Road Safety Audit Practices 2011</i> .
NSW RFS	NSW Rural Fire Service.
SSI	The State Significant Infrastructure, as generally described in Schedule 1 of this approval, the carrying out of which is approved under the terms of this approval.
Sensitive land use(s)	Includes: residence, educational institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church), child care centres, passive recreation areas (including outdoor grounds used for teaching), 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 others as identified by the Planning Secretary.
SES	NSW State Emergency Services.
SIMP	Social Impact Management Plan.
SMART	Specific, Measurable, Achievable, Realistic, and Timely.
TfNSW	Transport for NSW.
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).
UDLP	Urban Design and Landscape Plan
Unplanned event	(a) mechanical breakdown of rolling stock as well as locomotives; (b) infrastructure failure (e.g. rails or signals failure); (c) emergency situations (e.g. accidents involving vehicles, people or livestock at level crossings and storms and fires that require immediate track inspections to maintain movements on the network). An unplanned event does not include late running trains for any reason other than (a) to (c) above.
Unexpected heritage finds	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.

Term	Definition
Vulnerable or marginalised groups	Vulnerable or marginalised groups are 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.
Work	Any physical activity for the purpose of the CSSI including Construction and Low Impact Work but not including operational maintenance work.

Table 2: Further definitions and Terms

Term	Definition
AQ	Air Quality
QA	Quality assurance
QC	Quality control
CO	Carbon monoxide
NATA	National Association of Testing Authorities, Australia
NO	Nitric oxide
NO ₂	Nitrogen dioxide
NO _x	Oxides of nitrogen

SUMMARY OF REPORTING REQUIREMENTS

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

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

Condition	Report / Notification	Timing ¹	Purpose
Part A – Administrative			
A9	Staging Report	One month before commencement of construction (or operation if only staged operation is proposed) of the first of the proposed stages	Information
A13	Revised Staging Report	One month prior to the proposed change in the staging	Information
A19	Environmental Representative	Must be sought one month before the commencement of works	Approval
A22(k)	Environmental Representative reports	Within seven (7) days following the end of each month for the duration of the ER's engagement	Information
A25	Acoustic Advisor	Must be sought one month before the commencement of works	Approval
A27(h)(iv)	Acoustic Advisor Report	Within seven (7) days following the end of each month for the duration of the AA's engagement	Information
A28	Notification of commencement	One month before the commencement of works, construction and operation	Notification
A29	Notification of commencement of stage	One month before the commencement of each stage	Notification
A30	Independent Auditors	Prior to 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	Immediately upon becoming aware of the incident	Notification
A37 (and APPENDIX A)	Subsequent written notification of an incident	Subsequent written notification and an incident report are required seven (7) days after the Proponent became aware of the incident and 30 days after the date on which the incident occurred, respectively	Information
A38	Notification of noncompliance	Within seven (7) days after becoming aware of a non-compliance	Notification
C16	Construction Environmental Management Framework	One month before the lodgement of any CEMP, CEMP sub plan or CMP	Approval

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

Condition	Report / Notification	Timing ¹	Purpose
C17	Revised Construction Environmental Management Framework	One month prior to the proposed change in the staging	Approval
C18	Site Establishment Management Plan	One month before the establishment of any ancillary facilities	Approval
Part B - Communication Information and Reporting			
B3	Community Communication Strategy	One month before the commencement of any Work	Approval
B12	Complaints Register	Upon request from the Planning Secretary	Information
B13	Community Complaints Mediator	One month before the commencement of Work	Approval
B15	Community Complaints Mediator recommendations a Proponent response	One month of the recommendations being made	Information
Part C - Construction Environmental Management			
C4	CEMP and relevant Sub-plans	One month before the commencement of construction	Approval
C30	Construction Monitoring Programs	One month before the commencement of construction	Approval
C34	Construction Monitoring Report	As specified in Construction Monitoring Programs	Information
Part D - Operation Environmental Management			
D3	OEMP or EMS	One month before the commencement of operation	Approval
D7	Operational Monitoring Programs	Three months prior to the commencement of operation	Approval
D10	The results of the Operational Monitoring Programs	As specified in the conditions of approval or Operational Monitoring Programs	Information
Part E – Key Issues			
Air Quality			
E3	Results of additional modelling to demonstrate compliance to use idling locations	Interval not exceeding 12 months following commencement of operations	Approval
E5	Background Monitoring Plan	Before the commencement of operations	Approval
E6	Operational Air Quality Review Report	Before the commencement of operations	Approval
E9	Review of continued use of ambient monitoring stations	At the conclusion of the 10 year operational monitoring period	Approval

Condition	Report / Notification	Timing ¹	Purpose
E10	Locations of air quality monitoring stations	One month prior to the commencement of monitoring	Approval
E15	Nominating air quality auditor	Interval not exceeding 12 months following commencement of operations	Approval
Biodiversity			
E27	Sloane's Froglet Management Plan(s)	If required following the July/August targeted surveys	Approval
E31 and E32	The Fauna Connectivity Strategy	Before commencement of Work	Approval
Heritage			
E52	Albury Railway Station and Yard Group Broad Gauge Track report	Prior to work commencing within Albury Railway Station and Yard Group	Approval
E54	Heritage Report	12 months after the completion of the work	Information
E55	Heritage Interpretation Plan	Before commencement of construction	Information
E66	Unexpected Heritage Finds and Humans Remains Procedure	One month before commencement of construction	Information
Aboriginal Cultural Values and Heritage			
E63	The Aboriginal Archaeological Test Excavation Methodology and Aboriginal Archaeological Salvage Excavation Methodology	Prior to any test or salvage excavation	Approval
Noise and Vibration			
E72	Out-of-Hours Work Protocol	Before the commencement of out-of-hours work	Approval
E78	Construction Noise and Vibration Impact Statements	Upon request	Information
E85	Locomotive Noise Treatment Program Report	Prior to inclusion in the ONVR	Approval
E88	Consultation strategy on noise barriers and noise mitigation	One month prior to consultation commencing	Approval
E89	Operational Noise and Vibration Review	Within the earliest of 24 months after the commencement of construction or prior to the commencement of operations unless otherwise agreed by the Planning Secretary	Approval

Condition	Report / Notification	Timing ¹	Purpose
E90	Report on non-implementation of operational noise mitigation measures	Within six months of submitting the ONVR	Information
E92	Operational Noise and Vibration Compliance Report Monitoring Plan	One month prior to commencement of operational noise compliance monitoring	Approval
E93	Operational Noise Compliance Report	Within 60 days of completing the operational monitoring	Information
Urban Design, Landscape, and Visual Amenity			
E98	DRP advice and recommendations and the Proponent's response to each recommendation	Must be included when submitting the design objectives and principles to the Planning Secretary for approval	Information
E99	Design objectives and principles	Within 3 months of this CSSI approval	Approval
E108	Place, Design and Landscape Plan	One month prior to the construction of permanent surface built works or landscaping that are the subject of the Plan	Approval / information
E111	Transfer of assets	Prior to the date of transfer of the asset(s) to the relevant authority	Information
Socio-economic, Land Use and Property			
E113	A Social Impact Management Plan	At least one month before the commencement of construction	Approval
Code of Conduct			
E117	Updated workforce code of conduct	Provided to the Planning within one month of ER approval	Information
Soils and Contamination			
E127	Site Audit Statement And Site Audit Report	One month before the commencement of operation	Information
E128	Unexpected Finds Procedure for Contamination	Prior to commencement of work	Information
Sustainability			
E131	Sustainability Strategy	One month before the commencement of construction	Information
Traffic and Transport			
E137	Wagga Wagga Construction Traffic, Transport and Access Mitigation Report	Before construction in Wagga Wagga	Approval

Condition	Report / Notification	Timing ¹	Purpose
E145	Road Safety Audit findings and recommendations actioned	Before construction of the relevant infrastructure and made available on request	Information
E152	Public and Private Level Crossing Treatment Report	One (1) month prior to the closure or upgrade of a public or private level crossing,	Approval
E155	Road Network Performance Plan	Before the operation of the CSSI	Approval
E156	Operational Road Network Performance Review	Within 60 days of completion of the Review	Information

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

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

GENERAL

- A1 The Proponent must carry out the CSSI in accordance with the terms of this approval and generally in accordance with the:
- (a) Inland Rail – Albury to Illabo Environmental Impact Statement (ARTC, August 2022);
 - (b) Albury to Illabo Response to Submissions (ARTC, November 2023);
 - (c) Albury to Illabo Preferred Infrastructure Report (ARTC, November 2023);
 - (d) Albury to Illabo Preferred Infrastructure Report Response to Submissions (ARTC, February 2024);
 - (e) Inland Rail – Albury to Illabo (SSI-10055) Response to request for additional information – Air Quality Assessment (letter dated 1 May 2024);
 - (f) Part 1 - Revised Technical Paper 8: Biodiversity Development Assessment Report (WSP, February 2024); and
 - (g) Part 2 - Revised Technical Paper 8: Biodiversity Development Assessment Report (WSP, February 2024).
- A2 The CSSI must only be carried out in accordance with all procedures, commitments, preventative actions, performance criteria and mitigation measures set out in the documents listed in **Condition A1** unless otherwise specified in, or required under, this approval.
- A3 In the event of an inconsistency between:
- (a) the terms of this approval and any document listed in **Condition A1** inclusive, the terms of this approval will prevail to the extent of the inconsistency; and
 - (b) any document listed in **Condition A1** inclusive, the most recent document will prevail to the extent of the inconsistency.
- Note: For the purpose of this condition, there will be an inconsistency between a term of this approval and any document if it is not possible to comply with both the term and the document.*
- A4 The Proponent must comply with all written requirements or directions of the Planning Secretary, including in relation to:
- (a) the environmental performance of the CSSI;
 - (b) any document or correspondence in relation to the CSSI;
 - (c) any notification given to the Planning Secretary under the terms of this approval;
 - (d) any audit of the construction or operation of the CSSI;
 - (e) the terms of this approval and compliance with the terms of this approval (including anything required to be done under this approval);
 - (f) the carrying out of any additional monitoring or mitigation measures; and
 - (g) in respect of ongoing monitoring and management obligations, compliance with an updated or revised version of a guideline, protocol, Australian Standard or policy required to be complied with under this approval.
- A5 This approval lapses five (5) years after the date on which it is granted, unless work has physically commenced on or before that date.
- A6 References in the terms of this approval to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Australian Standards or policies in the form they are in as at the date of this approval, unless otherwise approved by the Planning Secretary.

TIMING AND APPROVALS

- A7 Any document that must be submitted or action taken within a timeframe specified in or under the terms of this approval, may be submitted or undertaken within a later timeframe agreed in writing with the Planning Secretary. This condition does not apply to the written notification required in respect of an incident or a non-compliance.
- A8 Where the terms of this approval require consultation to be undertaken, evidence of the consultation undertaken must be submitted to the Planning Secretary and ER (as relevant) with the corresponding documentation. The evidence must include:
- (a) documentation of the engagement with the identified party in the condition of approval that has occurred before submitting the document for approval;
 - (b) a log of the dates of engagement or attempted engagement with the identified party;
 - (c) documentation of the follow-up with the identified party where engagement has not occurred to confirm that they do not wish to engage or have not attempted to engage after repeated invitations;
 - (d) outline of the issues raised by the identified party and how they have been addressed; and
 - (e) a description of the outstanding issues raised by the identified party and the reasons why they have not been addressed.

STAGING

Staging the delivery of the CSSI

- A9 The CSSI may be constructed and operated in stages (including, but not limited to, temporal, location or activity-based staging). Where staged construction and/or operation is proposed, a **Staging Report** (for either or both construction and operation as the case may be) must be prepared. The **Staging Report** must be endorsed by the **ER** and then submitted to the Planning Secretary for information no later than one (1) month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one (1) month before the commencement of operation of the first of the proposed stages of operation), or as required by **Condition C16**.
- 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** and submitted for information to the Planning Secretary.
- A12 Where staging is proposed, the terms of this approval that apply or are relevant to the work or activities to be carried out in a specific stage must be complied with at the relevant time for that stage.
- 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 (1) month prior to the proposed change in the staging.
- A14 Should a **Construction Environmental Management Framework (CEMF)** be submitted for approval under **Condition C16**, the Staging Report must be submitted with the **CEMF**, i.e. no later than one (1) month before the lodgement of any **Construction Environmental Management Plan (CEMP)**, **CEMP sub plan** or **Construction Monitoring Plan (CMP)** to the Planning Secretary for approval.

ANCILLARY FACILITIES

Ancillary facilities

- A15 Ancillary facilities that are not identified by description and location in the documents listed in **Condition A1** can only be established and used in each case if:
- (a) they are located within or immediately adjacent to the construction boundary; and
 - (b) they are not located next to sensitive land use(s) (including where an access road is between the facility and the land use), unless the landowner and occupier have given written acceptance to the carrying out of the relevant facility in the proposed location; and
 - (c) they have no impacts on heritage items (including areas of archaeological sensitivity), threatened species, populations or ecological communities beyond the impacts approved under the terms of this approval; and
 - (d) the establishment and use of the facility can be carried out and managed within the outcomes set out in the terms of this approval, including in relation to environmental, social and economic impacts.

INDEPENDENT APPOINTMENTS

- A16 All **Independent Appointments** required by the terms of this approval must have regard to *Seeking approval from the Department for the appointment of independent experts* (DPIE, 2020). All **Independent Appointments** must hold current membership of a relevant professional body, unless otherwise agreed by the Planning Secretary.
- A17 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.

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 A16 and A17 apply to all Independent Appointments including the ER, AA, Community Complaints Mediator.*

ENVIRONMENT REPRESENTATIVE

- A18 Work must not commence until an **Environmental Representative (ER)** has been nominated by the Proponent and approved by the Planning Secretary.
- A19 The Planning Secretary's approval of an **ER** must be sought no later than one (1) month before the commencement of work.
- A20 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.

- A21 More than one **ER** may be engaged for the CSSI, in which case the functions to be exercised by an **ER** under the terms of this approval may be carried out by any **ER** that is approved by the Planning Secretary for the purposes of the CSSI.
- A22 For the duration of the work until the completion of construction, or as agreed with the Planning Secretary, the approved **ER** must:
- (a) receive and respond to communication from the Planning Secretary in relation to the environmental performance of the CSSI;
 - (b) consider and inform the Planning Secretary on matters specified in the terms of this approval;
 - (c) consider and recommend to the Proponent any improvements that may be made to work practices to avoid or minimise adverse impact to the environment and to the community;
 - (d) review documents identified in **Conditions A9, C1, C6, C16, C18, and C26** and any other documents that are identified by the Planning Secretary, to ensure they are consistent with requirements in or under this approval and if so:
 - (i) make a written statement to this effect before submission of such documents to the Planning Secretary (if those documents are required to be approved by the Planning Secretary); or
 - (ii) make a written statement to this effect before the implementation of such documents (if those documents are required to be submitted to the Planning Secretary / Department for information or are not required to be submitted to the Planning Secretary/Department);
 - (e) regularly monitor the implementation of the documents listed in Conditions A9, C16, C18, C1, C6 and C26 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 appropriateness of any activities reliant on the definition of Low Impact Work;
 - (i) consider or assess the impacts of minor ancillary facilities comprising lunch sheds, office sheds and portable toilet facilities as required by Condition C23 of this approval;
 - (j) consider any minor amendments to be made to the Ancillary Site Establishment Management Plan, CEMP, CEMP Sub-plans and monitoring programs without increasing impacts to nearby sensitive land use(s) or that comprise updating or are of an administrative nature, and are consistent with the terms of this approval and the CEMP, CEMP Sub-plans and monitoring programs approved by the Planning Secretary and, if satisfied such amendment is necessary, approve the amendment. This does not include any modifications to the terms of this approval; and
 - (k) prepare and submit to the Planning Secretary and other relevant regulatory agencies, for information, an Environmental Representative Monthly Report providing the information set out in the Environmental Representative Protocol under the heading "Environmental Representative Monthly Reports. The Environmental Representative Monthly Report must be submitted within seven (7) days following the end of each month for the duration of the ER's engagement for the CSSI, or as otherwise agreed by the Planning Secretary.
- A23 The Proponent must provide the **ER** with documentation requested in order for the **ER** to perform their functions specified in **Condition A22** (including preparation of the **ER** monthly report), as well as:

- (a) the complaints register (to be provided on a weekly basis or as requested where complaints have been received); and
- (b) a copy of any assessment carried out by the Proponent of whether proposed work is consistent with the approval (which must be provided to the **ER** before the commencement of the subject work).

ACOUSTICS ADVISOR

- A24 A suitably qualified and experienced **Acoustics Advisor(s) (AA)** in noise and vibration management, who is independent of the design and construction personnel, must be nominated by the Proponent and engaged for the duration of Work and for no less than six (6) months following completion of construction of the CSSI, or unless otherwise agreed with the Planning Secretary.
- A25 Work must not commence until an **AA** has been approved by the Planning Secretary no later than one (1) month before commencement of work.
- A26 The Proponent must cooperate with the **AA** by:
- (a) allowing for attendance at noise and vibration monitoring activities;
 - (b) providing for review of noise and vibration plans, assessments, monitoring reports, data and analyses required to be prepared under the conditions of this approval;
 - (c) providing the complaints register on a weekly basis where complaints have been received, or as otherwise requested; and
 - (d) considering any recommendations to improve practices and demonstrating, to the satisfaction of the **AA**, why any recommendation is not adopted.
- A27 The approved **AA** must:
- (a) receive and respond to communication from the Planning Secretary in relation to the performance of the CSSI in relation to noise and vibration;
 - (b) consider and inform the Planning Secretary on matters specified in the terms of this approval relating to noise and vibration;
 - (c) consider and recommend to the Proponent, improvements that may be made to avoid or minimise adverse noise and vibration impacts;
 - (d) review proposed night-time works to determine if sleep disturbance would occur and recommend measures to avoid sleep disturbance or appropriate additional alternative mitigation measures;
 - (e) review noise and vibration documents required to be prepared under the terms of this approval, and should they be consistent with the terms of this approval, endorse them before submission to the Planning Secretary (if required to be submitted to the Planning Secretary) or before implementation (if not required to be submitted to the Planning Secretary);
 - (f) regularly monitor the implementation of all noise and vibration documents required to be prepared under the terms of this approval to ensure implementation is in accordance with what is stated in the document(s) and the terms of this approval;
 - (g) reporting of noise and vibration incidents notified by the Proponent in accordance with **Conditions A36 and A38** of this approval;
 - (h) in conjunction with the **ER**, the **AA** must:
 - (i) as may be requested by the Planning Secretary or **Community Complaints Mediator** (required by **Condition B14**), help plan, attend or undertake audits of noise and vibration management of the CSSI including briefings, and site visits,
 - (ii) in the event that conflict arises between the Proponent and the community in relation to the noise and vibration performance of the CSSI, follow the procedure in the **Community Communication Strategy** approved under **Condition B2** to attempt to resolve the conflict, and if it cannot be resolved, notify the Planning Secretary,

- (iii) consider relevant minor amendments made to the **Ancillary Site Establishment Management Plan, CEMP**, relevant Sub-plans and noise and vibration monitoring programs that require updating or are of an administrative nature, and are consistent with the terms of this approval and the management plans and monitoring programs approved by the Planning Secretary and, if satisfied such amendment is necessary, endorse the amendment, (this does not include any modifications to the terms of this approval),
- (iv) prepare and submit to the Planning Secretary and other relevant regulatory agencies, for information, a **Monthly Noise and Vibration Report** detailing the **AA's** actions and decisions on matters for which the **AA** was responsible in the preceding month. The **Monthly Noise and Vibration Report** must be submitted within seven days following the end of each month for the duration of the **AA's** engagement for the CSSI, or as otherwise agreed by the Planning Secretary.

NOTIFICATION OF COMMENCEMENT

- A28 The Department must be notified in writing of the dates of commencement of works, construction and operation at least one (1) month before those dates.
- A29 If the construction or operation of the CSSI is to be staged, the Department must be notified in writing of the date of the commencement of each stage, at least one (1) month before the commencement of that stage.

AUDITING

- A30 Proposed independent auditors must be agreed to in writing by the Planning Secretary before the commencement of an **Independent Audit**. This condition does not apply to the engagement of auditors required under **Condition E145**.
- A31 **Independent Audits** of the CSSI must be conducted and carried out in accordance with the *Independent Audit Post Approval Requirements* (DPIE, 2020).
- A32 The Planning Secretary may require the initial and subsequent **Independent Audits** to be undertaken at different times to those specified above, upon giving at least four (4) weeks' notice (or timing as stipulated by the Planning Secretary) to the Proponent of the date upon which the audit must be commenced.
- A33 In accordance with the specific requirements in the *Independent Audit Post Approval Requirements* (DPIE, 2020), the Proponent must:
- (a) review and respond to each **Independent Audit Report** prepared under Condition 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 two months 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 (2) months of undertaking the independent audit site inspection as outlined in the *Independent Audit Post Approval Requirements* (DPIE, 2020).
- A35 Notwithstanding the requirements of the *Independent Audit Post Approval Requirements* (DPIE, 2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

INCIDENT AND NON-COMPLIANCE NOTIFICATION AND REPORTING

Incident Notification, Reporting and Response

- A36 The Planning Secretary must be notified via the Major Projects website immediately after the Proponent becomes aware of an incident. The notification must identify the CSSI (including the application number and the name of the CSSI) and set out the location and nature of the incident.
- A37 Subsequent notification must be given, and reports submitted in accordance with the requirements set out in **APPENDIX A**.

Non-Compliance Notification

- A38 The Planning Secretary must be notified via the Major Projects website within seven days after the Proponent becomes aware of any non-compliance. The notification must identify the CSSI (including the application number and the name of the CSSI if it has one), identify the condition/s against which the CSSI is non-compliant, the nature of the non-compliance; the reason for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A39 A non-compliance which has been notified as an incident under **Condition A36** does not need to be notified as a non-compliance.

PART B COMMUNITY INFORMATION AND REPORTING

COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

Community Communication Strategy

- B1 A **Community Communication Strategy** must be prepared to provide mechanisms to facilitate communication about construction and operation of the CSSI with:
- (a) the community (including adjoining affected landowners and businesses, LALC, RAPs, community representatives and others directly impacted by the CSSI); and
 - (b) the relevant councils and relevant agencies.
- B2 The **Community Communication Strategy** must:
- (a) identify people, organisations, councils and agencies to be consulted during the design and work phases of the CSSI;
 - (b) identify details of the community and its demographics;
 - (c) identify timing of consultation;
 - (d) set out procedures and mechanisms for the regular distribution of accessible information including to CALD and vulnerable communities about or relevant to the CSSI;
 - (e) identify opportunities for education within the community about construction sites;
 - (f) detail the measures for advising the community in advance of upcoming construction including upcoming track authorisations and possessions and out-of-hours work as required by **Condition E72**;
 - (g) provide for the formation of issue or location-based community forums that focus on key environmental management issues of concern to the relevant community(ies) for the CSSI;
 - (h) set out procedures and mechanisms:
 - (i) through which the community can discuss or provide feedback to the Proponent;
 - (ii) through which the Proponent will respond to enquiries or feedback from the community;
 - (i) to resolve any issues and mediate any disputes that may arise in relation to the environmental management and delivery of the CSSI, including timing for mediation to be undertaken once it has been escalated to the dispute resolution process;
 - (j) address who will engage with the relevant stakeholders; and
 - (k) detail the roles and responsibilities of the **Public Liaison Officer(s)** engaged under **Condition B6**.

The Proponent must continue the operation of the existing **Community Consultative Committee** as part of its Communication Strategy. The **Community Consultative Committee** must continue to be operated in accordance with the Department's *Community Consultative Committee Guideline*. Continuing the **Community Consultative Committee** must not be the only form of community consultation in the Communication Strategy.

- B3 The **Community Communication Strategy** must be submitted to the Planning Secretary for approval no later than one (1) month before the commencement of any Work.
- B4 Work for the purposes of the CSSI must not commence until the **Community Communication Strategy** has been approved by the Planning Secretary.
- B5 The **Community Communication Strategy**, as approved by the Planning Secretary, must be implemented for the duration of the work and for 12 months following the completion of construction.

Public Liaison Officer

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

COMPLAINTS MANAGEMENT SYSTEM

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

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

- B8 The following information must be available to facilitate community enquiries and manage complaints one (1) month before the commencement of work and for 12 months following the completion of construction:
- (a) a 24- hour telephone number for the registration of complaints and enquiries about the CSSI;
 - (b) a postal address to which written complaints and enquires may be sent;
 - (c) an email address to which electronic complaints and enquiries may be transmitted; and
 - (d) a mediation system for complaints unable to be resolved.

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

- B9 A **Complaints Register** must be maintained recording information on all complaints received about the CSSI during the carrying out of any work and for a minimum of 12 months following the completion of construction. The **Complaints Register** must record the:
- (a) number of complaints received;
 - (b) the date and time of the complaint;
 - (c) the method by which the complaint was made;
 - (d) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
 - (e) nature of the complaint;
 - (f) means by which the complaint was addressed and whether resolution was reached, with or without mediation; and
 - (g) if no action was taken, the reason(s) why no action was taken.

- B10 Personal details of any complainant are not to be provided to the ER unless otherwise agreed to or requested by the complainant.

- B11 Complainants must be advised of the following information before, or as soon as practicable after, providing personal information:
- (a) the **Complaints Register** may be forwarded to government agencies, including the Department (Department of Planning, Housing and Infrastructure, 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150), to allow them to undertake their regulatory duties;
 - (b) by providing personal information, the complainant authorises the Proponent to provide that information to government agencies;
 - (c) the supply of personal information by the complainant is voluntary; and
 - (d) the complainant has the right to contact government agencies to access personal information held about them and to correct or amend that information (**Collection Statement**).

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

B12 The **Complaints Register** must be provided to the Planning Secretary upon request, within the timeframe stated in the request.

Community Complaints Mediator

B13 A **Community Complaints Mediator(s)** that is independent of the design and construction personnel must be nominated by the Proponent, approved by the Planning Secretary and engaged during work associated with the CSSI. The **Community Complaints Mediator(s)** must be accredited under the National Mediator Accreditation System, administered by the Mediator Standards Board. The nomination of the **Community Complaints Mediator(s)** must be submitted to the Planning Secretary for approval within one (1) month before the commencement of Work.

B14 The role of the **Community Complaints Mediator(s)** is to address any complaint where a member of the public is not satisfied by the Proponent's response. Any member of the public that has lodged a complaint which is registered in the **Complaints Management System** identified in **Condition B7** may ask the **Community Complaints Mediator(s)** to review the Proponent's response. The application must be submitted in writing and the **Community Complaints Mediator(s)** must respond within 28 days of the request being made or other specified timeframe agreed between the **Community Complaints Mediator(s)** and the member of the public.

B15 The **Community Complaints Mediator(s)** will:

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

B16 The Proponent must implement the recommendations made by the **Community Complaints Mediator(s)** in accordance with **Condition B15** and be within a timeframe agreed with the **Community Complaints Mediator(s)**, unless otherwise agreed with the Planning Secretary.

B17 The **Community Complaints Mediator(s)** will not act before the **Complaints Management System** required by **Condition B7** has been executed for a complaint and will not consider issues such as property acquisition, where other dispute processes are provided for in this approval or clear government policy and resolution processes are available, or matters which are not within the scope of this CSSI.

PROVISION OF ELECTRONIC INFORMATION

B18 A website or webpage providing information in relation to the CSSI must be established before commencement of work and be maintained for the duration of construction, and for a minimum of 24 months following the completion of construction. The following up-to-date information (excluding confidential, private, commercial information or any other information that the Planning Secretary has approved to be excluded) must be published before the relevant work commences and maintained on the website or dedicated pages including:

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

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

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

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

Note:

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

*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**.*

The publishing of documents should occur a minimum of a week before the relevant Work / activity is going to commence.

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.

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.

PART C CONSTRUCTION ENVIRONMENTAL MANAGEMENT

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

Construction Environmental Management Plan

- C1 Except as provided by **Condition C16**, a **Construction Environmental Management Plan (CEMP)** must be prepared having regard to the *Environmental Management Plan Guideline for Infrastructure Projects* (Department of Planning, Industry and Environment, 2020).
- C2 The **CEMP** must provide:
- (a) a description of activities to be undertaken during construction (including the scheduling of construction);
 - (b) details of environmental and social policies, guidelines and principles to be followed in the construction of the CSSI;
 - (c) a program for ongoing analysis of the key environmental and social impact risks arising from the activities described in subsection (a) of this condition, including an initial risk assessment undertaken before the commencement of construction of the CSSI. The initial risk assessment may be undertaken as part of the **CEMF** pursuant to **Condition C16**;
 - (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, asset owner(s) and in the case of a classified road, TfNSW, 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 C6**. Where staged construction of the CSSI is proposed, the **CEMP** must also identify which **CEMP Sub-plan** applies to each of the proposed stages of construction;
 - (i) an organisational chart including description of the roles and environmental responsibilities for relevant employees and any independent appointments;
 - (j) for training and induction for employees, including contractors and sub-contractors, in relation to environmental, social and compliance obligations under the terms of this approval; and
 - (k) for periodic review and update of the **CEMP** and all associated plans and programs
- Note:** **CEMP(s)** may reflect the construction of the project through geographical activities, temporal activities or activity-based staging.
- C3 **CEMP(s)** (and relevant **CEMP Sub-plans**) must be submitted to the Planning Secretary for approval except those permitted to be endorsed by others pursuant to a **CEMF** approved by the Planning Secretary under **Condition C16**.
- C4 Where a **CEMP** (and relevant **CEMP Sub-plans**) requires Planning Secretary's approval, the **CEMP** (and relevant **CEMP Sub-plans**) must be endorsed by the **ER** and then submitted to the Planning Secretary for approval no later than one (1) month before the commencement of

construction, or where construction is staged, no later than one (1) month before the commencement of each stage.

- C5 **CEMP(s)** (and relevant **CEMP Sub-plans**) not requiring the Planning Secretary's approval, but requiring ER endorsement, must be submitted to the **ER** no later than one (1) month before the commencement of construction or where construction is staged no later than one (1) month before the commencement of that stage. The **CEMPs** (and relevant **CEMP Sub-plans**) must be endorsed by the **ER** as being consistent with the conditions of this approval and all undertakings made in the documents listed in **Condition A1**.
- C6 Except as provided by **Condition C16**, the following **CEMP Sub-plans** must be prepared and implemented in consultation with the relevant government agencies identified for each **CEMP Sub-plan**. Details of all information requested by an agency during consultation must be provided to the Planning Secretary as part of any submission of the relevant **CEMP Sub-plan**, including copies of all correspondence from those agencies as required by **Condition A8**.

	Required CEMP Sub-plan	Relevant government agencies to be consulted for each CEMP Sub-plan
(a)	Traffic, transport and access	TfNSW and relevant councils
(b)	Soil and Water	BCS, NSW EPA, and relevant councils
(c)	Noise and vibration	Relevant councils
(d)	Biodiversity	DPI Fisheries, BCS, and relevant councils
(e)	Non-Aboriginal heritage	Heritage NSW and relevant councils
(f)	Aboriginal heritage	Heritage NSW, RAPs and relevant councils
(g)	Flood and bush fire emergency management	SES, Hume Zone and Riverina Zone Bush Fire Management Committees, DCCEEW and relevant councils
(h)	Salinity management plan	Relevant councils
(i)	Contamination and hazardous materials plan	DPHI and relevant councils
(j)	Waste management plan	Relevant councils
(k)	Groundwater management plan	DCCEEW Water Group and relevant Councils
(l)	Social impact management plan	DPHI and relevant councils

Note:

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

- C7 The **CEMP Sub-plans** must state how:
- the environmental performance outcomes identified in the documents listed in **Condition A1** will be achieved;
 - the mitigation measures identified in the documents listed in **Condition A1** will be monitored and implemented;
 - the relevant terms of this approval will be complied with; and
 - issues requiring management during construction (including cumulative impacts), as identified through ongoing environmental risk analysis, will be managed through SMART principles.
- C8 The **Construction Traffic, Transport and Access Management (CTTAMP) Sub-plan** must be consistent with any agreements with the relevant roads authority about the use and management of roads and include measures to:

- (a) minimise impacts on seasonal traffic and public transport, including harvest-related vehicles, school buses, bus stops and freight operators;
- (b) consult and advise of changes that impact Wagga Wagga Health precinct and emergency services;
- (c) minimise impacts to pedestrian and active transport routes consistent with **Conditions E133, E134 and E135**;
- (d) minimise noise and amenity impacts of heavy vehicles entering and exiting construction compounds, borrow sites and other ancillary sites, and driving through populated areas, including school zones at speed limited times;
- (e) minimise impacts to vulnerable road users and sensitive land uses, including but not limited to avoiding, where possible, schools, child care facilities and aged care facilities;
- (f) avoid heavy vehicle movements on public roads outside the construction hours detailed in **Condition E69**;
- (g) repair roads damaged during construction to ensure the safety of road users;
- (h) all mitigation measures identified in accordance with the **Wagga Wagga Construction Traffic, Transport and Access Mitigation Options Report** in accordance with **Condition E137**;
- (i) inform road users, freight operators and pedestrians and active transport users of changes to traffic conditions, detours and parking;
- (j) implement and comply with **Condition E135**;
- (k) maintain pedestrian and vehicular access to affected properties, including mechanisms to consult with affected landowners and ensure measures are implemented prior to any access disruption;
- (l) identify construction vehicle routes not identified in the documents listed in **Condition A1** and in accordance with **Condition E138**;
- (m) managing maritime traffic impacts through a Maritime Traffic Management Plan;
- (n) periodically review mitigation measures to further minimise impacts to road users, pedestrians and active transport users including adaptive management measures addressing traffic impacts associated with construction of Edmondson Street Bridge; and
- (o) regularly consult with councils and TfNSW regarding changes to traffic and pedestrian impacts and mitigation measures.

C9 The **Construction Noise and Vibration Sub-plan** must include, but not limited to:

- (a) measures to reduce construction to standard ICNG hours where sensitive land uses are likely to be noise affected for more than 3 months;
- (b) an approach to assess and manage construction fatigue from noise impacts on sensitive receivers on an ongoing basis;
- (c) noise sensitive periods identified by the community, religious, educational institutions, noise and vibration-sensitive businesses and critical working areas and measures to ensure noise levels above the NMLs do not occur during sensitive periods in accordance with **Condition E76**;
- (d) mitigation for construction traffic noise impacts from additional construction traffic and road diversions;
- (e) the location of all heritage items, non-heritage structures and infrastructure likely to be impacted by vibration and measures to manage vibration impacts at those items and structures; and
- (f) 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.

C10 The **Biodiversity Management Sub-plan** must include, but not limited to details of the:

- (a) measures to avoid and minimise disturbance and impacts to terrestrial and aquatic threatened species and their habitat;
- (b) measures to protect riparian corridors and erosion and sediment control measures to be implemented in accordance with **Condition E173 and E174**; and
- (c) riparian and watercourse rehabilitation measures to be implemented in accordance with **Condition E34**.

- C11 **The Non-Aboriginal Heritage Management Sub-plan** must be prepared by a suitably qualified and experienced heritage expert and include:
- (a) all exclusion zones, archival recording requirements, baseline, and periodic monitoring protocols (including before and during construction;
 - (b) measures to avoid or minimise impacts to the broad gauge track in Albury Station and Yard Group identified in accordance with **Condition E52** to the greatest extent practicable; and
 - (c) items to be salvaged, relocated or reused, including Signal Box 1A at Albury and any items identified in the documents listed in **Condition A1, Condition E51 and Condition E52**.
- C12 The **Aboriginal Cultural Heritage Management Sub-plan** must be prepared by a suitably qualified and experienced person and include:
- (a) measures to avoid and protect the Aboriginal objects, sites and Potential Archaeological Deposits identified within or adjacent to the project footprint, including fencing of areas to be avoided prior to Work commencing;
 - (b) updated mapping of all areas that have been, or will be, subject to monitoring and salvage excavations;
 - (c) procedures for monitoring, salvaging and relocating the Aboriginal objects and sites located within the approved development footprint;
 - (d) procedures to ensure RAPs and LALC are consulted on Aboriginal cultural heritage management throughout construction;
 - (e) procedures for short and long term management of any salvaged Aboriginal objects in consultation with the RAPs and LALC;
 - (f) a contingency plan and reporting procedure for the management of Unexpected Heritage Finds and Human Remains that is prepared by suitably qualified and experienced heritage specialist in relation to Aboriginal cultural heritage, in consultation with the RAPs, LALCs and in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW, 2010); and
 - (g) heritage induction and training for construction personnel.
- C13 The **Soil and Water Management Sub-plan** must include:
- (a) measures to avoid and minimise erosion and sedimentation impacts including to agricultural and forested land, and areas of high salinity and high erosion potential;
 - (b) information demonstrating that the required construction water resources are legally and physically available;
 - (c) procedures and protocols for the appropriate supply, transport and storage of water across the CSSI;
 - (d) mitigation measures to address construction water resource shortages that arise;
 - (e) a **Construction Groundwater Management Plan (CGMP)** that includes a protocol for avoiding, minimising and mitigating impacts;
 - (f) a surface water monitoring framework;
 - (g) a dam dewatering protocol; and
 - (h) a spill response procedure.
- C14 The **Flood and Bush Fire Emergency Management Sub-plan** must include:
- (a) measures for managing flood and bush fire risks including access and egress for emergency vehicles and subsequent recovery;
 - (b) consideration of flood and bush fire risks associated with construction works;
 - (c) details of the management and maintenance of flood and bush fire mitigation measures including first-response capabilities, any temporary and permanent fencing and drainage structures.
- C15 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 C16**). The **CEMP** and **CEMP Sub-plans**, as approved by

the Planning Secretary, including any minor amendments approved by the **ER**, must be implemented for the duration of construction. Where the CSSI is being staged, construction of that stage is not to commence until the relevant **CEMP** and Sub-plans have been endorsed by the **ER** and approved by the Planning Secretary or **ER**.

Construction Environmental Management Framework

- C16 A **Construction Environmental Management Framework (CEMF)** may be prepared to facilitate the preparation and approval of construction environmental management and monitoring plans required under **Part C** of this approval. The **CEMF** must:
- (a) identify the **Construction Environmental Management Plans (CEMPs)**, **CEMP Sub-plans** and **Construction Monitoring Programs (CMP)** required for each stage of construction consistent with the Staging Report prepared under **Condition A9**;
 - (b) document the proposed structure of the **CEMPs**, **CEMP Sub-plans** and **CMPs** for the relevant stage of construction;
 - (c) provide, by way of a Risk Matrix, an assessment of the predicted level of environmental and social risk, including the potential level of community concerns posed by each construction stage. This must use a process consistent with *AS/NZS ISO 31000: 2018; Risk Management – Guidelines*; and
 - (d) nominate the consultation and endorsement level for the **CEMPs**, **CEMP Sub-plans** and **CMPs** required for each construction stage. The endorsement level being one of the following:
 - (i) Low Risk Stage – to be self-endorsed and consultation with agency and council stakeholders is not mandatory,
 - (ii) Medium Risk Stage – to be endorsed by the **ER** and consultation with agency and council stakeholders required, and
 - (iii) High Risk Stage– to be endorsed by the Planning Secretary and consultation with agency and council stakeholders required.

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

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

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

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

- C17 Where changes are proposed to the staging of construction, a revised **CEMF** must be prepared, endorsed by the **ER** and submitted to the Planning Secretary for approval no later than one (1) month prior to the proposed change in the staging.

SITE ESTABLISHMENT WORK

Ancillary Facility - Site Establishment Management Plan

- C18 Before the establishment of an ancillary facility that is required prior to the approval of a **CEMP** (excluding minor ancillary facilities determined by the **ER** to have minimal environmental impact and those established under **Condition C23**), an **Ancillary Site Establishment Management Plan** must be prepared which outlines the environmental management practices and procedures to be implemented for the establishment of the ancillary facilities. The **Ancillary Site Establishment Management Plan** must be prepared in consultation with the relevant council and government agencies. The Plan must be submitted to the Planning Secretary for approval one (1) month before the establishment of any ancillary facilities. The **Ancillary Site**

Establishment Management Plan must detail the management of the ancillary facilities 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) a program for ongoing analysis of the key environmental risks arising from the site establishment activities described in subsection (a) of this condition, including an initial risk assessment undertaken prior to the commencement of site establishment work;
- (d) details of how the site establishment activities described in subsection (a) of this condition will be carried out to:
 - (i) meet the performance outcomes stated in the documents listed in **Condition A1**, and
 - (ii) manage the risks identified in the risk analysis undertaken in subsection (c) of this condition; and
- (e) a program for monitoring the performance outcomes, including a program for construction noise monitoring.

Nothing in this condition prevents the Proponent from preparing individual **Site Establishment Management Plans** for each ancillary facility, or one Site Establishment Management Plan for all ancillary facilities. The approved **Site Establishment Management Plan(s)** must be implemented.

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

Use of an Ancillary Facility

- C19 The use of an ancillary facility for construction must not commence until the CEMP required by **Condition C1**, relevant **CEMP Sub-plans** required by **Condition C6** and relevant **Construction Monitoring Programs** required by **Condition C26** have been approved by the Planning Secretary.
- C20 This condition does not apply to the use of minor Ancillary Facilities established under **Condition C23**.

*Note: The operation of an ancillary facility can commence if the ER has determined the operational activities are Low Impact work as defined in **Table 1** of this approval.*

Access to Ancillary Facilities

- C21 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 utilise 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 C18**.
- C22 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

C23 The 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, and heritage items beyond those already approved under other terms of this approval.

Boundary screening

C24 Boundary screening must be erected at any ancillary facilities (excluding minor ancillary facilities) that is adjacent to sensitive land use(s) 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 must minimise visual impacts on adjacent sensitive land use(s).

Decommissioning of Ancillary Facilities

C25 Any agreements between the Proponent and landowner for the temporary use of land for construction purposes must provide for the rehabilitation of that land and any structures on it to its pre-construction state, unless otherwise agreed with the landowner.

CONSTRUCTION MONITORING PROGRAMS

C26 Except as provided by **Condition C16**, the following **Construction Monitoring Programs** must be prepared and implemented in consultation with the relevant government agencies identified for each to compare actual performance of construction of the CSSI against the performance predicted in the documents listed in **Condition A1** or in the **CEMP**:

	Required Construction Monitoring Programs	Relevant government agencies to be consulted for each Construction Monitoring Program
a)	Traffic, transport and access	Relevant councils and TfNSW
b)	Noise and vibration	Relevant councils
c)	Biodiversity	BCS (NSW DCCEEW)
d)	Surface water	DCCEEW Water Group, and relevant councils

C27 Each **Construction Monitoring Program (CMP)** must have consideration of SMART principles and provide:

- (a) details of baseline data available;
- (b) details of baseline data to be obtained and when;
- (c) details of all monitoring of the project to be undertaken;
- (d) the parameters of the project to be monitored;
- (e) the frequency of monitoring to be undertaken;
- (f) the location and justification of monitoring locations;
- (g) the reporting of monitoring results and analysis results against relevant criteria;
- (h) details of the methods that will be used to analyse the monitoring data;
- (i) procedures to identify and implement additional mitigation measures where the results of the monitoring indicate unacceptable project impacts; and
- (j) any consultation to be undertaken in relation to the monitoring programs.

- C28 The **Noise and Vibration Monitoring Program** must be prepared in accordance with the requirements of **Approved Methods for the Measurement and Analysis of Environmental Noise (EPA)**.
- C29 **CMP(s)** must be submitted to the Planning Secretary for approval except those permitted to be endorsed by others pursuant to a **CEMF** approved by the Planning Secretary under **Condition C16**.
- C30 Where a **CMP** requires Planning Secretary's approval, the **CMP** must be endorsed by the **ER** and then submitted to the Planning Secretary for approval no later than one (1) month before the commencement of construction, or where construction is staged, no later than one (1) month before the commencement of each stage.
- C31 **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**.
- C32 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 C16**), and all relevant baseline data for the specific construction activity has been collected.
- C33 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.
- C34 The results of the **CMP(s)** must be submitted to the Planning Secretary, and relevant regulatory agencies, for information in the form of a **Construction Monitoring Report** at the frequency identified in the relevant **CMP**.

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

PART D OPERATIONAL ENVIRONMENTAL MANAGEMENT

OPERATIONAL ENVIRONMENTAL MANAGEMENT

- D1 An **Operational Environmental Management Plan (OEMP)** must be prepared having regard to the *Environmental Management Plan Guideline for Infrastructure Projects* (Department of Planning, Industry and Environment, 2020). The **OEMP** must detail how the performance outcomes, commitments and mitigation measures made and identified in the documents listed in **Condition A1** will be implemented and achieved during operation. **Condition D1** does not apply if **Condition D2** of this approval applies.
- D2 An **OEMP** is not required for the CSSI if the Proponent has an **Environmental Management System (EMS)** or equivalent as agreed with the Planning Secretary, and demonstrates, to the satisfaction of the Planning Secretary, that through the **EMS** or equivalent:
- (a) the performance outcomes, commitments and mitigation measures, made and identified in the documents listed in **Condition A1**, and specified relevant terms of this approval can be achieved;
 - (b) issues identified through ongoing risk analysis can be managed;
 - (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) through which the Proponent will respond to enquiries or feedback from the community; and
 - (iii) 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.

At a minimum, the EMS must address fencing provision, failure compensation mechanisms and repair, maintenance of fences and culverts, with strict observance of biosecurity protocols, consistent with the *Biosecurity Act 2015* (NSW).

- D3 The **OEMP** or **EMS** or equivalent as agreed with the Planning Secretary, must be submitted to the Planning Secretary for information no later than one (1) month before the commencement of operation, or where operation is staged, no later than one (1) month before the commencement of operation of that stage.
- D4 The **OEMP** or **EMS** or equivalent as agreed with the Planning Secretary, as submitted to the Planning Secretary and amended from time to time, must be implemented for the duration of operation and the **OEMP** or **EMS** or equivalent must be made publicly available before the commencement of operation.

OPERATIONAL MONITORING PROGRAM

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

	Required Operational Monitoring Programs	Relevant authority(s) and council(s) to be consulted for each Operational Monitoring Program
(a)	Air quality	NSW EPA, relevant councils
(b)	Operational Fauna Connectivity Monitoring and Adaptive Mitigation Program	BCS

D6 Each operational monitoring program must include:

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

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

D7 The **Operational Monitoring Program(s)** must be submitted to the Planning Secretary for approval at least three (3) months prior to the commencement of operation.

D8 Operation must not commence until the Planning Secretary has approved all of the required **Operational Monitoring Programs**, and all relevant baseline data has been collected.

D9 The **Operational Monitoring Programs**, as approved by the Planning Secretary, must be implemented for the duration identified in the terms of this approval. Where no duration is specified in this approval, they must be implemented for the duration specified in the relevant **Operational Monitoring Program** or as specified by the Planning Secretary.

D10 The results of the **Operational Monitoring Programs** must be submitted to the Planning Secretary, and relevant regulatory authorities, for information in the form of an **Operational Monitoring Report** at the frequency identified in the in the terms of this approval. Where no frequency is identified in this approval, the results must be submitted at the frequency identified in the relevant **Operational Monitoring Program**.

D11 Where a relevant **OEMP Sub-plan** exists, the relevant **Operational Monitoring Program** may be incorporated into that **OEMP Sub-plan**.

D12 The **Operational Air Quality Monitoring Program (OAQMP)** must address the requirements of **Conditions E8 to E18**. The **OAQMP** must include:

- (a) Management measures to mitigate air quality impacts to sensitive receivers where un-planned events or incidents result in idling in locations close to sensitive receivers.

D13 An **Operational Fauna Connectivity Monitoring and Adaptive Mitigation Program** must be implemented for a period of ten (10) years to evaluate the effectiveness of fauna connectivity measures, unless otherwise agreed with the Planning Secretary. The Program must be prepared by a suitably qualified and experienced ecologist(s) with experience in fauna connectivity and include regular seasonal ongoing monitoring for Squirrel Glider and Sloane's Froglet at Billy Hughes Bridge and Uranquinty Creek. The Program must include:

- (a) existing fauna movements identified in accordance with **Condition E29**;
- (b) monitoring methodology to evaluating the effectiveness of new and existing fauna connectivity measures and performance indicators;

- (c) visual inspections of fauna connectivity structures following a severe weather event and/or record of fauna mortality and rectification of any damaged structures;
- (d) a process to identify adaptive mitigation measures following monitoring results obtained in accordance with **Condition D13(b)** and the timeframe for implementation.

The results of the monitoring must be provided in an annual report and submitted to the Planning Secretary, to DCCEEW, and the relevant Council(s).

Note: *This condition is not meant to duplicate the monitoring requirements of the Sloane's Froglet Management Plan required in accordance with **Condition E26**.*

PART E KEY ISSUE CONDITIONS

AIR QUALITY

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

Idling of locomotives

- E2 Idling of locomotives within 150 metres of sensitive land uses, during operation of the CSSI, can only occur where the project can determine compliance with National Environment Protection (Ambient Air Quality) Measure as listed in **Table 4**, or where agreed by the Planning Secretary following the approval of the **Operational Air Quality Review Report** required by **Condition E6**.

Table 4: Air quality National Environment Protection (Ambient Air Quality) Measure

Pollutant	Air quality NEPM criteria ($\mu\text{g}/\text{m}^3$)	Air quality NEPM criteria (ppm)
NO ₂ 1-hour	164	0.08
NO ₂ Annual	31	0.02
PM _{2.5} 24-hour	25	N/A

- E3 Determining compliance with **Condition E2** must be based on at least 12 months of background monitoring and additional modelling completed in accordance with the Background Monitoring Plan required **Condition E4** and the approved **Operational Air Quality Review Report** required by **Condition E7**.

Ambient Air Quality — Monitoring

- E4 A **Background Monitoring Plan** must be prepared by an independent air quality specialist with appropriate skills and experience in air quality monitoring and modelling, approved in accordance with **Condition A16**, to monitor background air quality for at least 12 months at ground level locations for sensitive receivers within 150m of proposed idling locations. The **Background Monitoring Plan** must be prepared in consultation with the **EPA** and must include:
- monitoring at a representative number of ground level locations to proposed idling locations that are within 150m of sensitive receivers;
 - the pollutants and parameters to be monitored (by sampling and obtaining results by analysis) as specified in **Table 5** and determined in consultation with the **EPA**.
 - monitoring and modelling methodologies to determine compliance with the National Environment Protection (Ambient Air Quality) Measure as listed in **Table 4**.

Table 5: Ambient Air Quality Monitoring Methodologies

Pollutant	Units of measurement ²	Averaging Period	Frequency	Method ¹
NO	pphm	1-hour	Continuous	AM-12
NO ₂	pphm	1-hour	Continuous	AM-12
NO _x	pphm	1-hour	Continuous	AM-12
PM _{2.5} ³	$\mu\text{g}/\text{m}^3$	24-hour	Continuous	AS 3580.9.13:2022 ⁴ or as otherwise agreed by the Secretary in consultation with the EPA

Parameter ⁵	Units of Measure	Averaging Period	Frequency	Method ¹
Wind Speed @ 10m	m/s	1-hour	Continuous	AM-2 & AM-4
Wind Direction @ 10m	m/s	1-hour	Continuous	AM-2 & AM-4
Sigma Theta @ 10m		1-hour	Continuous	AM-2 & AM-4
Temperature @ 2m	K	1-hour	Continuous	AM-4
Temperature @ 10m	K	1-hour	Continuous	AM-4
Other				Method¹
Siting	NA	NA	NA	AM-1 & AM-4

Notes:

1. Approved methods for the sampling and analysis of air pollutants in New South Wales (Environment Protection Authority, 2022), and supporting document Table of AM-coded methods for ambient air monitoring, or as otherwise agreed by EPA.
2. pphm: parts per hundred million.
3. Appropriately modified to include size selective inlet for PM_{2.5} or as otherwise approved by the EPA
4. AS 3580.9.13:2022, Methods for sampling and analysis of ambient air, Method 9.13: Determination of suspended particulate matter — PM_{2.5} continuous direct mass method using a tapered element oscillating microbalance monitor (Standards Australia, 2022).
5. Location for meteorological monitoring station(s) to be representative of weather conditions likely to occur in the vicinity of Albury, Wagga Wagga, and Junee rail operational impact zones.

- E5 The **Background Monitoring Plan** must be implemented for at least 12 months, and must be completed prior to the commencement of operations.
- E6 An **Operational Air Quality Review Report** must be prepared by an independent Air Quality specialist with appropriate skills and experience in air quality monitoring and modelling, in consultation with the **EPA**. The **Operational Air Quality Review Report** must include:
- (a) the results of the background monitoring and modelling completed in accordance with the methodology in the **Background Monitoring Plan** in **Condition E4**;
 - (b) a health impact assessment for all locations that exceed the NEPM at the closest sensitive receiver that are proposed to remain in use;
 - (c) mitigation measures that seek to avoid, minimise and manage air quality impacts to ensure compliance with the NEPM and reduce human health impacts;
 - (d) management measures to avoid, minimise and manage air quality impacts during unplanned events; and
 - (e) operational air quality monitoring methodology and procedures to confirm compliance with the NEPM for all locations where an exceedance of the NEPM was identified in the modelling completed in accordance with **Condition E4** and the effectiveness of the proposed mitigation measures identified at **Condition E6(c)**. The locations selected for air quality monitoring must be suitable for detecting any impact on air quality from idling trains at the closest sensitive receiver and near locomotive idling locations.
- E7 The **Operational Air Quality Review Report** must be submitted to the Planning Secretary and approved prior to operation. The **Operational Air Quality Review Report** must be implemented.

Monitoring of Idling Locations

- E8 Air quality must be monitored at all idling locations identified in **Condition E6(b)** for 10 years, unless otherwise agreed by the Planning Secretary. Air quality monitoring must comply with the approved **Operational Air Quality Review Report** required by **Condition E6**.

- E9 At the conclusion of the 10-year operational monitoring period, the Proponent must review the need for the continued use of ambient monitoring stations in consultation with **EPA** and the Planning Secretary. Closure or discontinued use of a monitoring station will require the approval of the Planning Secretary.
- E10 The location of the monitoring stations or locations identified in **Conditions E4 and E8** must be subject to landowner's and occupier's agreement and must be approved by the Planning Secretary one month prior to the commencement of monitoring.
- E11 The establishment and operation of the monitoring stations must be undertaken in accordance with recognised Australian standards and undertaken by an organisation accredited by NATA for this purpose and approved by the Planning Secretary. The quality of the monitoring results must be assured through a NATA accredited process prior to the data being considered as a basis for compliance and auditing purposes.
- E12 The Proponent must develop and implement a reporting system for air quality monitoring required by **Condition E8**. The reporting system must be approved by the Planning Secretary and be fully implemented and operational prior to monitoring in accordance with **Condition E8**. Minimum analytical reporting requirements for air pollution monitoring stations must be as specified in the Approved methods for the sampling and analysis of air pollutants in NSW (NSW EPA, 2022, or as updated).

Air Quality — Public Access to Monitoring Results

- E13 Results of hourly updated real-time monitoring required by **Condition E8**, relevant meteorological data must be provided on a website in an easy to interpret format. This data may be preliminary until a quality assurance check has been undertaken by a person or organisation, who is accredited by the National Association of Testing Authorities (NATA) for this purpose.
- E14 The availability of monitoring data must be conveyed to the local community by way of newsletter (including translation into common community languages in the area) and newspaper advertisement at least one month prior to the commencement of monitoring in accordance with **Condition E8**.

Note: Data should be identified as 'DRAFT' until it has been verified as accurate.

Air Quality Auditing and Quality Assurance

- E15 All continuous emissions monitoring systems installed and operated as a requirement of **Condition E8** must:
- (a) undergo relative accuracy test audits at an interval not exceeding 12 months, or within another timeframe agreed with the Planning Secretary;
 - (b) be audited by a person independent from the design and construction of the CSSI, approved in accordance with **Condition A16**, at an interval not exceeding 12 months, or within another timeframe agreed with the Planning Secretary.
- E16 The auditor must ensure that the operating procedures and equipment to acquire air monitoring, meteorological data and emission monitoring data and monitoring reporting comply with NATA (or equivalent) requirements and sound laboratory practice.
- E17 The Proponent must document the results of the audit and make available all audit data for inspection by the Planning Secretary upon request.
- E18 The Proponent must undertake appropriate quality assurance (QA) and quality control (QC) measures for air quality emission monitoring data. This must include, but not be limited to accreditation/quality systems; staff qualifications and training; auditing; monitoring procedure; service and maintenance; equipment or system malfunction; and records/reporting. The QA/QC measures must be approved by an expert independent from the design and construction of the CSSI, approved in accordance with **Condition A16**.

*Note: The air quality specialist required in **Condition E4** can be the independent expert required in this condition where they have suitable skills, experience and qualifications.*

BIODIVERSITY

- E19 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.
- E20 Impacts to plant community types and threatened species habitat must not exceed the impacts specified in **Table 6** and **Table 7** below:

Table 6: Plant community type impacts and ecosystem credit requirements

Name of Plant Community Type/ID	Area of impact	Ecosystem credits to be retired
277 – moderate – Blakely’s Red Gum – Yellow Box grassy tall woodland of the NSW South Western Slopes Bioregion	0.5	22
277 – poor - Blakely’s Red Gum – Yellow Box grassy tall woodland of the NSW South Western Slopes Bioregion	1.44	30
277 – derived - Blakely’s Red Gum – Yellow Box grassy tall woodland of the NSW South Western Slopes Bioregion	2.3	78
277 – Native plantings - Blakely’s Red Gum – Yellow Box grassy tall woodland of the NSW South Western Slopes Bioregion	0.26	7
277 – Non-native - Blakely’s Red Gum – Yellow Box grassy tall woodland of the NSW South Western Slopes Bioregion	30.5	0
5 - River Red Gum herbaceous-grassy very tall open forest wetland on inner floodplains in the lower slopes sub-region of the NSW South-Western Slopes Bioregion and the eastern Riverina Bioregion	0.04	2
Total		139

Table 7: Threatened species habitat impacts and species credit requirements

Fauna Species	Area (ha)	Credits to be retired
Lower Slopes IBRA Subregion		
Sloane’s Froglet (<i>Crinia sloanei</i>)	0.03	2
Squirrel Glider (<i>Petaurus norfolcensis</i>)	0.16	3
Superb Parrot (<i>Polytelis swainsonii</i>)	0.16	3
Inland Slopes IBRA Subregion		
Sloane’s Froglet (<i>Crinia sloanei</i>)	0.23	5
Key’s Matchstick Grasshopper (<i>Keyacris scurra</i>)	0.21	4
Squirrel Glider (<i>Petaurus norfolcensis</i>)	1.82	41
Superb Parrot (<i>Polytelis swainsonii</i>)	1.82	41

Total	99
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- E21 Prior to impacts on the biodiversity values of the CSSI, the number and classes of ecosystem credits and species credits (like-for-like) as set out in the BAM Biodiversity Credit Report which forms part of the BDAR Revision M, must be retired. The number of biodiversity offset species credits obligations that must be retired (prior to impacting the biodiversity values) in each of the CSSI as detailed in **Table 6** and **Table 7**.
- E22 On the discovery of potential or actual impacts to any threatened communities or species not listed in **Condition E20**, all work which may impact the identified species or community must stop to prevent further impact and the Planning Secretary and DCCEEW (NSW) (and DCCEEW (Cth) where relevant) notified in writing. Work must not recommence until the relevant agencies have been consulted and any required approvals have been obtained.
- E23 The retirement of the credits must be carried out in accordance with the *Biodiversity Conservation Act 2016* (NSW) (**BC Act**), and can be achieved by:
- acquiring and retiring “biodiversity credits” within the meaning of the BC Act; and / or
 - making a payment into the **Biodiversity Conservation Fund** of an amount equivalent to the class and number of ecosystem and species credits, as calculated by the BCF Charge System; and/or
 - funding a biodiversity conservation action that benefits the entity impacted and is listed in the ancillary rules of the Biodiversity Offset Scheme;
 - Where evidence of compliance with the *Ancillary rules: Reasonable steps to seek like-for-like biodiversity credits for the purpose of applying the variation rules* has been provided to, and approved by the Planning Secretary, the variation rules may be applied to retire the relevant ecosystem credits and species credits as set out in the *BAM Biodiversity Credit Report (Variation)*. The variation rule does not apply to biodiversity credits for threatened species or threatened ecological communities that are listed as critically endangered under the BC Act or listed in any capacity under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).
- Note:** “Impacted site” in the application of the like-for-like offset rules is taken to be the subject land described in the **Biodiversity Development Assessment Report** referred to in **Condition A1**. The subject land is the disturbance footprint subject to assessment under the *Biodiversity Assessment Method*.
- E24 Evidence of the retirement of credits in satisfaction of **Condition E23** must be provided to the Planning Secretary prior to impacts to the biodiversity values.

Sloane’s Froglet

- E25 Prior to the commencement of works, the Proponent must complete targeted surveys during July and/ or August for **Sloane’s Froglet** (*Crinia sloanei*) in all areas where that species was assumed present in the documents listed in **Condition A1**. The results of the targeted surveys are to be provided to DCCEEW and the Planning Secretary for information.
- E26 In all locations where the Sloane’s Froglet is recorded, a site-specific **Sloane’s Froglet Management Plan(s)** must be prepared and implemented in consultation with DCCEEW and landowners to manage work within and adjacent to Sloane’s Froglet habitat. The **Sloane’s Froglet Management Plan** must include:
- details of proposed detention basins to manage stormwater consistent with the *Sloane’s Froglet Stormwater Wetland Design Guidelines* (Spire, 2017);
 - measures to prevent Sloane’s Froglet habitat from being impacted by sediment; and
 - regular monitoring.
- E27 The **Sloane’s Froglet Management Plan** must be submitted to and approved by the Planning Secretary. No work that could impact the areas identified with Sloane’s Froglet (*Crinia sloanei*) are to be carried out prior to:

- (a) the completion of the targeted surveys required in **Condition E25**; and
- (b) the implementation of the approved Sloane's Froglet Management Plan required by **Condition E26**.

E28 In all remaining areas that assumed the presence of Sloane's Froglet (*Crinia sloanei*), erosion and sediment control measures and protection of riparian areas must be installed in accordance with **Conditions C10, E173, and E174** prior to work in these areas.

Fauna Connectivity

E29 Prior to construction at Billy Hughes Bridge and Uranquinty Creek, existing fauna movement corridors, pathways and connectivity for the Squirrel Glider at Billy Hughes Bridge and Uranquinty Creek must be determined by a suitably qualified and experienced expert in consultation with DCCEEW including evidence of existing fauna movement corridors, pathways and connectivity and analysis of existing studies or baseline monitoring.

E30 The design of fauna connectivity measures must have regard to:

- (a) existing fauna movement corridors, pathways and connectivity identified in accordance with **Condition E29**;
- (b) the *Sloane's Froglet Stormwater Wetland Design Guidelines* (Spire, 2017), relevant threatened species guidelines, species biology and the results of on-ground surveys;
- (c) *Fauna Sensitive Road Design Manual Volume 2* (Queensland Government, 2010);
- (d) *Fauna Sensitive Road Design Guidelines* (VicRoads, 2012); and
- (e) industry best practice measures.

E31 The Proponent must prepare and implement a **Fauna Connectivity Strategy** for the Squirrel Glider and Sloane's Froglet for Billy Hughes Bridge and Uranquinty Creek prior to the commencement of Work that has the potential to impact on the Squirrel Glider and Sloane's Froglet. The strategy must:

- (a) include details of existing fauna movement corridors, pathways and connectivity informed by **Condition E29**;
- (b) be consistent with the *Sloane's Froglet Stormwater Wetland Design Guidelines* (Spire, 2017);
- (c) justify the design, location and spacing of fauna connectivity structures and measures;
- (d) demonstrate the effectiveness of connectivity structures and measures for the targeted species to maintain or improve connectivity and movement pathways of species within regional, local and riparian corridors;
- (e) a map showing the location and design of all fauna connectivity measures to be implemented;
- (f) 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
- (g) include the **Operational Fauna Connectivity Monitoring and Adaptive Mitigation Program** required by **Condition D12**.

E32 The **Fauna Connectivity Strategy** must be prepared by a suitably qualified and experienced person(s) who has expertise in the relevant targeted species, in consultation with, BCS, DPI Fisheries and approved by the Planning Secretary.

Fisheries

E33 There are to be no works to the substructure of the Murray River Bridge or instream works in the Murray River or Oddies Creek.

Riparian Vegetation

E34 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* (Rutherford et al. 2000).

- E35 An exclusion zone must be established to protect riparian vegetation adjoining Billy Hughes Bridge (the eastern compound and track lowering works) and Murray River Bridge adjacent to the surface road works before construction commences in this area. The exclusion zone must be maintained until construction is completed in the area.

Seed Collection, Revegetation and Rehabilitation

- E36 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

- E37 Cleared native vegetation and other landscape features must be reused as part of the CSSI. If reuse is not practicable, consultation with the relevant council(s), land-care groups and relevant government agencies must be undertaken to determine if:
- (a) hollows, tree trunks, mulch, bush rock and root balls; and
 - (b) collected plant material, seeds and/or propagated plants, can be used by others in habitat enhancement, beneficial re-use and rehabilitation work, before pursuing other disposal options.

FLOODING

- E38 All practicable measures must be implemented to ensure the design, construction and operation of the CSSI 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 river banks or watercourses.
- E39 The CSSI must be designed with the objective to meet or improve upon the flood performance identified in the documents listed in **Condition A1**. Variation consistent with the requirements of this approval at the rail corridor is permitted to effect minor changes to the design with the intent of improving the flood performance of the CSSI.
- E40 Updated flood modelling of the project's detailed design must be undertaken for the full range of flood events, including blockage of culverts and flowpaths, considered in the documents listed in **Condition A1**. This modelling must include:
- (a) Hydrologic and hydraulic assessments consistent with *Australian Rainfall and Runoff – A Guide to Flood Estimation* (GeoScience Australia, 2019);
 - (b) Use of modelling software appropriate to the relevant modelling task;
 - (c) Field survey of the existing rail formation and rail levels, should be included within the models; and
 - (d) Confirmation of predicted afflux at industrial properties adjacent to Railway Street, Wagga Wagga based on field survey.

Updated flood modelling must be made publicly available in accordance with **Condition B18**.

- E41 The Proponent's response to the requirements of **Conditions E38** and **E40** must be reviewed and endorsed by a suitably qualified flood consultant, who is independent of the project's design and construction and approved in accordance with **Condition A16**, in consultation with directly affected landowners, DCCEEW Water Group, TfNSW, DPI Fisheries, BCS, NSW State Emergency Service (SES), and relevant Councils.
- E42 The CSSI must be designed and constructed to limit impacts on flooding characteristics in areas outside the project boundary during any flood event up to and including the 1% AEP flood event, to the following:
- (a) a maximum increase in inundation time of one hour, or 10%, whichever is greater;

- (b) a maximum increase of 10 mm in above-floor inundation to habitable rooms where floor levels are currently exceeded;
- (c) no above-floor inundation of habitable rooms which are currently not inundated;
- (d) a maximum increase of 50 mm in inundation of land zoned as residential, industrial or commercial;
- (e) a maximum increase of 100 mm in inundation of land zoned as environment zone or public recreation;
- (f) a maximum increase of 200 mm in inundation of land zoned as rural or primary production, environment zone or public recreation;
- (g) no increase in the flood hazard category or risk to life; and
- (h) maximum relative increase in velocity of 10%, or to 0.5m/s, whichever is greater, unless adequate scour protection measures are implemented and/or the velocity increases do not exacerbate erosion as demonstrated through site-specific risk of scour or geomorphological assessments.

Where the requirements set out in clauses (d) to (f) inclusive cannot be met, alternative flood levels or mitigation measures must be agreed to with the affected landowner.

E43 A **Flood Design Report** confirming the:

- (a) final design of the CSSI meets the requirements of **Condition E42**; and
- (b) the results of consultation with the relevant council in accordance with **Condition E46**

must be submitted to and approved by the Planning Secretary prior to the commencement of permanent works that would impact on flooding.

E44 The **Flood Design Report** required by **Condition E43** must be approved by the Planning Secretary prior to works that may impact on flooding or the relevant council's stormwater network.

E45 Flood information including flood reports, models and geographic information system outputs, and work as executed information from a registered surveyor certifying finished ground levels and the dimensions and finished levels of all structures within the flood prone land, must be provided to the relevant Council, BCS, and the SES in order to assist in preparing relevant documents and to reflect changes in flood behaviour as a result of the CSSI. The Council, BCS, and the SES must be notified in writing that the information is available no later than one (1) month following the completion of construction. Information requested by the relevant Council, BCS, or the SES must be provided no later than six (6) months following the completion of construction or within another timeframe agreed with the relevant Council, BCS, or the SES.

E46 The design, operation and maintenance of pumping stations and storage tanks and discharges to council's stormwater network must be developed in consultation with the relevant council. The results of the consultation are to be included in the report required in **Condition E43**.

HERITAGE

E47 The Proponent must not destroy, modify or otherwise physically affect any heritage items, including Aboriginal objects, outside of the CSSI construction boundary.

E48 Prior to the commencement of construction, the Proponent must undertake **Heritage Photographic Archival Recordings** of heritage items and potential heritage items which have been identified for demolition, modification or alteration in the documents listed in **Condition A1**.

The photographic recording of items with a statutory listing must be undertaken in accordance with Heritage NSW guidelines. The photographic recording of items with potential heritage significance but no statutory listing may be undertaken in accordance with ARTC's Archival Recording Standard.

- E49 Modifications to the rail bridge over the Murray River (SHR 01020) must be consistent with the Urban Design and Landscape plan required by **Condition E108** and reviewed by the **State Design Review Panel (SDRP)** established in **Condition E100**.
- E50 Replacement, modification or new structures within or adjacent to listed heritage items, curtilages, or heritage conservation areas must be designed to be consistent with the **Urban Design and Landscape Plan** required by **Condition E108**.
- E51 The Proponent must assess options for the salvage, sympathetic reuse (including integrated heritage displays) or other options for repository, reuse and display of items or elements of heritage value from heritage listed buildings and structures to be demolished before demolition. This includes but is not limited to:
- (a) street furniture associated with Kemp Street bridge in Junee;
 - (b) bridge construction materials associated with Edmondson Street bridge in Wagga Wagga; and
 - (c) footbridges in Albury, Wagga Wagga, Culcairn and Junee.

Suitable repository or interim locations must be established in consultation with the relevant Council(s). Any State listed items or elements suitable for salvage must be determined in consultation with Heritage NSW. The items to be salvaged must be identified in the **Heritage CEMP Sub-plan** required by **Condition C6**.

- E52 Work within the Albury Railway Station and Yard Group must aim to avoid, to the greatest extent practicable, impacts to remaining broad gauge track/s and Signal Box 1A. The Proponent must prepare an **Albury Railway Station and Yard Group Report**:
- (a) confirming the location of the broad gauge track/s;
 - (b) demonstrating how the Work will avoid, or minimise impacts to the greatest extent practicable, to the broad gauge track/s and Signal Box 1A; and
 - (c) where impacts to the broad gauge track/s or Signal Box 1A are unavoidable, determine appropriate mitigation measures, relocation, sympathetic reuse or display and/ or heritage interpretation in consultation with Heritage NSW.

The Albury Railway Station and Yard Group Report must be submitted to and approved by the Planning Secretary prior to work commencing within Albury Railway Station and Yard Group.

- E53 Following completion of all work described in the documents listed in **Condition A1** in relation to heritage items and all work required by **Conditions E47 to E52**, a **Non-Aboriginal Heritage Report** including the details of any archival recording, further historical research either undertaken or to be carried out and archaeological excavations (with artefact analysis and identification of a final repository for finds), must be prepared in accordance with any guidelines and standards required by the Heritage Council of NSW and Heritage NSW.
- E54 The **Non-Aboriginal Heritage Report** must be submitted to the Planning Secretary, the Heritage Council of NSW, Heritage NSW, and relevant Councils, local libraries and historical societies in the respective local government area for information, no later than 12 months after the completion of the work referred to in **Condition E53**.
- E55 The Proponent must prepare and implement a **Heritage Interpretation Plan** which identifies and interprets the key Aboriginal and Non-Aboriginal heritage values and stories of heritage items and heritage conservation areas impacted by the CSSI.

The **Heritage Interpretation Plan** must inform the Urban Design and Landscape Plan required by **Condition E108**. The **Heritage Interpretation Plan** must be prepared in accordance with the relevant Heritage NSW and Heritage Council of NSW guidelines and include, but not be limited to:

- (a) a discussion of key interpretive themes, stories and messages proposed to interpret the history and significance of the affected heritage items and sections of heritage conservation areas including, but not limited to Albury, Wagga Wagga and Junee Stations and Yard Groups, and bridges modified or removed by the project;

- (b) identification and confirmation of interpretive initiatives implemented to mitigate impacts to archaeological relics, heritage items and conservation areas affected by the CSSI including:
 - (i) use of interpretive hoardings during construction
 - (ii) community open days
 - (iii) community updates
 - (iv) design of pedestrian and road bridges
 - (v) signal boxes and other items within Albury Station Yard; and
- (c) Aboriginal cultural and heritage values of the project area including the results of any archaeological investigations undertaken.

The **Heritage Interpretation Plan** must be prepared in consultation with Heritage NSW, Heritage Council of NSW, relevant Councils and Registered Aboriginal Parties, and must be submitted to the Planning Secretary before commencement of construction.

- E56 Site specific protection plans must be prepared and implemented for all demolition and modification works adjacent to or within the curtilage of a state heritage item to ensure that any impacts arising are minimised and are included in the **Heritage CEMP Sub-Plan** as required by **Condition C6**.
- E57 Before conducting acoustic treatment at any heritage item identified in the documents listed in **Condition A1**, the advice of an independent and 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.

Aboriginal Cultural Values and Heritage

- E58 All reasonable steps must be taken so as not to harm, modify or otherwise impact Aboriginal objects, Aboriginal values or Aboriginal places except as authorised by this approval.
- E59 The **Registered Aboriginal Parties (RAPs)** and the **Local Aboriginal Land Council (LALC)** must be involved in the CSSI and must continue to be provided with regular opportunities to be consulted about the Aboriginal cultural heritage management of the CSSI, in accordance with the **Aboriginal Cultural Heritage Management Sub-plan** required by **Condition C12** and **Condition B1**.
- E60 Test excavation and, if necessary, salvage, is required prior to any ground disturbance of the **Potential Archaeological Deposit (PAD)** located at the Murray River Bridge and Billy Hughes Bridge enhancement sites, as identified in documents listed in **Condition A1** in consultation with RAPs and LALC.
- E61 No impact is permitted beyond the existing disturbed area of the unformed road identified as Townsend Street in documents listed in **Condition A1**.
- E62 Prior to the commencement of any work within areas identified as requiring archaeological investigation or salvage identified in **Condition E60** 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**.
- E63 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.
- E64 At the completion of Aboriginal cultural heritage test and salvage excavations, an **Aboriginal Cultural Heritage Excavation Report(s)** must be prepared by a suitably qualified expert. The **Aboriginal Cultural Heritage Excavation Report(s)**, must:
 - (a) be prepared in accordance with the *Guide to Investigation, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011) and the *Code of Practice for*

Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010);
and

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

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

- E65 Where previously unidentified Aboriginal objects are discovered, all work must immediately stop in the vicinity of the affected area. Works potentially affecting the previously unidentified objects must not recommence until Heritage NSW has been informed. The measures to consider and manage this process must be specified in the **Unexpected Heritage Finds and Human Remains Procedure** required by **Condition E66** and include registration in the **Aboriginal Heritage Information Management System (AHIMS)**.

Unexpected Heritage Finds

- E66 The **Unexpected Heritage Finds and Human Remains Procedure** must be prepared by a suitably qualified and experienced heritage specialist in consultation with Heritage NSW and the Heritage Council of NSW and submitted to the Planning Secretary for information no later than one (1) month before the commencement of work.
- E67 The **Unexpected Heritage Finds and Human Remains Procedure**, as submitted to the Planning Secretary, must be implemented for the duration of construction.

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

NOISE AND VIBRATION

Land Use Survey

- E68 A detailed land use survey must be undertaken to confirm sensitive land use(s) (including critical working areas such as operating theatres and precision laboratories) potentially exposed to construction noise and vibration, construction ground-borne noise and operational noise. The survey may be undertaken on a progressive basis but must be undertaken in any one area before the commencement of work which generates construction or operational noise, vibration or ground-borne noise in that area. The results of the survey must be included in the **Noise and Vibration CEMP Sub-plan** required by **Condition C8**.

Work Hours

- E69 Work must 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.

Highly Noise Intensive Work

- E70 Except as permitted by an Environment Protection Licence (EPL), highly noise intensive works that result in an exceedance of the applicable NML at the same receiver must only be undertaken:
 - (a) between the hours of 8:00 am to 6:00 pm Monday to Friday;
 - (b) between the hours of 8:00 am to 1:00 pm Saturday; and
 - (c) if continuously, then not exceeding three (3) hours, with a minimum cessation of work of not less than one hour.

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

Variation to Work Hours

E71 Notwithstanding **Conditions E69 and E70**, work may be undertaken outside the hours specified in the following circumstances (a, b, or c):

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

On becoming aware of the need for emergency work in accordance with **Condition E71(a)**, the **AA**, 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.

- (b) **Work** that meets the following criteria:
- (i) construction that causes LAeq(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) construction that causes LAFmax noise levels no more than 15 dB above the rating background level at any residence during the night period as defined in the ICNG; and
 - (iii) construction that causes:
 - continuous or impulsive vibration values, measured at the most affected residence no more than the preferred values for human exposure to vibration, specified in Table 2.2 of *Assessing Vibration: a technical guideline* (DEC, 2006), or
 - intermittent vibration values measured at the most affected residence no more than the preferred values for human exposure to vibration, specified in Table 2.4 of *Assessing Vibration: a technical guideline* (DEC, 2006).
- (c) **By Approval**, including:
- (i) where different construction hours, such as those for a rail possession, are permitted under an EPL in force in respect of the CSSI; or
 - (ii) works which are not subject to an EPL that are approved under an Out-of-Hours Work Protocol as required by **Condition E72**; or
 - (iii) negotiated agreements with directly affected residents and sensitive land use(s).

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

E72 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 E69**, and that are not subject to an EPL. The Protocol must be approved by the Planning Secretary before commencement of the Out-of-Hours Work. The Protocol must be prepared in consultation with the **ER**, **AA** and EPA. The Protocol must include:

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

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

This condition does not apply if the requirements of **Condition E71** are met.

E73 Except as permitted by an EPL, out-of-hours work that may be regulated through the **Out-of-Hours Work Protocol** as per **Condition E72**, but is not limited to:

- (a) Carrying out work that if carried out during standard hours would result in a high risk to construction personnel or public safety based on a risk assessment carried out in accordance with AS/NZS ISO 31000:2009: "Risk management; or
- (b) Where the relevant roads authority has advised the Proponent in writing that carrying out the work during standard hours would result in a high risk to road network performance and a road occupancy licence will not be issued; or
- (c) where the relevant utility service operator has advised the Proponent in writing that carrying out the work during standard hours would result in a high risk to the operation and integrity of the utility network; or
- (d) work undertaken in a rail possession for operational or safety reasons.

Note: *Other out-of-hours works can be undertaken with the approval of an EPL, or through the project's **Out-of-Hours Work Protocol** for works not subject to an EPL.*

Construction Noise Management Levels and Vibration Criteria

E74 Mitigation measures must be implemented with the aim of achieving the following construction noise management levels and vibration objectives:

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

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

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

E75 Mitigation measures must be applied when the following residential ground-borne noise levels are exceeded:

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

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

The mitigation measures must be outlined in the Noise and Vibration CEMP Sub-plan, including in any Out-of-Hours Work Protocol, required by **Condition E72**.

- E76 Noise generating work in the vicinity of community, religious, educational institutions, noise and vibration-sensitive businesses and critical working areas (such as exam halls, theatres, laboratories and operating theatres) resulting in noise levels above the NMLs must not be timetabled during sensitive periods, unless other reasonable arrangements with the affected institutions are made at no cost to the affected institution.
- E77 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.
- E78 **Construction Noise and Vibration Impact Statements (CNVIS)** must be prepared for work that may exceed the noise management levels, vibration criteria and/or ground-borne noise levels specified in **Condition E74** and **Condition E75** at any residence outside construction hours identified in **Condition E69**, or where receivers will be highly noise affected. The **CNVIS** must include specific mitigation measures identified through consultation with affected sensitive land use(s) and the mitigation measures must be implemented for the duration of the works. A copy of the **CNVIS** must be provided to the **AA** and **ER** prior to the commencement of the associated works. The Planning Secretary may request a copy/ies of **CNVIS**.
- E79 Owners and occupiers of properties at risk of exceeding the screening criteria for cosmetic damage must be notified before work that generates vibration commences in the vicinity of those properties. If the potential exceedance is to occur more than once or extend over a period of 24 hours, owners and occupiers are to be provided a schedule of potential exceedances on a monthly basis for the duration of the potential exceedances, unless otherwise agreed by the owner and occupier. These properties must be identified and considered in the **Noise and Vibration CEMP Sub-plan** required by **Condition C8** and the **Community Communication Strategy** required by **Condition B1**.

Construction Vibration Mitigation - Heritage

- E80 Vibration testing must be undertaken before and during vibration generating activities that have the potential to impact on heritage items to identify minimum working distances to prevent cosmetic damage. In the event that the vibration testing and attended monitoring shows that the preferred values for vibration are likely to be exceeded, the construction methodology must be reviewed and, if necessary, additional mitigation measures implemented.
- E81 Advice from an independent 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 heritage specialist is to provide advice prior to installing equipment that may impact the heritage significance or structural integrity of the heritage listed structures.*
- E82 Before conducting at-property treatment at any heritage item identified in the documents listed in **Condition A1**, the advice of a suitably qualified and experienced built heritage expert must be obtained and implemented to ensure any such work does not have an adverse impact on the heritage significance of the item.

Utility Coordination and Respite

- E83 All work undertaken for the delivery of the CSSI, including those undertaken by third parties (such as utility relocations), must be coordinated to ensure respite periods are provided. This must include:
- (a) rescheduling work to provide respite to impacted noise sensitive land use(s) so that the respite is achieved; or
 - (b) the provision of alternative respite or mitigation to impacted noise sensitive land use(s); and

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

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

Locomotive Noise Control Program Report

E84 The Proponent may opt to address at source noise by treating locomotives as outlined in *Albury to Illabo Preferred Infrastructure Report Appendix G Locomotive Noise Control Program* described in the documents in **Condition A1**.

E85 Where the Proponent opts to address locomotive noise emissions, a **Locomotive Noise Control Program Report** must be prepared to demonstrate the effectiveness of the proposed program to reduce noise from locomotives as described in the documents in **Condition A1**. The Report must include:

- (a) written commitments from locomotive operators to implement noise reduction treatments to their rolling stock;
- (b) details of participating locomotives, including:
 - (i) the number of locomotives in each class, and the identification index of each locomotive to be treated;
 - (ii) the timeframe to install mitigation in each locomotive; and
 - (iii) details of any locomotives that are not to be treated or achieve a different noise reduction to others in its class, justification and an explanation of effects on noise impact assessment;
- (c) Noise reduction performance of each locomotive treatment including the overall A and Z weighted sound power levels, and sound power levels with and without the treatment for each locomotive treated.
 - (i) Evidence to demonstrate the treatment performance results are consistent with the requirements of AS2377:2002 *Acoustics—Methods for the measurement of railbound vehicle noise*, demonstrating the total sound power levels of relevant noise descriptors of each treated locomotive class with and without noise mitigation.
 - (ii) All treated locomotives must be tested.
 - (iii) Where test results are not available at the time of the report submission to the Planning Secretary, theoretical predictions of the noise performance must be provided with the following information:
 1. Demonstration of why the test results cannot be provided
 2. Demonstration that the assumptions and inputs used to calculate the reduction prediction are appropriate
 3. Margin of error for the predictions
 4. Date of when test results will be provided
- (d) an assessment consistent with the RING of the total $L_{Aeq,period}$ and L_{AFmax} noise levels from the alignment at receivers with and without locomotive mitigation that must include a list of the number of each locomotive class operating on the alignment. This must include a comparison with the assessment outcomes in the PIR referred to in **Condition A1(c)**.
- (e) contingencies and alternative or additional mitigation for sensitive receivers where the noise reduction does not achieve the performance stated in the documents in **Condition A1**.

The **Locomotive Noise Control Program Report** must be verified by an independent acoustic expert, approved in accordance with **Condition A16**, and approved by the Planning Secretary.

The approved **Locomotive Noise Control Program Report**, must be included in the **Operational Noise and Vibration Review (ONVR)**, as required by **Condition E88**.

- E86 The approved **Locomotive Noise Control Program Report** must be updated to include all locomotive test results and provided to the Planning Secretary for information within three months of completing the tests. If the locomotive test results changes the requirements for at path and/or at receiver noise mitigation in accordance with the RING, the Proponent must submit a revised **ONVR** within three months for the Planning Secretary's approval, and implement the approved revised **ONVR**.
- E87 The locomotive treatments described in the **Report** must be implemented within the timeframes stated in the **Report**, unless otherwise agreed with the Planning Secretary.

Consultation on Noise Barriers and Noise Mitigation

- E88 The Proponent must prepare a consultation strategy to seek feedback from directly affected landowners, Council and, TfNSW (where it impacts a classified road) on proposed noise and vibration mitigation measures. The consultation strategy must be submitted to the Planning Secretary for approval one month prior to consultation commencing. The consultation strategy must:
- identify all sensitive land uses above the RING criteria;
 - seek to consult with all stakeholders regarding all reasonable and feasible and noise and vibration mitigation measures in accordance with the hierarchy in RING; and
 - determine stakeholder preference for noise mitigation by locality.

The approved strategy must be implemented.

*Note: any predicted reductions in noise levels attributed to the **Locomotive Noise Control Program** cannot be used to reduce noise mitigation or numbers of sensitive receivers consulted unless the **Locomotive Noise Control Program Report** has been approved by the Planning Secretary.*

Operational Noise and Vibration Mitigation Measures

- E89 The Proponent must prepare an Operational Noise and Vibration Review (**ONVR**) to confirm noise and vibration control measures that would be implemented for the operation of the CSSI. The ONVR must be prepared in consultation with the EPA and relevant council(s). The ONVR must:
- confirm the appropriate operational noise and vibration objectives and levels for surrounding development, including existing sensitive land use(s);
 - 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 and vibration monitoring and concurrent rail traffic counting additional to that presented in the documents in **Condition A1**.
 - confirm the operational noise and vibration impacts at adjoining development based on the final design of the CSSI. Confirmation must be based on appropriately validated noise and vibration models and include operational $L_{Aeq,period}$, L_{AFmax} and L_{ASmax} noise levels, operational vibration levels, a table of results and noise contours and considers various operational train speeds, lengths and heights;
 - identify sensitive land use(s) that are predicted to exceed the requirements of:
 - Rail Infrastructure Noise Guideline (EPA 2013),
 - Assessing vibration: a technical guideline (DEC 2006);
 - identify all noise and vibration mitigation measures including location, type and timing of mitigation measures to address noise and vibration exceedances identified in **Condition E89(d)**, including the approved **Locomotive Noise Control Program Report** required by **Condition E84**.
 - results of consultation completed in accordance with **Condition E88** to seek feedback from directly affected landowners on the noise and vibration mitigation measures;
 - consider the location of crossing loops, sidings, and level crossings, and investigate and implement practical measures to minimise adverse traffic, access and noise impacts; and

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

The **ONVR** must be verified by an independent acoustic expert, approved in accordance with **Condition A16**. The **ONVR** must be undertaken at the projects expense and submitted and approved to the Planning Secretary within the earliest of 24 months after the commencement of construction or prior to the commencement of operations unless otherwise agreed by the Planning Secretary.

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

Note: *The design of noise barriers and the like must be undertaken in consultation with the community as part of the **Place, Design and Visual Amenity** required under **Conditions E94 to E98**.*

Note: *A Project Specific Noise Level (PSNL) must be applied as defined in the Rail Infrastructure Noise Guideline (EPA, 2013), that is after the application of all feasible and reasonable mitigation. The RING trigger levels, not a PSNL, is to be used as the noise reduction target for mitigation measures.*

Note: *If the Secretary does not approve the Locomotive Noise Treatment Program Report required by **Condition E85**, at-source treatment of locomotives must not be considered in the ONVR.*

Note: *The independent acoustic expert can be the AA where the AA has appropriate expertise in rail traffic noise modelling.*

- E90 Operational noise mitigation measures identified in **Condition E88** that would also mitigate construction noise impacts at receivers modelled to be affected by noise levels higher than the Noise Management Level (NML) and that will not be physically affected by work, must be implemented within twelve (12) months of submitting the **ONVR**. Where implementation of operational noise mitigation measures are not proposed to be implemented in accordance with this requirement, a report must be submitted to the Planning Secretary providing justification as to why, along with details of temporary measures that would be implemented to reduce construction noise impacts, until such time that the operational noise mitigation measures are implemented. The report must be endorsed by the **AA** and submitted to the Planning Secretary within six (6) months of submitting the **ONVR**.

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

Operational Noise and Vibration Validation

- E91 Within 12 months and 10 years of the commencement of operation of the CSSI, or following 18 and 20 train movements per day, whichever occurs earliest, monitoring of operational noise and vibration must be undertaken. Monitoring is 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 E88**.
- E92 The Proponent must prepare and implement an **Operational Noise and Vibration Compliance Report Monitoring Plan** prior to commencement of the monitoring required in **Condition E91**. The monitoring plan must include, but not necessarily be limited to:
- (a) Methodology including any proposed standards, guidelines or methods to be used;
 - (b) Number and location of noise and vibration monitoring sites;
 - (c) Selection criteria and justification for all 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, speed, notch settings and dynamic braking,
 - (iii) predicted exceedances of airborne, ground borne and vibration performance criteria,
 - (iv) areas of receiver noise and/or vibration complaint,
 - (v) (groups of sensitive receivers (e.g. towns or clusters of receivers),

- (vi) effectiveness of mitigation measures
 - (vii) The data and information to be collected at each monitoring location;
- (d) Minimum duration and number of train passbys by type of train to be measured during day and night periods;
 - (e) Contingencies in case of unsuitable weather conditions or unforeseen matters (e.g. extraneous noise, access to property); and
 - (f) Community engagement protocols for access to property.

The **Operational Noise and Vibration Compliance Report Monitoring Plan** must be submitted to the Planning Secretary for approval at least one (1) month before the commencement of the monitoring required by **Condition E91**.

Operational Noise and Vibration Compliance Report

E93 An **Operational Noise and Vibration Compliance Report (ONCVR)** must be prepared to document the findings of the operational noise and vibration monitoring carried out in accordance with **Condition E91**. The **ONCVR** must address the following:

- (a) noise and vibration monitoring to assess compliance with the operational noise and vibration levels predicted in the review of operational noise and vibration mitigation measures required under **Condition E88**;
- (b) compliance with the operational noise levels in terms of criteria, noise goals and trigger levels established in the:
 - (i) Rail Infrastructure Noise Guideline (EPA 2013),
 - (ii) Assessing vibration: a technical guideline (DEC 2006);
- (c) methodology, location and frequency of noise and vibration monitoring undertaken, including monitoring sites at which CSSI noise and vibration levels are ascertained, with specific reference to locations indicative of impacts on receivers;
- (d) 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;
- (e) any required recalibrations of the noise and vibration monitoring and actual traffic numbers and proportions;
- (f) 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;
- (g) identification of additional measures to those identified in the review of noise and vibration mitigation measures required by **Condition E88**, that are to be implemented with the objective of meeting the operational noise and vibration levels in terms of criteria, noise goals and trigger levels established in the:
 - (i) *Rail Infrastructure Noise Guideline* (EPA 2013),
 - (ii) *Assessing vibration: a technical guideline* (DEC 2006); and
- (h) 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 **Operational Noise and Vibration Compliance Report** must be submitted to the Planning Secretary and the EPA within 60 days of completing the operational noise and vibration monitoring and made publicly available.

PLACE, DESIGN AND VISUAL AMENITY

Design Requirements and Strategic Context

- E94 The CSSI must be designed and overseen during construction by suitably qualified and experienced design practitioners with appropriate experience in the fields of:
- (a) urban design and place making;
 - (b) landscape architecture;
 - (c) heritage; and
 - (d) architectural design of infrastructure.
- E95 These practitioners must:
- (a) develop the design objectives and principles required by **Condition E96** and
 - (b) prepare the Urban Design and Landscape Plan (UDLP) required by **Conditions E108 to E110**.
- E96 Design objectives and design principles must be developed to inform the design of permanent built works and landscaping to ensure the project is designed and constructed in a manner that minimises adverse visual impacts to the public domain and heritage, including design, details and finishes that reflect the context within which the project is located. The design objectives and principles must apply, as a minimum, to the following areas and infrastructure:
- (a) Murray River bridge (bridge modification)
 - (b) Albury Railway Station and pedestrian crossing (bridge replacement)
 - (c) Cassidy Parade pedestrian crossing Wagga Wagga (bridge replacement)
 - (d) Edmondson Street pedestrian crossing Wagga Wagga (bridge replacement)
 - (e) Wagga Wagga Railway station and pedestrian crossing (bridge replacement)
 - (f) Kemp Street pedestrian crossing Junee (bridge replacement)
 - (g) Noise barriers.
- E97 The design objectives and design principles must include and respond to:
- (a) the relationship to and impacts upon heritage places and items within and adjacent to project boundaries;
 - (b) the design guidance in Better Placed, Design Guide for Heritage and Urban Design for Regional NSW;
 - (c) the principles and objectives of the *Connecting with Country Framework*;
 - (d) achieving *Disability Discrimination Act 1992* (Cth) compliance through lower impact alternatives that achieve better design outcomes;
 - (e) the NSW Movement and Place Framework including relevant guidance:
 - (i) the *Walking Space Guide: Towards Pedestrian Comfort and Safety* (TfNSW, 2020), the *Cycleway Design Toolbox: Designing for Cycling and Micromobility* (TfNSW, 2020); and
 - (ii) *Beyond the Pavement* (TfNSW 2020);
 - (f) active transport connectivity across the rail corridor and adjacent to works in accordance with:
 - (i) the *Guide to Road Design Part 6A: Paths for Walking and Cycling* (Austroads, 2017);
 - (ii) relevant Australian Standards (AS) such as AS 1428.1-2009 Design for access and mobility, the *Disability Inclusion Act 2014* division 2 and NCC DP7;
 - (g) current and proposed land uses and place-making strategies;
 - (h) relevant Crime Prevention Through Environmental Design principles, existing and proposed future local context and character;
 - (i) minimising light spill to surrounding properties with all lighting associated with the CSSI consistent with the requirements of ASINZS 4282:2019 Control of the obtrusive effects of outdoor lighting, relevant Australian Standards in the series ASINZS 1158 - Lighting for Roads and Public Spaces;
 - (j) landscape areas and strategies to increase and retain existing tree canopies;

- (k) opportunities to enable users to connect to key views and vistas; and
- (l) refer to relevant local council's relevant design guidelines.

- E98 The design objectives and design principles must be reviewed by the **State Design Review Panel (SDRP)** established in **Conditions E100 to E101**. **SDRP** advice and recommendations made about the design objectives and design principles and the Proponent's response to each recommendation must be included when submitting the design objectives and design principles to the Planning Secretary for approval.
- E99 The design objectives and principles must be submitted to and approved by the Planning Secretary within three months of this CSSI approval, or unless otherwise agreed with the Planning Secretary. The design of permanent built structures must be informed by the design objectives and design principles.

State Design Review Panel and Design Review

- E100 The Proponent must utilise the State Design Review Panel (**SDRP**) to provide advice and recommendations to the Proponent during the CSSI's design development and construction to facilitate quality design and place outcomes. The **SDRP** must meet within one month of the date of this approval, or as otherwise agreed with the Planning Secretary.
- E101 The responsibilities of the SDRP include:
- (a) reviewing and endorsing the design objectives and principles (and any updates to these) as outlined in **Conditions E96 to E97** with regards to key design elements in relation to place making, architecture, heritage, urban and landscape design strategies of the CSSI related to the infrastructure and locations specified in **Condition E96**;
 - (b) reviewing and endorsing the **UDLP** required by **Condition E108**; and
 - (c) providing advice and recommendations to the Proponent for consideration in the design development of the CSSI.

Operation of the Design Review Process

- E102 The relevant councils, TfNSW, HNSW, and other relevant agencies may be invited to the meetings of the Panel as observers or to provide feedback on key design elements of the CSSI.
- E103 **SDRP** advice and recommendations, as issued by the **SDRP** and the Proponent's response to each recommendation must be included when submitting the final **UDLP** to the Planning Secretary for approval.
- E104 The Proponent must provide the design development schedule to the **SDRP** prior to its first meeting, including details of when relevant elements of the detailed design will be available for review by the Panel. The schedule must be updated every three months until the detailed design process is complete.

Lighting and Security

- E105 Mitigation measures must be provided to manage residual night lighting impacts to protect properties adjoining or adjacent to the CSSI, in consultation with affected landowners.

Construction sites

- E106 Wayfinding information must be incorporated on temporary hoardings to guide pedestrians around construction sites and enhance their understanding and experience of the locality and place.
- E107 The CSSI must be constructed in a manner that minimises visual impacts of construction sites including temporary landscaping and vegetative screening, minimising light spill, and incorporating architectural treatment and finishes within key elements of temporary structures that reflect the context within which the construction sites are located, wherever practicable.

Urban Design and Landscape Plan

E108 The Proponent must prepare an **Urban Design and Landscape Plan (UDLP)** in consultation with the **SDRP** to document and illustrate the permanent built works and landscape design of the CSSI and how these works are to be maintained. The **UDLP** must be:

- (a) prepared by a suitably qualified and experienced person(s) as required by **Condition E94** in consultation with Heritage NSW, TfNSW and relevant council(s);
- (b) consistent with proposed outcomes from consultation with the community including that completed in accordance with **Condition E88** and **E89**;
- (c) reviewed by the SDRP or a person nominated by the **SDRP**;
- (d) submitted to and approved by the Planning Secretary one month prior to the commencement of construction of permanent built surface works and/or landscaping, excluding those elements which for ecological or technical requirements as agreed by the Planning Secretary do not allow for alternate design outcomes; and
- (e) implemented during construction of permanent built works and operation of the CSSI.

Note: The UDLP 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.

E109 The **UDLP** must document how the following matters have been considered in the design and landscaping of the project including:

- (a) the requirements of **Conditions E97** to **E108** and **E110**,
- (b) advice and recommendations from the **SDRP**; and
- (c) consultation with the community including that completed in accordance with **Condition E88** and **E89**.

E110 The **UDLP** must include descriptions, visualisations and drawings (as appropriate) of:

- (a) Consistency with the design objectives and design principles approved in accordance with **Conditions E96** to **E99**;
- (b) design of the permanent built elements of the CSSI, including any crossings over, under or at grade and noise barriers;
- (c) design of permanent built elements, structures, landscaping and buildings demonstrating options to mitigate impacts, including visual impacts, on:
 - (i) the surrounding context and local character;
 - (ii) heritage items within and outside of project boundaries and heritage interpretation as outlined in the Heritage Interpretation Plan in accordance with **Condition E55**;
 - (iii) minimise overlooking and light spill on the nearby residences, schools or other sensitive users such as pre-schools, disability and aged care; and
 - (iv) watercourse crossings, where relevant;
- (d) landscaping:
 - (i) landscape plan, hard and soft elements, for the corridor and the stations (including any public art);
 - (ii) use of native species from the relevant native vegetation community (or communities), where identified as appropriate;
 - (iii) water sensitive urban design initiatives;
 - (iv) management and routine maintenance standards and regimes for design elements and landscaping work (including weed management) to ensure the success of the design;
 - (v) measures to prevent wildlife strike risk;
 - (vi) details of strategies to rehabilitate, regenerate or revegetate disturbed areas, where relevant;
- (e) design of car parking elements, where relevant;
- (f) proposed ownership structures and operational management and maintenance standards including of non-rail works including bridges, ramps and lifts;

- (g) the timing and responsibilities for implementation of elements included within the **UDLP**; and
- (h) the requirements of **Conditions E97, E108 and E109**.

Operational Maintenance

E111 The ongoing maintenance and operation costs of urban design, open space, landscaping and recreational items and work implemented as part of this approval remain the Proponent's responsibility until satisfactory arrangements have been put in place for the transfer of the asset to the relevant authority. Before the transfer of assets, the Proponent must maintain items and work to at least the design standards established in the **UDLP**, required by **Condition E108**.

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

E112 Should any plant loss occur during the maintenance period required by **Condition E111** the plants must be replaced by the same plant species unless it is determined by a suitably qualified person that a different species is more suitable for that location.

SOCIAL

Social Impact Management Plan

E113 A **Social Impact Management Plan (SIMP)** must be prepared for the CSSI to guide the management and monitoring of the social impacts of the CSSI including informing detailed design, and during construction and operation. The **SIMP** must:

- (a) be prepared in accordance with the *Social Impact Assessment Guideline* (DPIE 2023) by suitably qualified and experienced person(s) in the social sciences in accordance with Appendix B of the *Social Impact Assessment Guideline* (DPIE 2023);
- (b) be developed with involvement from directly affected communities and businesses, LALC/s, community organisations and representative groups, and councils;
- (c) inform, where relevant, the preparation of **CEMP Sub-plans** and monitoring plans;
- (d) define the period over which it will be implemented based on the duration of anticipated impacts it predicts; and
- (e) include measures to support **the Community Complaints Mediator** required by **Condition B13**.

The **SIMP** must be approved by the Planning Secretary at least one month before the receipt of **CEMPs, CEMP Sub-plans** and monitoring programs required by **Conditions C6 and C26**. The **SIMP** must be implemented.

E114 The **SIMP** must include specific details of the commitments, programs and timing to secure and enhance positive social outcomes, and measures to minimise negative social and cumulative impacts associated with the CSSI, including:

- (a) revisions to or refinement of the assessment of social impacts and risks;
- (b) additional mitigation measures to address social impacts based on those committed to in the documents listed in **Condition A1** and (a) above;
- (c) details on social-oriented commitments to be delivered such as those related to employment diversity and procurement;
- (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 **S5.2** of the *SIA 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 B18**.

CODE OF CONDUCT

- E115 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.
- E116 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.
- E117 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.

UTILITIES

- E118 Utilities and services (hereafter “services”) potentially affected by work must be identified to determine requirements for diversion, protection and/or support. Alterations to services must be determined by negotiation with the service providers. Disruption to services resulting from work are to be minimised and advised to customers.
- E119 The Proponent must coordinate work with adjoining Inland Rail Projects, including any work to relocate or connect utilities, to minimise cumulative and consecutive noise and vibration impacts and maximise respite for affected sensitive land uses. Coordination and mitigation measures must be detailed in the **Construction Noise and Vibration management Sub-plan** required by **Condition C9**.

Condition Survey

- E120 Before commencement of any work, a structural engineer must undertake condition surveys of all buildings, structures, utilities and the like identified in the documents listed in **Condition A1** as being at risk of damage. The results of the surveys must be documented in a **Condition Survey Report** for each item surveyed. Copies of **Condition Survey Reports** must be provided to the owners of the items surveyed, and no later than one (1) month before the commencement of construction.
- E121 After completion of construction, condition surveys of all items for which condition surveys were undertaken in accordance with **Condition E120** of this approval must be undertaken by a structural engineer. The results of the surveys must be documented in a **Condition Survey Report** for each item surveyed. Copies of **Condition Survey Reports** must be provided to the landowners of the items surveyed, and no later than three (3) months following the completion of construction.
- E122 Property damage caused directly or indirectly (for example from vibration or from groundwater change) by the construction or operation must be rectified at no cost to the owner. Alternatively, compensation may be provided for the property damage as agreed with the property owner.

SOILS AND CONTAMINATION

Contaminated sites

- E123 If soils suspected to be contaminated are unexpectedly found, the Proponent must engage a suitably experienced and qualified contaminated land consultant to undertake further investigations to determine the type and extent of any contamination. The investigation must be undertaken in accordance with guidelines made or approved under the *Contaminated Land Management Act 1997* (NSW). The results of the investigation must be documented in a **Site Contamination Assessment Report**.
- E124 Where the results of site investigations required by **Condition E123** indicate that the contamination poses unacceptable risks to human health or the environment under either the present or proposed land use, the Proponent must engage a suitably experienced and qualified contaminated land consultant to develop and implement any necessary remediation measures. The remediation measures must be documented in a Remediation Report.
- E125 If remediation is required under **Condition E124**, a **Site Audit Statement** and a **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.
- E126 Nothing in **Conditions E123** to **E125** prevents the Proponent from preparing a single **Site Contamination Report** or **Remediation Report** or obtaining a single **Site Audit Statement** and **Site Audit Report** for the entire CSSI.
- E127 A copy of the **Site Audit Statement** and **Site Audit Report** must be submitted to the Planning Secretary and Council for information no later than one (1) month before the commencement of operation.
- E128 An **Unexpected Finds Procedure for Contamination** must be prepared before the commencement of work and must be followed should unexpected contamination or asbestos (or suspected contamination) be excavated or otherwise discovered. The procedure must include details of who will be responsible for implementing the unexpected finds procedure and the roles and responsibilities of all parties involved. The procedure must be submitted to the Planning Secretary for information.
- E129 The **Unexpected Finds Procedure for Contamination** must be implemented throughout work.

SUSTAINABILITY

- E130 The CSSI must achieve a minimum 'excellent' rating for both 'Design' and 'As built', under the Infrastructure Sustainability Council (ISC) infrastructure rating tool, or through the use of an equivalent process or an equivalent level of performance using a demonstrated equivalent rating tool.
- E131 A **Sustainability Strategy** which must be submitted to the Planning Secretary one (1) month before the commencement of construction must be prepared as part of the ISC rating and sustainability performance requirements and implemented throughout construction and operation.
- Note: Nothing in this condition prevents the Proponent from preparing separate Sustainability Strategies for the construction and operational stages of the CSSI.*
- E132 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) time frame for the implementation of the preferred reuse option(s).

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

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

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

TRAFFIC AND TRANSPORT

Construction Traffic and Access

- E133 Safe pedestrian and cyclist access and routes must be provided and maintained across and around work sites during construction. In circumstances where pedestrian and cyclist access and routes are restricted or removed due to construction activities, a nearby alternative access or route must be provided which complies with the relevant standards before the restriction or removal of the impacted access.
- E134 The Proponent must consult with nearby education providers to ensure sufficient capacity of any alternative and convenient pedestrian and active transport route is available to cater for school-related and general demand impacted by construction works or detours.

Construction Pedestrian Impacts in Wagga Wagga

- E135 Pedestrian access must be maintained across two of the three pedestrian bridges within Wagga Wagga (Cassidy Parade Bridge, Edmondson Street Bridge, and Wagga Wagga Railway Station footbridges) at all times, unless alternative pedestrian arrangements or measures developed in consultation with locally affected education providers, health service providers, Wagga Wagga Council and TfNSW have been agreed to by the Planning Secretary.

Construction Traffic Impacts in Wagga Wagga

- E136 Prior to construction of the Edmondson Street bridge in Wagga Wagga:
- (a) a target level of service must be determined in consultation with roads authority, Council and TfNSW for intersections in Wagga Wagga that will be impacted during construction or utilised as diversion routes;
 - (b) construction traffic mitigation options must be proposed to meet the target level of service in (a) and their performance analysed using traffic modelling;
 - (c) traffic management measures must be proposed to manage speeds on local roads expected to experience increased traffic; and
 - (d) mitigation measures must be developed in consultation with the roads authority, Council and TfNSW.

- E137 Mitigation measures determined in accordance with **Condition E136** and the results of consultation with the roads authority, Council and TfNSW must be included in a **Wagga Wagga Construction Traffic, Transport and Access Mitigation Report**. The **Wagga Wagga Construction Traffic, Transport and Access Mitigation Report** must be submitted and approved by the Planning Secretary prior to construction in Wagga Wagga.

All mitigation measures identified to manage traffic in the approved **Wagga Wagga Construction Traffic, Transport and Access Mitigation Report** must be implemented prior to construction in Wagga Wagga. Performance of the installed mitigations must be analysed in the required Construction Traffic Monitoring Program required by **Condition C27**.

Use of Local Roads

- E138 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 **Conditions C21**

and **C22**. 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 E139**.

Road Dilapidation

E139 Before any local road, including interfaces with classified roads, is used by a heavy vehicle for the purposes of construction of the CSSI, a **Road Dilapidation Report** must be prepared for subject roads and bridges. A copy of the **Road Dilapidation Report** must be provided to the relevant roads authority within one (1) month of completion of the road dilapidation survey and at least two weeks before the road is used by heavy vehicles associated with the construction of the CSSI.

E140 The Road Dilapidation Report must provide measures to ensure:

- (a) roads deemed unsafe for the use of heavy vehicles are upgraded and repaired prior to use;
- (b) roads used can safely accommodate heavy vehicle haulage based on volume, types and duration of use; and
- (c) road repair is undertaken periodically before and during construction as required.

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.

E141 If damage to local roads occurs as a result of the construction of the CSSI, the Proponent must, within six months of the completion of construction (or one month for private roads), either (at the landowner or relevant roads authority's discretion):

- (a) rectify the damage to restore the road to at least the condition it was in at the time of the dilapidation survey in **Condition E139**; or
- (b) compensate the relevant roads authority or owner for damages caused. The amount of compensation may be agreed with the relevant roads authority and landowners, but compensation must be paid even if no agreement is reached; or
- (c) where other agreements are in place, leave, maintain or remunerate for damages to these roads in accordance with these agreements.

E142 Where bus stops (including school bus stops) are required to be temporarily closed or relocated during construction, such closure must not occur until relocated bus stops are functioning and are within 400 metres of the original bus stop or as otherwise agreed with the relevant council and bus operator. The relocation of bus stops must be undertaken in consultation with the relevant council and bus operator, and details regarding the relocations provided to affected communities (and educational facilities in relation to school bus stops) at least 14 days prior to the relocation occurring.

E143 During construction, all reasonably practicable measures must be implemented to maintain pedestrian and vehicular access to, and parking in the vicinity of, businesses and affected properties. Disruptions are to be avoided, and where avoidance is not possible, minimised. Where disruption cannot be minimised, alternative pedestrian and vehicular access, and parking arrangements must be developed in consultation with affected businesses and implemented before the disruption. Adequate signage and directions to businesses must be provided before, and for the duration of, any disruption.

Road Design

E144 Any new overbridges, new or modified roads, and new or modified level crossings must be designed and constructed to meet relevant design, engineering and safety guidelines, including the Austroads *Guide to Traffic Management*, and relevant Transport for NSW Austroads Supplements. The roads authority, asset owner, and TfNSW must be consulted throughout the design process of all new or modified bridges, roads and/or levels crossings. Evidence of consultation with the asset owner and TfNSW, and endorsement of the roads authority, 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*.

E145 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.

Level Crossing Treatment Reports

E146 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 relevant councils. The report must:

- (a) illustrate the location of all public level crossings which traverse the CSSI;
- (b) 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;
- (c) where no works are proposed at a public crossing, provide reason for the decision;
- (d) include measures to avoid potential short-stacking at level crossings; and
- (e) provide justification for any proposed closures.

E147 The assessment of level crossings must utilise **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** and the Traffic Impact Assessment Appendix M of the EIS.

E148 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 AGRD Part 4.

E149 The design of any level crossing on a public road must be endorsed by TfNSW or the relevant roads authority (where not TfNSW), prior to commencing construction of that crossing.

E150 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;
- (b) list, and identify on a figure, any private level crossings that will be closed or upgraded;
- (c) describe the treatments that will be implemented at upgraded crossings;
- (d) provide justification for any proposed closures and types of treatment, including decisions where no additional treatments are proposed; and
- (e) provide details on the consultation undertaken with the landowners.

E151 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.

E152 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

E153 Within 12 months and 10 years of the commencement of operation of the CSSI, 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 and the relevant councils and include:

- (a) updated traffic analysis of movements on these roads;
- (b) assessment of the level of service at these level crossings (queue length, queuing time delay);
- (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 E146**;
- (e) all reported near misses and collisions at level crossings within the project area; and
- (f) mitigation measures to manage any actual or predicted road network performance impacts.

E154 Mitigation measures to manage any actual or predicted road network performance impacts resulting from the construction and operation of the CSSI 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 relevant councils for information within 60 days of its completion.

Wagga Wagga Operational Road Network Performance Plan

E155 Prior to the commencement of operation of the CSSI, the Proponent must prepare a **Wagga Wagga Operational Road Network Performance Plan** for Wagga Wagga in consultation with TfNSW and Council, Emergency Services and the Wagga Wagga Health precinct to confirm predicted operational impacts of the CSSI including more frequent and longer closure duration level crossing events and proposed mitigations including:

- (a) modelling of traffic impacts to the adjoining road network (including impacts on local roads from rat-running and other changes to the road network). Modelling must include different operational scenarios and train speeds;
- (b) mitigation measures to manage predicted traffic performance impacts including local area traffic management measures, as relevant;
- (c) impacts on emergency service vehicles during level crossing events.

The **Wagga Wagga Operational Road Network Performance Plan** must be submitted to the Planning Secretary for approval and provided to relevant stakeholders. The Plan must be implemented prior to operation of the CSSI, unless otherwise agreed by the Planning Secretary. The Proponent is responsible for the implementation of the identified measures.

E156 The Proponent must prepare a **Wagga Wagga Operational Road Network Performance Review**, within 12 months and 10 years after the commencement of operation of the CSSI to review the performance of the CSSI against the predicted impacts in accordance with **Condition E155**. The Review must be completed in consultation with TfNSW and Council, Emergency Services, and the Wagga Wagga Health precinct within six (6) months of the review

timeframes, unless otherwise agreed by the Planning Secretary. The **Wagga Wagga Operational Road Network Performance Review** must:

- (a) be based on actual traffic count data and modelling and confirm the adequacy of the mitigation measures identified in the **Wagga Wagga Operational Road Network Performance Plan** required under **Condition E155**;
- (b) consider the **Level Crossing Performance Report** required by **Condition E153**;
- (c) identify the need for further mitigation measures, if the CSSI has resulted in an increased traffic impact compared to the **Wagga Wagga Operational Road Network Performance Plan** required under **Condition E155**;
- (d) include the timeframe for implementation of mitigations measures identified in **Condition E156(c)**.

The review must be provided to the Planning Secretary for Information within 60 days of its completion.

Note: Identified mitigation measures may require further assessment and approval under the Environmental Planning and Assessment Act 1979.

Property Access

- E157 The Proponent must consult with all landowners where the project will either temporarily or permanently impact farm operations, access to the property from public roads and/or to other parts of the property owned by the landowner to ensure that impacts to the use of properties are minimised and mitigated. This consultation must include, but not be limited to, safe and convenient stock and machinery movement across the rail corridor.
- E158 No part of any crossing loop may cross over any driveway, private road or public road unless determined in consultation with the relevant landowner and any other adjacent landowner whose access is impacted by the crossing loop.
- E159 The Proponent must maintain existing access to properties during the entirety of work where practicable.
- E160 Where construction of the CSSI restricts a property's access to a public road, the Proponent must, until their primary access is reinstated, provide the property with temporary alternate access to an agreed road determined through consultation with the landowner, at no cost to the property landowner, unless otherwise agreed with the landowner.
- E161 Where construction of the CSSI restricts the ability of a resident or landowner to access other parts of their property via a level crossing, the Proponent must, until the permanent level crossing is reinstated, supply the property with a temporary alternate level crossing access at a convenient location determined through consultation with the landowner, at no cost to the property landowner, unless otherwise agreed with the landowner. This can include other existing level crossings or a new alternative temporary level crossing access that is both safe and agreed to.
- E162 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.
- E163 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.

WASTE

- E164 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 in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and its regulations; and
- (c) where re-using, recycling, or recovering waste is not possible, waste must be treated or disposed of in accordance with **Condition E166**.

E165 The importation of waste and the storage, treatment, processing, reprocessing or disposal of such waste must comply with the conditions of the current Environment Protection Licence (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.

E166 Waste must only be exported to a site that can lawfully accept it 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: Notice must be given to the relevant site/s as soon as possible, and no more than 14 days before the proposed waste disposal.

E167 All waste generated during construction and operation must be classified in accordance with the EPA's *Waste Classification Guidelines* (2014), with appropriate records and disposal docketts retained for audit purposes.

WATER QUALITY, DRAINAGE AND RIPARIAN CORRIDORS

E168 The CSSI must be designed, constructed and operated so as to maintain the NSW Water Quality Objectives where they are being achieved as at the date of this approval, and contribute towards achievement of the NSW Water Quality Objectives over time where they are not being achieved as at the date of this approval, unless an EPL in force in respect of the CSSI contains different requirements in relation to the NSW Water Quality Objectives, in which case those requirements must be complied with.

E169 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.

E170 The CSSI must be designed, constructed, and operated to:

- (a) ensure all drainage feature crossings (permanent and temporary watercourse crossings and stream diversions) new or modified surface water drainage (including cess drains), depressions are designed and constructed in accordance with *Controlled activities – Guidelines for riparian corridors on waterfront land* (DPE 2022) and *Policy and Guidelines for Fish Habitat Conservation and Management* (Department of Primary Industries, 2013);
- (b) locate all scour protection work associated with replacement culverts or the construction of new culverts within the rail corridor, or as agreed to by the relevant landowner;
- (c) ensure that there is no permanent interception of, and/or connection with, groundwater;
- (d) ensure all discharges from new or modified surface drainage (including cess drains and pumping stations) adjacent to the new and upgraded track are released at a controlled rate to prevent scour; and
- (e) ensure that any recycled wastewater (including recycled and treated water) proposed for use by the CSSI, considers risks to human health or the receiving environment and meets the relevant standards.

E171 Unless an EPL is in force in respect to the CSSI and that licence specifies alternative criteria, discharges from construction water treatment plants to surface waters must not exceed:

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

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

E172 Prior to construction, the Proponent must consult with the landowner and/or relevant roads authority that is located immediately adjacent to the new or upgraded culvert 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 on the management measures that will be implemented to mitigate the impacts.

The outcomes of the consultation with affected landowners or relevant roads authority must be documented.

E173 The construction of the CSSI must protect the integrity of riparian corridors in accordance with the *Controlled activities – Guidelines for riparian corridors on waterfront land* (DPE 2022) when carrying out work within 40 metres of a watercourse.

E174 Before undertaking any work and during maintenance or construction activities, erosion and sediment controls must be implemented and maintained to prevent water pollution consistent with *Managing Urban Stormwater: Soils and Construction* Vol 1 4th ed. by Landcom, 2004 (The Blue Book).

E175 If construction stage stormwater discharges are proposed, a **Water Pollution Impact Assessment** will be required. Any such assessment must be prepared in consultation with the EPA and be consistent with the National Water Quality Guidelines, with a level of detail commensurate with the potential water pollution risk.

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

APPENDIX A

WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the Department via the Major Projects website within seven (7) days after the Proponent becomes aware of an incident. Notification is required to be given under this condition even if the Proponent fails to give the notification required under **Condition A36** or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - (a) identify the CSSI and application number;
 - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - (c) identify how the incident was detected;
 - (d) identify when the Proponent became aware of the incident;
 - (e) identify any actual or potential non-compliance with conditions of approval;
 - (f) describe what immediate steps were taken in relation to the incident;
 - (g) identify further action that will be taken in relation to the incident; and
 - (h) identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Proponent must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - (a) a summary of the incident;
 - (b) outcomes of an incident investigation, including identification of the cause of the incident;
 - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - (d) details of any communication with other stakeholders regarding the incident.